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# North Americans View Themselves

North America has been having a hard time. Lou Dobbs from CNN, Bill O'Reilly from Fox News, talk-radio hosts, Maude Barlow from Canada, and many others have been attacking the three governments for "secretly" moving to create a "North American Union." They charge the three governments and various commentators, Robert Pastor included, with treason as a result of secret efforts to dismantle the borders and construct an 18-lane super highway from Mexico to Canada. The charges are false,<sup>1</sup> but they are doubtlessly influencing the debate in all three countries. One would expect some Mexicans and Canadians to be fearful of embracing their super-power neighbor. The surprise is that the superpower seems to have become even more fearful of its neighbors.

The fear is coming from the two extremes: the right fears immigration, mostly from Mexico, and the left fears globalization and free trade. The two sides have linked arms and intimidated politicians into falling silent on North America. Even the prime minister of Canada and the presidents of Mexico and the United States are shy to make their case. They may think that the extremes reflect public opinion. But they don't.

North America has many voices, but two of them seem especially pertinent. One is the strident and angry voice, personified by Dobbs. This voice is loud and has its echo in each country, but it probably reflects no more than 10 to 15 percent of the population. The second is the voice of the three nations based on public opinion surveys. While Dobbs pretends he is speaking for the masses, the surveys prove he is speaking for himself and a small minority.

We are fortunate that some superb public opinion firms and analysts have taken the pulse of the public in all three countries, often asking the same questions during the past three decades so we know what people think about each other and

<sup>1</sup> For a description of the charges and a response, see "In the Line of Fire: The Scholar Accused of Being at the Center of a Sinister Plot to Merge Canada, the United States, and Mexico Speaks Out," *Intelligence Report*, published by the Southern Poverty Law Center, Summer 2007, Issue 126, pp. 41-43; also see [www.american.edu/ia/cnas](http://www.american.edu/ia/cnas).

about “North America.” We are proud that the central part of this issue is devoted to an intensive study of public opinion in the three countries of North America.

The first article is “North American Convergence Revisited,” by Miguel Basáñez, Ronald Inglehart, and Neil Nevitte, three scholars who have undertaken the “World Values Survey” in the three countries over two decades. They confront the key questions: Do the three countries have different values? Are those values converging or diverging? A generation ago, Seymour Martin Lipset asserted that the United States and Canada began their nations as opposites: the first one revolted and the second one rejected revolution in favor of order. In a study on America’s identity and immigration, Samuel Huntington recently concluded that Mexico’s value system is very different from that of the United States. More recently, in an unusual analysis, Michael Adams agreed with Lipset and Huntington’s thesis on the difference between U.S. and Canadian values, but he also sought to demonstrate that the values in the three countries are diverging. In response to these propositions, Basáñez, Inglehart, and Nevitte have used empirical data from three major surveys during the past 27 years, based on the “world values survey” and administered in as many as 80 countries. They found that not only is there not a difference in values among the people of these three countries, but there has been a convergence across a wide swath of attitudes related to the human condition. Furthermore, they have found that this convergence is not due to U.S. predominance but because all three publics have become more alike.

Alejandro Moreno tackles the second shibboleth that has been used to make the case for a widening gulf in North America, Mexican distrust toward the United States, and he, too, finds the truth is quite different from conventional wisdom. Beginning in the 1980s, even before NAFTA, and continuing until a few years ago, Mexican views of the United States became increasingly favorable. The level of trust that Mexicans have toward Americans almost doubled, despite the fact that their favorable views of U.S. policy have declined by half. Moreover, Mexicans trust Americans more than they do Latin Americans. The explanation for that growing trust, according to Moreno, is “interconnectedness”—growing social integration. Nearly half of all Mexicans have a close relative living in the United States, and, so, the distance that Mexico once felt toward the United States has narrowed.

Finally, Frank Graves, president of EKOS, a Canadian-based polling firm, has done the most interesting and longest-running surveys in all three countries on attitudes toward North America and each other’s policies. He finds that public opinion in each of the three countries on NAFTA and on coordinating policies among each other is almost the opposite of popular notions. His polls show that the views of the three countries toward the benefits of NAFTA have changed during the past 13 years, but they are favorable today. Still, while all of these authors feel that all three coun-

tries have benefited from closer cooperation, each country thinks that the others have benefited more. That is the political logic of trade and explains why it is always difficult to approve trade agreements, even though the public understands their importance. More startlingly, all three publics believe that the three countries are moving to an economic union, and the majority believes it is a goal worth pursuing, provided that increasing integration protects culture and delivers a higher standard of living. A majority of the citizens of all three countries also prefers more integrated and cooperative policies on the environment, transportation, defense (security perimeter), and many other functional areas. This result stands in sharp contrast to the populist opposition to integration.

There are three levels of integration. The first level relates to the economic and social forces that are pulling the three countries together. Since the implementation of NAFTA, trade has tripled, and foreign investment has quintupled. Firms have become North American and the continent's population has increasingly sought work and tourist destinations across borders. There is little doubt that social and economic integration has accelerated since NAFTA. A second level relates to public opinion. As the articles noted above demonstrate, the majority of the public in all three countries is positive about integration and, indeed, wants to move faster toward more functional collaboration. Reflecting increasing integration rather than the strident negative voices, the public of each country want their governments to lead in a cooperative direction.

The third level of integration is institutionalization, the process by which the three governments begin to construct new North American institutions and policies that reflect the need for governance to keep pace with integration. Stephen Clarkson's article surveys the North American landscape, and he concludes that the process of institutionalization has been retarded; the three governments have not kept pace with integration. The explanation seems obvious. The governments are listening to the strident voices rather than to the public, and, while the public views are clear (as demonstrated by the articles in this issue), they are not loud nor are they intense. They are not compelling the leaders to pay attention; they are waiting for the leaders to provide some direction—in short, to lead. Unless that leadership role is recognized, accepted, and embraced by everyone, one of the greatest opportunities for Canada, Mexico, and the United States could be lost.

Still another indication of the under-institutionalization of North America is the dearth of centers to study North America. Vassia Gueorguieva has identified only six Centers for North American Studies in the United States, and only a total of eight others in Mexico and Canada. The U.S. government has spent US\$28 million in funding to the National Resource Centers under Title VI for the last four years. These support 88 centers on Asia, 66 on Europe and Russia, 48 on Latin America,

36 on the Middle East, 26 for Africa, and zero on North America. The United States trades more than four times as much with its two neighbors as with the European Union or China and Japan, and yet North America is not a subject worthy of study. These National Resource Centers are key to helping the United States understand the world, and yet we have left out the region which is most important to the United States.

U.S. Congressman Henry Cuellar (D-TX), a border state congressman with a wider vision of North America, has given us an interview which offers insights into future policy and attempts to answer this paradox of importance and neglect. The answer is that the United States is not yet taking its more important trading partners –its neighbors– seriously.

Three chronic problems have plagued North America and preoccupied the U.S. Congress: trade disputes, immigration, and the development gap between Mexico and its northern neighbors. Pastor's proposal for a North American Investment Fund addresses, if not solves, all three. The fund would invest US\$20 billion per year in roads and infrastructure to connect the poorer south of Mexico to its northern markets. In a decade, this fund would narrow the income gap by 20 percent, create jobs in Mexico and exports from the U.S. and Canada, and provide all three countries a sense that Mexico could join its first world northern neighbors.

The other articles in this issue address the principal themes from slightly different directions. The literature on federalism has long suggested that federal countries are more likely to fail to achieve new forms of collaboration than non-federal governments. Alan Tarr's article shows that the opposite may be true. He analyzes the institutional influence of federalism within all three countries, and he perceives that influence to be a potentially positive force for greater cooperation. Moreover, because NAFTA has such weak institutions, it poses little threat to federalism. Susan Karamanian focuses upon trade disputes in North America and the way that the principles being used to provide justice are shaping important areas of international law.

As for the role of minority populations in North America, César A. Velázquez Becerril and Gabriel Pérez Pérez study Quebec and its long political struggle for acceptance within Canada. They consider Quebec's cultural concerns within the context of finding strategies for a foothold within continental politics as well. They explore the possibilities that continental cooperation can provide for Quebec's desire to achieve both greater prosperity and greater expression for its sense of a distinct identity within both Canada and North America, especially since the transformative years of Quebec's "*Révolution tranquille*." Their article introduces the possibility of evaluating this complex framework in terms of a multicultural game theory. That analysis leads to the consideration of diverse political strategies in this



“game” of multiple identities within Quebec in its relationship to Canada and the search for unity amidst that diversity.

Stéfanie von Hlatky offers another Canadian perspective with continental implications. The controversy regarding sovereignty in the Arctic has been a source of ongoing contention between Canada and the United States. Historically, Canada has jealously guarded its claims to sovereignty over this territory and its waterways while the United States has challenged that claim in order to advance its own interests in asserting that the Northwest Passage should be considered international waters. Traditionally, security within this region of the continent was perceived in asymmetrical terms. Now, she proposes an approach that extends beyond a military solution, allowing Canada and her neighbors to consider the multiplicity of the implied stakes that protection of these waterways, their environment, and the issues of sovereignty and international status pose for all concerned.

This issue consciously continues the continental vision of this journal. Themes of attitudes, values, institutions, and public policy are particularly prominent. American University’s Center for North American Studies is grateful to CISAN for granting to it the responsibility to edit this issue. We look forward to the continued success of *Norteamérica* and its important and laudable scholarly mission of enlightening its continental audience.

*Robert A. Pastor*  
*James T. McHugh*  
*Anthony Elmo*



## Palabras liminares

### Los norteamericanos se miran a sí mismos

Norteamérica ha estado viviendo tiempos difíciles. Lou Dobbs de CNN; Bill O'Reilly de Fox News, así como presentadores de los principales programas de opinión en radio –Maude Barlow de Canadá y muchos otros– han criticado a los tres gobiernos por movilizarse “en secreto” hacia la creación de una “unión norteamericana”. Acusan de traición a los tres gobiernos y a varios comentaristas, entre ellos a Robert Pastor, señalando sus esfuerzos secretos por dismantelar las fronteras e impulsar la construcción de una supercarretera de 18 carriles que iría de México a Canadá. Los cargos son falsos,<sup>1</sup> pero sin duda han influido en el debate sobre el tema en las tres naciones. Algunos quizás esperaban que canadienses y mexicanos estuvieran temerosos de estrechar lazos con su súper poderoso vecino. Para nuestra sorpresa, es esta súper potencia la que parece tener temor de sus vecinos.

El miedo proviene de los dos extremos: la derecha teme a la inmigración, en su mayor parte proveniente de México, mientras que la izquierda le teme a la globalización y al libre comercio. Los dos bandos unieron sus armas y han logrado intimidar a los políticos a grado tal que los han silenciado con respecto al tema de América del Norte. Hasta el primer ministro de Canadá y los presidentes tanto de México como de Estados Unidos se muestran tímidos al momento de presentar sus argumentos a favor de este tema, probablemente piensen que la postura de los extremos refleja la de la opinión pública en general, pero no es así.

Norteamérica tiene varias voces, aunque dos de ellas nos resultan especialmente pertinentes. Una es la voz estridente y enojada personificada por Dobbs. Una voz fuerte con eco en los tres países, aunque con toda seguridad no representa a más de 10 o 15 por ciento de la población. La segunda es la voz de las tres naciones, que se escucha

<sup>1</sup> Para la descripción de los cargos y su respuesta, véase: “In the Line of Fire: The Scholar Accused of Being at the Center of a Sinister Plot to Merge Canada, the United States, and Mexico Speaks Out”, *Intelligence Report*, publicado por el Southern Poverty Law Center, verano de 2007, no. 126, pp. 41-43; véase también: <[www.american.edu/ia/cnas](http://www.american.edu/ia/cnas)>.

en las encuestas de opinión pública. Mientras que Dobbs pretende hablar por las masas, las encuestas prueban que sólo lo hace por sí mismo y por una pequeña minoría.

Somos afortunados de que un conjunto sobresaliente de analistas y compañías dedicados a la opinión pública haya conseguido tomarle el pulso a la opinión en los tres países, preguntando con frecuencia sobre los mismos asuntos durante las últimas tres décadas, de tal manera que hoy podemos saber lo que la gente piensa sobre cada uno de sus vecinos geográficos y sobre "Norteamérica". Nos sentimos orgullosos de que la sección principal del presente número esté dedicada al estudio intensivo de la opinión pública en los tres países de la región.

El primer artículo se titula nada menos que "North American Convergence Revisited", de Miguel Basáñez, Ronald Inglehart y Neil Nevitte, tres académicos que han instrumentado la Encuesta Mundial de Valores en los tres países durante más de dos décadas. Ellos formulan las preguntas clave: ¿tienen los tres países valores diferentes?, ¿esos valores son convergentes o divergentes? Hace ya una generación que Seymour Martin Lipset sostuvo que Estados Unidos y Canadá comenzaron la construcción de sus naciones en formas opuestas: en el primero se produjo una revuelta y en el segundo se rechazó la vía revolucionaria en favor del orden. En un estudio sobre la identidad en América y la migración, Samuel Huntington concluía hace poco que el sistema de valores mexicano era radicalmente distinto del de Estados Unidos. Todavía más recientemente Michael Adams, en un análisis sin duda poco común, coincidió con las tesis de Lipset y Huntington acerca de las diferencias entre los valores estadounidenses y canadienses, pero también buscó demostrar que los valores en los tres países son divergentes. En respuesta a todas estas posiciones, Basáñez, Inglehart y Nevitte utilizan datos empíricos provenientes de tres importantes encuestas realizadas en los 27 últimos años, todas ellas derivadas de la Encuesta Mundial de Valores, la cual se aplica en por lo menos ochenta países. Encontraron que no sólo es inexistente cualquier diferencia en los valores de las tres naciones, sino que en realidad puede verificarse una significativa convergencia que atraviesa una amplia gama de actitudes relacionadas con la condición humana. Más aún, han descubierto que esta convergencia no se debe al predominio estadounidense sino a que los tres pueblos se han hecho cada día más parecidos.

Alejandro Moreno derrumba el segundo prejuicio utilizado para sostener la hipótesis de un distanciamiento creciente en Norteamérica: la desconfianza mexicana en Estados Unidos. Él también encuentra que en este caso la verdad es muy diferente de la que postula la sabiduría convencional. A partir de la década de los ochenta, antes del Tratado de Libre Comercio de América del Norte (TLCAN), e incluso hasta hace unos pocos años, las percepciones de los mexicanos sobre Estados Unidos son cada día más favorables, a tal punto que el nivel de confianza de la población mexicana en su vecino del norte gradualmente se incrementó hasta duplicarse, incluso

a pesar de que sus opiniones positivas acerca de las políticas del gobierno estadounidense se han reducido a la mitad. Además, los mexicanos confían en Estados Unidos más que en cualquier gobierno latinoamericano. La explicación para esa confianza ascendente es, de acuerdo con Moreno, la “interconectividad”, es decir, la creciente integración social. Alrededor de la mitad de los mexicanos tiene un familiar cercano que vive en Estados Unidos, razón por la cual se ha estrechado la distancia que alguna vez sintieron con la nación vecina.

Por su parte Frank Graves, presidente de EKOS, una empresa encuestadora canadiense, quien es el autor de las encuestas más interesantes y de mayor duración de los tres países en relación con el tema de las actitudes sobre América del Norte y acerca de sus políticas gubernamentales, descubre que la opinión pública sobre el TLCAN de cada una de las tres naciones y las respectivas acciones de coordinación entre ellas son prácticamente opuestas a las nociones más difundidas sobre el tema. Sus sondeos demuestran que las opiniones de los tres países sobre los beneficios del TLCAN han cambiado a lo largo de los últimos trece años, pero que son favorables en la actualidad. De todas formas, mientras que todos estos autores sienten que las tres naciones se han beneficiado de su más estrecha colaboración, sus respectivas poblaciones piensan que son las otras dos las que han logrado mayores dividendos. Ésta es justamente la lógica política del comercio, la cual explica muy bien por qué siempre resultan complejas las aprobaciones de los acuerdos comerciales, aun cuando la ciudadanía entienda sin dificultades su importancia. Más sorprendente aun resulta que en los tres países se cree que las tres naciones se mueven hacia la unión económica, y la mayoría de la población piensa que se trata de una meta que vale la pena perseguir, asumiendo que una mayor integración protege la cultura y proporciona niveles de vida más elevados. La mayor parte de los ciudadanos en los tres países también está de acuerdo con la instauración de políticas que contemplen una mayor integración y más cooperación en temas como medio ambiente, transporte y defensa (perímetro de seguridad), así como en muchas otras áreas de importancia estratégica. Estos resultados contrastan en forma radical con la oposición populista a la integración.

Son tres los niveles de la integración. El primero se relaciona con las fuerzas sociales y económicas que están impulsando a las tres naciones a unirse. Desde la puesta en marcha del TLCAN, el comercio se ha triplicado y la inversión extranjera se ha quintuplicado. Las compañías se han vuelto “norteamericanas” y la población del continente busca cada vez más encontrar empleo o destinos turísticos allende sus propias fronteras. Casi no existe duda de que la integración social y económica se ha acelerado desde el TLCAN. El segundo nivel tiene que ver con la opinión pública. Tal como lo demuestran los artículos mencionados antes, la mayoría de los habitantes de los tres países tiene una actitud positiva frente a la integración y, de hecho, desea moverse con mayor celeridad hacia una colaboración más funcional. Como

un fiel reflejo de su apoyo creciente a la integración, mucho mayor que las voces estridentes opuestas a ella, la ciudadanía de las tres naciones demanda que sus gobiernos dirijan sus esfuerzos en una dirección clara de cooperación.

El tercer nivel de la integración es la institucionalización, esto es, el proceso mediante el cual los tres gobiernos comienzan a construir nuevas instituciones y políticas propiamente norteamericanas que reflejan la necesidad de que las acciones gubernamentales mantengan el ritmo de la integración. El artículo de Stephen Clarkson explora desde esta óptica el panorama norteamericano y concluye que el proceso de institucionalización se ha retrasado, pues ninguno de los tres gobiernos ha logrado responder adecuadamente a la velocidad de la integración. La explicación parece obvia. Los gobiernos prestan mucha mayor atención a las voces estridentes que a sus propios pueblos, cuyas posiciones, aunque ciertamente son claras (como lo demuestran los artículos de este número de *Norteamérica*), no son ruidosas ni tampoco intensas. No buscan exigirles a los líderes que presten atención; por el contrario, esperan que esos líderes sean quienes aporten alguna dirección en la materia; en otras palabras, que cumplan con su papel de dirigir. A menos que se reconozca, acepte y asuma esa función de liderazgo, podría perderse una de las mayores oportunidades para Canadá, Estados Unidos y México.

Sin duda otra clara señal de la "subinstitucionalización de América del Norte" es la escasez de centros de estudios sobre la región. En su contribución a este número Vassia Gueorguieva ha identificado sólo seis centros de estudios sobre Norteamérica en Estados Unidos y únicamente otros ocho en total en México y Canadá. El gobierno estadounidense ha invertido 28 millones de dólares durante los últimos cuatro años en centros de investigación nacionales (National Resource Centers), bajo el Título VI. Este apoyo se dirigió a 88 centros de estudios sobre Asia; 66 sobre Europa y Rusia; 48 sobre América Latina; 36 sobre Medio Oriente; 26 sobre África, pero ninguno sobre América del Norte. El flujo comercial entre Estados Unidos y sus dos vecinos es cuatro veces mayor que con la Unión Europea o con China y Japón, y Norteamérica todavía no se ha convertido en un tema merecedor de estudio. Estos centros de investigación nacionales son un factor clave para ayudar a Estados Unidos a entender al mundo, y aun así hemos dejado fuera a la región geográfica más importante para ese país.

El congresista estadounidense Henry Cuellar (demócrata por Texas), un representante al Congreso de un estado fronterizo sin duda con una visión más amplia sobre América del Norte, nos ha concedido una entrevista en que nos ofrece sus propias posturas y preocupaciones sobre las potenciales políticas futuras y los intentos de explicación de esta paradoja entre la importancia y el olvido. La respuesta es que Estados Unidos todavía no se ha decidido a tomar en serio a sus dos socios más importantes.

Tres problemas crónicos han contaminado a América del Norte y han sido motivo de preocupación para el Congreso estadounidense: los conflictos comerciales, la migración y la brecha en el desarrollo entre México y sus vecinos del norte. La propuesta de Robert Pastor para la creación de un Fondo de Inversión de América del Norte incluye nuevas opciones, sino es que resuelve todos los conflictos. El fondo destinaría 20 mil millones de dólares cada año a carreteras e infraestructura para interconectar las regiones más pobres del sur de México con los mercados del norte. En tan sólo una década, este fondo reducirá la brecha entre los ingresos alrededor de 20 por ciento, creará empleos en México y estimulará las exportaciones tanto de Estados Unidos como de Canadá, además de brindar a los tres países la sensación de que México puede llegar a unirse con sus vecinos desarrollados del norte.

Todos los demás artículos en este número abordan los temas principales a partir de puntos de vista apenas diferentes. Desde hace mucho la bibliografía sobre federalismo ha sugerido que los países con este sistema de organización política son más susceptibles de fracasar en sus intentos por alcanzar nuevas formas de colaboración que los gobiernos no federalistas. El artículo de Alan Tarr nos demuestra que lo contrario también puede ser verdad. Este autor analiza la influencia institucional del federalismo en las tres naciones. Percibe que esa influencia resulta potencialmente una fuerza positiva en el objetivo de alcanzar una mayor cooperación, especialmente en lo relativo a su instrumentación. Susan Karamanian, por su parte, se concentra en los conflictos comerciales en América del Norte y en la forma en que los principios a los que se acude para impartir justicia están delineando muy importantes áreas del derecho internacional.

En lo que concierne a las poblaciones minoritarias de América del Norte, César A. Velázquez Becerril y Gabriel Pérez Pérez abordan el estudio de Quebec y su larga lucha política por la aceptación dentro de Canadá. Consideran las preocupaciones culturales de Quebec en el contexto de la búsqueda de estrategias para su inclusión también en el ámbito de la política continental. Exploran la posibilidad de que la cooperación regional pudiese brindar apoyo a las aspiraciones de la provincia canadiense de alcanzar una mayor prosperidad, así como un mayor espacio para la expresión de su propio sentimiento como una identidad diferenciada dentro tanto de Canadá como de América del Norte, en particular desde los años transformadores de la Revolución tranquila. El artículo sugiere la posibilidad de evaluar todo este complejo marco contextual en los términos de una teoría de juegos multicultural. Un análisis de esa naturaleza nos conduciría a la consideración de estrategias políticas distintas dentro de este "juego" de identidades múltiples tanto en Quebec como en su relación con Canadá y con la búsqueda de la unidad dentro de esa diversidad.

Stéfanie von Hlatky nos ofrece, asimismo, otra perspectiva canadiense con implicaciones continentales. La controversia relativa a la soberanía del Ártico ha sido una fuente de tensión constante entre Estados Unidos y Canadá. Históricamente, Canadá ha mantenido celosamente sus reclamos de soberanía sobre este territorio y sus acuíferos, mientras que Estados Unidos ha cuestionado esos derechos con la finalidad de defender su propio interés en que el Paso del Noroeste sea considerado aguas internacionales. Por tradición, siempre se percibió en términos asimétricos la seguridad de esta región. En su contribución, la autora propone un acercamiento que trascienda la solución militar y permita a Canadá y a sus vecinos considerar la multiplicidad de retos que entraña la protección de estos acuíferos, de su medio ambiente, así como las implicaciones que el asunto de su soberanía y el estatus internacional plantean a todos los involucrados.

Este número intenta conscientemente continuar con la visión continental de la revista. En él destacan particularmente los temas relacionados con actitudes, valores, instituciones y políticas públicas. El Center for North American Studies de la American University siempre le estará agradecido al Centro de Investigaciones sobre América del Norte (CISAN) de la Universidad Nacional Autónoma de México por haberle concedido la responsabilidad de editarlo. Deseamos sinceramente que continúe el indiscutible éxito ya obtenido por *Norteamérica*, así como su importante y muy elogiada misión académica de informar y brindar resultados de investigación rigurosos a su público continental.

*Robert A. Pastor*  
*James T. McHugh*  
*Anthony Elmo*



## Prefacio / Preface / Préface

This issue of *Norteamérica* has been prepared in Washington, D.C., by the Center for North American Studies of American University. Nous souhaitons qu'il soit une contribution à l'esprit de ce grand projet savant. Esto lo convierte en algo más que un esfuerzo continental. It is part of a higher aspiration that this journal intends to promote and we are pleased to have been invited to be part of it.

Aside from being prepared in the United States, this issue is somewhat different because it features and emphasizes a particularly interesting and relevant theme: a special section on "North American Attitudes" ("les attitudes Nord-américaines/ las actitudes norteamericanas") has been included. This special section includes outstanding studies of public opinion and behavior regarding the continent's three countries. The main focus is a critical examination and assessment of the evolving attitudes that Americans, Canadians, and Mexicans have developed regarding their continental neighbors and North America, both as a region and as a community. The articles provide empirical evidence revealing these attitudes and this behavior, along with analysis of their significance and potential future direction.

Ces questions sont très importantes pour une étude générale de l'avenir de l'Amérique du Nord. Sans ces études, il serait impossible à découvrir la vraie direction de ce continent et sa capacité à devenir une communauté régionale. Les attitudes populaires parmi ces trois pays sont dans un état de changement, maintenant. Il est, peut-être, un moment de transition pour les politiques et les relations parmi ces pays et leur peuples. Nous espérons que ces essais offrent une meilleure compréhension pour toutes les gens intéressées à ce sujet.

Of course, there is a great diversity of interest in North America, scholarly and otherwise. This issue has not overlooked that diversity. Subjects ranging from continental security and sovereignty to legal and political institutions to multicultural identity are addressed. It is our hope that future issues of this journal will explore the full scope of this continental community in addition to themes related to public policy and economic relations. If North America truly constitutes a community and

not just a geographical entity or a region of distinct countries, the culture, history, and deeper sense of identity for all of the people of this continent need to be considered and appreciated. North American scholarship needs to include the efforts of humanists, natural scientists, artists, and other people who critically examine the idea of this continental community beyond the scope of social scientists and policy analysts. We are confident that this issue has made inroads into those areas of scholarly and even popular interest.

¿Qué es Norteamérica? ¿A dónde vamos y también dónde estuvimos? Estas preguntas remiten a respuestas creativamente formuladas en este volumen. Definir a nuestra comunidad es indispensable en especial si lo hacemos mexicanos, estadounidenses y canadienses, para mostrar cuánto interés y afecto despierta Norteamérica. Muchas personas no comprenden cuán fuertes son nuestros lazos familiares, de fe y de cultura. Norteamérica es nuestro camino y futuro compartidos.

As with previous issues, this time we include a chronology of significant events relating to North America that have occurred during the past several months. It also includes an interesting "critical notes" essay regarding the status of North American studies that suggests current and perhaps future trends among the continent's academic institutions. Yet another insightful interview with a public official who has a particular interest in North American issues (in this case, a member of the United States House of Representatives) also adds to the depth of the journal.

Overall, readers should find this issue thought provoking. Il devrait offrir une bonne contribution à la littérature savante au sujet de ce continent et de son avenir. Creemos que pone de relieve nuestra comprensión y aprecio por la idea de una comunidad norteamericana. We hope that you will concur in that assessment and find this issue informative and useful.

*James T. McHugh  
Anthony Elmo*



**SECCIÓN DE CONTRIBUCIONES  
ESPECIALES EN ACTITUDES  
NORTEAMERICANAS / SPECIAL  
CONTRIBUTION SECTION ON NORTH  
AMERICAN ATTITUDES / SECTION DE  
CONTRIBUTIONS SPÉCIALES SUR DES  
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*North American Convergence, Revisited*  
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# North American Convergence, Revisited

MIGUEL BASÁÑEZ\*

RONALD INGLEHART\*\*

NEIL NEVITTE\*\*\*

## ABSTRACT

This article revisits previous surveys regarding value changes in Canada, Mexico, and the United States. The earlier evaluation showed that a convergence of values among these North American nations was occurring. This most recent study confirms that trend in several areas (though national and regional distinctions remain), contradicting other predictions to the contrary. Whether one is afraid of change or is eager for it, this study indicates that all three North American countries are, inevitably, experiencing that change.

**Key words:** North American convergence, economic integration, culture, values, trade, continental integration

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## INTRODUCTION

In 1990, the three co-authors jointly considered the question of whether value changes in Mexico, the United States, and Canada were related and, further, whether the trajectories of value change were in any way linked to greater economic integration. We explored the findings from the second wave of the World Values Survey (wvs) with respect to the region while the NAFTA discussions were starting.<sup>1</sup> We analyzed the trajectories shown by values from 1980 and 1990 (Inglehart, Basáñez and Nevitte, 1994; 1996), the only two points in time then available from the wvs.

The predicted trajectories of value change in 1990 were based on Inglehart's framework of materialists and postmaterialists, using the 1980 data as a benchmark.<sup>2</sup> The analysis also examined age cohorts to explore possible generational dif-

<sup>1</sup> For simplicity's sake, we refer to the five World Values Surveys (wvs) throughout this text as 1980, 1990, 1995, 2000, and 2005, although the exact dates in some countries may lag one or two years behind. Details for the World Values Survey methodology, question wording, and full description can be found at Inglehart, Basáñez, *et al.* (2004) or at [www.worldvaluessurvey.org](http://www.worldvaluessurvey.org). We thank Roger Aleph Méndez for his valuable assistance.

<sup>2</sup> A massive body of evidence gathered from 1970 to the present demonstrates that an intergenerational shift from materialist to postmaterialist priorities has been occurring in industrialized societies (Inglehart, 1971; 1977; 1990; 1997; Inglehart and Welzel, 2005; Inglehart, 2008). The underlying theory is based on two key hypotheses:

1. Virtually everyone wants freedom and autonomy, but people's priorities reflect their socioeconomic conditions: they tend to place the highest value on the most pressing needs. Material sustenance and physical security are immediately linked with survival and, when they are scarce, people give top priority to these "materialistic" goals. But, under conditions of prosperity, people become more likely to emphasize "postmaterialist" goals such as belonging, esteem, and esthetic and intellectual satisfaction.
2. To a large extent, one's basic values reflect the conditions that prevailed during one's pre-adult years and these values change, mainly through intergenerational population replacement. Although older generations tend to transmit their values to their children, if one's first-hand experience is inconsistent with one's cultural heritage, it can gradually erode.

During the past several decades, most of the population of advanced industrial societies has *not* grown up under conditions of hunger and economic insecurity. This has led to a gradual shift in which needs for belonging, esteem and intellectual and self-expression have become more prominent. There is no one-to-one relationship between socioeconomic development and the prevalence of postmaterialist values, for one's subjective sense of security is shaped by a society's social welfare institutions as well as its mean level of income. Furthermore, people's basic value priorities do not change overnight: a society's values tend to change through intergenerational replacement.

More than three decades ago, Inglehart (1971) found dramatic age differences in the proportions of people emphasizing materialist and postmaterialist values, respectively, among the populations of six Western countries. To measure these values, he asked people which goals they considered most important for their country, choosing between such things as economic growth, fighting rising prices, maintaining order, the fight against crime (which tap materialist priorities), and freedom of speech. These values emphasize giving people more say in important government decisions, more say on the job, and a society where ideas count, which tap postmaterialist priorities. Representative national surveys carried out in 1970 revealed huge differences between the values of young and old in all of these societies. Among those aged 65 and older, people with materialist value priorities outnumbered those with postmaterialist value priorities by more than 12:1. But as one moved from older to younger cohorts, the balance gradually shifted toward a diminishing proportion of materialists and a growing proportion of people with postmaterialist values. Among the youngest cohort (those from 18 to 25 years old in 1970) postmaterialists outnumbered the materialists.

ferences. Two surprises emerged from that analysis. First, the predictions were right in 31 out of 34 key variables we reviewed. Second, a pattern of values convergence between the three countries was on course.

This convergence finding contradicted Lipset's *continental divide* thesis. More surprising, it appeared that none of the countries were leading the convergence. That original study was undertaken nearly two decades ago. All three countries have, since, experienced NAFTA for over a decade. And there are also three new measures of the wvs now available (1995; 2000 and 2005). Meanwhile, at least two books were published contradicting our proposition (Samuel Huntington's in the U.S. and Michael Adam's in Canada). With new data in hand, it is now timely to revisit the basic question originally asked in 1990: has the NAFTA region convergence continued, has it stabilized, or has it reversed?

## THE ORIGINAL CONVERGENCE FINDINGS

The original 1990 exploration considered six areas of investigation: 1) Cultural, economic, and political change in North America; 2) Changing patterns of world trade and changing North American linkages; 3) Compatibility and change in the basic values of North American people; 4) The erosion of institutional authority and the rise of citizen intervention in politics; 5) A search for a new balance between state and economy, individual and society; 6) Dissolving borders in North America.

That analysis demonstrated that a great deal of social, economic, and political value change did take place in all three societies, and most of the changes conformed to a predictable pattern. We found evidence of a systematic intergenerational shift, and most of the changes that took place from 1980 to 1990 could actually be predicted from patterns that were visible in the 1980 baseline data. A total of 31 variables shifted in the predicted direction from 1980 to 1990. Using the same strategy, we are now more confident to forecast further value changes that are likely to take place during the coming decades.

Each country experienced a shift from materialist to postmaterialist orientations in each of the three populations and outlined the causes of that intergenera-

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During the past 35 years, the predicted value shift occurred. In the early 1970s, materialists outnumbered postmaterialists by a 4:1 ratio in the six countries surveyed then. By 2006, postmaterialists had become as numerous as materialists. Since 1970, these values have been measured in many additional countries. For example, in the earliest U.S. survey, in 1972, materialists were three times as numerous as postmaterialists; by 2006 there were 2.5 times as many postmaterialists as materialists in the U.S. Materialist/postmaterialist values are closely linked with many other social values, which have tended to move in the same direction as the shift toward postmaterialism.

tional value shift. That shift had its origins in the formative experiences of the younger generation throughout advanced industrial societies. The historically unprecedented prosperity that has characterized Western societies since World War II, together with the safety net provided by the welfare state in the past few decades, had given rise to a situation in which a growing share of the public no longer gave top priority to the quest for economic and physical security. Instead, there was growing concern for the quality of life.

This shift in basic value priorities has far-reaching implications; they seem to be linked with generational changes in prevailing motivations to work, in religious outlook, sexual norms, and political goals. There was also evidence of a gradual erosion of traditional nationalism and ethnocentrism, giving rise to an increasingly cosmopolitan sense of identity. Further, these orientations shaped support for economic and political integration among all three populations.

The major story emerging from that 1990 analysis was that the value systems of the three North American societies were gradually shifting, and the direction of value change was consistent with the broad transformations that were taking place in most advanced industrial states. North Americans were on a common trajectory of change moving toward: 1) free market economics; 2) democratic political institutions; and, 3) globalization.

The United States, Canada and Mexico moved in the early 1990s toward continental free trade to avoid isolation in a world that was increasingly organized into regional trading networks and to exploit the advantages that come from stable access to large markets. In some respects, continental free trade might be viewed as “window dressing”, a formal regularization of *de facto* economic integration that had been welding the three economies together since the 1950s. But that perspective obscures the fact that comprehensive continental free trade represented a substantial policy shift for each of the three partners.

#### LIPSET, HUNTINGTON, ADAMS, ET AL.

To what extent do Americans, Canadians, and Mexicans share common values? Or, more precisely, are the *main values* in each of these three countries compatible? The weight of the historical evidence leads some to assume that they are not compatible –and the gulf between the values of Mexican people, on one hand, and those held by populations of the United States and Canada, on the other, appears to be particularly wide.



In his celebrated analysis of American society, David Riesman (1950) argued that individualism (emphasized as a distinctive U.S. trait by a long line of observers going back to Alexis de Tocqueville) was disappearing. An *inner-directed* personality type was gradually being replaced by *other-directed* people. Another landmark study of the 1950s, William Whyte's (1956) *The Organization Man*, reached similar conclusions: the Protestant ethic of hard work, thrift, and competition as the route to individual salvation was giving way to a belief in *belongingness* as the ultimate goal. Both Riesman and Whyte had grave misgivings about what they saw as the decline of individualism in America.

This absence of a North American cultural consensus was not just a question of the cleavage between Mexico and her two northern neighbors. Seymour Martin Lipset, the foremost comparative analyst of the political cultures of the United States and Canada, in a series of influential studies carried out over a period of nearly three decades, argued that the United States and Canada experience a *continental divide* reflected in enduring differences in basic values and political styles (Lipset, 1990). One influential historical explanation for North American cultural variation, provided by Louis Hartz (1964), argued that each of the three new societies were settled by very different founding peoples.

Scores of journalistic accounts, by contrast, described the 1980s in the United States as a decade characterized by an explosion of individual greed and the abdication of collective responsibility. An insightful study by Bellah, Madsen, Sullivan, Swidler, and Tipton (1985) concluded that the central problem of U.S. life was that individualism had grown cancerous. They sought to rediscover cultural traditions that could limit and restrain the destructive side of individualism.

These diagnoses at first seem contradictory: do Americans have too little individualism or too much? Examined more closely, however, they turn out to be compatible. They deal with different aspects of a complex change that is taking place in the relationship between the individual and society, a process of change that is not uniquely American, though it may be particularly acute there.

Two recent formulations that contradicted our *convergence* finding are supplied by Michael Adams (2003) and Samuel Huntington (2004). Adams's book, based on values survey research, contains the main conclusion in its title: *Fire and Ice: The U.S., Canada and the Myth of Converging Values*. Huntington finds the huge Hispanic migration as a very serious threat to America's national identity.

Adams is a knowledgeable and experienced commercial researcher with frequent access to the electronic media. His book is aimed at a more general audience. To be sure, there are elements of the Adams analysis that are supported by our data. However, the *convergence* finding cannot be debunked on grounds of Canadians'

popular vote. A detailed critique of the methods used to arrive at Adams's divergence conclusion is supplied by Smith (2005).

Huntington's *Who Are We?* argues that the United States has been and, in many ways, should remain a Christian, Anglo-centric country. That tradition, according to Huntington, is currently threatened by migration's multiculturalism (particularly from Hispanic sources), imperiling the primacy of English language and culture. Accordingly, Huntington challenges the wisdom of affirmative action, bilingual education, and dual citizenship and fears that the U.S. foreign policy is dictated in Mexico City. Unlike mainstream Canadian and Mexican analysis, Huntington lacks confidence in the strength of U.S. culture.

For Huntington, one core premise is that nationalism matters. As such, it is a cultural argument: the defense of U.S. values such as individualism, the work ethic, achievement orientation, morality, and the like. The existing evidence about Hispanic assimilation, however, simply does not support Huntington's fears.

But what of the demographic ancestry of the U.S. population? Huntington departs from the assumption that the American core is an Anglo-Protestant legacy derived from England. However, the largest single demographic contribution to today's U.S. population is Germany, not England or Ireland (Statistical Abstract of the U.S.; 2007: table 50). Americans recognize their ancestors as German (48 million), Irish (34 million), English (28 million), and Italian (16 million), among the largest groups. Is it the perception of cultural similarities or of a beneficial influence from Germans that prevent criticisms and resistance to such blending in the United States? The implication is that the Hispanic culture is different and/or harmful, hence the criticisms and resistance.

These decades' worth of experience with NAFTA and the emergence of alternative perspectives in the intervening years since the original study make it worthwhile to reconsider with more recent data. With 25 years of data in hand, what is the trajectory of value change in the three countries? Are values becoming closer, as predicted, or are they growing further apart? To answer these questions, we look at the distribution of the three countries on Inglehart's values map (Inglehart, 1997: 93). This analysis was not available in 1990 but it offers a coherent and synthetic way to look at the overall trajectory, taken over time, by the three countries.

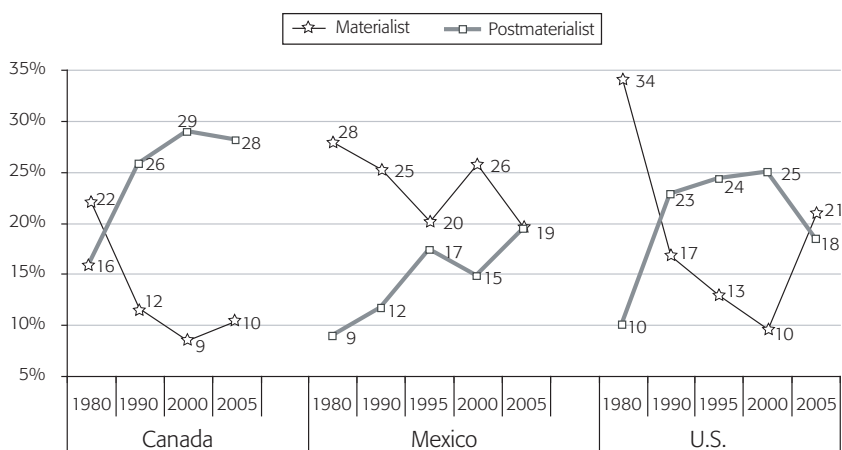
## **MATERIALIST AND POSTMATERIALIST VALUES IN NORTH AMERICA (1980-2005)**

One of the most powerful predictors of change emerging in that 1990 analysis centered around Inglehart's (1971) materialist-postmaterialist theory. A key element

associated with this theory is that the proportion of materialists and postmaterialists in a single country is influenced by the reality and perception of the internal safety and the economic performance of their country. Hence, the balance between these two polar groups is dynamic –i.e. it increases and decreases over time. The correlation found between these values and the inverted inflation rate is striking (Inglehart, 1990: 94).

As the data show, there is evidence of a dynamic divide of the materialist–postmaterialist variety in the NAFTA region. The proportion of change of these two polar segments of the population over time in the three countries shows a very different pattern. The *mixed* segment is omitted from the graph, as it is the remnant percent and has remained constant around 60 percent.

**Figure 1**  
MATERIALIST AND POSTMATERIALIST VALUES



Canada is clearly the most postmaterialist of the three countries (28 percent), whereas Mexico (20 percent) is slightly above the U.S. (18 percent). However, most important is the gap between postmaterialists and materialists that, in Canada, amounts to a ratio of nearly 3 to 1, whereas Mexico and the U.S. are nearly in balance: 1 to 1.

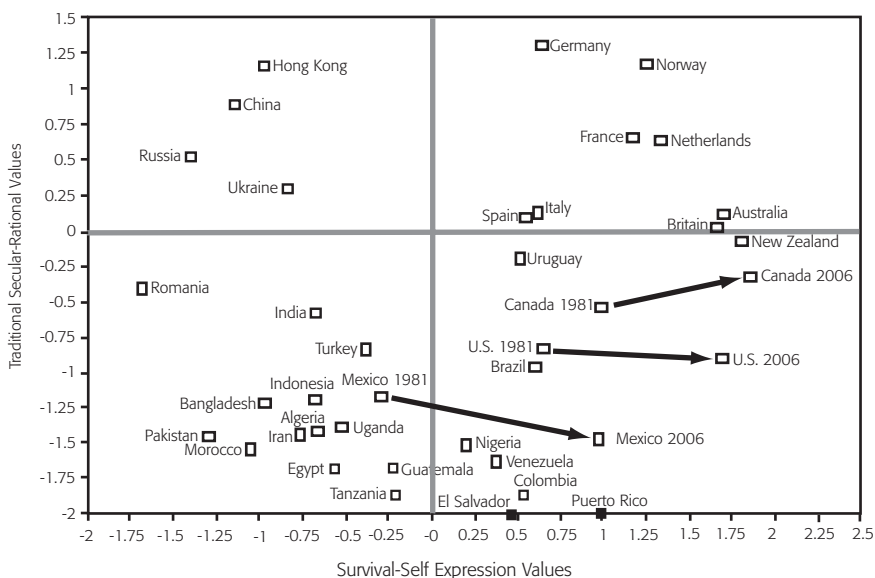
However, it is clear that the proportion of materialists in Canada and the U.S. declined, substantially, between 1980 and 2000 and, then, the trajectory reversed: slightly in Canada (9 to 10 percent) and sharply in the U.S. (10 to 21 percent). Is this

one effect of 9/11? It consequently also impacted the otherwise rising trajectory of postmaterialists: slightly in Canada (29 to 28 percent) and sharper in the U.S. (25 to 18 percent). The rising pattern of post-materialism in Mexico seems steadier, with a minor drop in 2000 (17 to 15 percent).

## NORTH AMERICA TRAJECTORIES ON INGLEHART'S WORLD VALUES MAP

Inglehart's global values synthesis is a very valuable tool because it enables the analysis not only of positions but of trajectories. It allows for the analysis of such demographic factors as generational change while, also, explaining the effects of such structural factors as education, urbanization, jobs moving into the service sector, and others, encapsulated in the materialist–postmaterialist dimension.

Figure 2  
 INGLEHART'S WORLD VALUES MAP



According to that approach, it appears that the patterns of change in the NAFTA region are more complex. Notice that between 1981 and 2006, the three countries move in a similar trajectory on the horizontal axis (economic-social) of Inglehart's

value map but they diverge on the vertical axis (political-cultural). In other words, the three countries are becoming more economically developed –hence the displacement to the right side of the map. They all embrace more self-expression values. However, Canada is becoming more secular, whereas Mexico became less secular and went back to more traditional values. It is possible that in Mexico and, to some extent also in the U.S., the political-cultural divergence might be attributable to the emergence of greater income inequality.

After reviewing the extent of convergence and divergence across the nearly 300 variables included in the WVS, as well as the trajectories shown by the three countries on the Inglehart's world values map (shown in Figure 2), the conclusion is that the NAFTA region is not diverging as Huntington and Adams propose. But nor is it *only* converging. As he did almost two decades ago, Moreno (2005: 49) has presented a detailed review of the trajectory of Mexico in the world values map during this period and shows how Mexico moved from 1980 to 1990 in the same pattern as Canada shows and then Mexico's trajectory broke to head south of the chart. Furthermore, Nevitte's analysis of Canadian values shifts (Nevitte, 1996) reports complementary changes.

The following paragraphs introduce new data and the exploration is structured in five segments: 1) Views toward a NAFTA union; 2) Economic values and attitudes; 3) Political values and attitudes; 4) Family values; and 5) Personal values.

## PART ONE: TOWARD A NAFTA UNION?

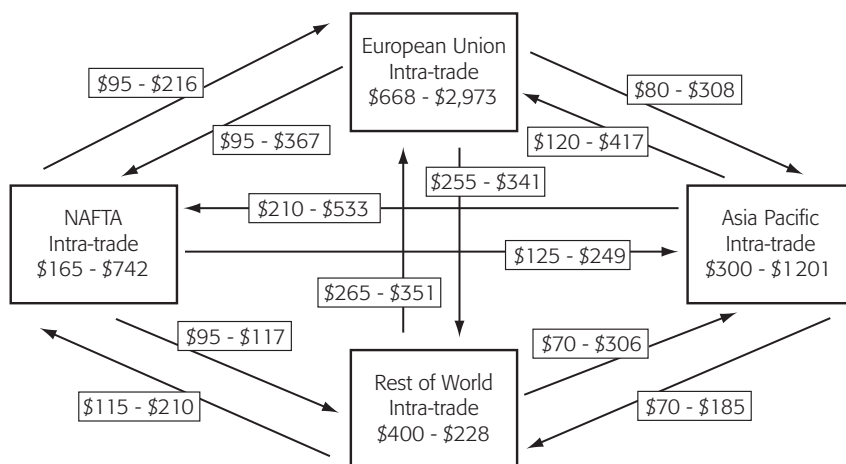
### World Trade Flows

The assumption, widely shared by classic integration theory, is that interaction promotes similarities in values which, in turn, lead to higher levels of mutual trust (Deutsch, 1969). How, then, have trade flows in the world changed since 1989?

According to the data in Figure 3, total trade in 1989 was US\$3 128 billion and, in 2004, it was US\$8 745 billion, an increase of 279 percent in 15 years. Although the NAFTA countries represent a larger gross product and population than Europe, in terms of intra-trade Europe is, nevertheless, four times stronger than the NAFTA region (US\$2 973 billion versus US\$742 billion), basically the same ratio shown in 1989 (US\$660 billion versus US\$165 billion).

Notice that NAFTA, Europe and Asia intra-trade grew in the 15-year period (4.49, 4.45 and 4.00 times, respectively) at the expense of the decline of the rest of the world's intra-trade. NAFTA shows barely the largest expansion of all regions, as

**Figure 3**  
 WORLD TRADE FLOW, 1989 AND 2004 (BILLIONS OF US DOLLARS)



**Source:** World Trade Organization, *World Trade Statistics 2005*, Statistical Appendix, Table A2, p. 194.

it formally started in 1994. Otherwise, it would show a much lower level than the current one. However, if total trade is taken into account (i.e. imports, exports and intra-trade), NAFTA does not show a very promising picture: Europe is getting 46 percent of the world's total trade share, Asia 25 percent, NAFTA a modest 18 percent and the rest of the world 11 percent. Have these shifting patterns of trade been accompanied by shifts in the identities of citizens within the NAFTA countries?

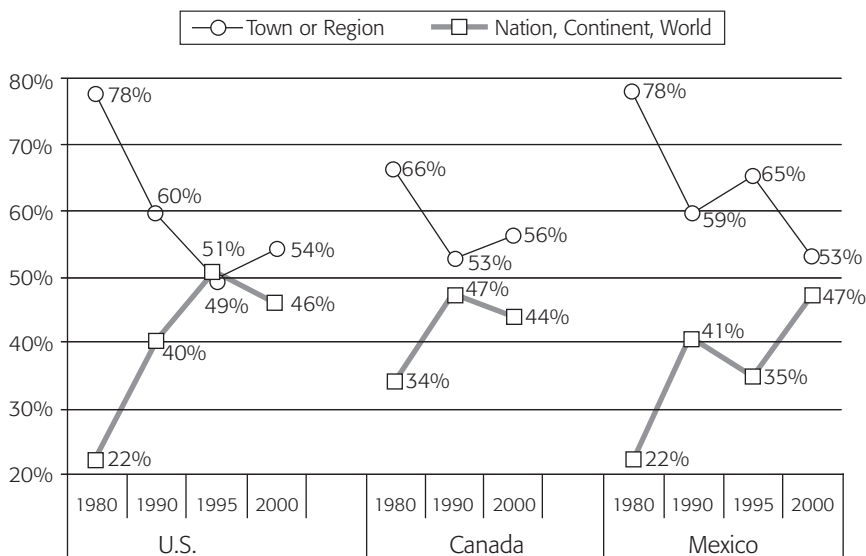
Economic competition is the engine behind the formation of regional trade blocks. Lagging behind in the race makes a region weaker and more vulnerable. There should be no higher priority than reducing the gap between Mexico and the rest of NAFTA, to unleash the consumer power of 70 million more Mexicans. The establishment of the NAFTA fund proposed by Pastor that would invest US\$200 billion for infrastructure should be included on the trilateral agenda (Pastor, this issue).

### Belonging to Geographical Units

Since 1980, the wvs has asked: "To which of these geographical groups would you say you belong, first of all: 1) The locality or town where you live; 2) The region of the country in which you live; 3) Your country as a whole; 4) North America as a whole; 5) The world as a whole?" The changes in 25 years are impressive and they

show a consistent pattern: in all three countries, there was a substantial shift from emphasis on the town or region in which one lives toward broader geographical units. We observe a pervasive shift from a parochial to a more cosmopolitan focus of identity but national identities have not been abandoned.

**Figure 4**  
LOCATIONS PEOPLE FEEL THEY BELONG TO



In 1980, 8 out of 10 people in Mexico and the U.S. and nearly 7 out of 10 in Canada felt they belonged to the town or region in which they lived. By 2005, identification with the parochial option had eroded considerably. Canadian erosion is weaker but parallels her NAFTA partners. From a ratio of 8-to-2 and 7-to-3 in favor of the more local choice, the three countries have moved to a near balance of 1-to-1 with the larger geographical groups.

This is not an isolated finding. It seems to be part of a broader shift from a parochial sense of identity toward an increasingly cosmopolitan outlook, which is very important given an increasingly global world. Here again, these changes were predicted by our model.

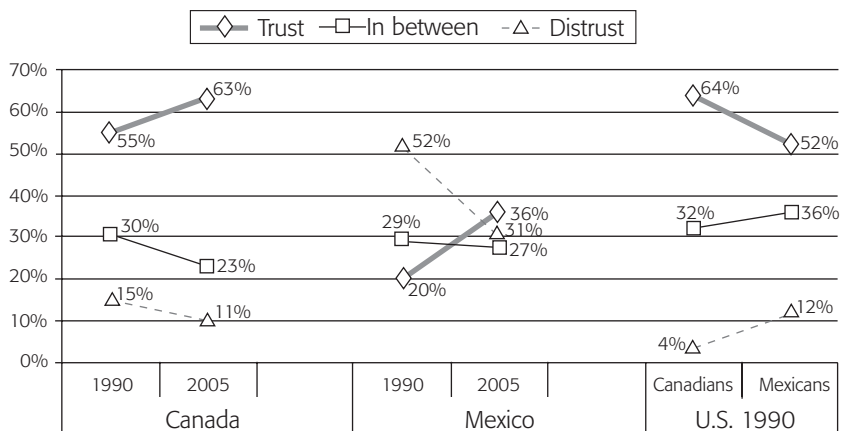
If there is, indeed, a secular trend away from relatively parochial outlooks toward a sense of belonging to broader geographic units, this bodes well for a potential

North American political community or, even, broader forms of integration. We should not over-interpret the data, however. In all three countries, the trend seems to be moving toward a more cosmopolitan sense of identity. But these changes are occurring gradually.

### Feelings of Trust among North American People

As the Figure 5 shows, the feeling of trust that is essential for healthy business and social relations has improved between the three countries. A majority of Canadians, in 1990 (55 percent), trusted Americans and that percent increased over the 15-year period to 63 percent.

**Figure 5**  
 TRUST OF PEOPLE OF OTHER NATIONALITIES



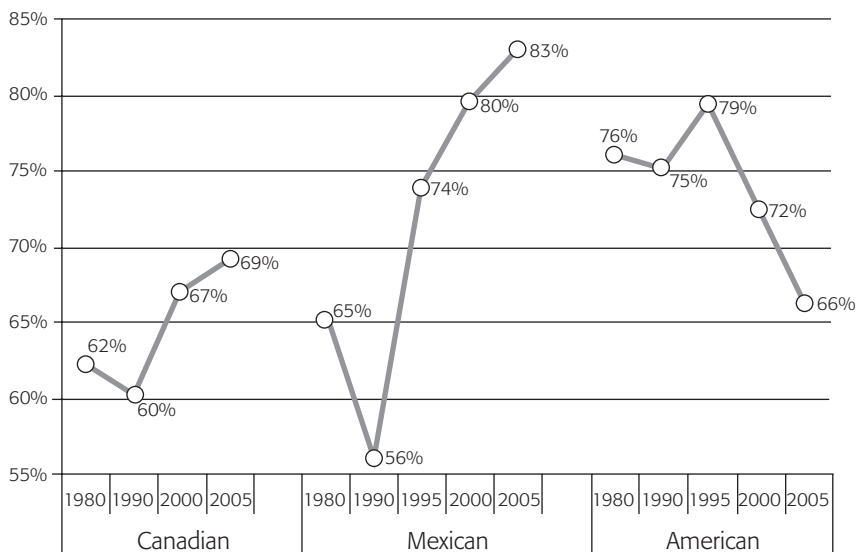
The changes among Mexicans follow the same trajectory as among Canadians. The sentiment in Mexico, in 1990, clearly was of distrust (52 percent) but, now, distrust has dropped to 31 percent. This same question in the U.S. was not repeated by the wvs after 1990. However, according to the most recent data, 64 percent of Americans trusted Canadians and 52 percent trusted Mexicans.



## National Pride

In 1980, 76 percent of the U.S. public said that they were “very proud” to be Americans: these levels of national pride were significantly higher than among Canadians (62 percent) or Mexicans (65 percent). But significant changes have taken place. Most recent data show that American levels of national pride have dropped to 66 percent, similar to those of Canadians (69 percent). Mexicans show the highest levels of pride (83 percent). But even more interesting is the pattern of change shown in the region. The Mexicans’ impressive rise, after 1990, may reflect the enthusiasm for democracy that awoke within society after the massive mobilization by the political opposition during the presidential campaign of 1988. Its subsequent electoral victories at local and state levels reinforced the trend until the opposition won the presidency in 2000. All these events in Mexico led to a sense of an expansion of liberty (Moreno, 2005: 62).

**Figure 6**  
HOW PROUD YOU ARE TO BE... (PERCENT WHO SAID “VERY MUCH”)



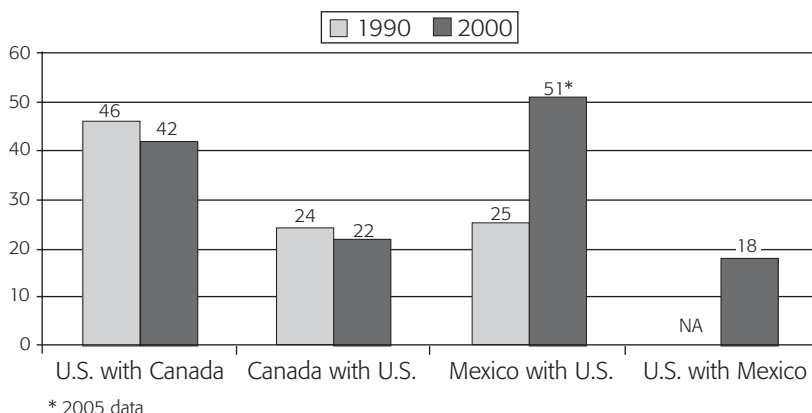
## Doing Away with Borders

To examine variations in public enthusiasm for continental political integration, the WVS asked the three populations a very direct and simple *bottom-line* question: “All things considered, do you think we should do away with the border between the United States and Canada/Mexico?” This question goes far beyond any proposal currently being discussed by the governments of these countries. But the levels of support for political union are much higher than a projection based on past history would predict, especially in Canada and Mexico.

About one in five Canadians (22 percent) and Americans (18 percent) favor abolishing the border with their southern neighbor. And nearly half of all American respondents (42 percent) and Mexicans (51 percent) support doing away with their northern neighbor’s border. The question about the Mexican border was not asked in the U.S. in 1990 but it was included in 2000 and shows a quite similar level to Canadians’ responses about the border with the U.S.

While levels of support for political integration have declined somewhat among Americans and Canadians, Mexicans’ readiness to consider that option has increased from 25 percent to 51 percent. One possible explanation for the Mexican change is the steep increase of migration to the U.S. in the last 25 years. That increase has been propelled by vast unemployment and the income per capita stagnation in real terms since 1982.

**Figure 7**  
ABOLISHING NAFTA BORDERS (PERCENT IN FAVOR)



Source: 1990, 2000, and 2005 World Values Survey.

## Forming One Country

Another direct and *bottom-line* question aimed to test support for integration under different scenarios is: “Would you favor or oppose having Canada/Mexico and the United States form one country, if ‘it meant that you would enjoy a higher standard of living/it means losing this country’s cultural identity/it meant that we could deal more effectively with environment issues like acid rain and air pollution/it meant that Canada would form 12 new states in the United States/it meant slightly lower taxes but fewer government services/it meant a better quality of life?’”

Survey Year	U.S. with Canada 1990 - 2000	Canada with U.S. 1990 - 2005	Mexico with U.S. 1990 - 2005
Better quality of life	81 - 77	50 - 41	64 - 53
Environmental issues	79 - 66	56 - 41	53 - NA
Higher std. of living	72 - 59	38 - 27	61 - 49
Public/private health care	67 - NA	12 - NA	51 - NA
12 / 32 new states	60 - 37	18 - 11	24 - 25
Less tax/services*	45 - 34	17 - 12	37 - 18
Cultural identity	43 - 10	11 - 5	16 - 12

\* The 1990 question in Mexico was “more taxes but better services.”  
NA: Not Available

As Table 1 shows, one scenario clearly decreases support for political union in all three populations: the scenario that relates to culture. But on that count, the effects are the weakest for the U.S. Concerns for national cultural identity underpin both the Canadian and Mexican publics’ opposition to the idea of continental political union. In a way, it is a similar argument to that of Huntington: fear of a culture weakening. A comparison of how publics react to the higher standard of living and cultural identity scenarios once more graphically illustrates the fundamental dilemmas between the trade-offs of achieving economic gains and the threat posed to collective values that political union implies.

The very high levels of support for political union, evident in 1990, have now declined to more moderate levels. However, notably, in 2000 a majority of Americans

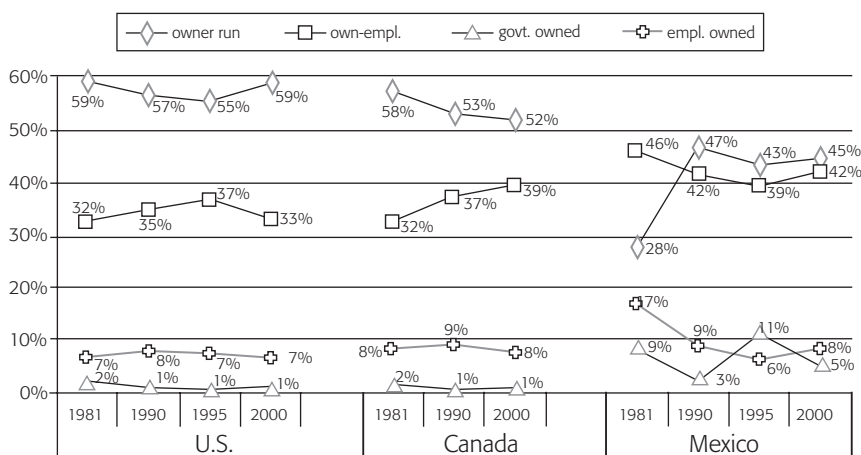
were favoring a union when it came to quality of life (77 percent), environment (66 percent), or standard of living (59 percent). Meanwhile, 53 percent of Mexicans also favor it if *quality of life* improves, while Canadians do not. In 1990, 43 percent of Americans were in favor of forming one country with Canada, even if cultural identity were at risk. By 2000, that percentage shrank to 10 percent.

## PART TWO: ECONOMIC VALUES AND ATTITUDES

### Who Should Run Business in North America

The ongoing cultural shift does not easily fit into conventional models of left and right. Though we find evidence of a deep-rooted trend away from the Marxist model for society, it is not simply a move back to orthodox capitalism. Figure 8 illustrates this aspect of what is happening. From 1980 to 1995, support for employee participation in management of business and industry rose significantly among both the Canadian and U.S. populations. In Mexico, on the other hand, where post-materialism was not linked with employee participation, support for this option declined. This reversal of patterns between what happened in Mexico and what happened in her two Northern neighbors is a further reflection of fundamental differences in the historic situations of the respective countries.

**Figure 8**  
 WHO SHOULD RUN BUSINESS IN NORTH AMERICA

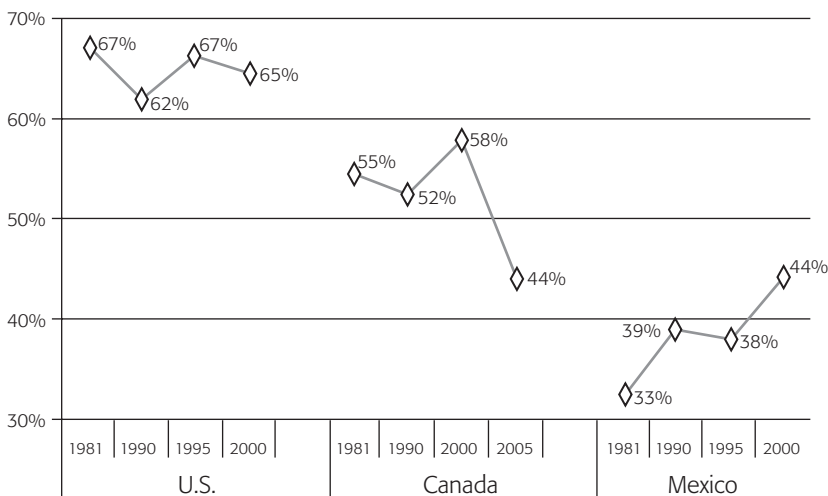


Contrasting changes are taking place in Mexico, on the one hand, and the United States and Canada, on the other, but the net result has been to make the prevailing economic ideology in these countries more similar. Starting from a tradition that combined a strong, highly centralized state with widespread suspicion of individual entrepreneurs, the Mexican public has been moving toward growing acceptance of classic capitalist principles. Starting with strongly pro-capitalist traditions, the people of the United States and Canada continue to reject state ownership and control but are moving toward a more egalitarian version of private enterprise.

### Attitudes toward Authority

Orientations toward authority are fundamental to economic, social, and political relationships, and wvs evidence from 1980 and 1990 surveys show that profound changes and a shift toward egalitarian outlooks are taking place in nearly all societies for which we have data (Nevitte, 1996).

**Figure 9**  
SHOULD PEOPLE FOLLOW INSTRUCTIONS AT WORK? (PERCENT WHO AGREED)



The responses to a question about whether one should follow the instructions of one's superiors at work, even if one does not agree with them, are very illuminating. In all three countries, the young are less likely to support this idea than are the

old. It is not difficult to offer an explanation for this finding. It could be based on life cycle effects: the young are less likely to be in positions of authority so they are less likely to endorse it than are the old. But it would be equally plausible to see this pattern as reflecting a historic decline in emphasis on unquestioning obedience to authority, linked with rising educational levels, changes in the nature of work, and intergenerational value shifts that place greater emphasis on individual autonomy.

In both the United States and Canada, the age-related differences are paralleled by a consistent set of repeatedly encountered value differences, in which postmaterialists contrast with materialists in the same way that the young contrast with the old. But here again, Mexico does not conform to the pattern: though we find differences across age groups that are similar to those found in the U.S. and Canada, there is no evidence of a parallel decline in emphasis on authority across the three value types.

Once again, the changes that took place concerning following instructions at work after 1980 reveal a shift in the direction that the intergenerational change model predicts, among both the U.S. and Canadian publics –and a shift in the reverse direction in Mexico pointing to the convergence, as Figure 9 shows. Starting from a considerably lower base than their northern neighbors, the Mexican public became more supportive of following the instructions of one’s superiors in the workplace. Note that this trend applies specifically to following instructions at work. The Mexicans are not becoming more authoritarian in general: the overall trend is in the opposite direction. But acceptance of entrepreneurial authority has been growing. Even after this shift, Mexicans remain less committed to following instructions than Americans, but they have moved toward acceptance of traditional capitalist norms at the same level as Canadians.

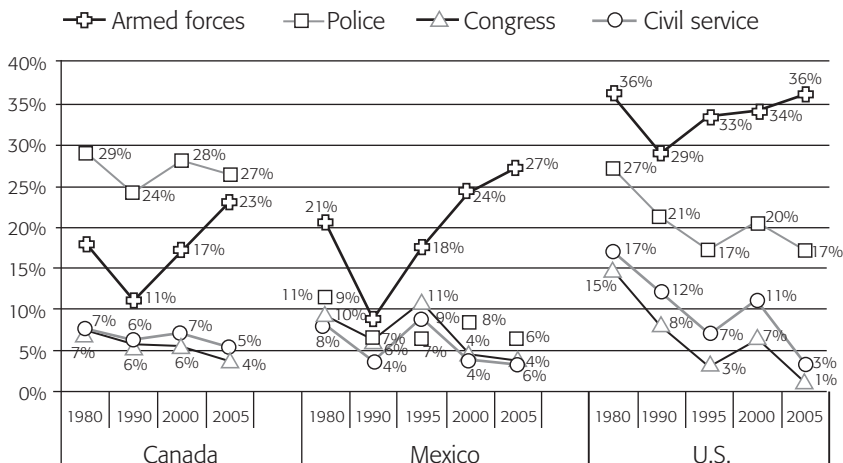
## **PART THREE: POLITICAL VALUES AND ATTITUDES**

### **Confidence in Governmental Institutions**

Figure 10 shows the percentages of respondents who expressed “a great deal” of confidence in each of the following groups in their country: 1) the armed forces; 2) the police; 3) parliament (or Congress); and 4) the civil service. The American public expresses higher levels of confidence in their armed forces than do Mexican and Canadians. Also, Canadians are more confident in their police than Americans, whereas Mexicans show very little confidence in police. The civil service and Congress/Parliament in the three countries are at their lowest levels. Ratings of these

four groups tend to go together in all three countries and it seems to continue to be the case, with the exception of the armed forces (Dalton, 1996; Kaase and Newton, 1995).

**Figure 10**  
A GREAT DEAL OF CONFIDENCE IN...



Like other shifts, these differences seem to be a symptom of a generational change. Postmaterialists tend to register lower levels of confidence in these institutions than do materialists. These findings are consistent with our argument that a sense of insecurity tends to motivate support for strong institutions and for strong political authority in particular. Having experienced a relatively high sense of economic and physical security throughout their formative years, postmaterialists are less inclined than materialists to support the idea of strong centralized authority relations.

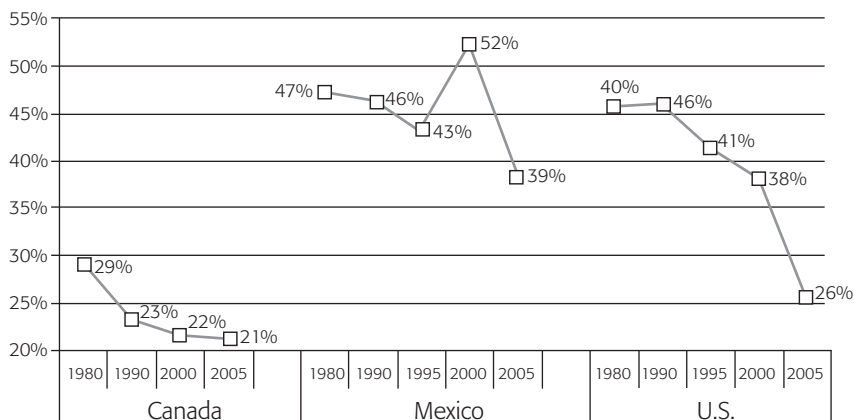
The familiar conjunction of age-related differences, together with value-related differences, points to the possibility of a shift over time toward the outlook of the younger and more postmaterialist respondents. In all three countries, confidence in government institutions in 2005 was lower than in 1980. The single exception is the case of the armed forces.

### Confidence in Non-Governmental Institutions

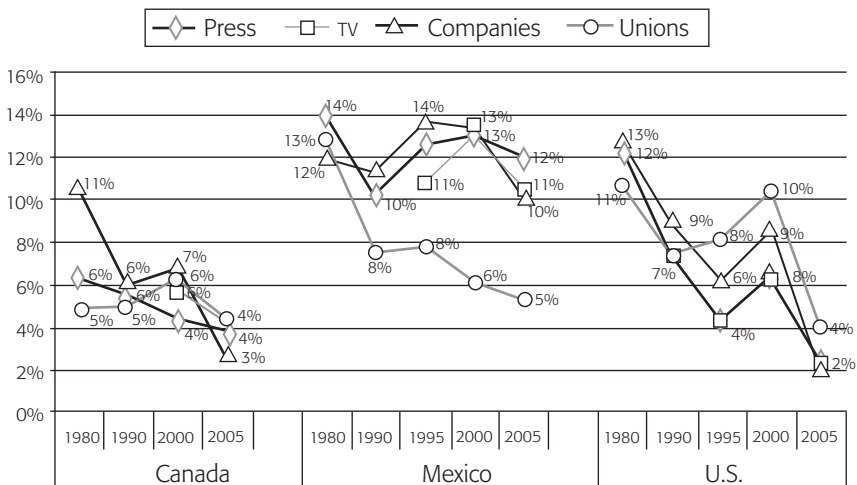
The data tell a similar story concerning confidence in non-governmental institutions. The rating of churches, press, private companies, unions, and TV reflects another

er cluster of empirically-related responses. Again, in all three countries, the young express lower levels of confidence in these institutions than the old and postmaterialists exhibit lower levels of confidence than materialists.

**Figure 11**  
 A GREAT DEAL OF CONFIDENCE IN CHURCH



**Figure 12**  
 A GREAT DEAL OF CONFIDENCE IN...





These two related charts are plotted apart because the scale for church is too high to compare with the other variables, at very modest levels.

Once again, we found the symptoms of an intergenerational shift that seems to reflect the higher levels of economic and physical security that shaped the formative years of the younger cohorts. Also, once again, we found that the 1980 data enabled us to predict the changes that took place the following decade. In both the United States and Canada, confidence in all non-governmental institutions declined, including the church, as Figures 11 and 12 demonstrate.

One important reason that may be influencing the decline in “church confidence” is the cases of pederast priests that received a great deal of public attention in recent years. The Mexican data show little change in “church confidence” from 1980 to 1995 and a recovery in 2000, but the decline continued in 2005. Figures 11 and 12 provide a detailed breakdown of how ratings of each of the non-governmental institutions changed over time in the three countries.

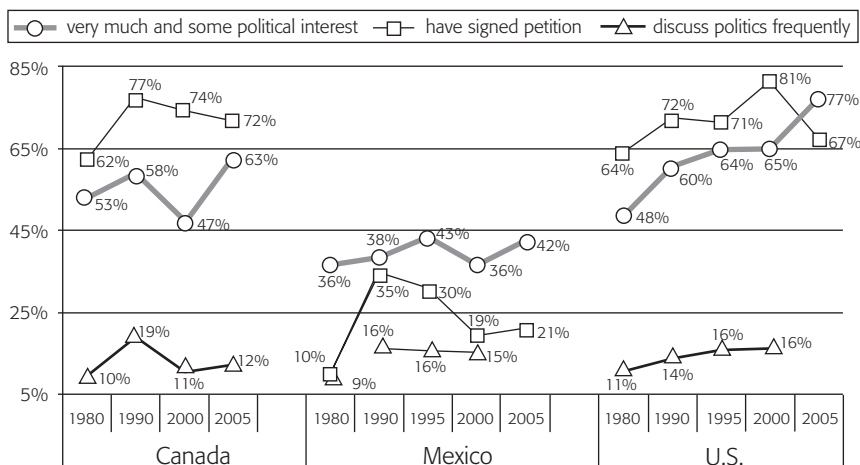
### Conventional Participation

Inglehart (1990) followed given cohorts over a period of nearly two decades and confirmed the interpretation that the youngest cohort virtually always shows lower levels of voting turnout and political interest than the next older group, generally those in their 30s. The low politicization of the young clearly does reflect a life-cycle phenomenon. Furthermore, the very oldest groups also showed relatively low rates of conventional participation. The young were less politicized because they were not yet fully integrated into political life but the old showed lower rates of participation because they had lower educational levels than younger cohorts.

Figure 13 shows the percentages at which the three North American publics engage in three closely correlated forms of behavior: 1) discussing politics; 2) being interested in politics; and, 3) having signed a political petition. Using age and post-materialism as prediction tools, the hypothesis we presented in 1990 was that this trend would continue to rise.

As we have stated, this pattern reflects the fact that postmaterialists consist of those who have been raised under conditions of relative economic and physical security. They tend to take immediate survival needs for granted and have more time and energy to spend on more remote and abstract activities, such as politics. Here, the younger groups do not show higher levels of conventional political participation than the older groups: we attribute this trend to life-cycle effects that suppress evidence of an underlying generational change. Postmaterialists, how-

**Figure 13**  
 CONVENTIONAL PARTICIPATION



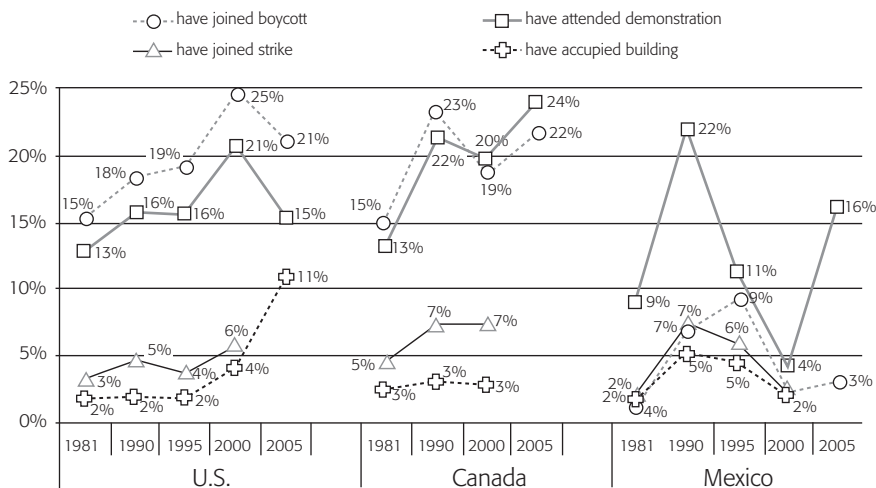
ever, do show relatively high levels of participation. The fact that postmaterialist values are linked with higher rates of conventional political activity should reinforce the trend by which higher educational levels tend to produce a gradually rising potential for mass political participation.

How do we explain the well-known phenomenon of declining rates of voter turnout in the light of these findings? Here, there seem to be two distinct and seemingly contradictory trends. Despite the fact that the younger, better educated birth cohorts show higher political discussion rates than do their elders, they have lower levels of political partisan loyalty. The younger cohorts are better educated and more apt to be interested in politics, to discuss politics, and to sign petitions, but they are distinctly less likely to have a sense of party loyalty.

### Unconventional Participation

Do these patterns of conventional participation also apply to unconventional participation? The wvs contains a battery of questions concerning one's readiness to take part in four forms of *unconventional political action*: boycotts, demonstrations, unofficial strikes, and building take-overs.

**Figure 14**  
UNCONVENTIONAL PARTICIPATION



In all three countries, the data show that younger respondents are much readier to engage in *unconventional political action* than older ones. The differences between younger and older cohorts are striking: the young group is at least three times as likely to engage in unconventional political action as the oldest group. We also found strong correlations between *unconventional political action* potential and materialist-postmaterialist values. Do the changes over time confirm this interpretation?

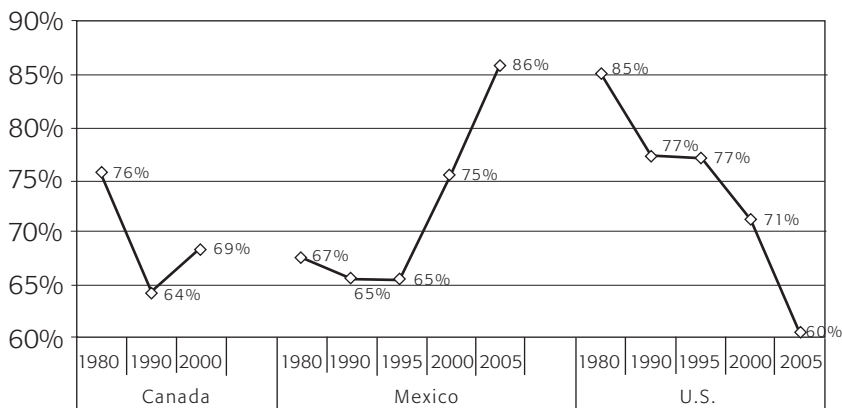
As Figure 14 shows, the answer is “yes” for Canada and the U.S., but the patterns for Mexico are mixed. We found significant increases in mass potential for *unconventional participation* in the U.S. and Canada. Although the increase was impressive in both the United States and Canada, in 1990, it was truly remarkable in Mexico, which rose from a position far behind both of her northern neighbors in 1980, to ranking in 1990 almost as high as they did and, then, back, again, in 2000, to rise once more in 2005.

The Mexican phenomenon seems linked with the surge of political activism that increasingly called into question the one-party domination of Mexican politics by the Institutional Revolutionary Party (PRI) until its defeat in 2000. Thereafter, a sort of disenchantment about the possibilities of democracy occurred. The Mexican public increasingly became involved in both conventional and unconventional action during the 1990s but withdrew thereafter.

## Greater Respect for Authority

In all five waves, representative national samples of the Mexican, Canadian and U.S. publics were told: "I'm going to read out a list of various changes in our way of life that might take place in the future. Please, tell me, for each one, if it were to happen, whether you think it would be a good thing, a bad thing, or don't you mind?" One of the possible changes mentioned was "greater respect for authority."

**Figure 15**  
 GREATER RESPECT FOR AUTHORITY (%)



In all three countries, in 1980, the young were less likely than the old to say that greater respect for authority would be a good thing. The difference across age groups was relatively small in Mexico and quite steep in Canada. By itself, this does not prove anything about intergenerational change: one can easily imagine explanations for this pattern that would be based on a life-cycle interpretation. The old are likelier than the young to be in positions of authority and, so, to be oriented more favorably toward it.

Most members of the oldest group (those 65 to 85 years of age at the time of the survey) are less likely to be in positions of authority, yet they are, on the whole, the ones who are most favorable to greater respect for authority. With wvs data, it is possible to test the two competing interpretations. We found that, in all three countries, the postmaterialists are less likely to endorse greater respect for authority than are materialists. Again, the relationship is of modest strength in Mexico but quite pronounced in Canada, with the United States falling in between.

Once again, our two sets of indicators give converging signals with the young differing from the old in the same direction that the postmaterialists differ from the materialists. This finding suggests a process of intergenerational value change and predicts that support for *greater respect for authority* should gradually decline. Do the data support or reject this hypothesis?

As Figure 15 illustrates, the answer is both. In the U.S., there was much less emphasis on authority in 2005 than in 1980, as well as some decline in Canada. But in Mexico, which also showed the weakest linkages with age group and value type in 1980, the decline is relatively modest from 1980 to 1995, and then, a sharp and counter-intuitive increase occurs. One possible explanation may lie in the enthusiasm that the democratization process unleashed during the 1990s. The step-by-step victory of the opposition parties at the municipal, state and –finally, in 2000– national elections may have produced an increase in *respect for authority*.

## PART FOUR: FAMILY VALUES

The analysis so far has focused on economic and political outlooks. Is there evidence of similar patterns of change when it comes to primary relations?

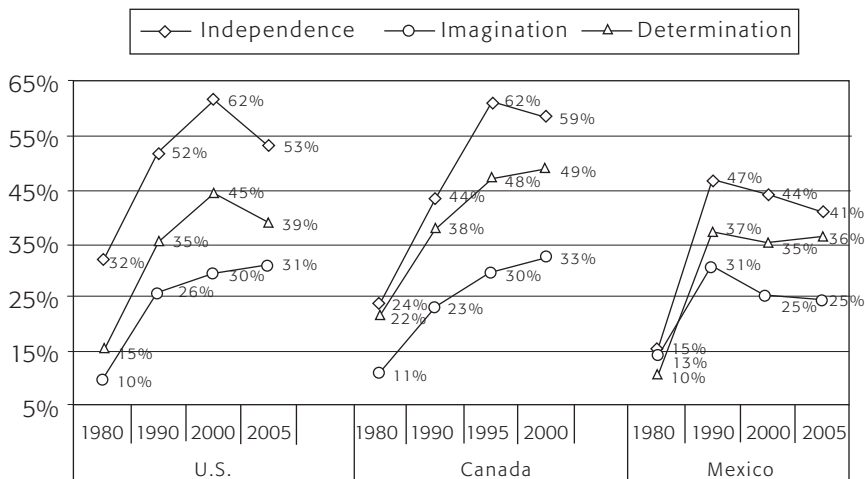
### Children's Qualities

The wvs asked respondents what values people consider important in child rearing. Our respondents were told: "Here's a list of qualities which children can be encouraged to learn at home. Which, if any, do you consider to be especially important? Please, choose up to five."

They were shown a list of 10 qualities, ranging from "obedience" to "unselfishness." Among these 10 items, five are of particular interest. It turns out that people tend to emphasize either the goals of "independence," "imagination," and "determination" or the goals of "obedience" and "religious faith." Those who choose one item in the first group are likely to emphasize the other items in that group as well, but they are not likely to emphasize "obedience" or "religious faith." Values like "independence," "imagination," and "determination" reflect the priority of encouraging a child to think for themselves. Those who choose "obedience" and "religious faith" value conformity to established authority and respect for established social norms.

In all three countries, according to the wvs data, the younger cohorts tend to emphasize autonomy more strongly than do the older groups. Longitudinal research

**Figure 16**  
 CHILDREN'S QUALITIES (%)



carried out in the United States has demonstrated that, between the 1950s and the 1980s, the American public's emphasis on conformity to authority in childrearing gradually declined and there was a corresponding rise in emphasis on "autonomy" (Alwin, 1986). An emphasis on independence, imagination, and determination seems to be linked with postmaterialist values. Because we know that there has been an intergenerational shift from materialist to postmaterialist values, this fact, too, suggests that a related shift may be taking place in childrearing values.

Shifts in the relative emphasis on independence, imagination, and determination took place in all three countries between 1980 and 2000: all three populations moving in the direction predicted by the correlations with age and postmaterialist values. In both the United States and Canada, emphasis on the three "autonomy" values showed a substantial jump during the first decade. But the change that took place in Mexico was even more dramatic. In 1980, the Mexicans were less than half as likely to emphasize autonomy values as were their North American neighbors. By 1990, they had almost caught up to other North Americans. However, the trend seems to have reversed: during the 1990s in Mexico and, after 2000 in the U.S. and Canada. None reverted to the 1980's level but a reversal did occur.

**Table 2**  
CHILDREN'S QUALITIES (PERCENT)

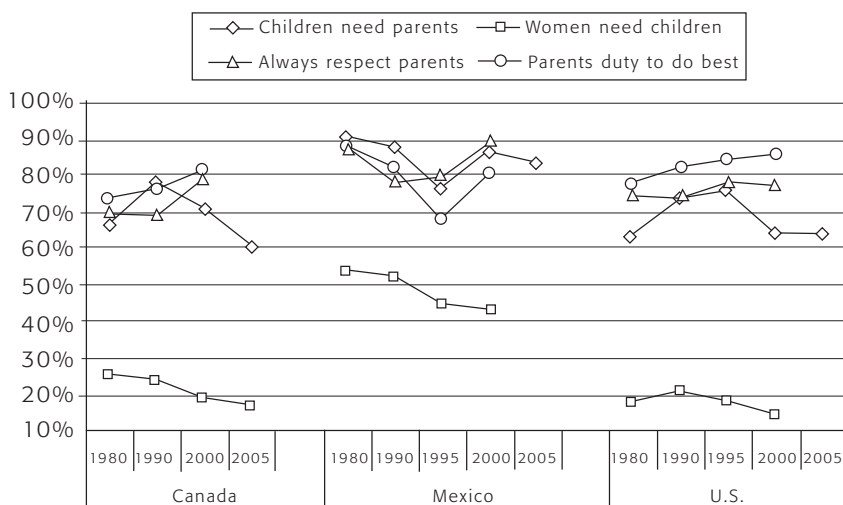
	U.S.			Canada			Mexico					
	1980	1990	2000	2005	1980	1990	2000	2005	1980	1990	2000	2005
Independence	32%	52%	62%	53%	24%	44%	62%	59%	15%	47%	44%	41%
Imagination	10%	26%	30%	31%	11%	23%	30%	33%	13%	31%	25%	25%
Determination	15%	35%	45%	39%	22%	38%	48%	49%	10%	37%	35%	36%
Average	19%	38%	45%	41%	19%	35%	46%	47%	13%	38%	35%	34%
Obedience	28%	38%	32%	29%	21%	28%	31%	33%	44%	45%	59%	58%
Religious faith	38%	55%	53%	51%	23%	31%	33%	32%	35%	40%	52%	39%
Average	33%	47%	43%	40%	22%	29%	32%	32%	40%	43%	55%	49%

## Family Duty

Clear and readily interpretable patterns do not emerge for all dimensions. One apparent and striking exception concerns the ties between parents and children: whether a child needs both a father and a mother, whether a woman needs children in order to be fulfilled, and parents' duties toward their children. In both the United States and Canada, there was an increase, rather than a decrease, in emphasis on family duty from 1980 to 1990. The rise is modest in both countries but it runs counter to the trends that would be predicted by most of the earlier evidence. Only the Mexican public moved in the expected direction, from 1980 to 1990, with a sizeable decline in emphasis on family duties.

The pattern here is complex. In contrast with the consistent pattern found with most age-related variables, the increase, over time, did not move in the same direction as the trend across age groups, at least not in the United States and Canada. The observed anomalies are small. Both the rise in an emphasis on family duty that we find from 1980 to 1990 for the U.S. and Canada and the reversal in the age pattern for those two countries are small enough that either –or both– could be attributable to sampling error. But they are also consistent with the interpretation that for several decades the prevailing trend has been toward declining emphasis on family values. It appears, however, that this trend is now leveling off and may be reversing itself. De-emphasis on the family may have reached a floor: the nuclear family may still have a vital function to fulfill.

**Figure 17**  
 FAMILY DUTIES





**Table 3**  
**FAMILY DUTIES**

	Children need Parents	Women need children	Always respect parents	Parents duty to do best
<b>Canada</b>				
1980	66	26	70	73
1990	78	24	69	76
2000	71	19	79	81
2005	61	17	NA*	NA
<b>Mexico</b>				
1980	91	54	88	88
1990	88	52	78	82
1990	76	45	80	67
2000	86	43	90	80
2005	83	NA	NA	NA
<b>U.S.</b>				
1980	63	18	74	77
1990	74	21	74	82
1990	76	18	78	84
2000	64	15	77	85
2005	64	NA	NA	NA

\* Not available.

From the economic vantage point, the advantages of a large family unit have undoubtedly become less crucial. But there are certain psychological functions which the family unit fulfills and which no other institution seems to be able to fulfill equally well. Whether the reversal of expectations represents a turning point in the decline of family ties is too difficult to determine in the absence of more data. But the possibility stands as an intriguing one.

### **Sexual Permissiveness**

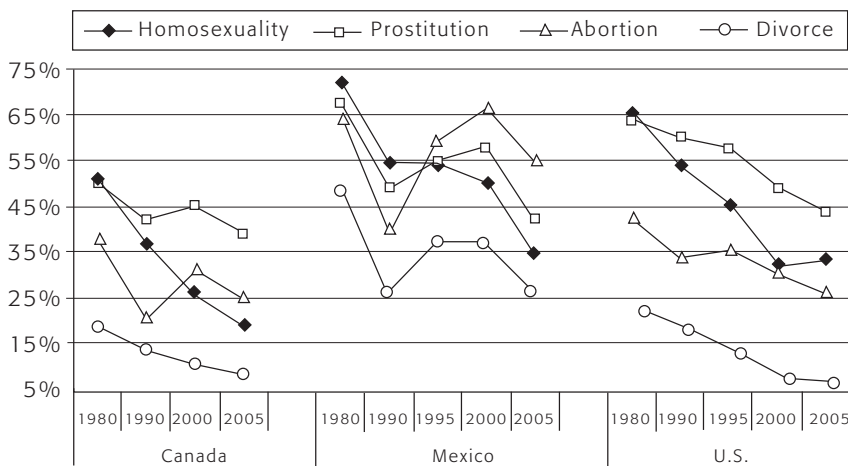
Two main reasons are usually offered to explain the decline of traditional religious social and sexual norms in advanced industrial societies. The first is that an increasing sense of security brings a diminishing need for absolute norms. Individuals under high stress need rigid, predictable rules. They need to be sure of what is

going to happen because their margin for error is slender and the consequences of an unexpected turn of events could be fatal.

The second reason is that societal and religious norms usually have a function. Such basic norms as “Thou shalt not kill” help restrict violence to narrow, predictable channels. Without such norms, a society would tend to tear itself apart. Many religious norms such as “Thou shalt not commit adultery” or “Honor thy father and mother” are linked with maintaining the family unit. As long as divorce threatens its children’s survival, society is apt to view divorce as intolerable. These particular functions, however, have become less crucial than they once were.

As Figure 18 and Table 4 show, disapproval of homosexuality, prostitution, abortion, and divorce have all declined in the three countries during this period. By 1980, Mexico showed the highest disapproval levels, followed by the U.S., while Canada was already quite permissive. By 2005, the majority of all three populations were found to approve these behaviors. The only exception concerns abortion in Mexico. In contrast, throughout the whole 25-year period, attitudes toward divorce have been the most permissive of all, despite the clear objection of the Catholic Church.

**Figure 18**  
 SEXUAL PERMISSIVENESS (PERCENT WHO SAID “NEVER JUSTIFIED”)



**Table 4**  
SEXUAL PERMISSIVENESS  
(percent who said "never justified")

	Canada				Mexico				U.S.					
	1980	1990	2000	2005	1980	1990	1995	2000	2005	1980	1990	1995	2000	2005
Homosexuality	51	37	26	19	72	55	55	50	34	65	54	45	32	33
Prostitution	50	42	46	39	67	49	55	58	42	64	60	58	49	44
Abortion	38	20	31	25	64	39	59	67	55	43	34	36	30	26
Divorce	19	13	11	9	48	26	37	37	26	22	18	12	7	6
Average	39	28	28	23	63	42	51	53	39	49	41	38	29	27

## PART FIVE: PERSONAL VALUES

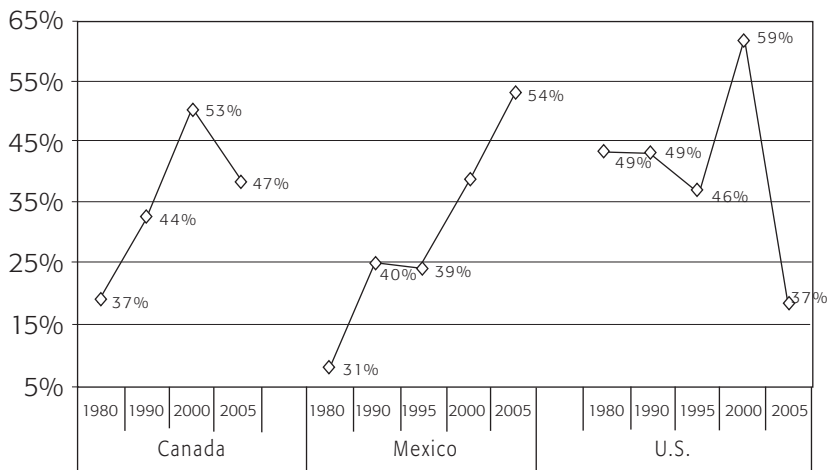
### Meaning and Purpose of Life

Historically, religion provided answers to such questions as: "Where are we going?" "Where do we come from?" or "Why are we here?" In modern times, people increasingly turned to the physical sciences or to ideologies such as Marxism for answers to these questions. Today, the shift toward postmaterialist values brings a growing concern for the meaning and purpose of life.

Postmaterialists are less likely to hold traditional religious beliefs than are those with mixed or materialist values, but they are more likely to emphasize "religious seeking" (Kojetin, 1988). The World Values Survey data confirms this interpretation. In each nation, our respondents were asked: "How often, if at all, do you think about the meaning and purpose of life?" The responses are related to value types in the three North American countries.

Postmaterialists are less likely than materialists to state that they believe in God in virtually every society for which we have data. But they are significantly more likely to state that they spend time thinking about the meaning and purpose of life. This finding holds true despite the fact that older people are more religious than their younger counterparts. It seems likely that this trend reflects a life cycle effect: the old are more apt to spend time thinking about the meaning of life because they are nearing the end of their lives, not because they were born at an earlier point in history. If this is the case, then a life cycle effect may be superimposed on a generational change, suppressing the age relationship. If so, we would expect the spread of postmaterialist values to bring a growing tendency for people to spend time thinking about the meaning and purpose of life. This is precisely what we found, as Figure 19 demonstrates.

**Figure 19**  
 OFTEN THINK ABOUT MEANING OF LIFE



The U.S. did not change between 1980 and 1990, but, in both Canada and Mexico, we found strong increases in the percentage of the public who “often” think about the meaning and purpose of life. The trend reached very high levels in 2000 in all three countries. Mexico moved even higher in 2005, whereas both Canada and the U.S. receded, probably as an impact of the decrease of postmaterialists linked to 9/11 as hypothesized above.

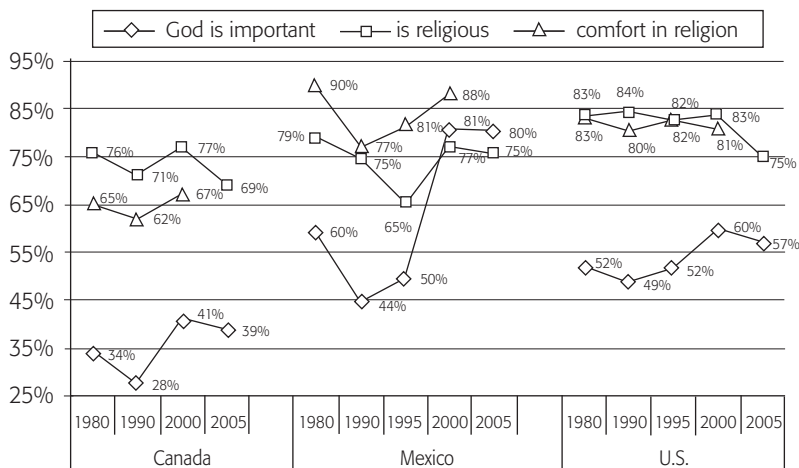
## Religiosity

For most respondents, attitudes toward religion may well be the most central and important component of their worldview. Whether or not one believes in God is a powerful predictor of a wide range of other orientations. Religion has remarkably broad ramifications.

The most sensitive indicators of this dimension are: 1) whether the respondents say that God is important in their lives (rated on a 10-point scale); 2) whether or not they describe themselves as religious; and, 3) whether or not they say they get strength and comfort from religion. These attitudes are strongly correlated with age. In all three countries, the young place far less emphasis on religion than do the older respondents. In the U.S. and Canada, the members of the oldest cohort are about twice as likely as the young to rank high on religiosity. In Mexico, the differences are equally striking.

As Figure 20 illustrates, in all three countries, from 1980 to 1990, religiosity declined but increased again during the next period. The change was slight in the U.S. but sizeable in both Canada and particularly in Mexico.

**Figure 20**  
**RELIGIOSITY**

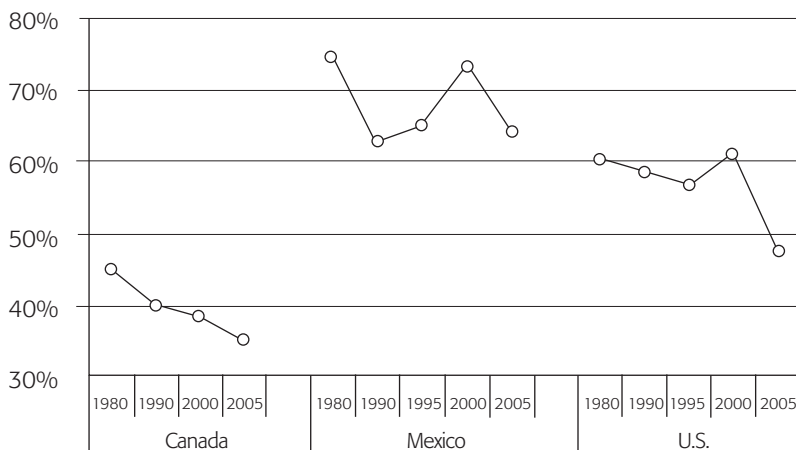


### Church Attendance

To what extent are attitudes and behavior on the same trajectory? Our 1980 surveys show that in all three countries, church attendance rates were substantially lower among the young than among the old. Also, these age differences were paralleled by consistent differences across value types: postmaterialists attend church less frequently than do materialists.

This finding suggests that we cannot count on a given cohort to become more faithful in their church attendance as they grow older: the age differences may reflect different formative experiences which have left the younger generations with a weaker attachment to religion. Our 1980 data predicted declines in church attendance for that decade. As Figure 21 demonstrates, we find confirming evidence in all three countries for the entire 1980–2005 period, with a recovery in Mexico and the U.S. in 2000. The change was very modest in the United States in the first decade and would not be worth mentioning if it did not occur in the broader context of

**Figure 21**  
 CHURCH ATTENDANCE



confirming indications that were found there. In both Canada and the U.S., on the other hand, we find relatively large declines in church attendance since 1990.

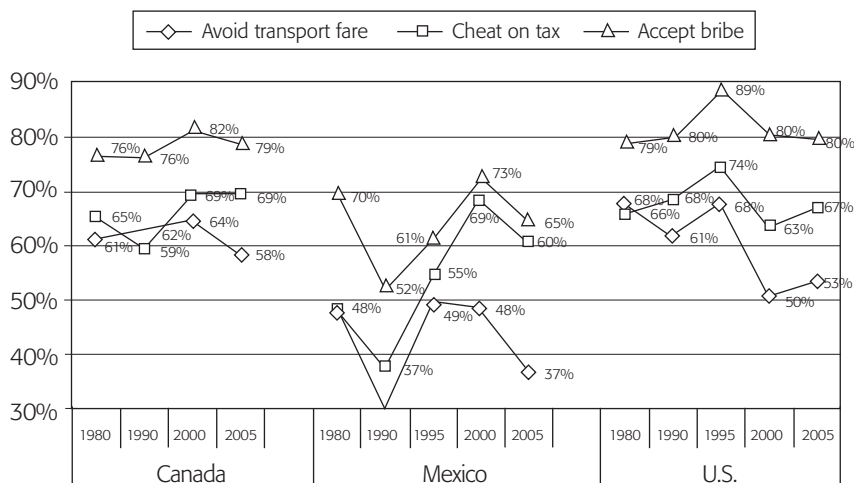
### Civil Permissiveness

The pattern of changes in levels of civil permissiveness is more ambiguous. It is measured by asking respondents about avoiding paying public transportation fares, cheating on taxes, and accepting bribes in the course of their duties. In the United States and Canada, there is a shift toward greater civil permissiveness from 1980 to 1990. In Mexico, on the other hand, the change is large but it cannot be attributed to intergenerational population replacement; most of it seems to reflect nation-specific period effects.

During the late 1980s, there was a sharp decline in trust in government and a sharp rise of mass politicization in Mexico, apparently coupled with rising opposition to the PRI's continued dominance of Mexican politics. In 1995, both the U.S. and Mexico experienced decreased tolerance for civil permissiveness, the former, slightly, and the latter, dramatically. In 2000, Canada and Mexico moved towards less civil permissiveness, whereas it increased in the U.S. In 2005, the opposite is found: Canada and Mexico became more permissive and the U.S., slightly less.

These findings indicate that the shift observed above toward sexual permissiveness is not a shift toward permissiveness in general. We are not dealing with a nihilistic trend toward the feeling that "anything goes," including theft and bribes.

**Figure 22**  
CIVIL PERMISSIVENESS (PERCENT WHO SAID “NEVER JUSTIFIED”)



Instead, the trend toward greater sexual permissiveness reflects increasing acceptance of certain specific forms of individual self-expression. They point toward decriminalization of what are sometimes referred to as “victimless crimes.” Recent changes in Mexico seem very distinctive, but both the U.S. and Canada remain non-permissive when it concerns this cluster of attitudes.

The young are more permissive than the old in all three countries, as was true with attitudes toward sexual behavior. Furthermore, the postmaterialists tend to tolerate slightly higher levels of civil permissiveness than do materialists. Here, the pattern is much less clear cut than it was with sexual permissiveness.

Canadian postmaterialists rate slightly higher on tolerance of civil permissiveness than do the materialists in that country, but the difference is much smaller than the one linked with sexual permissiveness. In Mexico, the postmaterialists were actually less permissive than the materialists in 1980, but they caught up with the general trend in the region during the latter waves. Data on values are not available for the U.S. in 1980, but, after 1990, data indicate that U.S. postmaterialists and materialists are nearly equally divided.

### Summary Comparison

What does the addition of new data tell us? First, the analytical framework we used for the analysis back in 1990 (namely, the materialists–postmaterialist framework)

**Table 5**  
**TRAJECTORY SUMMARY (NET SUM OF DISTANCES IN VALUES, 1990-2005)**

	Canada			U.S.			Mexico			1990 Distances			2005 Distances				
	1980	1990	2005	1980	1990	2005	1980	1990	2005	US-Ca	US-Mx	Ca-Mx	Average	US-Ca	US-Mx	Ca-Mx	Average
1 Belonging to town	44%	34%	41%	57	45%	41%	59%	42%	40%	11%	3%	-8%	22%	0%	0%	1%	1%
2 Trust in Americans*	55%	63%	63%					20%	36%					0%	-8%	-16%	-24%
3 Proud of nationality	62%	60%	69%	76%	75%	66%	65%	56%	83%	15%	19%	4%	38%	-3%	-17%	-14	33%
4 Doing away with borders	24%	22%	22%	46%	42%	42%	42%	25%	51%	22%	21%		43%	20%	-9%		29%
5 Forming one country	50%	41%	41%	81%	77%	77%	77%	64%	53%	31%	17%		48%	36%	24%		60%
6 Business managed by owner	58%	53%	52%	59%	57%	59%	28%	47%	45%	3%	10%	7%	20%	7%	15%	7%	29%
7 Following instructions	55%	52%	44%	67%	62%	65%	33%	39%	44%	10%	23%	14%	46%	21%	20%	0%	42%
8 Confidence in govt. inst.	29%	23%	21%	46%	46%	26%	47%	46%	39%	23%	0%	-23%	46%	5%	-13%	-18%	35%
9 Confidence in non-govt. inst.	7%	20%	13%	12%	16%	16%	4%	8%	9%	-5%	8%	12%	24%	3%	7%	5%	15%
10 Conventional participation	10%	19%	12%	11%	14%	16%	9%	16%	15%	-5%	-2%	3%	10%	4%	1%	3%	8%
11 Unconventional participation	15%	23%	22%	15%	18%	21%	1%	7%	3%	-5%	11%	16%	33%	0%	18%	19%	37%
12 Respect for authority	76%	64%	69%	85%	77%	71%	67%	65%	75%	13%	12%	-1%	26%	3%	-4%	-7%	14%
13 Children's qualities: traditional	22%	29%	32%	33%	47%	40%	40%	43%	49%	17%	4%	-13%	35%	7%	-9%	-16%	33%
14 Family duty	59%	62%	60%	58%	63%	60%	80%	75%	74%	1%	-12%	-13%	26%	1%	-14%	-15%	29%
15 Sexual permissiveness	39%	28%	23%	49%	41%	27%	63%	42%	39%	13%	-1%	-14%	28%	4%	-12%	-16%	33%
16 Meaning of life	37%	44%	47%	49%	49%	37%	31%	40%	54%	6%	9%	4%	18%	-10%	-17%	-8%	35%
17 Religiosity	58%	54%	58%	73%	71%	71%	76%	65%	81%	17%	6%	-12%	35%	12%	-23%	-46%	46%
18 Church attendance	41%	27%	25%	43%	44%	37%	54%	43%	46%	17%	1%	-17%	35%	12%	-10%	-21%	42%
19 Civil permissiveness	68%	66%	69%	71%	70%	66%	55%	40%	54%	4%	30%	26%	60%	-2%	13%	15%	30%
													Average distance				Average distance
													5.9				5.3

\* The negative average value (-24%) points to a reduction of the "trust" distance in the 1990-2005 period. The percentages within boxes correspond to the 2000 wvs wave.



remains useful as does the new application of the Inglehart's values map. Second, the increase of trade, investments, border crossings, communication, tourism, and labor reinforce mutual trust. Third, the key values reviewed on economic and political matters seem to be moving in a much more synchronized way. Our interpretation is that Mexico used to lag far behind its continental neighbors in economic and political practices and institutions but is catching up rapidly and entering into the normal path of modern democratic and economic life.

Fourth, when we come to a more internal and personal realm as family and personal values are, it is impressive how the three countries' values also move up and down very similarly. We interpret this finding as some sort of "fine tuning" that is operating at the individual level throughout a variety of mechanisms produced by the enormous amount of interaction in the region, which also reinforce proximity. Finally, Adams and Huntington's challenges do not seem to stand. As Table 5 shows, the shift trend between the three countries from 1990 to 2005 converges in 25 out of 54 values (46 percent); diverges in 20 (37 percent); and is parallel in 9 (17 percent). It is a weak convergence, but it is not a divergence. Particularly, findings between Canada and the U.S. show converging trends in 13 out of 19 value shifts (68 percent) with 4 divergences and 2 parallel results. On the other hand, Canada and Mexico converge in 5 trends, diverge in 7, and are parallel in 4, whereas the U.S. and Mexico converge in 7, diverge in 9, and are parallel in 3.

The average distance shown at the bottom row of Table 5 confirms the weak convergence. While the 1990 distances between the countries averaged 5.9 (590 percent), by 2005, it is slightly reduced to 5.3 (530 percent). The trajectory is weak but maintains the trend that was observed in 1990.

## CONCLUSIONS

Adams's claim of divergence may reflect a selection of values. But that is not the overall picture, as the wvs data shows. Huntington's image that the deepening of NAFTA will lead to massive Hispanic immigration into the United States and, ultimately, that the English-speaking culture and, perhaps, even the democratic political institutions of the United States will be swept away by a Hispanic flood seems unrealistic. Comparisons between the values of two or three countries inevitably draw attention to differences. Placing value change in a broader perspective, as we show in the World Values map (Figure 2), provides a useful corrective. Those data clearly show that the value shift on these basic dimensions in the U.S., Canada, and Mexico are moving along the same trajectories. In the long run, a deepening of the

NAFTA relationship would almost certainly result in less Mexican immigration to the U.S., as was the case for Spain after joining the European Union (Royo, 2003: 305-309).

The experience of the European Community seems instructive for North America. A half-century has passed since the Treaty of Rome established the European Common Market. At that time, it was still taken for granted that the Germans and French were hereditary enemies who naturally hated each other and were doomed to fight a major war every few decades. After more than five decades of working together, these feelings of antagonism have gradually disappeared. Today, opinion surveys indicate that the French public views the Germans as their closest ally and most trusted partners; German attitudes toward France are almost equally positive (Pew Global Attitudes Project, 2007). This is an immensely important change in the political landscape of Europe, though one which has largely escaped attention because it has taken place so gradually.

As we have seen, one of the major sources of opposition to the economic integration of North America is grounded in the fear that integration would erode the distinctive cultures of neighboring countries. This fear is not wholly unfounded: there is evidence that, in many respects, the basic values of Canadians, Mexicans, and Americans have been gradually converging. But these changes were taking place even before the free trade agreements and would probably continue in any event. One should not underestimate the degree to which different peoples can live under common economic and political institutions and still retain a high degree of cultural diversity. Some convergence will almost inevitably take place between the three countries regardless of whether formal integration takes place. The fear that all three publics will become one dull, homogeneous mass, however, seems unrealistic.

As other analysts in each of these three countries have repeatedly shown, variations in regional cultures within each of these countries have remained remarkably robust and resistant to homogenization. Francophone Québécois, for example, have retained vibrant and distinctive cultural outlooks after more than a century of co-existence with their Anglophone counterparts. Furthermore, they have managed to maintain this cultural co-existence within the same broad institutional structures (Gagnon and Iacovino, 2006: 114-121).

Whether one is afraid of change or is eager for it, all three North American countries are inevitably experiencing that change. Technological and economic developments will continue to reshape these societies. The question is not whether one accepts change or excludes it; the question is how societies adapt to it. On the whole, strengthening a North American free trade area and deepening ties seems likely to give the peoples of these countries more control over their destiny and more resources to help cope with change than they would have otherwise.

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# Trust in North America: Why Do Mexicans Distrust Their Continental Neighbors?

ALEJANDRO MORENO\*

## ABSTRACT

This article analyzes individual-level factors that help explain why some Mexicans trust Americans and why many more distrust them. The author develops a statistical model based on survey data that explains the determinants of Mexicans' trust in the United States government and citizens and compare it to trust in Canadians, Mexicans living in the United States, and other Latin American national groups. The aim is to identify structural and attitudinal traits and orientations among Mexicans to help us understand their views of their North American neighbors. The results show that Mexicans' trust in Americans is distinctive and particular and has a different rationale than that of trust in other countries and nationalities. Sharing some values and ideological orientations fosters trust, whereas sticking to certain types of nationalist sentiment –not all types– undermines it. A strong and distinctive predictor of Mexicans' trust in the United States is social interconnectedness, a bridge built by immigration.

**Key words:** Mexican public opinion, trust in the United States, ideology, nationalism, social interconnectedness

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## INTRODUCTION

Public opinion studies generally show that Mexicans are ambivalent toward Americans. On the one hand, historical experiences and cultural differences have left a permanent mark on Mexico's collective consciousness, commonly activating a sense of rejection and distrust. On the other hand, most Mexicans believe that closer ties to the United States benefits them, providing evidence that their attitudes and opinions toward Americans are as driven by self-interest as by national pride and historical resentment, if not more. A growing interconnection, enhanced by the creation of the North American Free Trade Agreement (NAFTA) and by impressive migration patterns during the last decade and a half, has strengthened both commercial and societal ties between the two countries, and this has made Mexican views of the United States more favorable. A single indicator of this is increased trust by Mexicans of their American neighbors. According to World Values Survey (wvs) data gathered in Mexico, the proportion of Mexican adults who expressed trust in Americans increased from 20 percent to 36 percent between 1990 and 2005. This is a substantial change, yet the level of trust remains comparatively low. In comparison, 55 percent of Canadians interviewed in the 1990 wvs said they trusted Americans, and by 2005 that proportion had increased to 63 percent.

Despite the significant increase of trust over the last 15 years, Mexicans remain rather distrustful of the United States. What drives this? Is it an almost immutable cultural predisposition passed from generation to generation? Is it a set of ideological orientations that reject, by default, any American ideas, expressions, and interests? Or is it an ironclad nationalist sentiment that simply is not open to the idea of community and of others? I address these and other similar questions in this article. As way to look for some answers, I developed a survey-based statistical model of Mexicans' trust in Americans and other national groups. The results confirm that ideology and nationalism matter when it comes to trust or distrust but so, too, does social interconnectedness, and in very favorable ways.

As a component of public opinion, trust in other nationalities is particularly relevant to foreign policy. Former Mexican Ambassador to the United States Jesús Reyes Heróles noted, for example, that "Perceptions about other countries are important because they create the space where working together becomes possible" (Reyes Heróles, 2005: 45). Some studies have demonstrated that "citizens use generalized beliefs about how much their nation can trust other nations to form judgments about world affairs" (Brewer et al., 2004: 93), setting the foundation for mass support for international cooperation. Smith and Wertman found, for example, that most Western Europeans viewed Americans as "trustworthy" in 1990, just as the post-



Cold-War era began, leading those authors to conclude that “[a]s European policy-makers begin the process of redefining U.S.-West European relations they are not constrained by anti-American public sentiment” (Smith and Wertman, 1992: 194). Public opinion is a factor for international cooperation.

The American-led war on terrorism triggered by 9/11 has modified public opinion about the United States, not only in Western Europe but in other regions of the world as well. A poll conducted early in 2007 for the BBC World Service in 25 countries showed a deterioration of the United States’ image in the world: about 29 percent of respondents had a “mainly positive” view of the United States, 11 percentage points less than a similar study conducted in 2005; in contrast, “mainly negative” views increased from 46 percent to 52 percent in the same period. The poll was done by Globescan and the Program on International Policy Attitudes (PIPA) from November 2006 to January 2007 and included more than 26,000 interviews, about 1000 in each country. Trust in, and opinions about, the United States may correspond directly to changes in American foreign policy. Evidence from West European surveys carried out from the 1950s to the early 1980s shows that there are, in fact, important shifts in the level of favorable opinions about the United States, depending on the period and policy direction (Russett and Deluca, 1983).

If this can be translated to the North American context, changing patterns of Mexican trust in the United States may limit or expand the opportunities for bilateral cooperation in current issues like immigration, drug-trafficking, or NAFTA-related trade disputes. Moreover, understanding the current sources of trust and distrust in the region may also assist the political mobilization of support for specific policies.

In this article I analyze individual-level factors that help explain why some Mexicans trust Americans and why many more distrust them. The statistical model I developed helps explain Mexican trust and distrust in the United States government and in American citizens, separately, as well as in Canadian citizens and Mexicans living in the United States, as a way to cover the North American region as extensively as possible. My aim is to identify structural and attitudinal traits and orientations among Mexicans that serve as bases for more general favorable and unfavorable views toward their North American neighbors. Rather than relying on cultural and historical explanations, I develop an argument based on public opinion theories and concepts. I borrow from theoretical approaches that view opinions as a combination of information and predisposition influenced by elite cues (Zaller, 1992) and as a result of how principles, group references, and self-interest respond to “frames” or “interpretative structures embedded in the political discourse” (Kinder and Sanders, 1996: 164). If I am able to link certain individual predispositions and orientations of theoretical relevance to trust and distrust, I may have taken one of at least two

important steps in discovering whether trust responds to political communication. The other step, which is beyond the scope of this paper, is to describe the patterns of pro-American and anti-American discourse in Mexican politics and society during the last couple of decades.

The idea that changes in public opinion reflect, among other things, changes in elite discourse is a generally accepted premise but proposing that social trust changes as a response to specific processes of mass communication may stand on less solid ground. Trust is generally seen as a cultural trait (Fukuyama, 1995; Inglehart, 1997; Putnam, 2000) and, even if not immutable, it is expected to change gradually. Trust may be closer to being an enduring attitude than a spontaneously formed opinion.

World Values Survey data show that the already low levels of interpersonal or social trust in Mexico decreased significantly during the last decade and a half. A standard measure of social trust included in the wvs questionnaire and in other comparative studies (see Uslaner, 2002; Brewer et al., 2004) is the percent of respondents who say that "most people can be trusted." The Mexican wvs surveys show that the proportion of social trust decreased from 33 percent in 1990 to 16 percent in 2005. The 1996 and 2000 samples showed proportions of interpersonal trust of 26 percent and 21 percent, respectively. Interpersonal trust in Mexico dropped by half in only fifteen years.

The decline of social trust in Mexico might suggest that Mexicans' distrust in Americans is simply a reflection of a growing level distrust in everyone else. According to Brewer et al., "citizens may derive their general beliefs about whether to trust other nations from even more general forms of social trust" (2004: 96). However, that does not seem to be the case. The decrease of social trust in Mexico contrasts with an increase of Mexican trust in Americans, as stated earlier. In addition, the United States does not have the same weight in Mexicans' belief systems and cannot be placed into a general package of trust or distrust in everybody. There are occasional and, sometimes, absurd manifestations of rejection toward Americans (such as the embarrassing boing of the American representative in a Miss Universe pageant held in Mexico City in May 2007) as well as strong beliefs that Mexico should be closer to the United States than to any other country. A national poll by the daily newspaper *Reforma* of 1,515 adults in May 2007 showed, for example, that 65 percent of respondents said that Mexico should have "much closer" or "somewhat closer" relations with the United States, while 28 percent said that Mexico should be "much more" or "somewhat more" distant from it.

Judging from the polling data that Jorge Castañeda, in his collaborative work with Robert Pastor (1989) quoted, Mexicans today are much more favorable to the United States than they were two decades ago: according to that poll, 6 out of 10

Mexicans interviewed in 1986 thought of the United States as “dislikable and bothersome,” and “enemies” (Castañeda and Pastor, 1989: 60-61). No anti-Americanism of that magnitude is observed in national polls today. Half the respondents to a 2006 Comexi-CIDE poll about Mexicans’ views on foreign policy considered that having the U.S. as neighbors brings more advantages than problems (as opposed to 39 percent who think the opposite), and expressed more favorable opinions about the U.S. and Canada than about other countries (González and Minushkin, 2006: 17).

Finding particular characteristics of Mexican public opinion about the United States different from people’s opinions about Americans in other countries is a great challenge. The United States generates mixed feelings in a variety of countries, whether allies or foes, and it seems that anti-Americanism has endured, if not deepened, in the recent age of globalization. In a paper published in 1992, Smith and Wertman stated that “[t]he United States is the most powerful country in the world and now its only superpower; American policies, culture, and economy affect every part of the world. American popular culture, including its films, television programs, songs, styles, and fads, influence lifestyles throughout the world. Because of this pervasive, multi-faceted role on the world stage, most foreigners have an interest in and attitudes about the United States (whether these attitudes are well-informed or not)” (Smith and Wertman, 1992: 188). The war against terrorism has most likely expanded the scope and meaningfulness of opinions about the U.S. throughout the world. Pro- and anti-American feelings are a central aspect of today’s world affairs, not only expressed as support or rejection of American foreign policy (in particular war policy), but also as “an unfocused and largely irrational, often visceral aversion toward the United States,” as Paul Hollander (1992) succinctly put it (quoted in Smith and Wertman, 1992: 189).

In previous research, I have explored the ambivalence of Mexicans’ attitudes toward Americans (Moreno, 2002a), as well as the specific weight of self-interest (Moreno, 2002b), values (Moreno, 2005), ideology, and a set of contradicting predispositions (Moreno, 2006) in Mexican’s opinions about the United States and NAFTA. In this article I develop a more comprehensive model of Mexicans’ trust and distrust in the North American “community,” including the U.S. government, American citizens, Mexicans living in the United States, and Canadians. It is a comprehensive model not just because it focuses on more national groups and the U.S. government, but because it includes multiple explanatory variables that tap four general areas of theoretical relevance: structural variables, ideological orientations, nationalist sentiments, and exposure to information. Each one of these general areas involves specific indicators that reflect diverse hypotheses about how Mexicans view their northern neighbors. I also test the model by analyzing Mexicans’ trust and distrust

in Argentines, Brazilians, Colombians, and Cubans, as a way to see whether Mexicans' trust in people from North America has its own particularities or whether it is a reflection of general trust in other nationalities. I do, in fact, find some particularities that will be discussed in the rest of the paper, but before getting to them, I will briefly describe the data I used for the analysis.

## DATA OVERVIEW

The primary evidence for the analysis in this article is a survey conducted in both Mexico and the United States (including an oversample of Mexican-Americans) in 2003. This study followed the structure of the World Values Survey questionnaire, and included additional items tapping specific cultural differences between Mexicans, Americans, and Mexican-Americans. I used only the Mexican data, derived from a national representative sample of 2380 face-to-face interviews. In particular, this survey asked the level of trust that Mexicans have in people of other nationalities, including those of North America. The survey was sponsored by Banamex and is fully described in a report about the values and beliefs of Mexicans in both countries (see Moreno, 2005).

In addition to this survey, I also show trends and indicators of Mexican public opinion derived from national face-to-face quarterly polls sponsored and conducted by the newspaper *Reforma* between 2003 and 2007. Unless otherwise indicated, *Reforma* national polls are based on 1500 interviews with Mexican adults. The *Reforma* national quarterly polls offer an almost unique time series of Mexican opinions about the United States and the U.S. government, some of which are shown here.

Finally, as already noted, I continuously refer to the World Values Survey in this article, especially to the four sets of Mexican samples collected between 1990 and 2005. Those samples average slightly over 1500 face-to-face interviews each, available at the WVS web page ([www.worldvaluessurvey.org](http://www.worldvaluessurvey.org)), in addition to other printed forms of reference (see Inglehart et al., 1998; Inglehart et al., 2004; and Halman et al., forthcoming).

## MEXICANS' TRUST IN NORTH AMERICA

As mentioned earlier, World Values Survey data show an increase of Mexicans' trust in Americans during the last 15 years. Nonetheless, the level of trust remains comparatively low. The 2003 Banamex survey of values confirms this. About 25

percent of Mexicans said they trust American citizens “a great deal” or “quite a lot,” whereas 75 percent said they don’t trust them very much or at all. Proportions in reference to the U.S. government are quite similar: 23 percent expressed trust, and 77 percent distrust. The level of trust in Canadians is slightly lower: 20 percent of Mexicans said they trust Canadians, and 80 percent said they do not. Familiarity with Canada is, of course, lower in Mexico than familiarity with the United States. These data are displayed in Table 1.

**Table 1**  
MEXICANS’ TRUST IN NORTH AMERICANS AND LATIN AMERICANS IN 2003

	<b>A great deal</b> %	<b>Quite a lot</b> %	<b>Not very much</b> %	<b>None at all</b> %
U.S. Government	4	19	34	43
U.S. Citizens	5	20	33	42
Mexicans living in the U.S.	17	34	24	22
Canadians	4	16	32	48
Argentineans	2	13	30	55
Brazilians	2	14	31	53
Colombians	2	12	31	55
Cubans	3	13	31	53

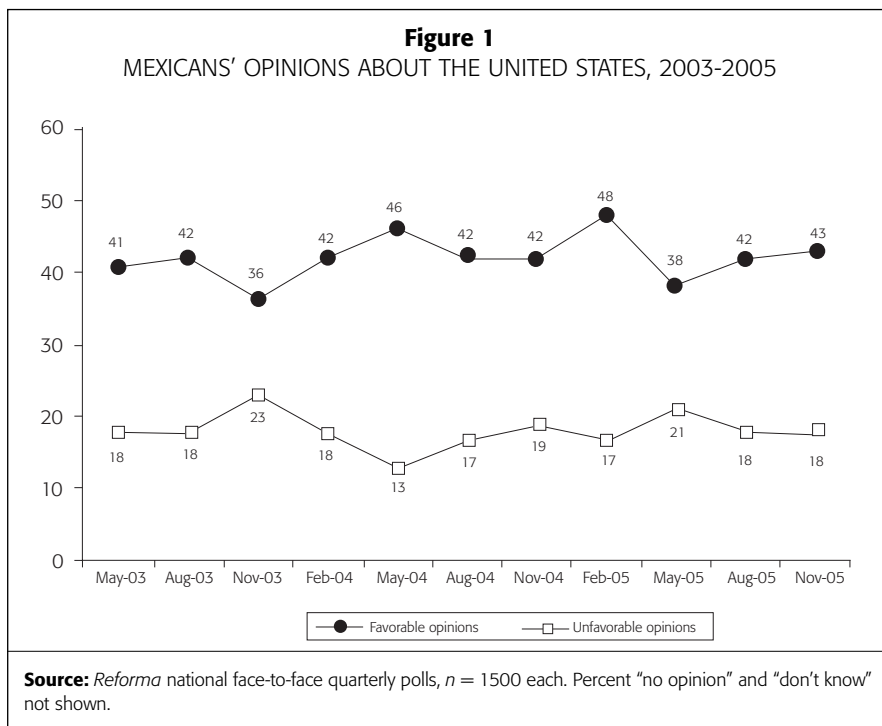
**Source:** Banamex Survey of Values in Mexico and the U.S., 2003; n = 2 380 in the Mexican sample.

The survey also shows that most Mexicans trust their compatriots who live in the United States. About 51 percent of respondents said that they trust Mexicans living in that country and 49 percent said they do not. This is, by far, the highest level of trust Mexicans expressed in the survey in reference to specific national groups. That finding contrasts with the low level of interpersonal trust recorded by the same survey (16 percent), which leads us to question whether the standard measure of social trust and the measure of trust in other nationalities actually tap the same underlying dimension or a different one. For example, the level of trust in Mexicans living in the United States cannot be a reflection of Mexican’ general social trust, which is rather low. One explanation is that, although Mexicans are generally distrustful of people, they posit a great deal of trust in their family members, and this includes those who live in the United States. National polls conducted by *Reforma* during the last few years indicate that slightly over 50 percent of respondents

say that they have a relative living in the United States, and in the 2003 Banamex survey of values, 47 percent said the same.

As a way to compare Mexicans' trust in national groups from North America, Table 1 also shows Mexicans' levels of trust in other national groups from Latin America. The first noteworthy fact in these data is that Mexicans tend to distrust other Latin American nationalities more than they distrust their North American neighbors. About 85 percent of respondents said they distrust Argentineans, and a similar proportion said the same about Brazilians, Colombians, and Cubans. The level of trust in those nationalities averages 15 percent, 10 percentage points lower than trust in Americans recorded in the same survey. Thus, a second noteworthy fact is that the levels of trust (or distrust) expressed in these national groups from Latin America varies little.

The survey shows that Mexicans expressed similar levels of trust and distrust in Americans and in the United States government and this similarity might suggest that Mexicans do not clearly differentiate among them. However, that is not the case. Mexicans actually make a clear differentiation between Americans and their government and this can be demonstrated by looking at opinion trends about both. As shown in Figure 1, Mexicans had relatively stable views about the United States

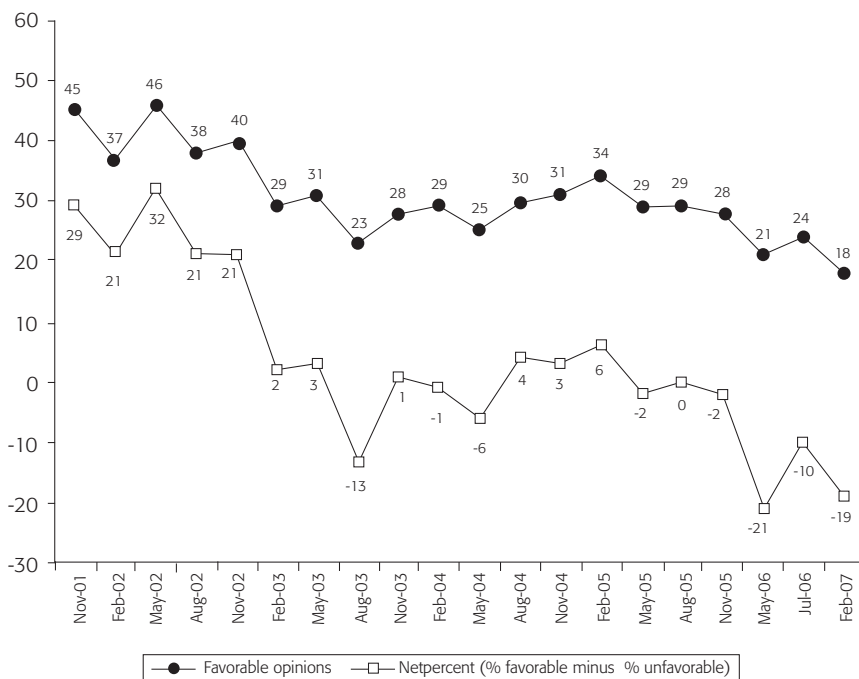


from 2003 to 2005. During that period, an average of 42 percent of Mexicans expressed a favorable opinion about the United States with a low point of 36 percent in November 2003, and a high point of 48 percent in February 2005. This figure also shows that, during those years, favorable opinions about the United States exceeded, by at least a 2 to 1 ratio, the proportion of unfavorable opinions, and this is not particular to those specific years. Earlier polls conducted by the *The New York Times* in 1986 and by *Los Angeles Times* in 1989, 1991, and 1996 (the latter in collaboration with *Reforma*) recorded very similar proportions of favorable and unfavorable opinions in Mexico about the United States (see Moreno, 2006). We can safely conclude that Mexicans have had a predominantly favorable opinion about the United States during the last two decades and that anti-American sentiment has been a minority view. Likewise, survey data gathered in the United States in 2003 and reported in an article by Jesús Reyes Heróles show very similar proportions of favorable and unfavorable opinions about Mexicans: 45 percent of Americans expressed favorable opinions about their southern neighbors, whereas 24 percent expressed unfavorable opinions. (Reyes Heróles, 2005: 47).

Things are different if we consider the U.S. government or, more specifically, the U.S. president, as a reference for Mexican public opinion. Figure 2 shows Mexicans' opinions about President George W. Bush from late 2001 to early 2007. The trend shows that Bush's image among Mexicans deteriorated significantly during that period. After enjoying over 40 percent of favorable opinions in some of the first few measurements, Bush's favorability rating in Mexico went down to less than 20 percent in some of the last polls. Evidence of the deterioration of Bush's image started in 2003, when the proportion of unfavorable opinions actually surpassed that of favorable ones by 13 percentage points—remember that opinions about the United States remained stable. At that time, Mexico had voted against the war in Iraq in the UN Security Council, which means that the Mexican political discourse justifying that decision was not favorable to the U.S. president. In November 2003, Mexico's ambassador to the UN, the late Adolfo Aguilar Zinser, publicly stated that the U.S. viewed Mexico as a "backyard," an accusation that had some resonance in the Mexican media.

In 2006 and 2007, unfavorable opinions about the American president were about 20 percentage points higher than favorable views. The deterioration of Bush's image in those latter years appears to be linked to the border fence issue. In January 2006, President Bush announced his intentions to build a fence along the U.S.–Mexico border to counter illegal immigration. Mexican public opinion reacted harshly towards the American president for that. The percent of negative opinions about President Bush in 2006 and 2007 are the highest that an American President has had

**Figure 2**  
MEXICANS' OPINIONS ABOUT U.S. PRESIDENT GEORGE W. BUSH, 2001-2007



**Source:** *Reforma* national face-to-face quarterly polls,  $n = 1500$  each. Percent “no opinion” and “don’t know” not shown.

in Mexico since Ronald Reagan in 1986 (see Moreno, 2006). Whatever the domestic reasons President Bush had to raise the fence issue, he certainly cultivated a growing opposition south of the border.

### A STATISTICAL MODEL OF MEXICANS' TRUST IN NORTH AMERICA

In this section I develop a statistical model that includes several individual-level determinants of why Mexicans trust or distrust other national groups. The model is based on the Banamex survey of values conducted in 2003. Trust in each one of the national groups shown in Table 1 is used as a dependent variable. Because the scale of trust used in those variables is ordinal (“a great deal,” “quite a lot,” “not very much,” and “not at all”), I employed ordered probit estimates. The inclusion of in-



dependent variables in the model responds to theoretical expectations based mostly on why Mexicans trust or distrust the United States. Thus, it is an American-centric model. Rather than being a serious limitation, this is a way to assess how certain factors that explain trust in Americans may not matter when it comes to explaining trust in other national groups.

The independent variables in the model have been grouped in four general conceptual areas: structural variables, ideological orientations, nationalist sentiments, and information variables. Structural variables represent socioeconomic and demographic characteristics of Mexicans, such as age, education, urban-rural residence, and region, as well as two measures of interconnection with the United States: whether the respondent has close relatives living there (47 percent), and whether he or she receives money from them (14 percent). The model also includes a variable of household financial satisfaction. Theoretical expectations about variables referring to having relatives in the U.S. and receiving money from them are straightforward: a higher degree of interconnection should positively relate to trust. Hypotheses corresponding to the rest of the structural variables follow a general argument based on a modernization approach: trust in strangers should be higher among the more modern segments of society. Thus, more educated, urban Mexicans living in industrial regions should express higher levels of trust not only in Americans but also in other national groups. The model originally included the respondents' gender but the variable was dropped after showing no statistical significance and lacking a theoretical expectation with regard to views towards Americans and other national groups.

Ideological orientations are expected to be strongly linked to views about the United States. Under this classification, I have included a number of measures that tap general ideological predispositions, as well as some more specific ones: views on foreign investment, world trade and globalization, economic individualism, left-right self-placement, subjective belonging to the middle class, and a measure of regional cultural identity. Let me briefly describe each of these variables and state a corresponding theoretical expectation justifying their inclusion in the model.

Views on foreign investment, world trade, and economic individualism tap a relatively similar economic dimension and are measured in a way that favorable views on trade, investment, and economic freedom are clearly differentiated from unfavorable views on those issues, which are common American worldviews. Sharing those views means sharing core beliefs of American political culture, such as economic individualism, a central component of the so-called "American ethos" (McClosky and Zaller, 1984). Hence, the hypothesis tied to these variables is that individuals who share these common American views should express more trust in

the United States. Likewise, Mexicans who reject these economic views and preferences should be more likely to distrust the way U.S. foreign investment was measured using a 10-point scale of how important the respondent considers foreign investment to be for the country, from “very important” to “not important at all.” A collapsed version of the scale shows that 10 percent placed themselves in categories 1 to 4, 17 percent in categories 5 and 6, and 73 percent in categories 7 to 10. I grouped these categories for illustration purposes, but the variable was included in the model using its original scale.

Views on world trade rely on a question about whether the respondent feels that globalization is good or bad. This question had a preceding framing that helps us understand responses in more than just a moral dimension of good versus bad:

I'd like to ask you about world trade and globalization: people who favor world trade think that it's good because it fosters economic growth, jobs, more competitive companies, technological development, and prosperity. People who oppose world trade think that it brings unfairly balanced economic growth, it creates more dependence of poor countries on the rich, and it deepens social inequalities, environmental problems, and loss of national sovereignty. Do you personally think that world trade is good or bad?

Responses to this question were distributed as follows: 78 percent thought it was good, 14 percent thought it was bad, and the rest had no opinion. So far, the data show that most Mexicans are favorable to foreign investment and world trade, and a minority opposes them.

Economic individualism is a composite index based on two sets of questions replicated from the World Values Survey questionnaire: “Incomes should be made more equal” versus “We need larger income differences as incentives for individual effort” and “The government should take more responsibility to ensure that everyone is provided for” versus “People should take more responsibility to provide for themselves.” Both variables used a 10-point scale for responses. The economic-individualism resulting variable combines them into a newer 19-point scale (reliability analysis resulted in a Chronbach's alfa of 0.53). Those who scored on categories 1 to 9 (income equality and state responsibility) represent 34 percent, whereas those who scored on categories 11 to 19 (individual incentives and individual responsibility) represent 52 percent. This indicator summarizes a state-versus-market value dimension.

A standard 10-point left-right self-placement scale was also added into the model. Previous works have shown that leftist Mexicans tend to be less pro-American than rightist ones (Moreno, 2006), in accordance with a general theoretical ex-

pectation about this relationship. The left is usually more critical of the United States than the right. Nineteen percent of respondents placed themselves in categories 1 to 4 (left), whereas those on the right (categories 7 to 10) add up to 44 percent. The two center categories concentrated 28 percent of respondents. Along with left-right identities, I also included a measurement of subjective social class. This is a dichotomous variable that represents respondents who consider themselves middle and upper-middle class (18 percent). My theoretical expectation is based on the idea that middle-class Mexicans are the primary consumers of American culture and lifestyles through the mass media and the ones who adopt more American values at home and the workplace. However, increasing patterns of migration from both the cities and the countryside to the United States could challenge this idea, as direct contact with the U.S. mixes among several socioeconomic segments.

As a final indicator in this set of ideological variables I have included a measurement of regional cultural identity, which refers to the continental region to which the respondent believes Mexico culturally belongs: North America or Latin America. About 26 percent said Mexico belongs culturally to North America but 59 percent pointed to Latin America and 6 percent to both. Interestingly, the percentage of Mexicans who say that Mexico belongs geographically to North America is slightly higher (32 percent), whereas about 53 percent place Mexico as a geographic part of Latin America. This variable reveals how limited the sense of North Americanism is among Mexican society, despite 13 years of NAFTA. Most Mexicans think that their country is not geographically or culturally attached to North America. The theoretical expectation in this case is also straightforward: a stronger sense of cultural identity with North America should translate into a higher sense of trust in North American national groups, whereas a stronger Latin American identity should reduce that possibility.

Some people may argue that nationalism is another form of ideology (Smith, 2001: 21-42). However, given its relevance to analyzing trust in other nationalities, I decided to group the variables that tap nationalist sentiments as a separate set. The variables in this group include national pride, the importance that respondents give to national sovereignty, a sense of local identification referred to as parochialism, the priority that Mexicans give to their own nationality when jobs are scarce, and a particular calculation of admiration of Mexican and American companies that was included in the 2003 Banamex survey of values, which I interpret as a measure of anti-American consumer sentiment. A general theoretical expectation applies to this group of variables: stronger nationalist sentiments, especially those that see national identity as a factor of existential security, translate into distrust in strangers or in people of other nationalities.

Specific measurements of these variables are as follows: national pride was measured using the wvs question, "How proud are you of being Mexican?" Responses do not allow for much variance, though: 87 percent said they were "very proud," 10 said they were "quite proud" and the remaining 3 percent was "not very proud" or "not at all proud." The question of how important national sovereignty is for the respondent used a 10-point scale, in which 43 percent of respondents placed themselves on 10 (meaning "very important"). About 12 percent chose categories 1 to 5 (representing less importance) and 46 percent chose categories 6 to 9. This and the other variables hitherto described were included in the statistical model using the expanded version of the scale, not the collapsed version I am using for illustration purposes. Parochialism is a dichotomous variable that groups respondents who said they have a sense of belonging to the town or city where they live (22 percent), as opposed to the country, the continent, or the world as a whole. Prioritizing Mexicans when jobs are scarce also is a wvs question: "Do you agree or disagree with the following statement: 'When jobs are scarce, employers should give priority to Mexicans over foreigners?'" About 82 percent of respondents agreed, 10 percent disagreed, and the rest had no opinion.

Finally, an original measurement of admiration for companies included in the Banamex survey allowed me to construct a variable that taps pro-Mexican and pro-American positions. After initial factor analyses of opinions that included Mexican public and private companies such as Pemex (the state-run oil company), Telmex (Mexico's major private telephone company), and Aeroméxico (one of the country's two major airlines), as well as American global corporations such as Coca Cola, Wal-Mart, and Ford Motor Company, I decided to construct the company admiration index using only Pemex and Ford Motor Company. Since the original variables were measured using a 10-point scale (where 10 represents a lot of admiration, and 1 no admiration at all), the resulting variable ranges from -9 (total admiration of Ford and no admiration for Pemex) to +9 (the other way around). About 44 percent of respondents scored 0, which means that they equally admired both companies. Thirteen percent scored below 0 (preferring Ford over Pemex), and 43 percent above 0 (preferring Pemex over Ford).

The final set of two variables refers to exposure to information. The first is a composite index of exposure to news media, including television, radio, and newspapers. Since the original question used a 4-point scale (the respondent followed news in the specific medium a great deal, somewhat, not very much and not at all), the composite index ranges from 3 to 12. Thirty-eight percent of respondents scored 10 or higher; categories 7 to 9 concentrated 42 percent of them, and 6 or lower represented 20 percent. The other variable is a dichotomous indicator of whether the

**Table 2**  
MEXICANS' TRUST IN NORTH AMERICANS: INDIVIDUAL-LEVEL DETERMINANTS  
(ORDERED PROBIT MODEL)

	Trust in U.S. Government		Trust in U.S. Citizens		Trust in Mexicans living in the U.S.		Trust in Canadians	
	b	sig	b	sig	b	sig	b	sig
<b>Structural variables</b>								
Age	-0.034		0.017		-0.032		-0.035	
Education	-0.072		-0.017		0.046		0.094	*
Urban	0.010		0.130	*	0.049		0.079	
Northern region	0.130	*	0.143	*	0.053		0.032	
Relatives in the U.S.	0.204	**	0.138	*	0.188	**	0.048	
Money from relatives	0.088		0.072		0.096		-0.017	
Financial satisfaction	0.012		0.005		-0.002		0.010	
<b>Ideological variables</b>								
Views on foreign investment	0.025	*	0.020		0.015		0.018	
Views on world trade	0.107		0.123	*	0.134	*	0.047	
Economic individualism	0.017	**	0.024	**	0.015	**	0.022	**
Left-right self-placement	0.013		0.002		-0.012		-0.004	
Subjective middle class	0.134	*	0.119		0.033		0.133	
Cultural identity (Latin vs. North American)	0.046		0.059	*	0.003		0.079	*
<b>Nationalism variables</b>								
National sovereignty	0.016		0.033	*	0.028	*	0.057	**
National pride	0.062		-0.082		-0.072		-0.100	
Parroquialism	-0.146	*	-0.138	*	-0.009		-0.056	
Scarce jobs for Mexicans	-0.040		-0.111	**	-0.030		-0.089	*
Company admiration (Ford. vs. Pemex)	-0.036	**	-0.043	**	-0.003		-0.048	**
<b>Information variables</b>								
Exposure to news media	0.079	**	0.078	**	0.044	**	0.076	**
Internet user	0.165	*	0.227	**	0.063		0.214	**
Pseudo R –Square	0.097		0.119		0.046		0.121	
Significance	0.000		0.000		0.000		0.000	
<b>Source:</b> Banamex Survey of Values in Mexico and the U.S., 2003; $n = 2380$ in the Mexican sample. Author's calculations. $b$ = coefficient, sig = level of statistical significance: * $p \leq 0.05$ ; ** $p \leq 0.01$ .								

respondent is an Internet user (only 16 percent of Mexican adults). My expectation for these two variables breaks down into two explanations. The first is a continuation of the modernization theory approach referred earlier: mass-media use is more common among modern segments of society, which, in turn, are more likely to trust others. The second has to do with public-opinion theory, in which information plays

a crucial role in forming opinions. Since frequent news media followers and Internet users are more exposed to information, the weight of specific predispositions, such as nationalism or anti-American sentiments, may be reduced.

**Table 3**  
MEXICANS' TRUST IN LATIN AMERICANS: INDIVIDUAL-LEVEL DETERMINANTS  
(ORDERED PROBIT MODEL)

	<b>Trust in Argentines</b>	<b>Trust in Brazilians</b>	<b>Trust in Colombians</b>	<b>Trust in Cubans</b>
<b>Structural variables</b>				
Age	-0.086 *	-0.091 *	-0.100 *	-0.117 **
Education	0.121 **	0.141 **	0.108 *	0.107 *
Urban	0.136 *	0.158 *	0.147 *	0.196 **
Northern region	0.014	0.015	0.064	0.008
Relatives in the U.S.	-0.016	-0.005	-0.010	0.012
Money from relatives	-0.004	0.023	-0.012	-0.050
Financial satisfaction	0.023	0.017	0.023	0.024
<b>Ideological variables</b>				
Views on foreign investment	0.014	0.022	0.004	0.008
Views on world trade	0.022	0.016	0.048	-0.016
Economic individualism	0.027 **	0.023 **	0.024 **	0.020 **
Left-right self-placement	-0.005	-0.012	-0.003	-0.001
Subjective middle class	0.078	0.103	0.100	0.054
Cultural identity (Latin vs. North American)	0.076 *	0.083 **	0.079 *	0.071 *
<b>Nationalism variables</b>				
National sovereignty	0.055 **	0.064 **	0.060 **	0.061 **
National pride	-0.065	-0.119	-0.034	-0.077
Parroquialism	-0.083	-0.043	-0.071	-0.075
Scarce jobs for Mexicans	-0.138 **	-0.132 **	-0.133 **	-0.127 **
Company admiration (Ford vs. Pemex)	-0.065 **	-0.061 **	-0.058 **	-0.063 **
<b>Information variables</b>				
Exposure to news media	0.065 **	0.073 **	0.080 **	0.082 **
Internet user	0.281 **	0.307 **	0.260 **	0.316 **
Pseudo R –Square	0.144	0.155	0.143	0.154
Significance	0.000	0.000	0.000	0.000

**Source:** Banamex Survey of Values in Mexico and the U.S., 2003;  $n = 2380$  in the Mexican sample. Author's calculations.  $b$  = coefficient, sig = level of statistical significance: \*  $p < = 0.05$ ; \*\*  $p < = 0.01$ .

## RESULTS

Tables 2 and 3 show the results of the statistical model just described. Table 2 displays ordered probit coefficients and their levels of significance corresponding to Mexicans' trust in North American groups. Table 3 does the same for trust in Latin American national groups.

As shown, ideological variables have a significant impact on Mexicans' trust in the United States but some of them have differentiated effects depending upon the object of trust, whether American citizens or the U.S. government. Economic individualism is, as expected, a significant predictor of trust in both. In fact, economic individualism relates positively and significantly to trust in every group from North America and from Latin America, which means that this general economic orientation fosters generalized trust. In contrast, views on foreign investment and on world trade have more American-oriented effects. Favorable views toward foreign investment explain trust in the U.S. government, and favorable views on world trade relate more strongly to trust in American citizens, as well as in Mexicans living in the United States. Neither one of these two variables relates significantly to trust in Canadians or any Latin American group included in the analysis, which provides a first piece of evidence that Mexicans' trust in the United States and its citizens has different bases than their trust in other countries and national groups.

The rest of the ideological variables show the following relationships: coefficients for left-right self-identification indicate that Mexicans on the right are more trusting of Americans while those on the left are less trusting of them and more trusting of Mexicans in the U.S., Canadians, and Latin Americans. However, the left-right self-placement variable does not attain statistical significance in this model. Generally, the effect of subjective middle class identification in trust is also insignificant except in one case: Mexicans who identify themselves as middle class are more likely to trust the U.S. government. Finally, regional cultural identity has some influence on trust as well: Mexicans who identify more with North America are generally more trusting, regardless of national group, whereas those who identify with Latin America are less so. Mexicans who consider that their country is culturally closer to North America, rather than Latin America, are even more likely to trust Latin Americans.

Nationalism variables have a mixed influence on trust. The importance of national sovereignty relates positively and significantly to trust in every national group, but it has no impact on trust in the U.S. government. Surprisingly, national pride has no effect on trust, partly because almost 9 out of 10 respondents said they are very proud of being Mexican, allowing very little variance in this indicator.

Parochialism, a sense of local geographic identification, contributes significantly to distrust of the U.S. government and American citizens. Finally, admiration of companies proves to be a strong correlate of trust and distrust: the more Mexicans support an iconic Mexican company (Pemex), and reject an American one (Ford), distrust in other national groups from both North America and Latin America increases. The only exception is trust in Mexicans who live in the United States, in which case company admiration has no effect. This indicator of commercial nationalism contributes significantly to distrust of other nationalities, but it does not statistically discriminate between Americans and Latin Americans. Commercial nationalism is simply an element preventing international trust among Mexicans.

Information variables appear as generally strong predictors of trust. Higher levels of exposure to media news and the use of Internet contribute significantly to trust, whereas lack of exposure to them enhances distrust. The only exception observed in Tables 2 and 3 is the lack of effect of Internet use in trust in Mexicans who live in the U.S. The rest of the dependent variables are influenced positively and significantly by both information variables.

Structural variables have interestingly contrasting effects on Mexicans' trust in other national groups. Age is negatively related to trust in Latin Americans (younger Mexicans are more likely to distrust them), but this variable has no effect on trust in North American groups, which means that younger and older Mexicans alike express similar levels of trust or distrust in the United States. Education relates positively to trust in Latin Americans and Canadians but it does not influence trust in Americans or their government. Financial satisfaction does not have any effect on trust, according to these data. Urban dwellers are more likely to trust Latin Americans, but this variable makes little difference with regard to trust in North America: urban dwellers trust American citizens more than rural ones do, but the variable has no impact on trust in the U.S. government.

Mexicans who live in the northern states are also more likely to trust Americans. This finding is consistent with the reality of the border region. According to Andrew Selee, "[n]umerous citizens of both countries have everyday contact with each other through family, neighbors, colleagues, and business associates. This closeness is, of course, greater in the north of Mexico and the southwest of the United States (and California and Chicago)" (Selee, 2005: 2). Until now, structural variables explain trust in Latin Americans relatively well, but they are rather weak predictors of trust in North America. This is another clear piece of evidence that Mexicans' trust in Americans responds to a distinctive reasoning, not to a general trusting or distrusting orientation.

The last piece of evidence that trust in North America is distinctive is shown by the impact of social interconnection. Having relatives in the United States makes



Mexicans more trusting of that country, its government, and its citizens, and this is not dependent on the economic benefit of having such relatives. The variable that represents respondents who receive money from their relatives in the U.S. has no statistical significance in trust. Having relatives in the United States increases trust in American citizens and their government, regardless of direct economic benefit, but it does not increase trust in Canadians or other Latin Americans. Social interconnectedness between Mexico and the United States fosters trust. For those who argue that Mexican immigration to the U.S. is a dangerous challenge to American values, these data suggest that it is instead an opportunity of building a trusting community. As Selee has put it, "We are no longer distant neighbors, but increasingly interdependent neighbors." Under such conditions, building a community means building trust; not limits to friendship. The data shown here indicate that that is the trend Mexicans are starting to follow.

## DISCUSSION

Mexicans' trust in the United States has increased over the last 15 years, hand in hand with NAFTA and growing social interconnectedness between the two countries. Yet, trust remains rather low when compared to the levels of trust that Canadians have in Americans. In this article, I have shown that Mexicans' trust in Americans is distinctive and particular and responds to a different rationale to trust in other countries and nationalities. Sharing some values and ideological orientations fosters trust, whereas sticking to certain types of nationalist sentiment –not all types– undermines it. A strong and distinctive predictor of Mexicans' trust in the United States is, precisely, social interconnectedness: Mexicans who have close relatives living in the U.S. are much more likely to trust American citizens and the American government. And this condition is not contingent upon the economic benefit –or lack of it– that such interconnectedness may bring. Family ties seem to be strong enough to increase the realm of trust in the region in a way that builds bridges between the countries.

After 13 years of NAFTA, most Mexicans do not feel that they are part of North America either culturally or geographically. Perhaps objective asymmetries between the countries contribute to that lack of a sense of belonging among Mexicans. The data shown in this article demonstrates that Mexicans who identify with North America are generally more trusting, not just of Americans and Canadians but of other Latin Americans as well. There are also indicators that certain nationalist sentiments relate positively to trust while others do not, especially those that find in nationalism a way to cover some existential insecurity. Mexican politicians are prone

to place nationalism and national sovereignty as barrier to international cooperation. It is important to realize that nationalism as a form of identification can be valued in our coexistence with others and not just be a weapon for our rejection of others. It is possible to be proud of being Mexican and proud to trade, work, and cooperate with others. Only then can we have a sense of community.

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# Does North America Exist? Transborder Governance after NAFTA and The Security and Prosperity Partnership

STEPHEN CLARKSON\*

## ABSTRACT

Understood as one among a number of world regions, North America is an enigma displaying many diverse realities. Seen in its formal institutionalization by the North American Free Trade Agreement, it is considerably less than meets the eye. When examined in such governance spheres as transborder water management or the steel industry, it turns out to have considerably more substance than first meets the eye. In other cases, such as the regulation of financial services or intellectual property rights, what appears as continental policy harmonization is really a manifestation of globalization. In contrast, anti-terrorist border-security measures are just what they seem: U.S.-driven inter-governmental policy coordination in which the hegemon ends up depending on the periphery's collaboration. As for determining where North America is heading, global market consolidation in the steel industry suggests that the continent has lost its chance to become a regional regulatory space. The 2005 Security and Prosperity Partnership of North America may have affirmed the three federal governments' desire to reconcile the U.S. priority for border security with the periphery's need for prosperity, but did not give any sign that North America was an embryonic EU about to develop along the lines of the European model.

**Key words:** North American governance, NAFTA, U.S. hegemony, Canada-U.S. relations, Mexico-U.S. relations, world regions, Security and Prosperity Partnership of North America

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## INTRODUCTION

The idea that North America is a key regulatory regime has garnered some academic support. In 2006, for example, Julián Castro Rea wrote that “in January 1994, North America formally entered the club of world regions, launching the project of an integrated economic space” (Castro Rea, 2006). In addition, in a piece reflecting on North America’s progress since the signing of NAFTA, Robert Pastor made a similar observation about this continent’s nature, affirming that “[f]or the first time, ‘North America’ is more than just a geographical expression” or “merely the first draft of an economic constitution for North America” (Pastor, 2004: 124-5). While it is intellectually tempting to see North America as an embryonic European Union, we must first closely evaluate the current state of transborder governance. Can we really say that North America is more than a landmass? If so, is the governance that characterizes it enough to state that it has joined a global club of regions?<sup>1</sup>

Depicting the continent dominated economically, demographically, culturally, and geopolitically by the United States of America as part of a global phenomenon is intellectually intriguing, because it connects scholarship on North America with the rich vein of academic research that understands globalization as a dual movement. On the one hand, it is a primarily economic and technological phenomenon in which corporations have largely escaped the regulatory reach of nation-states as they expand their production and distribution to a regional scale. On the other hand, these states, which used to compete with their neighbors, are responding to globalization’s challenge by forming regional groupings to vie at the global scale with other regional economies. In this understanding, the evolution of the European Community into the European Union (EU) during the second half of the twentieth century is often presented as the prototype of the new “world region.” In the terminology of the regulation school, the political economy of this phenomenon is understood as a regional regime of capital accumulation being managed by a regional mode of policy regulation (Aglietta, 1979).<sup>2</sup> Placing North America in this framework is

<sup>1</sup> Writing this essay would not have been possible without the sustained support over many years of four institutions. First, the Social Sciences and Humanities Research Council of Canada has made possible several stays in Mexico City and considerable research assistance by graduate students. Second, the Dean of the Faculty of Arts and Sciences of the University of Toronto has supported trips to Washington with excellent undergraduates whose work is reflected in these pages. At the National Autonomous University of Mexico, the Institute for Economic Research generously provided me with office facilities during the springs of 2006 and 2007 and the Center for Research on North America offered me the chance to test out my thesis. The Woodrow Wilson International Center for Scholars hosted my student researchers in five locations. Innumerable colleagues have contributed to my thinking, María Teresa Gutiérrez-Haces most of all. Kim Lawton and Artiom Komarov helped massage this text into its final form.

<sup>2</sup> An accumulation regime can be defined by its production processes, market organization, distribution systems, and division of labor.

tempting, because it is similar to the EU in culture (whether measured by common heritage or linked histories) and in size (whether measured by population or gross national product).

But such exercises are academically problematic, because the very act of looking at North America in the context of comparative world regions leads many to assume that the former is an embryonic, institutionally “lite” version of the model that evolved on the eastern shores of the Atlantic Ocean. This is a daring assumption given its small membership (three compared to the EU’s 27 member-states); given its stark asymmetries (the United States is not just overwhelmingly more powerful than its neighbors to the north and south: it is the global hegemon); and given the disparate nature of its two bilateral relationships (rich Canada has long enjoyed a relatively easy, even cozy relationship with Washington, whereas a much poorer Mexico has mostly had to manage a tense, extremely conflictual one with Uncle Sam).

It is well known that the processes forming the European Union constrained the largest power, Germany, from flexing its economic muscles and empowered the smaller members with institutions that offset their low political weight and programs that raised the poorer members to the economic level of the richer. The EU’s complex system, which weakened the strong and strengthened the weak, derived from an ideological consensus about the need to guarantee intergovernmental peace based on a generous social-policy framework. However, if our interest lies in understanding the nature of North America’s transborder governance, NAFTA did little to create anything in its two bilateral sets of asymmetrical, market-led relationships that resemble the extraordinary model of state-led governance established at the continental scale by the EU.

This article argues that the apparently descriptive phrase “North America” actually conceals two historically separate realities whose cross-border dynamic is moving the continental model along a path that is divergent from, rather than congruent with, the one offered by Europe. It makes the case by distinguishing four different “realities” that constitute North American governance:

- *It is less than meets the eye* as far as its formal trilateral institutions are concerned.
- *It is more than meets the eye* in certain policy areas such as border-region management and some sectors like the steel industry.
- Its apparent trinational policy harmonization is *not at all what meets the eye* in other economic sectors like bank regulation and the three countries’ intellectual property rights regimes.

- *It is just what it seems* when we look at the intergovernmental regulatory transformations that have taken place at Washington's insistence since September 11, 2001.

In order to answer the questions raised in the introduction about North America's configuration, each section will describe a particular aspect of transborder governance in the region, assessing whether the process has augmented or reduced the continent's power asymmetries and maintained or mitigated the once stark discrepancy between the U.S.-Mexico and the U.S.-Canada relationships. The concluding section will take up the hazardous challenge of trying to see in what direction continental governance is moving, whether in the market place or in its state structure.

### FORMAL TRILATERAL INSTITUTIONALIZATION: LESS THAN MEETS THE EYE

If North America, whose characteristics this journal is attempting to describe, is more than just a geographical expression, this is thanks to two economic agreements, the first forged bilaterally between the United States and its northern neighbor as the so-called Canada-United States Free Trade Agreement (CUFTA, which entered into force January 1, 1989), the second known as the North American Free Trade Agreement (NAFTA), which entered into force on January 1, 1994 when CUFTA's provisions were deepened and extended to include Mexico.

The proposition that NAFTA is less than meets the eye does not depend on arguing that its norms, rules, and rights are inconsequential. On the contrary, these three components of what became part of each signatory's "external constitution"<sup>3</sup> severely disciplined the practices of the two peripheral states, if not those of the hegemon.

- The extension of the national treatment (NT) *norm* from applying to goods (as it had under the General Agreement on Tariffs and Trade) to including foreign investment required a wholesale change of Canada's industrial-strategy policies that had previously provided incentives to domestic corporations to bolster their capacities to compete with foreign –mainly American– companies. Applying NT to investment also nailed shut the coffin of Mexico's import

<sup>3</sup> For an elaboration of the argument that continental free trade agreements combined with the World Trade Organization comprise an external constitution for its member-states, see Clarkson (2004: 1-31).



substitution industrialization model, which had delivered an annual growth rate of 6 percent from World War II to the early 1980s.

- Dozens of new *rules* obliged Canada, for example, to drastically raise the minimum size of domestic companies whose acquisition by foreign corporations could be vetted. For its part, Mexico agreed to open up its banking sector to foreign participation according to detailed protocols.
- Important new *rights* were granted to foreign investors who could now directly sue North American host governments from the municipal to the federal level for “expropriating” their wealth.

These norms, rules, and rights did not meet many eyes, because they were buried in the reader-unfriendly pages of CUFTA’s and NAFTA’s turgid texts. It was CUFTA’s, and then NAFTA’s much-ballyhooed institutions that provided little for the eye. To be sure, NAFTA boasts an executive body, the North American Free Trade Commission (NAFTC). But however hard one might look, this commission is nowhere to be found, having no staff, no address, and no budget. Despite the substantial responsibilities for managing NAFTA’s implementation conferred on it by the agreement, it consists solely of sporadic meetings by the three countries’ trade ministers, secretaries, or representatives, who have been loath to make major decisions.

Nor does NAFTA have much in the way of an administrative arm. Buried in each of the three governments’ trade departments, there is a small office responsible for documenting NAFTA-related business. NAFTA’s remaining bureaucratic sinew consists of some 30 committees and working groups mandated by the agreement’s various chapters. These trinational groupings, which are, in theory, staffed by middle-level civil servants from each federal government, barely exist in practice (Clarkson et al., 2005: 168-94). As for a legislative capacity to abolish, add to, or amend NAFTA’s new norms, rules, or rights—a necessary feature of any institution which hopes to retain its relevance as conditions evolve—this “world region” has none. Changes require trilateral negotiations by the three governments.

NAFTA’s only institutional feature with any substance lies in its judicial capacities. But of the half dozen different dispute settlement mechanisms, two have remained dormant (energy and financial institutions) and two are ineffectual (those of the environmental and labor cooperation commissions). The agreement’s two chief conflict resolution processes are specified in Chapter 20 and Chapter 19. Disputes between the parties over the interpretation and implementation of NAFTA’s provisions were to be resolved by panels established under Chapter 20’s clauses, but the panel rulings merely take the form of recommendations to the NAFTC which, in turn, can only offer suggestions to the three governments about how to proceed.

When, for instance, after long delays caused by U.S. obstructionist tactics, a NAFTA panel ruled that the U.S. government had failed to honor its obligation to allow Mexican truckers access to its market, Washington resisted compliance for years.

Putatively binding rulings are made by panels established under Chapter 19, which replace domestic legal appeals of the antidumping or countervailing duty determinations made by individual states' trade-administrative tribunals. While useful in the majority of cases, the U.S. government's refusal to actually comply with these rulings in such high-profile cases as the long-drawn-out softwood lumber dispute with Canada underlines the point that NAFTA's institutions enjoy strikingly little clout.

The single arbitral function with definite muscle is the investor-state dispute process established in Chapter 11, which allows NAFTA corporations to initiate an arbitration process governed by World Bank rules in order to rule on the validity of a domestic measure they claim has "expropriated" their assets. Because these rulings must be implemented by the defendant jurisdiction, they have been the cause of much dismay among nationalists who protest the derogation of domestic judicial sovereignty and among environmentalists who believe the threat of such actions prevents the regulation of corporate depredation. But because the number of Chapter 11 cases remains small and their effects limited, their overall institutional importance must be considered marginal.

In short, the transborder governance established by NAFTA's institutions is considerably less than observers had cause to expect when listening either to proponents or opponents of what President Ronald Reagan had called North America's economic constitution (Clarkson and Torres-Ruiz, 2005: 1). Compared to Norway, which even though it is not a member of the European Union must (with exceptions in farming, fishing, and oil exportation) implement European Commission directives, NAFTA's institutional impact even on the two peripheral states is low, except in cases where Washington has directly chosen to apply pressure.

Institutionally speaking, NAFTA does not create a trilateral space. Nevertheless, its norms, rules, and rights make the regulatory space in the two peripheral states more similar to that of the hegemon with the result that transnational corporations (TNCs) can operate more easily as continentally structured production and marketing entities in the three economies. Given that NAFTA's norms, rules, and rights were largely defined by the United States in defense of its interests in the periphery, they can be seen to have augmented U.S. hegemonic power in the continent. Because Mexico had to make the largest changes to its political order (for instance, inserting an entire trade-remedy arbitral system under Chapter 19), NAFTA can be seen to have reduced the skewedness between the U.S.-Canada and U.S.-Mexico relationships.

## TRANSBORDER GOVERNANCE: MORE THAN MEETS THE EYE

Although NAFTA created a new North America that could be analyzed as a “world region,” the old North America had long enjoyed –or suffered from– forms of governance that were often much more than met the eye, because their institutionalization was either informal or largely invisible. Out of many possible cases, this section will consider one, water management, which pre-dated NAFTA by a century, and another, the steel industry, for which NAFTA had unanticipated consequences.

### WATER

Some forms of North American transborder governance developed through processes that took place in a zone of decision-making and consultation that transcended the international boundaries. From the nineteenth century on, concerns about the exploitation and oversight of North America’s transboundary water resources gave rise to several treaties and corresponding binational institutions established to manage the flow, level, and quality of water in the lakes and rivers bisected by the U.S.-Canadian and U.S.-Mexican borders. While the International Joint Commission (IJC), set up in 1909 thanks to that year’s Boundary Water Treaty, is well known, the actual management –often mismanagement– of water matters on both borders is carried out by hundreds of collaborative arrangements involving agencies, business corporations, scientists, and environmentalist groups concerned about their local or regional ecosystems.

The legal basis for cooperative governance of the Tijuana River Basin is the 1944 United States-Mexico Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande. The 1944 treaty substantially expanded the powers and changed the name of the existing boundary institution from the International Boundary Commission to the International Boundary Water Commission composed of two national sections, of which the Mexican section is called the International Boundaries and Water Commission (CILA). The roles and responsibilities of the CILA and the IJC are quite different due to the hydrological and socio-economic features of the respective border regions, the southern suffering from much greater water scarcity than the northern and Mexican border infrastructure being so much poorer than Canadian.

North America’s water governance is a vast and multi-layered regime of national and international institutions, legal frameworks, and interacting social and economic values which, according to circumstance, converge and diverge in an

irregular and unpredictable fashion (Buie, 2005). Given the high levels of social and economic integration in the zones along the U.S.-Canada and U.S.-Mexico borders, the management of water resources presents a highly complex dynamic between different levels of government and public participation in political processes, which are not necessarily evolving in the direction of transborder integration.

Guided by the George W. Bush administration's hostility to international law, the U.S. government has been resisting recognition of the International Joint Commission's mandate for supervision over such major problems as the ecosystem-threatening diversion of Devil's Lake into the Red River watershed and the withdrawal of Great Lakes' water through Illinois. Although water management in the U.S.-Mexico border region is developing patterns of cooperation among non-governmental organizations that belie the highly visible political conflicts over undocumented Mexican immigrants, transborder North American water governance remains separated into two bilateral spaces. Although their hydraulic geography is so different and their economic character is so disparate, increased environmental pressures caused by the *maquila* industrialization in northern Mexican states has caused border governance patterns to resemble those along the Canadian border because of cross-border involvement of government, market, and civil society at various levels. At the same time, water governance reduces the power asymmetry between hegemon and periphery, because the former depends on the latter to implement agreements once they have been negotiated.

## STEEL

With NAFTA's explicit aim to enhance continental economic integration, we should find evidence of continental governance in the marketplace. Beyond the powerful intervention of corporate actors in lobbying during the negotiation of the free-trade agreements (Lachapelle, 2005), a few economic sectors provide evidence of governance with a continent-wide substance. Steel provides a fascinating case in point.

In spite of the fact that, as traditional heavy industry, steel provided the backbone of the old manufacturing economy, it did not do well under NAFTA. The agreement failed to eliminate the protectionist anti-dumping, safeguard, and countervailing-duty measures with which the U.S. steel industry had long been harassing the exports of their more efficient competitors from the North. When, in their frustration, the Canadian firms invested heavily in the United States, they produced a phenomenon similar to the "Toyotafication" created when U.S. restrictions on Japanese

car imports caused firms such as Toyota and Honda to set up manufacturing operations within the United States.

But instead of retaining their own identity and lobbying as Canadian firms for their national sector's interests, the American subsidiaries of Canadian companies became active as U.S. members of industry associations like the American Iron and Steel Institute (AISI). As AISI players in good standing within the U.S. economy, they proceeded to lobby –along with the U.S. steelworkers' union, which had fortuitously been run for a decade by Canadian presidents– to exempt Canada (and also Mexico) from the Bush administration's safeguard duties imposed on foreign steel imports. This collaborative action suggested that, in the steel sector, a single governance space was developing in which Canadian, and later Mexican, firms have partially "Americanized" themselves within the U.S. economy, rather than create a continent-wide industry containing nationally competitive elements.

Symptomatic of this trilateralism is the creation of an instrument of trinational governance, the North American Steel Trade Committee (NASTC). The NASTC involves the three governments with their respective industry associations in order to develop common North American policy positions at the Organization for Economic Cooperation and Development (OECD) and the World Trade Organization. Although the steel sector in North America became more of a unilateral space in which U.S. hegemonic control increased –witness the peripheral states' inability to overcome the U.S. Congress's protectionist mandate– the skewed quality of the two bilateral relationships also increased. The Canadian industry was much better positioned to participate in the U.S. economy than was its Mexican counterpart, which, having flourished under import substitution industrialization, was seriously weakened by the lifting of government protection in the 1980s.

#### **TRINATIONAL POLICY HARMONIZATION: NOT AT ALL WHAT MEETS THE EYE**

Although the North American steel industry showed distinct "world-region" signs, other economic sectors where harmonization has increased are not necessarily evidence of continentalization. Take for instance the regulation of two sectors: intellectual property rights for the pharmaceutical industry and rules for financial services.

## INTELLECTUAL PROPERTY RIGHTS FOR PHARMACEUTICALS

Because NAFTA was negotiated just before GATT's Uruguay Round reached its successful conclusion, the creation of the World Trade Organization in 1995 presents many analytical complications for students of North American governance. The question of intellectual property rights (IPRS) provides an illuminating example, because the United States has aggressively insisted that its position on intellectual property rights be accepted as a condition for its trade relations with its interlocutors.

The strengthening of IPRS for branded drugs also has been driven by European pharmaceutical TNCs. They have been battling against domestic legislation protecting the production of cheaper generic drugs in every country so that Big Pharma could obtain longer periods of monopoly protection and extract greater income from its brands. In this process, then-Prime Minister Brian Mulroney did not wait for the trade negotiations to redefine IPRS, but pre-emptively adjusted Canada's laws, which had favored the generic firms, in order to comply with U.S. demands (Lexchin, 2003). Subsequently, the United States and the EU had their positions favoring longer patent protection for branded drugs accepted at the WTO. This forced Mexico to follow suit and adopt the new global rules as well.

Even if the IPRS in NAFTA's Chapter 17 are virtually identical to those in the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, the fact that Washington used the WTO's dispute-settlement body, rather than NAFTA's, as its legal venue for pressing Canada to make more concessions to U.S.-branded drug companies suggests that weak continental judicial governance has been trumped by the stronger judicial governance established at the global level. For their part, the EU's pharmaceutical firms have used the WTO's dispute settlement process to force Canada and Mexico to provide longer protection than they had been willing to concede. This case shows how global governance has displaced continental governance.

While the transborder governance for the pharmaceutical industry is different from what we would expect if North America were a genuinely trilateral space, the power implications in this sector are similar to changes in other sectors. New IPRS increase "hegemonification" through the expanded agency of U.S. pharmaceutical TNCs in the two peripheral economies. At the same time, the transformation of Mexico's property rights regime tends to eliminate its discrepancy with that of Canada and so reduces the skewed quality of the U.S.-Canada and U.S. Mexico relationship.

## FINANCIAL SERVICES

Banking offers a confused picture, because North America is not a natural zone for transnational banking. Some Canadian banks have operated for decades throughout the hemisphere and to a lesser extent globally, while all of them already had branches in the U.S. market well before trade liberalization. For their part, U.S. banks had also set up shop in Canada long before free trade. Notwithstanding their geographical proximity, it was not U.S. but British banks that predominated among foreign-owned financial services in Canada whose retail banking system remains primarily in Canadian hands. With a much less robust set of banks, nationalized in 1982 following one of the country's periodic currency crises, Mexico has found itself at the receiving end of transnationalized banking. NAFTA had required it to open specified portions of its re-privatized banks to foreign ownership according to a defined schedule, but in the shock of the 1995 peso crisis, the IMF, World Bank, and the U.S. Treasury used their financial bailout to force Mexico to go all the way. After a blizzard of foreign banks merging and associating themselves with domestic partners, Mexicans found that all but one of their banks had fallen under foreign ownership, with Spanish capital taking a larger share than American.

Although harmonization of the three banking sectors' regulations has occurred within North America, this is not due to any transborder governance created by NAFTA. Rather, this apparent continentalization actually reflects the three countries' participation in the larger process of global governance. If banking regulations in the United States, Mexico, and Canada are becoming increasingly similar to each other, this is because the three central banks' participate in the monthly meetings of the Bank of International Settlements in Basel. It is the multilaterally agreed norms that are negotiated in Switzerland that are then applied at home. Instead of banking regulations showing that North America is a "world region," they indicate that the three countries of North America are simply part of a global mode of regulation for a global system of accumulation.

Because these norms are negotiated in an international forum where U.S. power is offset by that of Europe and Asia, the effect in North America is to reduce U.S. hegemonic control over the periphery in financial services. Similarly, because banking regulations are tending to harmonize, the regulatory discrepancy between the Canadian and Mexican banking has declined. The implications of this regulatory reality is that North America's banking space is less trilateral, bilateral, or unilateral than it is global.

## INTERGOVERNMENTAL SECURITY REGULATION: JUST WHAT IT SEEMS

The radical shift in the United States, provoked by the terrorist attacks in New York and Washington, instantly affected the overall nature of North American governance. The economic integration fostered by NAFTA had been reducing the government-made economic barriers along the United States' two territorial borders in order to allow the marketplace a freer rein to enhance human and economic flows across the continent. Throughout the 1990s, the growth in cross-border traffic in goods and people had generated increased attention to border governance issues, as business coalitions, concerned about the efficiency of their continent-wide production systems, lobbied their respective governments to make the increased investments in the transportation infrastructure and security technology needed to create a near-borderless continent. President Clinton had signed agreements with Ottawa to improve border security management, but his administration had not taken significant actions in this direction. 9/11 led to intergovernmental shifts both in security and in defence.

### SECURITY

Washington's sudden move to a security paradigm was dramatized for North America on September 11 by its immediate blockade of its two land borders. This unilateral action demonstrated that, once Washington declared its national security to be at stake, it would simply reassert its control over the policy space it had previously vacated in the name of trade liberalization. Its subsequent demands that Canada and Mexico do what it felt was necessary to make their exports safe for the United States showed how much of North American governance was unilaterally driven by Uncle Sam.

In the post-September-11 handling of U.S. domestic security, traditional binational relations reasserted themselves over unilateralism, Uncle Sam dealing with each periphery on its own. These intergovernmental negotiations were supplemented on the Canadian side by unusually active business-coalition involvement in the design of new security systems, a new intensity of governance impinging on the traditional, government-to-government bilateralism. In this first phase of the U.S. domestic war on terror, a detailed, 30-point U.S.-Canada Smart Border agreement was signed in Ottawa in December 2001. By March 2002, Washington had negotiated a parallel 22 -point Smart Border agreement with Mexico City.



That this process was driven by U.S. pressure on its neighbors suggests that the result was to increase U.S. control over Mexico and Canada. But, because Washington depended on Ottawa and Mexico City to implement the measures that had been agreed upon, the United States depended on its two neighbours for its security. Hence, the power asymmetry between the center and its periphery diminished.

The fact that the U.S.-Canada border agreement had provided Washington with a template for its arrangement with Mexico also suggests that this process diminished the disparity between Ottawa's relationship with Washington and Mexico City's. Although drug-trafficking and immigration problems were far more intense along its southern than its northern border, Congress pushed the administration to adopt common policies towards biometric identity cards for all persons crossing U.S. borders. For its part, the administration's support for universal technological solutions to passing low-risk merchandise across the border and through its ports of entry further reduced the disparity between the two countries' responses to Washington. And when Secretary of Homeland Security Michael Chertoff broke off talks to establish a pilot project on land pre-clearance at the Buffalo-Fort Erie crossing in May 2007 after two years of negotiations, it was clear that the U.S. government's obsession with security could hamstring commerce on its northern border just as much as along its southern one.

The new dynamics of continental security also helped nourish the third North American bilateral relationship that had developed between Mexico and Canada since Canada had joined the U.S.-Mexico negotiations which led to NAFTA. This third bilateral relationship was given a major boost during the anxious months leading up to President Bush's declaration of war against Iraq, when Jean Chrétien developed an oppositional axis with Vicente Fox in an effort to block the impending invasion by generating a new consensus at the United Nations.

## DEFENSE

In contrast, an absence of Canadian-Mexican dialogue characterized each country's response to Northern Command, the Pentagon's reorganization of its command structure for North American defense. In responding to Northern Command, Ottawa had to decide how far it would follow the Norad model of actually integrating its armed forces while retaining nominal autonomy. In an apparent move toward complete integration, it reorganized its armed forces into a Canada Command but did not move beyond participating in a binational military planning group whose mandate was to discuss extending bilateral military integration from the two air forces

to their army and navy. Nor did the Chrétien government resolve how to respond to the United States' pressure to support its Ballistic Missile Defense program, whose technological integrity was suspect and whose strategic rationale violated Canada's well-established stance against the "weaponization" of space. In the end, partisan political calculations in 2005 forced Prime Minister Paul Martin to refuse Canada's endorsement for BMD, while ideological proclivity to support the United States subsequently pushed Prime Minister Stephen Harper in the opposite direction.

Just as Canada reverted to its Cold War intimacy with the Pentagon upon the declaration of the new U.S. global war, Mexico reverted to its Cold War estrangement. Far from ingratiating itself with Washington by sending support to Afghanistan, Mexico withheld even moral support and reaffirmed its long tradition of non-intervention beyond its frontiers. Although the Mexican navy was comfortable about cooperating with the U.S. Navy on security exercises in the Gulf of Mexico, there was no possibility that the Mexican military could be prevailed upon to collaborate with the U.S. Army beyond the kind of disaster relief that it supplied in 2005 in the wake of Hurricane Katrina (Alvarez, 2005). While sending a Mexican military observer to bilateral U.S.-Canadian meetings at Norad was seen to be a major step forward, the significance attributed to this gesture underlined the enormous discrepancy that persisted between the two bilateral relationships in North America's defense sector.

## THE SECURITY AND PROSPERITY PARTNERSHIP: AN ENIGMA

Following the argument so far, the reader will have seen that, as a "world region," the North America created by NAFTA does not add up to much in institutional terms. While border-region water management and the continental steel industry provide examples of significant transborder governance, other domains such as intellectual property rights and financial services show that what appears to be regulatory harmonization is often a manifestation of the United States, Canada, and Mexico participating in global governance. A third North American reality, which has become particularly evident since Washington declared its global war on terrorism, is made up of the largely bilateral intergovernmental U.S.-led relations focusing on border security and regional defense. The difficulty in aggregating these diverse realities into an overall portrait of the continent is exacerbated by our desire to divine in which direction it is moving. Is North America becoming a more trilateral space as opposed to remaining primarily bilateral? Or is it –deep down– increasingly defined by U.S. unilateralism? This concluding section will extrapolate from trends

observable in 2006 concerning both North America's inter-state relations and its marketplace.

## TOWARD A CONTINENTAL STATE?

If the first securitization phase following September 2001 showed North America as a more bilateral and hegemonized –while more symmetrical– space, the proclamation of a Security and Prosperity Partnership for North America (SPP) by the three governments' leaders following their trinational summit in March 2005 in Waco, Texas, appeared to herald a shift to a more trilateral continent. Nationalist critics in the periphery feared SPP was a maneuver through which the executives in Canada and Mexico were advancing their agenda stealthily to integrate their political systems with the hegemon's. Corporate leaders in the three countries, who aspire to operate in a borderless North America, criticized SPP as a mere wish list of low-profile bureaucratic initiatives whose implementation will do nothing to engage with such major challenges facing the continent as a common currency, a customs union, a security perimeter, or even a fully integrated energy market.

The original breakthrough which led to the SPP apparently occurred in 2003 in the U.S. National Security Council (NSC), where reason (the practical need to improve security for a United States economically integrated with its two neighbors) prevailed over passion (anger with Canada and Mexico for not supporting the U.S. war against Iraq).<sup>4</sup> The project's long gestation in the three capitals, necessitated, in part, by waiting for the 2004 U.S. presidential election results, was followed by three intensive months of trilateral inter-bureaucratic exchanges that produced, for a ministerial meeting in Ottawa in June 2005, a large trilingual document outlining some 300 specific issue areas to be negotiated and implemented by government officials within clearly defined time lines.

As seen from the Mexican presidency (Los Pinos), the Americans' security imperative needed to be accepted as the paradigm within which the continental periphery had to operate. Since the NSC was acknowledging that tightened U.S. anti-terrorist border security should not jeopardize U.S. economic prosperity, SPP presented Mexico with an opportunity to resolve many irritating problems in the bilateral economic relationship and so move NAFTA incrementally toward its grander vision of EU-type

<sup>4</sup> This section is based on several dozen confidential conversations held, *inter alia*, in the Mexican Presidency and Ministries of Agriculture, Economy, and Foreign Affairs; in the U.S. Department of Commerce and National Security Council in Washington, D.C.; and equivalent Canadian offices in the spring of 2006, as well as follow-up interviews in the three capitals a year later.

regional governance. The trade-off was to exchange full cooperation with U.S. demands on security matters for getting inside the U.S. policy loop to negotiate the regulatory corollaries that applied to trade.

Thus, when the U.S. Congress passed a tough bio-terrorism law and outraged Mexican legislators called for retaliatory action to block imports of U.S. goods at their northern border, Los Pinos decided that the better part of valor was compliance. Faced with the tough new U.S. requirements, President Vicente Fox's officials worked intensively with Mexican food exporters' associations to help them adapt their members' certification and packaging to conform to Washington's new specifications. This effort climaxed in December 2005, when the bio-terrorism law came into effect and no Mexican produce was blocked at the border for non-compliance.

If SPP negotiations could produce certification standards governing Mexican foodstuffs, then such Mexican products as avocados would no longer be vulnerable to unilateral rulings by the U.S. Food and Drug Administration. This would give Mexico's agricultural exporters a vital competitive advantage over their rivals in Latin America, Asia, and even Europe. Facilitating the documentation for transborder flights of private aircraft was a far cry from a Big Idea for North America,<sup>5</sup> but implementing myriad incremental changes would lead implicitly toward that objective.

The indication that SPP was a program with political legs could be deduced from the fact that civil servants in Ottawa also claimed credit for conceptualizing and boosting the initiative. Nurtured by research contracts and policy conferences sponsored by the Policy Research Initiative of the federal government's Privy Council Office, regulatory harmonization had already become a battle cry within Paul Martin's government. Stephen Harper's presence at the trilateral summit in Cancún in March 2006 to mark the first anniversary of SPP was a signal that his Conservative government had appropriated this Liberal initiative as its own.

While the bulk of the Security and Prosperity Partnership's proposed measures dealt with either the U.S.-Canada or the U.S.-Mexico relationship, the informal telephone and e-mail communications among the bureaucrats who had put them together suggested that some significant trilateral space had been created in the process. Although the security side of the SPP reaffirmed Washington's dominance within the continent, the prosperity issues seemed to promise some autonomy for the periphery. "Regulatory harmonization" might conjure up images of Mexico and

<sup>5</sup> The "Big Idea" for an EU-style institutionalization of a borderless North America in a grand NAFTA-Plus vision was suggested in Canada by Wendy Dobson for Toronto's CD Howe Institute using work done for Washington's Institute for International Economics by Robert Pastor (Dobson, 2005). Pastor had already sold the analysis to the Mexican political scientist Jorge Castañeda who, in turn, had persuaded Vicente Fox to adopt a version of the scheme for his successful 2000 election campaign for the Mexican presidency. See also D' Aquino, Rozental, and Pastor (2005).

Canada simply having to adopt U.S. standards, but the complexities and differences among each country's multi-level governmental system implied that this nightmare was unlikely to be realized within anyone's lifetime. Issues would have to be worked out pragmatically. In some cases, the U.S. officials would still be giving their Mexican counterparts the familiar "do it our way or your product will not cross our border" message. In other cases, a practical problem would have to be worked out by all the parties having to resolve their problems cooperatively.

As for whether the SPP's many small measures would lead ineluctably to the implementation of a Big Idea, passionate resistance within the U.S. government to creating continental institutions made this scenario unlikely. Even though the three countries' executives were marching in step on this initiative, which merely engages the upper-middle ranks of their bureaucracies, the three governments pay virtually no attention to each other's interests when negotiating new trade agreements with other countries and have shown little sign – apart from the one exception of developing a common position on steel policy – of moving toward a common position on international economic policy. In contrast, the crucial automobile and textile industries are showing signs that North America is losing its potential to be a regional regime of accumulation for which it needs a counterpart regional mode of regulation.

## TOWARD A CONTINENTAL MARKETPLACE?

If NAFTA produced winners, they surely were the U.S. auto and textile sectors, which had managed to obtain rules of origin which gave them protection – at least for the short term – against their Asian and European competitors.

## AUTOMOBILES

The culmination of many years of U.S. automotive TNCs' lobbying, NAFTA was thought to have set up a fully integrated system of production for those manufacturers – principally the Detroit Three – which could meet its protectionist rules of origin requirements. However, significant impediments remained, and the trilateral working groups created to negotiate continental safety and emissions standards proved incapable of producing the trilateral regulatory harmonization necessary for fully integrated continental production.

Meanwhile, transcontinental corporate consolidation through mergers and equity linkages, which had left only six automotive groups accounting for 80 percent of

world production, was developing a truly global regime of accumulation which was accordingly generating pressures to create a globally harmonized system of regulation for the automotive industry. Global competition has reduced U.S. TNCs' oligopolistic dominance in the continent. At the same time, continuing foreign auto and auto-parts investment in both Ontario (which benefits from socializing the cost of medical care and provides an excellent transportation system) and Mexico (which offers well-trained labor power at a small fraction of U.S. wages) has reduced the disparity between the two peripheries' car economies. This continental industrial space has become largely trilateral, even if Fortress America now presents an open door to the world.

## TEXTILES

NAFTA's rules of origin also appeared to succeed in connecting the three countries' disparate textile and apparel industries in a common North American production system, in which the interests of U.S. firms combined more intimately with burgeoning Mexican firms than they did with shrinking Canadian companies. This initial trilateral marriage developed greater asymmetries as NAFTA-generated continental market governance collapsed in the face of two exogenous adversities: the expiration of the Multi-Fiber Agreement, which had allowed industrialized countries to impose draconian quantitative limitations on apparel imports from the Third World, and China's emergence as the dominant supplier to the North American market.

Continental governance in a severely shaken textile and apparel industry still follows a hub-and-spoke model, with U.S. industry responding unilaterally to its challenges, a battered Mexican industry retreating to the informal economy while supporting Washington's endeavors, and a hollowed-out Canadian sector sitting on the sidelines.

## CONCLUSION

In sum, as one among a number of world regions, North America is an enigma displaying many diverse realities. Seen in its formal institutionalization by NAFTA, it is considerably less than meets the eye. Looking at such governance spheres as trans-border water management or the steel industry shows it to have considerably more substance than first meets the eye. By contrast, apparently continental policy harmonization such as the regulation of financial services or intellectual property rights

is really a manifestation of globalization, while anti-terrorist border security measures are just what they seem: U.S.-driven inter-governmental policy coordination in which the hegemon ends up depending on the periphery's collaboration. Global market consolidation in the automobile industry suggests that the continent has lost its chance to become a regional regulatory space. The 2005 Security and Prosperity Partnership of North America may have renewed the three federal governments' commitment to reconciling the U.S. priority for border security with the periphery's need for prosperity but did not give any sign that North America was about to sign on to any grander institutional project.

In terms of governance, North America clearly has multiple identities. We can see what it is not: an embryonic EU destined to develop along the lines of the European model in which asymmetries diminish and solidarities emerge. The political disparities between Mexico and Canada may be diminishing, but in most governance dimensions the hegemon is becoming more dominant vis-à-vis its periphery. When seen in the broader context of global governance trends, the small signs of trinational governance that have appeared are not enough to have reconstructed "North America" as a primary regulatory space.

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# North America: Mosaic, Community, or Fortress?

FRANK GRAVES\*

## ABSTRACT

The author uses recent survey data to evaluate the plausibility of three competing metaphors for North America: community, mosaic, or fortress. While there is support for all three metaphors, the mosaic metaphor of separate national societies coexisting within a common economic space appears to most closely fit the empirical data. This model has been challenged by the profound influences of American concerns with security and an increasingly isolationist outlook toward the world. The author discusses how the various social, political, and economic forces currently at play may alter the North American trajectory in the future.

**Key words:** North America, NAFTA, border security, national identity, international relations

\* Frank Graves is president of EKOS Research Associates, Inc., Ottawa (fgraves@ekos.com). The author would like to acknowledge the very helpful role of Andreas Boehm, who assisted in preparing this paper. He also would like to thank his colleagues at EKOS Research, in particular Angela Scanlon and Derek Jansen. Additionally, he received very helpful comments from reviewers of this paper. Finally, he would like to thank Robert Pastor for his ongoing encouragement and advice on this topic. Adapted from a presentation originally made at the Fifty-ninth Annual WAPOR Conference, Montreal, 2006.

## INTRODUCTION

Many commentators and scholars have attempted to describe the evolving nature of North America relations. A variety of sharply different descriptions of North America are evident, ranging from an emerging community (Pastor, 2001) to transnational regions (Grab and Curtis, 2002) to less-than-eager partners or a “reluctant trinity” (De Palma, 2001) to elementally and increasingly distinct societies (Adams, 2004). This has also been an important public issue as evident from the fierce debates around the original Free Trade Agreement (FTA) and North American Free Trade Agreement (NAFTA) to its most recent appearance on the political agenda in the form of the Security and Prosperity Partnership (SPP) of North America in Montebello, Canada (August 2007).

Clearly, the interrelationships among the three constituent countries are profoundly different today from what they were before the establishment of NAFTA. The relationships are also very different from the European experience following the original Maastricht Treaty and the evolution of the European Economic Community. In this overview, we attempt to identify the current trajectory of North American relations. We do so by empirically evaluating the plausibility of three different metaphors for North America: mosaic, community, or fortress?

This analysis is drawn from the perspective of the citizens of those societies as expressed through the tools of public opinion research. Some critics of the current public debate around the SPP have bemoaned the fact that general public input is a conspicuous *lacuna* in the current process, dominated more by business leaders and politicians. Notably, our research suggests that public opinion is indeed poorly captured by protestors and “civil society.” Neither do business leaders nor media pundits seem to capture the true public mood. The evolution of public opinion and attitudes and values is an important missing ingredient from current debate and, in many cases, jarringly disconnected from the narratives evident in the popular media. So, as my colleague Robert Pastor has noted (Pastor, 2007), the right-wing rhetoric of Lou Dobbs, among others, is no more representative of true American public opinion than the leftist, nationalist positions of spokespersons such as Maude Barlow in Canada. In general, we find public support for trade liberalization and deeper economic integration has converged at a point of strong support in all three countries following a period of equally strong opposition in the early 1990s.

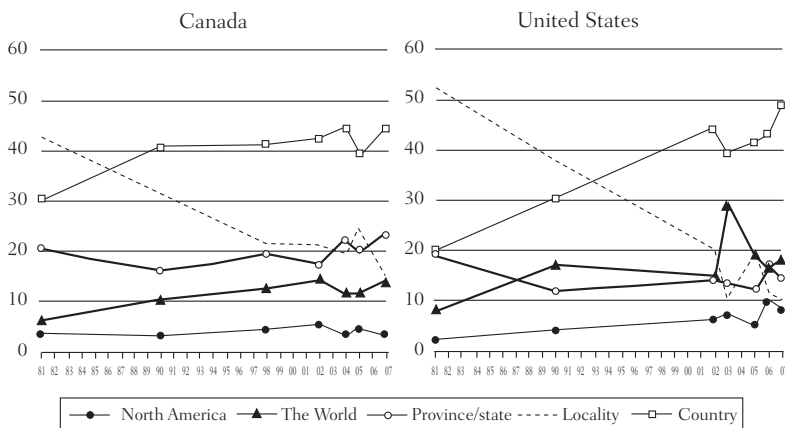
Importantly, this support for free trade has not produced a diminution of national identities and a corresponding rise in continental identification. Initially, theorists such as Karl Deutsch predicted that closer integration of both values and identities would be the result of deeper trade liberalization. To a great extent, this prediction

has been borne out in the European experience. The North American trajectory, however, is qualitatively different from the European experience where national identities now co-exist with a nearly equal sense of European community.

As Figure 1 highlights, local identities have been declining in North America while national attachment continues to rise. This strong sense of national identity has resulted in continental attachment being a relatively minor and flat force compared to Europe, which has seen local identities rise, national attachment decline, and European identity rise dramatically over the last few decades (also see Figures 2 and 3).

**Figure 1**  
TRACKING PRIMARY IDENTITY

**Q:** To which of these groups would you say you belong, first and foremost?



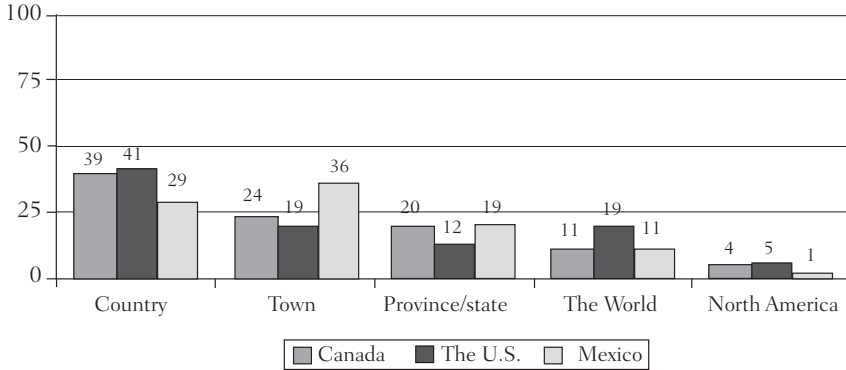
**Base:** Most recent data points, Canada, January 2005; United States, March 2006. \* Earlier tracking provided by World Values Survey.

**Source:** EKOS Research Associates.

In our view, the North American trajectory may best be described as an economic community co-existing within a societal mosaic. The mosaic metaphor has, however, been challenged recently by the salience of concerns with security and threat in the post-September 11 world. In this article, we will assemble some of our recent tracking of North American public opinion in order to put these shifts in a clearer

**Figure 2**  
PRIMARY IDENTITY

Q: To which of these groups would you say you belong, first and foremost?

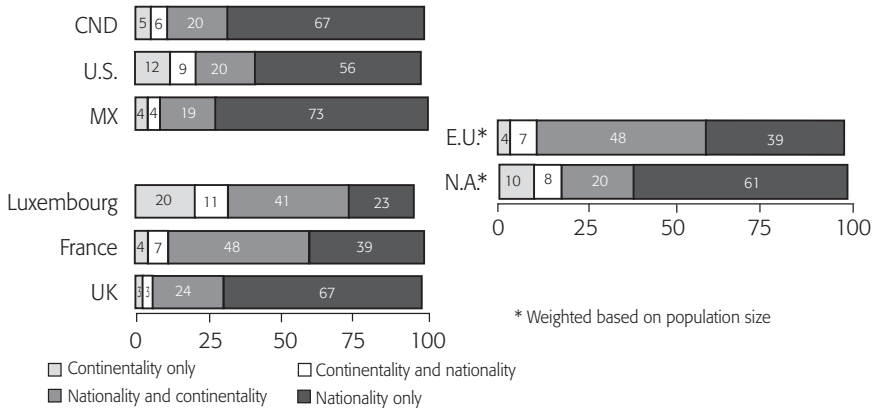


Base: June 2005, Canada n = half sample; U.S. n = half sample; Mexico n = 1510

Source: EKOS Research Associates.

**Figure 3**  
COMPLEMENTARY IDENTITIES

Q: Would you say you see yourself as...?



Source: EKOS Research Associates; European data provided by Eurobarometre.

perspective. The results are both surprising and important as political leaders discuss options for the future of North America in a dramatically different global context. The citizen perspective, even gleaned through the flawed lens of public opinion research, is a crucial missing ingredient in the current debate about North America.

Our results consider other external data sources but rely most heavily on our ongoing surveying of publics in all three countries under the aegis of the Rethinking North America syndicated project (EKOS Research Associates, 2002-2007). We also utilize some of the more recent comparative U.S.-Canada data drawn from our ongoing syndicated *Security Monitor* (EKOS Research Associates, 2002-2007).

Our article is organized into the following four areas:

1. North American Relations and Reciprocal Images
2. Risk and Security: North America in an Era of the "New Normal"
3. Trade, Borders, and Population Flows
4. Identity and Values in North America

## NORTH AMERICAN RELATIONS AND RECIPROCAL IMAGES

Since 1999, we have been tracking indicators of how the citizens of North America view their neighbors. The tracking is less recent and less complete in the case of Mexico. But we have a fairly good sense of how the public of each country views the other countries and how this has changed.

It is important to situate these trends in the broader context of how Americans view the external world and *vice-versa*. For example, there has been a marked decline in favorable impressions of both Canada and Mexico in the United States over the past five years. There also has been an even earlier decline in favorable outlook on the United States within both Canada and Mexico. Yet, it is very important to understand that these trends of eroding outlook are actually more modest than the generalized decline in global outlook on the U.S. and the subsequent erosion of U.S. outlook on the external world. In other words, the declining reciprocal outlooks may have less to do with specific bilateral issues than with the broader shifts in global antipathy to the United States and, in particular, the direction the U.S. administration's foreign policy has taken since the Iraq invasion. Similarly, declining U.S. outlook on Canada and Mexico is not particularly notable compared to broader declines in its outlook on the broader external world. It may be that, following the exuberant internationalism evident in the U.S. public in the aftermath of September 11, we are witnessing the emergence of neo-isolationism in the United States. Ironically, the decline in external views of the U.S. is directly mirrored within the

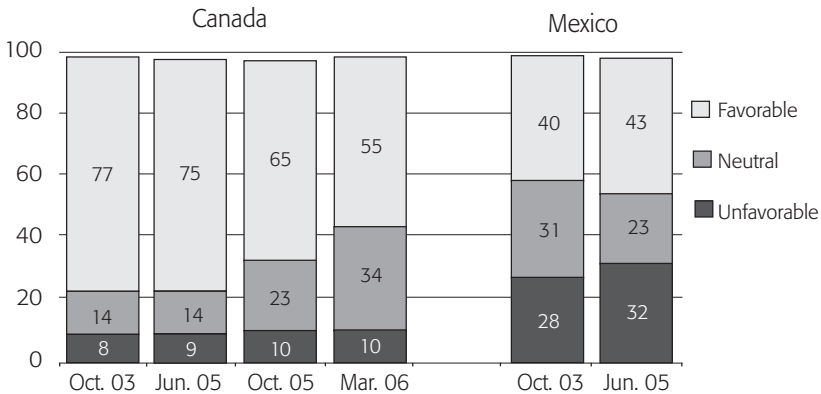
U.S., itself, where we now find that a staggering 70 percent of Americans believe that their country is headed in a fundamentally wrong direction (EKOS, 2007).

At the close of the last decade we found largely positive attitudes among the North American neighbors. American attitudes to Canada were fairly murky but highly favorable, while U.S. attitudes towards Mexico leaned favorably, but were much more mixed. In fact, asymmetrical U.S. attitudes to Canada and Mexico are a major barrier to deeper integration. Canadian attitudes to the U.S., while largely positive, are more mixed than U.S. attitudes toward Canada and are based on higher levels of fluency and attention. Canadian attitudes to Mexico are largely positive. Mexican attitudes to the U.S. and Canada lean favorably and are dominated by images of economic opportunity. As noted above, these attitudes have become modestly less positive over the past five years.

Figures 4 and 5 display some of these trends. Notable in Figure 4 is the large and growing discrepancy in favorable U.S. outlook on Canada *vis-à-vis* Mexico. Although U.S. attitudes to Canada are far less favorable today than they were in 2003, they have rebounded somewhat recently. Mexico, however, has moved from revealing a modest plurality of favorable outlook, in 2003, to a mild plurality of unfavorable outlook today. Perhaps, more tellingly, unfavorable outlook on Mexico

**Figure 4**  
RECIPROCAL IMAGES: U.S. OUTLOOK ON CANADA AND MEXICO

Q: In general, would you describe your opinion of ...as favorable or unfavorable?

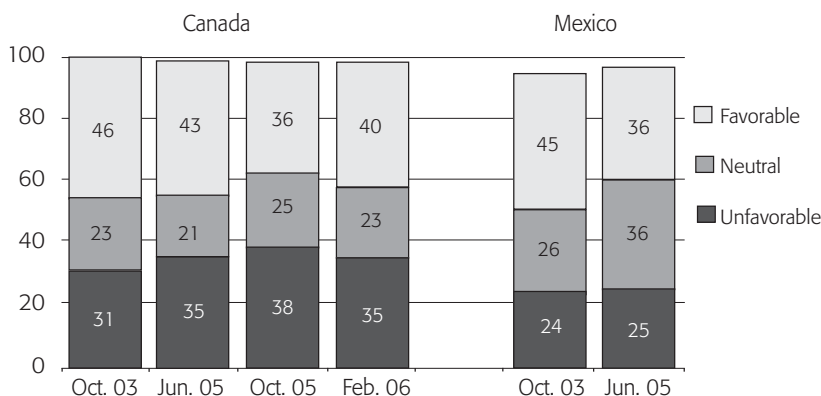


Base: All Americans.

Source: EKOS Research Associates.

**Figure 5**  
RECIPROCAL IMAGES: CANADA/MEXICO OUTLOOK ON THE U.S.

**Q:** In general, would you describe your opinion of the United States as favorable or unfavorable?



**Base:** Canadians and Mexicans.

**Source:** EKOS Research Associates.

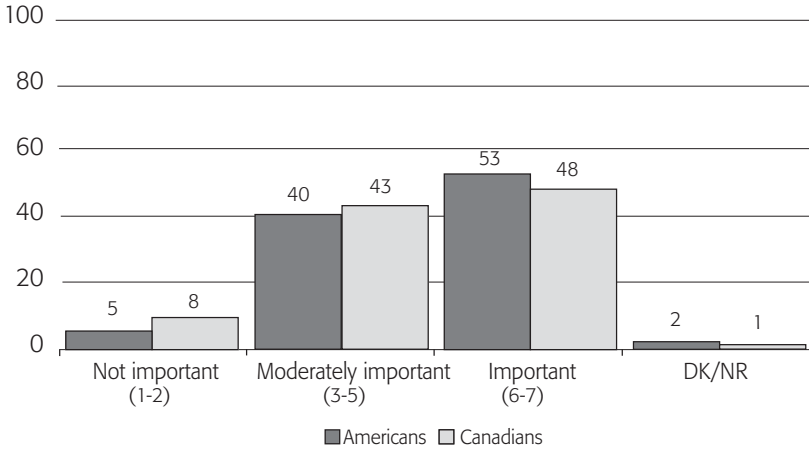
is now three times as prevalent among the U.S. public as it is for Canada. This stark and widening asymmetry is expressed in many other realms, notably, an expressed desire for closer relationships, attitudes to the free movement of people, and perceived threats to national security.

A few concluding observations on the nature of North American relations are, in order:

- The growing asymmetry in U.S. outlook on Canada (relatively positive and benign) versus Mexico (increasingly negative and closed) poses important obstacles for deep North American integration.
- The recent erosion of Canadian outlook on the United States, while significant, should not be overstated. Canadians still identify the United States as their best friend, whereas Americans have replaced Canada with Britain in this category. Canadian's disapproval of the U.S. is largely focused on the administration and mirrors internal dissatisfaction in the U.S. public, themselves. It also is proportionately smaller than the rise of these sentiments in Europe. There is deep ambivalence in Canadians' outlook, but 95 percent of both Americans and Canadians feel it is at least somewhat important to strengthen the relationship (see Figure 6).

**Figure 6**  
IMPORTANCE OF IMPROVING CANADA-U.S. RELATIONS

**Q:** How important do you think it is to improve the quality of U.S.-Canada relations?



**Base:** Americans, May 07 n = 1000; Canadians, May 07 n = 1006

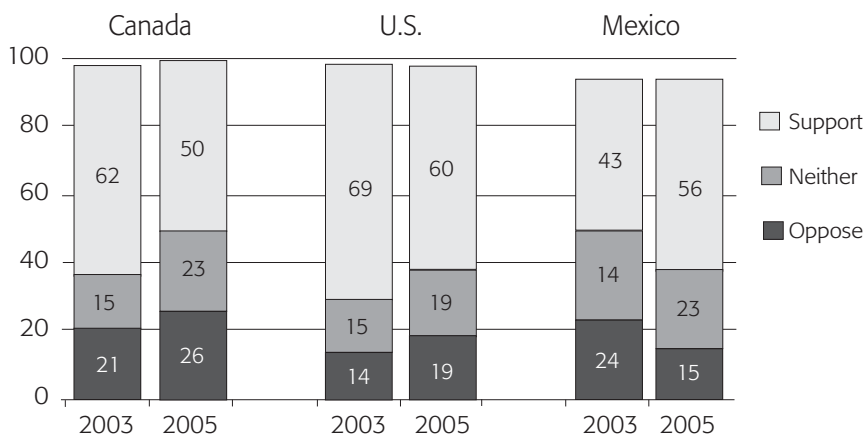
**Source:** EKOS Research Associates.

- The significance of rising isolationism in the United States is a crucial factor for the future of North America. It is a second-wave response to the pervasive transformation of the United States which occurred following September 11. The initial desire to go out into the world and inoculate the United States against terror through viral democracy has been replaced by a new wariness of the external world. This is expressed in extremely high resistance to immigration, increasingly negative views of the external world, rising protectionist sentiments, and a sharp and rising tilt to retrenching the focus on domestic, not international, issues. The significance of these effects is uncertain but a crucial question will be whether U.S. instincts will be to pull up the drawbridge at the forty-ninth parallel/Rio Grande or to favor a continental perimeter. So far, there is evidence that both are favored; a sort of “belt and suspenders” strategy. In both Canada and the United States, the trajectory is for support for less porous borders while perimeter support has softened somewhat (see Figure 7).



**Figure 7**  
SUPPORT FOR A COMMON SECURITY PERIMETER

**Q:** Would you support or oppose Canada, the United States and Mexico establishing a common security perimeter?



**Base:** Most recent data points from June 2005; Canada overall n = 2005; U.S. = 1505; Mexico = 1510

**Source:** EKOS Research Associates.

## RISK AND SECURITY: NORTH AMERICA IN AN ERA OF THE "NEW NORMAL". THE THREE METAPHORS

The underlying question in this paper is what is the most appropriate description of where North America is headed? We outlined three broad hypothetical models:

### *A North American Mosaic*

This is the metaphor which we believe most closely describes the North American trajectory to date, but which has been challenged and disrupted by issues of security in the early twenty-first century. This model features deep economic integration while preserving strong and even strengthened national identities with trilateral legal and administrative institutions that are quite weak. Hence, strong separate societies coexist within a shared marketplace.

### *A North American Community*

This is tantamount, but not identical, to the notion of a European community, with not merely economic interdependencies but stronger political and legal institutions, though not compared to the European community. It also features a heightened sense of continental identity; Robert Pastor develops a unique conception of a North American community, which is profoundly different from the European experiment based on origin, composition, balance of members, and so on. His recommendation for institutional reform is less stringent than the European experience. It still, however, entails the emergence of greater sense of continental community (Pastor, 2001). In our view, this metaphor does not closely correspond to the public opinion trends observed to date, nor the political agendas of the three states. While there is some polling evidence that suggests it may become a plausible outcome in the future, to date, however, this has not been the case.

### *Fortress North America*

This dramatic term is used to convey the possibility that the unabated U.S. focus on security and threat, coupled with growing isolationism and disenchantment with foreign affairs, produces a major shift from the broad enthusiasm for globalization and internationalism evident in the early part of the decade to a new, more isolated, continentalism. Perhaps the notion of a North American “haven” would be a less spectacular term to describe this notion. The impacts of a further security shock tantamount to, or eclipsing, September 11 would, undoubtedly, accelerate the plausibility of this metaphor. The crucial question would, then, become whether Canada or Mexico, or both, would seek greater union with an even more isolated United States.

The pervasive and transformative effects of concerns with security, threat, and terror are, perhaps, the most important new forces altering the North American trajectory. As noted, earlier, the mosaic model seemed to line up most closely with the observed data. Since September 11, however, the fortress metaphor is posing a serious challenge to the continued unfolding of the common marketplace/distinct society (mosaic) metaphor.

## THE SECURITY ETHIC AS THE “NEW NORMAL”

Any proper understanding of the future of North America must take into account the salience of security and threat. The unusual prominence of security has produced a fairly stable and deeply rooted “security ethic” that brings together a constellation of values and attitudes which place concerns with terror and security in a dominant position *vis-à-vis* many other societal priorities (e.g. civil liberties, economics, sovereignty, and convenience). This security ethic is equally powerful in both Canada and the United States, although there are important differences in the nature of risk perception and preferences for a national security strategy (Graves, 2005). Our Mexican research suggests that there is a commitment to security issues, as well. But the public commitment is considerably more tepid and rooted more in a sense of accommodating U.S. concerns (and, hence, Mexican economic interests) rather than the visceral alarm about terror and threat which continues to extend a pervasive influence on U.S. society.

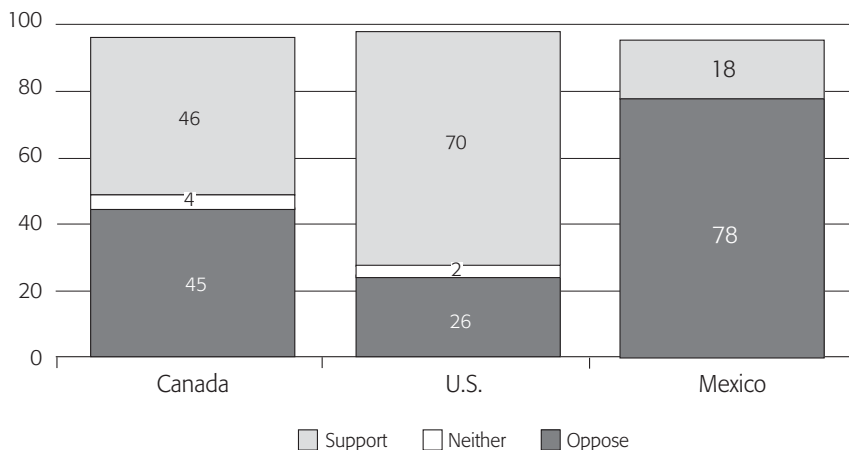
One revealing indicator drawn from our past surveys shows that 47 percent of Americans support the construction of a wall at the Canadian border. As shocking as this statistic might be (given the long history of the world’s longest undefended-shared border), it pales in comparison to the 70 percent of Americans who believe a wall at the Mexican border would be a good idea (as seen in Figure 8). Unsurprisingly, our Mexican polling found only 18-percent support for this idea among Mexican citizens.

As Figure 9 shows, there is a broad consensus that the world has become more dangerous over the past five years. The actual evidence of global risks would not support the overwhelming rejection of the view that the world may, in fact, be becoming safer. This increasingly dark and wary orientation to the external world stands in sharp contrast to the exuberant globalization seen at the close of the last decade, perhaps best captured in Thomas Friedman’s book *The Lexus and the Olive Tree* (Friedman, 1998).

Triggered by September 11, but also reinforced by unique demographics skewed by the unusual preponderance of aging baby boomers in Canada and the U.S., there is a newer sense that the balance of global risks to opportunities leans decisively to the former. The protracted Iraq engagement and seemingly intractable nature of geopolitical instability in the Middle East have dampened enthusiasm for internationalism. These new sentiments clearly have challenged the path to further globalization. A crucial question is whether U.S. isolationism will imply continentalism or nationalism. If continentalism is favored, what are the implications of asymmetrical attitudes within, and toward, Mexico and Canada? Finally, we must consider

**Figure 8**  
ATTITUDES TOWARD BARRIERS AT THE MEXICO-U.S. BORDER

**Q:** Would you say you strongly support, somewhat support, somewhat oppose, or strongly oppose the construction of barriers at the U.S.-Mexico border?\*



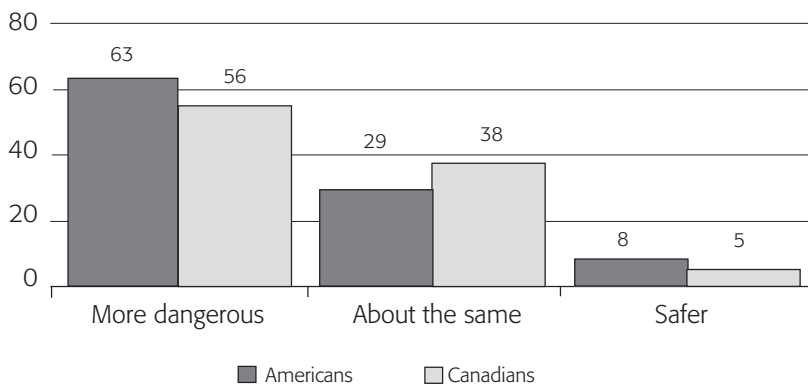
\* Please note that no neutral data point was provided in the Mexican questionnaire.

**Base:** Most recent data points from June 2005; Canada n = 2005, U.S. n = 1505; Mexico n = 1510

**Source:** EKOS Research Associates.

**Figure 9**  
TRACKING PERCEPTIONS OF THE SAFETY OF THE WORLD

**Q:** From your own point of view, do you feel that, overall, the world is safer, more dangerous, or about the same as it was five years ago?



**Base:** Americans, May 2007, n = half sample; Canadians, April/May 2007, n = 1006.

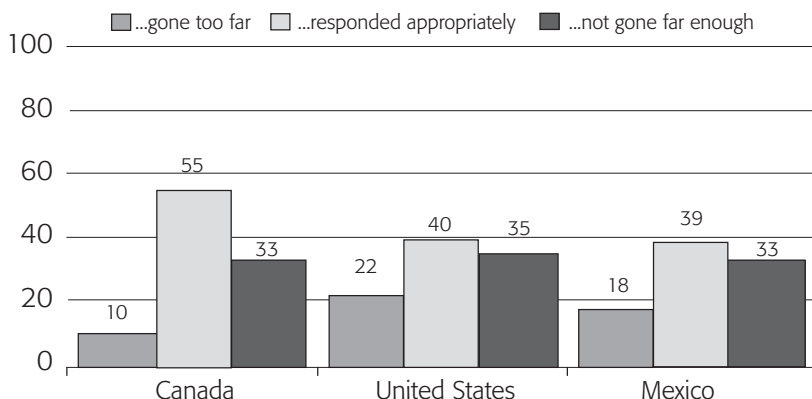
**Source:** EKOS Research Associates.

increasingly divergent attitudes to cosmopolitanism, diversity, and immigration across U.S. and Canadian publics, particularly among those under 40.

The new security ethic also has changed citizen expectations of the role of the state, vaulting security concerns to higher prominence and diminishing support for traditional trade-offs with privacy, economic, and civil liberties. Figure 10 demonstrates a sense that governments have not gone “too far” in pursuit of security. A sense that we are being too reckless in our pace is dwarfed by either satisfaction with the current pace or by a desire to increase government focus on this priority. This lean to “security first” is expressed in a broad range of parallel tests and indicators and the security lean is a fairly stable pattern. We also find that the North American publics have been generally satisfied with the broad direction of their national governments in this area –more so than in general terms or with other key policy priorities.

**Figure 10**  
APPROVAL OF GOVERNMENT RESPONSE TO TERRORISM

**Q:** Thinking about (Canada/the United States/Mexico’s) security response to the issue of terrorism, would you say we have...?



**Base:** June 2005; Canada overall n = 2005, U.S. n = 1505, Mexico n = 1510.

**Source:** EKOS Research Associates.

The issue of security has also been politically potent at the balloting box, particularly in the U.S. In Canada, the issue is politically significant. But “security” constitutes a broader panoply of threats for Canadians (such as health and the environment) than for Americans who give terror threats relatively more one-dimensional prominence.

A notable shift that is evident in our most recent U.S. polling (Security Monitor 2007) is that the pattern of broad satisfaction with the governmental direction of security is eroding rapidly, as is confidence in broad national and federal direction. It is important to note that this declining confidence is not fueled by heightened doubts about the significance of security, which remains one of the few areas of societal consensus in a deeply divided United States. The new factor is a growing conviction that security efforts, particularly foreign policy and the war in Iraq, have had the perverse effect of exacerbating the very threats they were designed to lessen. This combination of steadfast concern with terror and security but profound disagreement on how to achieve it is fueling a new period of isolationism which is expressed in increasingly resistant attitudes to immigration, a decisive desire to tilt to a more domestic-first policy focus, and heightened support for protectionism and tighter borders.

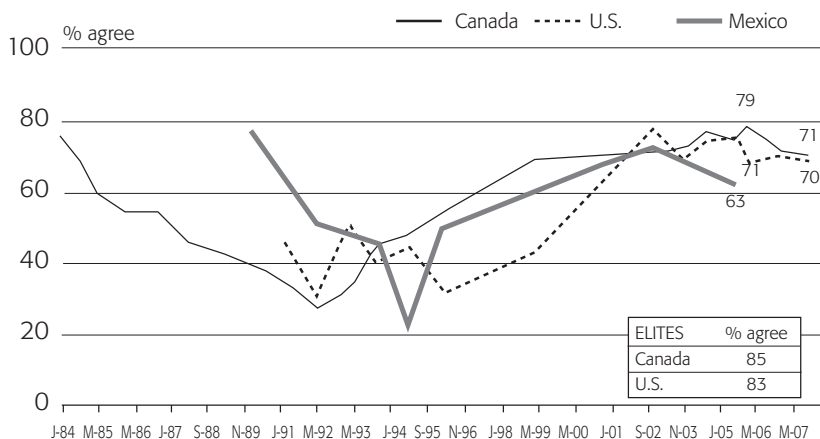
## TRADE, BORDERS, AND POPULATION FLOWS

One of the most crucial aspects of the North American trajectory is the circulation of people, goods, and services. Public attitudes and public policy in this area have undergone tremendous changes over the past two decades. Public opinion and public policy have not always been in sync, although there are surprising commonalities in the public opinion trajectories expressed in all three countries of North America. Beginning with attitudes to trade, we have borrowed benchmark measures of support for trade liberalization and NAFTA from all three countries. We have updated this data with our own tracking since 1999 and the results are displayed in Figure 11.

Interestingly, while the FTA and NAFTA were fiercely debated (even after these agreements were signed), there had been staunch public opposition in all three countries throughout the previous decade. It is remarkable to note, however, the synchronicity of rising public support in all three countries. The strong majority support for free trade across North America is a surprise to many critics and “experts.” Two comments are in order here. First, we have consistently found a large gap between the media and expert accounts of public opinion and the actual empirical record on many key issues of the day. Second, the strong support for NAFTA, which continues over to strong support for further strengthening NAFTA, contains some underlying contradictions. When asked about the overall costs and benefits of NAFTA, respondents are much more ambivalent; not only are ratings of benefits more highly divided, but there is a clear belief that the other NAFTA partners have benefited more.

**Figure 11**  
SUPPORT FOR TRILATERAL FREE TRADE AGREEMENTS

**Q:** Should there be free trade between Canada, the United States and Mexico?



**Base:** Most recent data points September 2007 Canada overall n = half sample; U.S. n = half sample; June 2005 Mexico n = 1510.

**Source:** EKOS Research Associates.

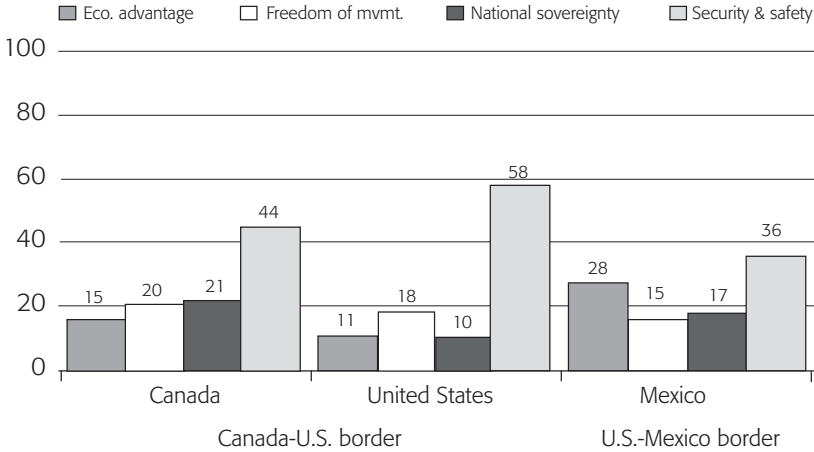
Separate polling of public and private sector elites in Canada and the United States shows even higher levels of overall support for free trade than from the general public. These results fly in the face of the protectionist sentiments expressed by many media commentators.

A final comment on the trade liberalization issue is in order. In our most recent iterations of these indicators, we see a modest, but significant, decline in support for free trade in both Mexico and the United States and, more recently, Canada. Once again, all three countries are moving in lockstep but the trajectory is now modestly downwards with respect to support for free trade. The U.S. decline is notable in concert with a broad range of other data signaling support for a more insular and isolated United States. These trends may not augur well for the future of NAFTA. Security, in this instance, may, indeed, trump trade. It is more difficult still to imagine a community model emerging within this context.

The fact that there has only been a mild erosion of support for free trade is surprising, given the huge salience of security concerns (in the U.S. and Canada mostly) and the rising support for less porous borders. Figure 12 shows what respondents in the three countries think should be the dominant consideration in border dis-

**Figure 12**  
SECURITY TOP BORDER CONCERN

**Q:** In discussions about the (Canada-U.S./U.S.-Mexico) border, what do you think should be the most important consideration?



**Base:** June 2005; Canada overall n = 2005, U.S. n = 1505, Mexico n = 1510.

**Source:** EKOS Research Associates.

cussions. In Canada and the U.S., security concerns eclipse issues of sovereignty, economic advantage, and free movement of people. A modest plurality of Mexicans select security. In all three countries, these patterns have been stable.

There is a surface contradiction in the strong support for free trade and rising support for “thicker” borders. Americans and Canadians still support the free movement of their citizens throughout their respective countries. This generosity is less evident in U.S. attitudes to Mexico, while Canadians are more receptive to free circulation of Mexican citizens in North America. The recent modest decline in American support for NAFTA may be evidence that this contradiction is challenging support for trade liberalization.

Some additional comments are worth noting here. Mexican umbrage at American opposition to Mexican migration and the construction of a border fence is steeped in much greater emphasis on economic opportunity, lower alarm about terror, and rising American antipathy. American support for stronger borders is rooted in rising opposition to immigration and profound and stable concerns with terror threats. Canadian support for a stronger U.S.–Canada border is an expression of rising U.S. antipathy and concerns with issues such as keeping out illicit handguns



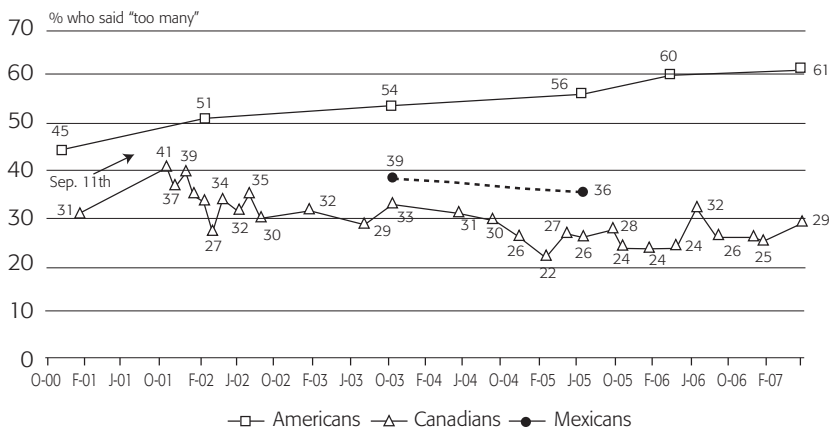
and drugs. In Canada, attitudes to free trade remain the most positive and unaffected. This links with a unique pattern of low and declining opposition to immigration. As the United States becomes more isolationist, Canada is more cosmopolitan and pro-trade. These differences are notable against a backdrop of broader value convergence.

An interesting anecdotal finding is that, although there is support for more coordinated North American approaches to key policy areas (for example, the environment and security), for Americans, U.S.-Canada integration is more acceptable than "North American" coordination. For Canadians and, possibly, Mexicans, the North American rubric is more acceptable than closer U.S.-Canada integration.

Figure 13 shows what we consider to be a highly revealing and extremely important contradictory trend line on attitudes to immigration. At the close of the 1990s, opposition to immigration, particularly those who said there are "too many" immigrants coming to their respective country, was slightly higher in the U.S. (just over 40 percent) than in Canada (around the mid-30s). Immediately following the shock of September 11, opposition rose dramatically. Since then, however, opposition has dropped off in Canada (running around the mid-20s), while continuing to rise in the U.S. (now over 60 percent). Mexico tends to look more like Canada on this indicator and the issue of the Mexican border has a huge effect on American

**Figure 13**  
TRACKING OPPOSITION TO IMMIGRATION

**Q:** In your opinion do you feel that there are too many, too few, or about the right number of immigrants coming to (the United States/Canada)?



**Base:** Most recent data points, Americans, May 07 n = 1000; Canadians, April/May 07 n = 1018.

**Source:** EKOS Research Associates.

attitudes to immigration. Nonetheless, we now have over twice as much opposition to immigration in the United States than Canada, while the United States is experiencing less than half as much (relative to population) immigration than Canada.

Coupled with higher ethnic diversity in younger Canada than younger America, and more favorable value orientations to diversity in Canada, this may presage a major potential future conflict. This is particularly so when viewed through the U.S. security lens and rising concerns with “the border.” This area of value divergence is notable, but not representative, of the overall patterns across a broad range of values. In the final section we will briefly summarize the patterns of value and identity convergence and divergence in North America.

## IDENTITY AND VALUES IN NORTH AMERICA

As we noted earlier, North American societies seem to be pursuing a very different trajectory than European societies in terms of citizen identification and sense of belonging. Unlike the European experience, we find national identities actually strengthening in North America. Hence, we have the notion of a mosaic of distinct societies within an increasingly interdependent economic space (see Figure 1). It will be interesting to see if the increased pressures of the security ethic reinforce this trend or produce a search for a continental haven, which could strengthen a sense of belonging to North America. So far, the short-term evidence suggests it is, once again, national identity that is strengthening in both Canada and the United States.

This issue of “identity” is extremely complex and its measurement is quite sensitive to the survey methodology that has been used. The longer term tracking from Figure 1 used a method borrowed from the World Values Survey (wvs), which forces respondents to choose one of five sources of identity. One can argue that this ignores the possibility of multiple, nested, or shared identities. One alternate approach is that used by the Eurobarometre which allows the choice between primary and shared national continental identities (see Figure 3). In 2002, we took the opportunity to ask these questions in the three North American countries and to compare them to the European results. Some have argued that the forced-choice (wvs) questions may not reveal the possibility of shared national and continental identity in North America as in Europe.

As Figure 3 shows, the differences between North Americans and Europeans on this indicator are profound, perhaps as much so as on the forced-choice question. Canada, the United States, and Mexico all show a strong leaning to solely-national identification. In Europe, there is more internal heterogeneity across countries but

the overall differences are vivid. Aggregating across countries (weighted roughly by population size), we see that the strong plurality of Europeans (48 percent) see themselves as possessing a shared national and European identity. Whereas about half of Europeans think of themselves in these shared identity terms, the corresponding incidence in North America is only 20 percent. This tenacious adherence to nationalism, despite highly convergent economic markets, is one of the most glaring and crucial differences across Europe and North America. It is one of the reasons we believe that the mosaic metaphor is a more accurate description than the community metaphor.

If anything, the time series data points to a shorter term drift away from an emerging community metaphor, even recognizing the less stringent institutional machinery implicit in Pastor's unique conception of a North American (as opposed to European) community. There is little evidence of an imminent community emerging under either the forced choice or shared identity indicators. There is, however, support for the future possibility of something closer to a community emerging based on expressed receptivity to trade, shared policy development in certain crucial areas, and evidence of broader value convergence in the shorter term. However, we note that nationalism is once again on the rise in the United States and Canada and support for free trade, while still high, is declining. The specter of a North American fortress may be as plausible as the community metaphor at this particular time.

The issue of values, roughly seen as the ultimate "ought" statements about what constitutes the "right" society, is closely related to the issue of identification. Some theorists have argued that relatively common values may be both a precondition and a result of trade liberalization.

Our data is imperfect but seems to support the thesis that values are relatively similar across the three nations of North America. Table 1 shows the comparative results of one value test we applied to all three countries in 2002. The similarities are far more impressive than the differences. Although there is relative congruence across all three societies, the U.S.-Canada differences are smaller than those across Mexico-U.S. or Mexico-Canada. Similar results are obtained using separate indicators that ask respondents how closely certain value statements correspond to their conception of being an American, Mexican or Canadian. When we retest these through time, we find remarkable stability in values, as we would expect from the values literature.

In the case of Canada and the U.S., we are able to use the two different sets of indicators to conduct a test of whether value differences are becoming greater or smaller. Recall that we just discussed some significant normative widening in the areas of diversity and cosmopolitanism. Similarly, there are highly influential

**Table 1**  
VALUES AND GOALS FOR DIRECTION OF COUNTRY

**Q:** If you were to direct the federal government, how important would you say each of the following values or goals are in shaping the direction of the country/Canadian society?

	(n=2002)	(n=2002)	(n=500)
Freedom	91 (1)	96 (1)	91 (1)
A healthy population	88 (2)	88 (7)	87 (3)
A clean environment	87 (3)	87 (8)	83 (6)
Respect	87 (4)	90 (5)	83 (7)
Family values	86 (5)	91 (2)	91 (2)
Integrity and ethics	85 (6)	91 (3)	83 (8)
Security and safety	85 (7)	90 (4)	82 (10)
Collective human rights	83 (8)	87 (9)	82 (11)
Tolerance	81 (9)	83 (12)	83 (9)
Hard work	81 (10)	89 (6)	82 (12)
Traditional family values	79 (11)	87 (10)	85 (4)
Innovation	79 (12)	84 (11)	77 (14)
Excellence	77 (13)	81 (13)	82 (13)
National identity	76 (14)	75 (14)	84 (5)
Prosperity and wealth	73 (15)	70 (15)	76 (15)
Redistribution of wealth	72 (16)	67 (17)	75 (16)
Minimal government	65 (17)	69 (16)	67 (17)

January-March 2002      Mean rating on a 100-point scale

**Source:** EKOS Research Associates.

works suggesting the value differences across the U.S. and Canada are elemental (Adams, 2004) and diverging. We also know that Canadians would emphatically prefer this to be the case with only 10 to 15 percent agreeing that we should become “more like the United States.” Yet most Canadians agree that, despite the clear preference not to become more like the United States, they are, in fact, becoming more like the United States. The empirical data would support this reluctant conclusion.

Tables 2 and 3 show that the sum of differences across the sets of value tests has become smaller, not larger, over the past several years. There is high stability but the evidence in the shorter term clearly favors convergence. It is crucial to understand that this occurs while distinct national identities are robust and strengthening, through time. In other words, closer value alignment does not seem to preclude a strong separate sense of distinct national identity.

**Table 2**  
MEANING OF BEING CANADIAN/AMERICAN\*

Q: What does being a Canadian/American mean to you?	2002			2005		
	CAN	U.S.	Dif.	CAN	U.S.	Dif.
Leaving a healthy environment to future generations	64	53	11	61	58	3
Having social and health programs to support all citizens	48	31	17	61	39	22
Being free to do and think as I please	60	64	4	60	65	5
Having the opportunity to pursue a good life	58	73	15	58	59	1
Living in a tolerant, multicultural country	61	56	5	55	47	8
Sharing many values and beliefs with other citizens	50	58	8	53	51	2
Having a say in political, social and economic development	47	57	10	47	55	8
Living in the best society in the world	54	498	5	47	44	3
Being able to count on your fellow citizens if you are in need	40	48	8	47	48	1
Feeling distinctly different from people in other countries	39	28	11	35	23	12
Serving my country when it needs me	37	50	13	31	46	15
Paying taxes	31	14	17	20	20	0
Sum of total differences				124		80

**Base:** June 2005, Canada n = 2005; U.S. n = 1505; \* presented as a series of randomly paired choices.  
**Source:** EKOS Research Associates.

**Table 3**  
CONVERGING VALUES?\*

Q: How important would you say each of the following goals and values should be for shaping government direction?	1998/99			2005		
	CAN	U.S.	Dif.	CAN	U.S.	Dif.
Freedom	89	94	5	90	95	5
A healthy population	86	87	1	87	87	--
Integrity and ethics	81	87	6	86	90	4
A clean environment	83	85	2	86	86	--
Security and safety	80	87	7	84	88	4
Hard work	79	85	6	80	87	7
Tolerance for different people/cultures	75	80	5	80	81	1
Respect for authority	79	80	1	78	82	4
Traditional family values	79	86	7	77	83	6
Sharing of wealth among rich and poor	72	57	15	74	64	10
Prosperity and wealth	72	67	5	68	69	1
Minimal government intrusions	66	68	2	65	67	2
Sum of total differences				62		44

**Base:** June 2005, Canada n = 2005; U.S. n = 1505; \* presented as a series of randomly paired choices.  
**Source:** EKOS Research Associates.

Two final comments are worth noting. First, the distribution of values operates very differently in Canada and the United States. U.S. values are highly polarized and much more differentiated across social class, race, and ideological orientation. In Canada, the same values are much more concentrated around the center of Canadian society, more consensual and less attached to ideological orientation. Second, the process of value convergence, under what Inglehart has called the “rhythms of post-materialism,” probably is a broader characteristic of advanced Western societies. It is, however, noteworthy that this values analysis does not definitively preclude any of the three North American metaphors we presented earlier (Inglehart, 1995).

### CONCLUSIONS AND IMPLICATIONS: DISRUPTED TRAJECTORY?

The future of North America is highly uncertain. The unique trajectory in place at the close of the last decade showed a clear alternative to the European community model. In North America, distinct national societies coexist within a highly interdependent economic space provided an alternate path to continental economic integration. This demonstrates an alternative path to continental economic integration. The North American experience showed that trade liberalization need not necessarily produce the subordination of national identity and the creation of a continental institutional infrastructure –e.g., common currency and/or parliament. This “mosaic” metaphor was an unexpected and interesting alternative to the European community model and it may, or may not, have contained the seeds of an incipient North American community.

Recent history and the current political context within the countries forming North America seems to render the community model to be less, not more, likely in the near future. For example, national attachments continue to dwarf a sense of continental community, and nationalism is once more on the rise in North America. The large and growing asymmetry in American attitudes to Mexico and Canada act as an increasing barrier to further integration. Mexico, in particular, represents a special challenge to deeper North American integration. While value differences are by no means insurmountable barriers, Mexico is the most “different” and considerably less welcome by Americans. Moreover, tensions are rising across the U.S. and Mexican publics. There is, however, continued evidence of overall value convergence which, coupled with the powerful forces of a shared geography and mutual economic interest, may, ultimately, facilitate the evolution of a North American community.

Perhaps an even more important disruption to the mosaic trajectory is the cascading impact of the security shock associated with September 11, which has ma-

tered into a deeply entrenched security ethic. Ironically, a more deeply integrated North America may result, particularly in the aftermath of another severe security shock. The resulting impact of this could probably be better characterized as a North American fortress or, perhaps, a “haven.” It is, also highly unclear as to whether such an episode, coupled with the new isolationist outlook gripping the U.S. public, would result in either a more insulated and separate United States or a more integrated North America where perimeter security becomes paramount. The growing asymmetry across attitudes to Mexico and Canada may also produce a more integrated U.S. and Canada with Mexico left as a relative outsider. It will be crucial to determine whether the growing search for less porous borders and weakening support for trade continue to the point at which they begin to challenge the still-strong, shared public commitment to free trade and the growing value consonance across North American publics.

The rising gaps in attitudes to immigration, diversity, trade, and cosmopolitanism are also important trends to watch. In the case of Canada-U.S., these stark and growing differences may produce profound collisions on issues around immigration and multicultural policies, particularly when scrutinized through the unblinking security lens that continues to dominate the U.S. outlook. The dispute over immigration and population movements is even more divisive as it applies to Mexico and the United States.

On a more positive note, we suggest that the growing public preoccupation with environment and climate change may ultimately trump the shorter-term obsession with security. Our research shows that an integrated North American approach that explicitly balances the disparate priorities of the three publics over issues of climate change and the environment, energy and freedom from reliance on the energy of countries in a state of geo-political instability, and security issues produces strong public support in all three countries. Moreover, the longer-term perspective suggests that climate change, in particular, will likely produce major –perhaps, even unprecedented– population shifts, e.g., away from low-lying coastal cities to a more newly-temperate north. A fully navigable Northwest Passage is another, profoundly important development. Against the backdrop of a turbulent global context, all of these factors may coalesce to make the future of North America the defining issue of the twenty-first century.

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## **ENSAYOS / ESSAYS / ESSAIS**

*NAFTA and Federalism: Are They Compatible?*

**G. Alan Tarr**

*Beyond Courts: Harmonizing Practice and Principles in North America through Investor-State Arbitration*

**Susan L. Karamanian**

*The Solution to North America's Triple Problem: The Case for a North American Investment Fund*

**Robert A. Pastor**



## NAFTA and Federalism: Are They Compatible?

G. ALAN TARR\*

### ABSTRACT

Some commentators have argued that federalism can undermine the strength of government, especially in international affairs and capitalist development. This perspective argues that multilateral trade agreements, such as NAFTA, are more difficult to achieve and weaker in effect when negotiated and implemented among federal countries. However, an analysis of the process that created NAFTA and its actual economic accomplishments, so far, strongly suggest that the opposite is true: that federal systems, such as Canada, Mexico, and the United States, benefit from that experience of “shared governance” in relation to globalization, especially as it reflects the complexity of sovereign integration, critical to the practical success of that process.

**Key words:** federalism, globalization, shared sovereignty, constitutional law and government, capitalist development, multilateral negotiations

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## INTRODUCTION

In a famous article written in 1939, Harold Laski concluded that federalism was obsolete (Laski, 1939).<sup>1</sup> The rise of “giant capitalism,” he argued, demanded the development of governmental institutions that could match it in size and power. However, the fragmentation of power under federalism undermined the strength of government and encouraged corporations of national scope to play off one level of government against another. Thus federalism interfered with the effective management of an advanced capitalist economy. Extending Laski’s analysis to the contemporary era of globalization, some commentators have argued that the rise of multinational corporations has raised similar questions about the adequacy of the nation-state (Cerny, 1995: 595-625; Hirst and Thompson, 1995: 408-442; Evans, 1997: 62-87). Not everybody shares this view. As Milton Esman has noted, “Globalization with its challenges to state sovereignty in the economic domain is not a mandate from heaven, nor is it a technological necessity. It is largely a matter of social choice and of continuous contestation” (Esman, 2002: 385). But whatever its implications for nation states, globalization, with its potential for (limited) supranational governance, raises anew questions about the compatibility of advanced capitalism and federal arrangements.

Turn to a quite different perspective. In 1951, Senator John Bricker of Ohio, a conservative Republican, proposed a constitutional amendment designed to defend states’ rights and federalism against intrusion by the federal government under the treaty power.<sup>2</sup> The Bricker Amendment itself went through several formulations. The 1951 version, for example, mandated that “no treaty shall be made abridging any of the rights and freedoms recognized in this Constitution” and that “executive agreements shall not be made in lieu of treaties;” whereas the 1954 version attempted to ensure that treaties would not be self-executing: “[an] international agreement shall become effective as internal law in the United States only through legislation by the Congress.” But the amendment’s main thrust, throughout, remained the same, namely, to overrule *Missouri v. Holland* (252 U.S. 416 [1920]), which had recognized that the federal government could ratify treaties or other international agreements that in effect trumped powers guaranteed to the states by the Tenth Amendment.<sup>3</sup> Such

<sup>1</sup> The pertinence of Laski to this analysis was suggested by Axel Hulsemeyer (2004: 1) and this paragraph relies upon Hulsemeyer’s account.

<sup>2</sup> This account of the Bricker Amendment relies on Tannenbaum (1988) and Davies (1993).

<sup>3</sup> Some commentators have suggested that, even at the time it was proposed, the Bricker Amendment was a historical artifact, given the U.S. Supreme Court’s expansive interpretation of congressional power under the Commerce Clause in the wake of the New Deal.

international agreements, Bricker contended, threatened the federal balance of powers established by the Constitution.

From the perspectives of both Laski and Bricker, then, the relation of federalism to agreements such as the North American Free Trade Agreement (NAFTA) is problematic. For Laski the problem involves federalism, which, he insisted, prevented the aggregation of governmental power necessary to manage an advanced capitalist economy. In addition, federalist particularism could impede the implementation of policy; indeed, the more decentralized a federal system, the more acute the problem was likely to be (Hulsemeyer, 2004: 5).<sup>4</sup> Laski's frequent correspondent, Justice Oliver Wendell Holmes, concurred, noting "how often a local policy prevails with those who are not trained to national views" (Wendell Holmes, 1921: 296). In contrast, Bricker believed that international agreements such as NAFTA threatened to extend federal control over policy areas over which only state governments had heretofore exercised jurisdiction. Beyond that, by imposing uniform requirements on the states, such agreements would unduly limit the states' regulatory autonomy, ultimately augmenting federal power at the expense of state power. Some recent scholars have endorsed Bricker's critique (Tangeman, 1996: 243-270; Long, 1995: 231-264; Kincaid, 2003: 74-76).

This article explores the concerns raised by Laski and Bricker, examining the challenges that NAFTA poses to federalism and *vice versa*. Such an examination is particularly pertinent because all three signatory countries to NAFTA (Canada, Mexico, and the United States) have federal systems. Initially, I sketch the political background of NAFTA, the process of its adoption, and the institutions that it constructs. Next, I look at the division of power between the federal government and subnational units (states or provinces) within the three signatory countries to determine in what respects NAFTA might be expected to have an effect on federalism, and *vice versa*. I then examine the constitutional and political factors that serve to guarantee the appropriate division of powers. I conclude with some reflections on what my findings suggest about the concerns voiced by Laski and Bricker.

Although this article focuses on NAFTA, its findings may have broader implications. After all, NAFTA is hardly the only international agreement to which Canada, Mexico, and the United States are parties—Canada, for example, is a member of the World Trade Organization, G-8, and a host of other agencies—and these accords may, likewise, involve areas of concern to their component units. Moreover, regional trade agreements like NAFTA have proliferated in recent years—according to one

<sup>4</sup> This seems consistent with the argument of Helen Milner that the absence of domestic consensus, which would seem particularly likely in a federal system with its structure of divided rule, would retard international cooperation (Milner, 1997) and the discussion of how her theory relates to NAFTA (Tamayo, 2001: 67-90).

account, 133 such agreements were negotiated from 1990 to 2001— and, often, these too have federal signatories so the potential problems identified by Laski and Bricker may have arisen in those contexts as well (Duina, 2006: 1; Robert, 2001). And, of course, the European Union, the most ambitious supranational economic and political arrangement, includes both federal countries such as Germany and quasi-federal systems such as Spain and Italy, thus raising similar concerns.<sup>5</sup>

## CREATING NAFTA

Although there were no trilateral institutions in North America prior to NAFTA, the rationale for an agreement on trade liberalization at the continental level existed long before the treaty was negotiated (McKinney, 2000: 16). The United States was the primary market for Canadian and Mexican exports and Canada and Mexico two of the largest purchasers of American goods.<sup>6</sup> But, for agreement among the three nations to occur, there first had to be a convergence of perspectives on trade, investment, and financial openness. Initially, the movement toward economic integration was bilateral. The election and reelection of Ronald Reagan installed in the White House a president strongly committed to free trade, and the 1984 victory of the Progressive Conservative Party gave Canada a prime minister, Brian Mulroney, likewise interested in dismantling trade barriers. Moreover, after U.S. flirtations with protectionism in the late 1970s, Canada had a strong interest in ensuring access to U.S. markets and the means to resolve trade disputes, while the United States wanted to address some of the issues that had stalled the multilateral GATT talks during the 1980s (McKinney, 2000: 3-5; Hulse Meyer 2004: 90). Negotiations between the two countries led to the adoption of the Canada-U.S. Free Trade Agreement (CUSFTA), which went into force in 1989 and had immediate effects: Canadian exports to the United States in sectors liberalized by CUSFTA increased 33 percent in value between 1988 and 1992 (Winham and Grant, 1995: 28).

Mexico and the United States also shared common interests, particularly in resolving long-standing issues relating to trade, investment, and workforce mobility. However, for a long time, Mexico resisted economic openness, seeking to protect domestic producers from international competition. This changed with the election of President Carlos Salinas in 1988. Salinas's election inaugurated a "neoliberal rev-

<sup>5</sup> Although it is beyond the parameters of this article, comparison of the European Union and NAFTA is particularly valuable. For pertinent literature, see MacMillan (1995), Potter (1995), and Pastor (2001; 2002).

<sup>6</sup> Between 1975 and 1995, the U.S. share of Canadian exports rose from 25 percent to 75 percent and by the early twenty-first century was over 85 percent. See Simeon (2003: 132) and, more generally, Whiting, Jr. (1995).



olution" in Mexican economic thinking and, as part of this revolution, Mexico committed itself to trade liberalization (Levy and Bruhn, 2006: 247). Thus, in August, 1990, a year after CUSFTA went into effect, President Salinas proposed trade negotiations to President George H. W. Bush, and Canada subsequently joined the bilateral negotiations after being guaranteed that "nothing that was agreed upon in CUSFTA could be revised" (Morales, 2006: 116).

Agreement among the three countries was reached in 1993. The basic premise of NAFTA was regional economic integration, which would be achieved by removing barriers to trade and investment. Yet there were limits to the economic integration sought in NAFTA; for example, the highly contentious topic of worker mobility was left unaddressed. The agreement also did not seek to harmonize the regulatory or tax systems of Canada, Mexico, and the United States. Federalism and its consequent diversity undoubtedly played a role here. Subnational taxes are relatively unimportant in Mexico, accounting for less than 20 percent of overall tax revenues. But in Canada and the United States, almost 50 percent of tax revenues are collected through taxes imposed by state or provincial and local governments. Moreover, in contrast with practices in Canada, state income taxes in the United States are collected separately, and the regulations governing them are seldom harmonized with federal regulations or with those in other states (Cockfield, 2005: 34-35).

NAFTA was ratified virtually without debate in Mexico, where the Institutional Revolutionary Party (PRI) controlled both the executive and legislative branches and only a simple majority in the Senate sufficed for ratification (Pastor and De Castro, 1998: 17-18). In Canada, making treaties is a prerogative of the executive, requiring no legislative approval, so although the treaty was controversial, negotiation of NAFTA was tantamount to its adoption.<sup>7</sup> In the United States, it was a different story.<sup>8</sup> NAFTA excited strong opposition from organized labor and other Democratic Party constituencies, and it also drew fire from Ross Perot, the major independent candidate in the 1992 presidential election, who claimed that approval of NAFTA would produce a "giant sucking sound" of jobs draining away to Mexico (Kincaid, 2003: 50). On the other hand, business interests and the governors of more than three-quarters of the states supported the initiative. Bill Clinton, who succeeded President Bush in 1993, made his support of NAFTA contingent on the negotiation of separate agreements on labor and the environment. Even with these agreements, opposition to NAFTA remained sufficiently widespread that the agreement was unlikely to gar-

<sup>7</sup> Anti-NAFTA sentiment did contribute to the defeat of the Progressive Conservative Party in the 1993 general election, although the Liberal Party did not repudiate the treaty.

<sup>8</sup> Useful overviews of the ratification process in the United States are provided by Mayer (1998) and Ackerman and Golove (1995).

ner the two-thirds majority required for Senate ratification of a treaty. So President Clinton presented NAFTA as a congressional-executive agreement, which required only simple majorities in the House and Senate for adoption. The accord was ratified in November, 1993 by votes of 234-200 in the House and 61-38 in the Senate and it went into effect on January 1, 2004.

The use of this alternative avenue for ratification in the United States is problematic from the perspective of federalism. Opponents of the Bricker Amendment had insisted that the constitutional requirement of ratification of treaties by a two-thirds vote in the Senate, in which the states were equally represented, afforded the states adequate protection in the international arena. Whatever the validity of this claim –and it has been called into question since the ratification of the Seventeenth Amendment made the Senate more a “popular” and less a “state” chamber– treating treaties and executive agreements as interchangeable eliminates that protection for the states.<sup>9</sup> Some commentators, most notably Bruce Ackerman and David Golove, have argued that the movement to two-house ratification represented a valid, albeit informal, amendment of the Constitution (Ackerman and Golove, 1995). They insist that the Trade Act of 1974, which requires the executive to consult with all relevant congressional committees and provide 90 days notice of an intention to sign any agreement, provides an opportunity to give advice and promotes genuine discussion before the completion of an international agreement (Ackerman and Golove, 1995: 105).<sup>10</sup> Yet this suffices to protect the interests of the states only if members of Congress are committed to safeguarding those interests. What is clear is that the rise of the United States as a superpower has coincided with the desuetude of one of the principal constitutional guarantees for the states. Harold Laski would, undoubtedly, approve.

## THE GOVERNMENTAL MACHINERY OF NAFTA

Comparing NAFTA with the European Union, Patrick Glenn observed that “there is no Brussels in North America, and there are no North American directives bringing about uniformization or harmonization of North American” law (Glenn, 2001).<sup>11</sup> Stephen Clarkson concurred, noting that “[b]eyond the norms and rules [contained in the agreement], the constitution that NAFTA created for North America compris-

<sup>9</sup> On the effect of the Seventeenth Amendment, see Rossum (2001).

<sup>10</sup> The Trade Act is codified at 19 U.S.C., sec. 2101 (1988).

<sup>11</sup> For more detailed discussion of how the institutions of the European Union affect the sovereignty of its members, see Wind (2001).

es a weak executive, a non-existent legislature, an uneven set of adjudicatory mechanisms, an ineffectual bureaucracy, and almost no coercive capacity” (Clarkson et al. 2005: 171).<sup>12</sup> This is not to say that NAFTA created no institutions to supervise implementation or enforcement. Article 2001 created the North American Free Trade Commission (NAFTC) and assigned it responsibility for supervising the implementation of NAFTA, overseeing its further elaboration, resolving disputes that arose from interpretations of the agreement, and supervising the work of the committees and working groups it established. But in actuality, the NAFTC lacks the resources to undertake these responsibilities. It has no headquarters, no address, and no secretariat. Rather, NAFTC is really just a label for meetings of the signatory states’ trade ministers, and, as one commentator put it, the meetings “seem to be held mainly because the NAFTA agreement calls for them to take place at least once a year” (Clarkson et al., 2005: 238).

NAFTA also established 24 committees and working groups under the direction of NAFTC to monitor and direct implementation of each chapter of the agreement. The members of these bodies are chosen by the signatory countries so, in actuality, the committees and working groups are intergovernmental entities rather than supranational political institutions. Like NAFTC, they “have proven largely inconsequential in terms of governance” (Clarkson et al., 2005: 177-180). Indeed, NAFTA encourages independent arbitration and mediation to settle commercial disputes prior to hearings by the official panels that deal with complaints (Folsom et al., 2000: 249). Thus, it is difficult to dispute Clarkson’s conclusion that despite the requirements placed on the signatory countries and their component units, what is striking is the absence of machinery for implementation or enforcement, “the extent to which the political manifestation of transnational integration *has not* been formally institutionalized in North America” (Clarkson et al., 2005: 170). Put differently, the absence of supranational institutions with the capacity to implement NAFTA has placed responsibility squarely on the three signatories. In practice, this has meant that the three countries have sought arenas other than “NAFTA’s castrated Trade Commission” for resolving bilateral disputes, most frequently calling upon the World Trade Organization’s dispute settlement mechanism (Clarkson et al., 2005: 170). For present purposes, the key point is that NAFTA has produced a shallow, rather than a deep, integration of the three signatories, a free-trade area rather than an economic union (Kincaid,

<sup>12</sup> From a federalism perspective, what is interesting is that as the European Union has become more involved in governance, it has sought to ensure that subnational entities within its member states have a role in its operations. Thus the Maastricht Treaty, which expanded the power of the EU, also created the Committee of the Regions, which advises the Commission and Council on matters that have regional or local repercussions. For discussion of the implications of the European Union experience, see MacMillan (1995). For discussion of possibilities for greater North American integration that draw upon the European experience, see Hakim and Litan (2002) and Duina (2006).

2003: 64). Insofar as the institution of a supranational level of government might threaten federalism, NAFTA does not pose that danger.

A key exception to this pattern of institutional underdevelopment is the system of dispute resolution that NAFTA established for dealing with disputes between private investors from a signatory country and the government of another signatory.<sup>13</sup> Under Chapter 11 of NAFTA, these private investors may sue a signatory government, when they believe that it, or one of its state or municipal component units, has directly expropriated their property or has done so indirectly by imposing discriminatory or unduly burdensome regulations or by engaging in other arbitrary action. In such situations, NAFTA permits investors to bypass domestic courts and to bring their claims directly to an arbitration tribunal established under the International Center for the Settlement of Investment Disputes. Although permitting dispute resolution by independent tribunals rather than national courts might bolster investor confidence, it would also raise federalism concerns if the tribunals could direct state or municipal authorities to engage in, or refrain from, actions that lie within the scope of their constitutional powers.

Yet this does not seem to be the case, as two highly publicized cases filed under Chapter 11, the *Metalclad* and *Methanex* cases, reveal. In the former case, *Metalclad*, a U.S. company, sued Mexico, challenging the power of a Mexican state and a municipal government to deny it a construction permit to build a hazardous waste treatment facility and their power to declare the place where it was to be built an ecological reserve (Meltz, 2002; Tamayo, 2002). The NAFTA panel ruled in favor of *Metalclad*, a decision upheld by a Canadian court to which the Mexican government appealed the ruling. In the second case, the *Methanex Corporation*, a Canadian company, unsuccessfully sued the United States seeking damages for the profits it would lose if California, because of a concern about contamination of drinking water, outlawed the use of a gasoline additive it produced.<sup>14</sup>

From a federalism perspective, what is striking in both cases is what was not at issue. In neither case did the complaining company challenge the constitutional authority of the component unit. Although in the *Metalclad* case the Mexican federal government put considerable pressure on the state and municipality to issue the construction permit, ultimately it had to recognize “the constitutional right of the municipality to deny the permit, as well as the right of both state and municipal governments to declare the area an ecological reserve” (Tamayo, 2002). And although

<sup>13</sup> This account of Chapter 11 tribunals relies on Meltz (2002); Ortiz Mena (2002).

<sup>14</sup> For detailed information on this case, see [http://naftaclaims.com/Disputes/USA/Methanex/Methanex\\_Final\\_Award.pdf](http://naftaclaims.com/Disputes/USA/Methanex/Methanex_Final_Award.pdf).

the NAFTA tribunal was able to award monetary damages against the Mexican government, it could not issue an order to the state or municipality to allow the construction of the plant. Similarly, even if the Methanex Corporation had prevailed, the remedy would merely have been monetary damages, not rescission of the California regulation. Thus, NAFTA institutions do not pose the threat to the division of power between nation and state that Bricker feared.

## FEDERALISM AND THE IMPLEMENTATION OF NAFTA

NAFTA provides a test case of “how constitutional provisions influence the way in which countries adapt to the process of economic globalization” (Hulsemeyer, 2004: ix). What is crucial in these constitutional arrangements is both the division of powers or competencies between the federal government and the component units of the federation and, also, the mechanisms established to safeguard the constitutional allocation of powers. Let me offer some general observations about the distribution of powers under federal constitutions and then address the constitutional arrangements in each of the signatory countries.

First, a clear delineation of national and sub-national powers in the federal constitution can help reduce competency disputes: when the allocation of powers is clear, there is no basis for dispute. Nevertheless, there may be reasons, other than lack of skill in constitutional drafting, why federal constitutions do not clearly delineate national powers. A too-detailed delineation of those powers, particularly in a system in which residual powers lie with the component governments, may deprive the national government of the flexibility necessary to deal with unanticipated contingencies. In the United States, for example, even when concerns about a too-powerful federal government led the delegates to the 1787 Constitutional Convention to enumerate congressional powers, the language they employed (“regulate commerce among the several states,” “all powers necessary and proper to carry out the foregoing powers,” etc.) reflected a preference for flexibility over precision. They were willing to risk disputes over the distribution of power in order to avoid handicapping the federal government in its efforts to achieve national objectives.

Second, in most systems of divided powers, some powers are shared, and these concurrent powers can, also, lead to competency disputes. This concurrency may be either explicit or implicit. For example, Article 73 of the Mexican Constitution expressly defines several important powers as concurrent: taxation, education, health, preventive measures for public security, human settlements, economic and social planning, environmental protection, civil protection against national disasters, and

sports.<sup>15</sup> But the U.S. Constitution, because it does not delineate state powers, leaves questions of concurrency to implication.

Most federal constitutions confirm the supremacy of federal law in cases of conflict but disputes may still arise about whether a federal law conflicts with a state or provincial law or whether a state or provincial law frustrates the achievement of national goals. The situation may be even more complicated. Under the U.S. Constitution, for example, not only are some powers exclusive and others concurrent but some powers are partially concurrent. The power to regulate interstate commerce is a prime example of a partially concurrent power and a historically important one as well. As one commentator wryly put it, “Congress may regulate interstate commerce; the states may also regulate interstate commerce, but not too much (Powell, 1956: ix).” Even the most skilled drafter cannot draw the line between “all right” and “too much” so disputes inevitably arise that can only be resolved on a case-by-case basis.

Third, the structure of the federal government –and particularly of the national legislature– can also reduce the likelihood of competency disputes. In systems of divided power, most federal constitutions provide representation for the component units in a second chamber of the national legislature. The assumption is that these representatives will prevent the enactment of federal legislation that invades the prerogatives of the units they represent. However, senators in the United States and Mexico are popularly elected and senators in Canada are appointed by the Governor General on the advice of the prime minister, so none are directly accountable to state or provincial governments. In some federal systems, including the three signatories to NAFTA, the second chamber is at least nominally equal in authority to the first chamber in that all bills must be approved by both chambers in order to become law.<sup>16</sup> In others, the legislative powers of the second chamber depend upon the character of the bill under consideration. In Germany and South Africa, for example, the second chamber exercises only a suspensive veto on bills that do not implicate state concerns. But on bills that do implicate those concerns, the German Bundesrat has an absolute veto and the South African National Council of Provinces can only be overridden by a two-thirds vote in the National Assembly. This makes it unlikely that legislation will be adopted that invades the powers of state governments, and that, in turn, reduces the frequency of competency disputes.

<sup>15</sup> For discussion of concurrency under the Mexican Constitution, see Gutiérrez González (2005: 216-217).

<sup>16</sup> The actual operation of this may depend on whether the federal system has a presidential or parliamentary government. In Canada, for example, the parliamentary convention of “responsible government” reduces the influence of the Senate, as does its appointive character (Knopff and Sayers, 2005: 120-121). Limited powers for federal chambers are typical of parliamentary systems, as Australia, Germany, and South Africa illustrate.

## THE UNITED STATES

Article VI, section 2 of the U.S. Constitution states that “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.” This supremacy clause, as it has been called, confirms that federal law prevails over incompatible state law. However, the Tenth Amendment to the Constitution states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This amendment makes clear that the federal government is a government of limited, not plenary, powers and that the residual powers (those not delegated to the federal government) are reserved to the states. It also implies that the category of residual powers is not a null category: that the grants of power to the federal government should not be interpreted in such a way that no powers are left to the states.

Among the powers that the drafters of the U.S. Constitution clearly intended to lodge in the federal government was the power over foreign affairs.<sup>17</sup> As James Madison observed in *The Federalist*, #42, “If we are to be one nation in any respect, it clearly ought to be in respect to other nations.” Several Supreme Court rulings confirm that the exercise of national powers in foreign affairs supersedes state prerogatives. Thus, in *Perpich v. Department of Defense* (1990), the court unanimously upheld a congressional authorization for training National Guard troops outside the United States, despite gubernatorial objections. When the Massachusetts legislature sought to express its disapproval of the government of Myanmar by forbidding the state government from purchasing goods or services from companies that did business in that country, the court in *Crosby v. National Foreign Trade Council* (2000) struck down the state law because it conflicted with the national government’s policy toward Myanmar. Similarly, in *American Insurance Association v. Garamendi* (2003), the court struck down a California law designed to force European companies to pay on unpaid insurance policies of victims of the Holocaust. However, in *Crosby* and *Garamendi*, the court focused on the conflict between federal and state policies, specifically avoiding the more general question of whether the Constitution precludes all state involvement in foreign affairs (Wilson, 2007: 746-788).

Although the Federal Constitution does not expressly confer the foreign affairs power on the federal government, it does grant important powers to Congress, to

<sup>17</sup> This paragraph relies on Rossum and Tarr (2007: 223-224). The cases cited are: *Perpich v. Department of Defense* (496 U.S. 334 [1990]), *Crosby v. National Foreign Trade Council* (530 U.S. 363 [2000]), and *American Insurance Association v. Garamendi* (539 U.S. 396 [2003]).

the president, and to the president acting in conjunction with the Senate. Thus, Article I, section 8 authorizes Congress to regulate foreign commerce, to lay duties, to raise and support armies and navies, to declare war, and to define and punish piracies and felonies committed on the high seas and offenses against the law of nations. The president is named commander-in-chief of the nation's military forces, given the power to receive ambassadors, and authorized to exercise the "executive power" (U.S. Constitution, art. II, sec. 1-3). With the advice and consent of the Senate, the president also can make treaties and appoint envoys (U.S. Constitution, art. II, sec. 2). Finally, the states are expressly prohibited from entering into treaties or alliances, and they cannot without the concurrence of Congress impose duties on imports or exports, keep troops or ships of war during peacetime, or enter into agreements with a foreign power (U.S. Constitution, art. I, sec. 10).

Of particular importance is the federal government's authority to enter into treaties and other international agreements. Although the Tenth Amendment of the United States Constitution confirms that residual powers rest with the states, the Supreme Court, in *Missouri v. Holland* (1920), made clear that the treaty power is not merely instrumental to carrying out the other powers assigned to the federal government but, rather, is an independent grant of authority. Put differently, the federal government can address, via the treaty power, subjects that it could not reach through the other powers assigned to it. And Congress can enact laws "necessary and proper" to carry out the nation's treaty obligations, even if it could not enact similar laws in the absence of those obligations. Federalism thus does not pose an obstacle under the Constitution to the implementation of a treaty. As Justice Holmes put it in his opinion of the court in *Missouri v. Holland*, "It is obvious that there may be matters of the sharpest exigency for the national well being that an act of Congress could not deal with but that a treaty followed by such an act could" (252 U.S. 416, 433).

## MEXICO

Article 40 of the Mexican Constitution declares that "it is the will of the Mexican people to organize themselves into a federal, democratic, representative Republic." Yet, historically, Mexico has had a highly centralized federal system, both because of the broad powers conferred on the federal executive and because of the domination of politics by a single political party, the PRI. In recent years, with the rise in party competition, a "new federalism" has emerged in Mexico—a development, interestingly enough, coinciding with the country's adoption of a neoliberal economic policy of which NAFTA is a prime component.



Looking to the constitutional text, one finds important parallels to the United States Constitution. Article 133 of the Mexican Constitution affirms the superiority of federal law over state law in terms reminiscent of the U.S. supremacy clause: "This Constitution, the laws of the Congress of the Union that emanate therefrom, and all treaties that have been made and shall be made in accordance therewith by the President of the Republic, with the approval of the Senate, shall be the supreme law of the whole Union." And Article 124 confirms that residual powers remain with the states in terms reminiscent of the Tenth Amendment: "The powers not expressly granted by this Constitution to federal officials are understood to be reserved to the states." The use of "expressly" in Article 124 might seem to suggest a greater decentralization of power than is found under the U.S. Constitution. But, given the great detail with which the Mexican Constitution spells out the powers of the federal and state governments, there are very few powers that are not expressly granted. Moreover, Mexican "municipalities and states remain dependent on the national government for most of their funding and are ultimately constrained by their financial limitations" (Levy and Bruhn, 2006: 107). This limited taxing authority of states and municipalities, together with the Mexican Constitution's emphasis on concurrent powers, has also contributed to centralization within the Mexican federal system. Finally, the Mexican Supreme Court has ruled that the Constitution establishes a hierarchy of laws with treaties ranking just below the constitution and above both federal and state legislation (Gutiérrez González, 2005: 217; Garza, 2000: 286-292). As a result, not only do treaties such as NAFTA have direct effect domestically but any law, federal or state, which conflicts with treaty obligations is invalid.

Among the powers expressly granted to the federal government is the conduct of foreign affairs. Article 89 of the Constitution authorizes the president to "appoint ministers, diplomatic agents, and consuls general, with the approval of the Senate," to "dispose of the permanent armed forces, including the land army, the marine navy and the air force for internal security and exterior defense of the Federation," and to "direct diplomatic negotiations and make treaties with foreign powers, submitting them to the ratification of the federal Congress." Article 73 assigns trade matters to Congress, as well as giving it the power to "enact laws in regard to nationality, the legal status of foreigners, citizenship, naturalization, colonization, emigration and immigration, and the general health of the country." It also authorizes Congress to "enact all laws that may be necessary to enforce the foregoing powers, and all others granted by this Constitution to the branches of the Union." Article 117 prohibits states from "mak[ing] any alliance, treaty or coalition with another State, or with foreign powers." Although the policy areas addressed by NAFTA and its side agreements (economic development, labor relations, and environmental protection) are

all concurrent powers under Article 73 of the Mexican Constitution, national policy has dominated in those areas. Given the supremacy of federal law and the assignment of power over international trade to the federal government, it is not surprising that the adoption of NAFTA has had no significant effect on the division of power between nation and state in Mexico.

## CANADA

The constitutional arrangements in Canada differ substantially from those in Mexico and the United States. The Constitution Act of 1867, formerly known as the British North America Act, establishes the allocation of powers between the federal government and the provinces. Section 91 lists 29 areas of exclusive federal jurisdiction, and it also assigns residual powers to Parliament, authorizing it “to make laws for the Peace, Order, and good government of Canada in relation to all Matters not . . . assigned exclusively” to the provinces. Section 92 details 16 legislative powers assigned to the provinces, including “all Matters of a merely local or private Nature in the Province.” Under the Canadian Constitution, the federal government has exclusive power to make treaties, and these treaties can address matters within the exclusive legislative jurisdiction of the provinces. Provinces cannot make treaties. They may, however, be able to forge international agreements of less-than-treaty status dealing with matters of provincial concern, although this remains disputed (Trone, 2001: 39-40). What is distinctive about the constitutional arrangements in Canada is that treaties negotiated under the act are not directly applied as Canadian domestic law but must, instead, be implemented by legislation. Moreover, in implementing treaties, the federal government does not exercise plenary authority. Thus, the Canadian Constitution is unique in distinguishing between the making of international treaties and their implementation (Hulsemeyer, 2004: 92).

This lack of plenary authority is not apparent from the constitutional text itself. A federal power to implement treaties might seem to derive from two sources. Section 132 provides that the federal Parliament “shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.” And Section 91, as noted above, authorizes Parliament “to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters, not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.” However, in the *Labour Conventions Case* (officially titled *Attorney General of Canada v. Attorney General of*

*Ontario*, 1937), the Judicial Committee of the Privy Council, which at that time exercised ultimate appellate authority, struck down three federal statutes that implemented treaties and, in doing so, it denied that those provisions gave the federal government a general authority to implement treaties (AC 326 at 350 [1937]).

The Privy Council held that the power to implement treaties found in Section 132 was inapplicable because the treaties at issue were not entered into by the United Kingdom on behalf of the British Empire. Moreover, because the Canadian Constitution lacked any specific power to implement treaties entered into by virtue of Canada's own international personality, "there is no such thing as treaty legislation as such" (AC 326 at 351 [1937]). Thus, where the power to implement a treaty resided, whether in the hands of the federal government or of the provinces, depended on the constitutional allocation of powers for purely domestic concerns. As the Privy Council put it, "When the ship of state now sails on larger ventures and into foreign waters, she still retains the water-tight compartments which are an essential part of her original structure" (AC 326 at 353 [1937]).

Although the ruling has been widely criticized, the *Labour Conventions Case* remains authoritative law and, therefore, the power to enact legislation to implement a treaty follows the normal federal division of powers so that only provinces can enact implementing legislation in their areas of jurisdiction. Thus, as in the case of NAFTA, Canada often seeks inclusion of a "federal state clause" in its treaties, informing signatories that the fulfillment of Canada's obligations may depend on the cooperation of provincial governments (Knopf and Sayers, 2005: 125). The necessity of provincial cooperation was particularly clear with regard to the side agreements to NAFTA on labor and the environment, because they touched directly on areas under the jurisdiction of the Canadian provinces.<sup>18</sup>

## FEDERALISM, POLITICS, AND NAFTA

Federalism is, of course, not merely a matter of law or of constitutional boundaries patrolled by courts. Rather, federalism also creates a politics. The division of authority within a federal system has profound implications for the way in which politics is conducted, and, conversely, political factors help maintain the balance of power between the federal and state or provincial governments. There is a substan-

<sup>18</sup> For a detailed treatment, see Hulse Meyer (2004: Chapter 5). Perhaps not surprisingly, the chapter is titled "Implementation with a Hitch."

tial literature, particularly focusing on U.S. federalism, highlighting how political factors safeguard the division of powers and the experience with NAFTA confirms their importance.<sup>19</sup> Canada, the most decentralized of the three federations in NAFTA, serves to illustrate those effects.

Federalism played an important role in the process by which NAFTA –and before it, CUSFTA– was negotiated.<sup>20</sup> Although the treaty power resides in the federal government, the Canadian provinces demanded “full participation” in the negotiation of NAFTA and the federal government was quite willing to oblige, particularly given the crucial role that the provinces would have to play in the treaty’s implementation. To promote federal-provincial cooperation, a Committee for the North American Trade Agreement (C-NAFTA) was formed, comprised of senior officials from both the federal and provincial levels. C-NAFTA met 10 times during 1991, when the actual negotiations among the three parties were commencing, so there was full consultation prior to the formulation of negotiating positions. The provinces also “were privy to all federal draft texts before they were tabled in the trade negotiations” (Hulsemeyer, 2004: 100). Far from interfering with effective negotiation, this collaboration promoted trust between federal and provincial officials and encouraged provincial implementation of the treaty provisions. Thus, despite the federal government’s constitutional responsibility for foreign affairs, what emerged in Canada was a “pattern of intergovernmental relations in international trade” that involved “a partnership of *de facto* concurrent jurisdiction” (Skogstad, 2002: 164). This national-subnational collaboration went considerably further in Canada than in either of the other signatory countries, although the United States, in 1988, did establish an Intergovernmental Policy Advisory Committee to the Office of U.S. Trade Representative to advise about state and local government concerns relating to international trade and trade agreements (Kincaid, 2003: 73).

During the negotiation of NAFTA, the North American Agreement on Labor Cooperation (NAALC), and the North American Agreement on Environmental Cooperation (NAAEC), one fear was that these international agreements would impinge on powers previously exercised by state and provincial governments. Undoubtedly, those who drafted the agreements expected that they would affect those governments to some extent. Thus, Article 105 of NAFTA requires that Canada, Mexico, and

<sup>19</sup> Within the U.S. context, the most celebrated accounts include Wechsler (1955) and Choper (1980). This perspective has influenced how the Supreme Court itself has viewed its responsibilities in safeguarding federalism. See, for example, *Garcia v. San Antonio Metropolitan Transit Authority* (469 U.S. 528 [1985]).

<sup>20</sup> This account relies primarily on Simeon (2003) and on Hulsemeyer (2004: Chapter 5). For a pertinent, more general discussion, see Avery (1998: 282-305).

the United States each ensure that all necessary measures be taken by provincial and state governments to ensure compliance with NAFTA. Nevertheless, the influence of federalism is evident in the ways that the accord and its side agreements were shaped so as to limit their impact on existing state and provincial policies.

Among the provisions sensitive to the concerns of states and provinces were “standstill” provisions that “grandfathered in” preexisting provincial and state laws. The most important of these was Annex 1 of NAFTA, which basically exempted all existing non-conforming laws of the states and provinces from the rules outlined in the agreement. While this postponed potential conflicts under NAFTA, state and provincial laws enacted after the adoption of NAFTA would be subject to NAFTA standards so the discretion available to provinces and states in the future was limited. Furthermore, statutes enacted by the federal governments could preempt existing state laws, a potential worry, particularly in Mexico and the United States, given the concurrent policy responsibilities of the federal and state governments. Of course, the possibility of preemption existed even prior to the ratification of NAFTA, although NAFTA might have increased its likelihood.

Likewise important for state and provincial governments were the exceptions carved out in the agreements. NAFTA, for example, did not address itself to worker mobility, which was a significant concern for state and provincial governments. In some instances, it also exempted state and provincial governments from requirements imposed on federal governments. For instance, Chapter 10 of NAFTA prescribes rules regulating government procurement but it exempts state and provincial governments from coverage, although they, as well as the federal governments, are prohibited from employing investment-related performance requirements as trade barriers (Hulse Meyer, 2004: 98).

The labor and environmental side agreements reflect a similar accommodation of states and provinces. Neither NAALC nor NAAEC establish regulatory standards binding on the signatory countries and their subnational governments. Rather, the agreements merely call for domestic enforcement of domestic laws, despite the regulatory discrepancies between, for example, Mexico and the United States. Thus, Article 2 of NAALC, while announcing a shared commitment to “provide for high labor standards, consistent with high quality and productivity workplaces,” also “recogniz[ed] the right of each Party to establish its own domestic labor standards and to adopt or modify accordingly its labor laws and regulations.” Similarly, NAAEC “recogniz[ed] the right of each Party to establish its own level of domestic environmental protection and environmental development policies and priorities.” So the agreements did not interfere with preexisting state or provincial laws. The “bite” in these agreements was the requirement that the signatory governments enforce the laws they have adopted and

the potential for legal action if they failed to do so.<sup>21</sup> Annex 46 of the NAALC and Annex 41 of NAAEC also expressly provided for separate rules for their application in Canada with opt-in provisions for individual provinces, thus recognizing that provinces would control implementation in these areas of provincial responsibility.

## CONCLUSIONS

NAFTA's creation of a free-trade zone of the Americas clearly achieved the pact's dual objectives of promoting greater trade among the three signatories and encouraging cross-border investment.<sup>22</sup> Indeed, in the first seven years after NAFTA came into force, Canadian exports to the United States and Mexico rose 129 percent (Simeon, 2003; Hulse Meyer, 2004). Overall, intra-NAFTA exports grew at an average annual rate of 10 percent between 1994 and 1999 so that, by 1999, both Canada and Mexico directed almost 90 percent of their exports to the United States (Steinfatt and Contreras, 2001: 27). During the 1990s, U.S. exports to Mexico more than quadrupled and its exports to Canada more than doubled. Annual flows of U.S. direct investment to Mexico increased from US\$1.3 billion in 1992 to US\$15 billion in 2001, a particularly striking change in that from 1980-1993 total foreign direct investment in Mexico was only between US\$3 and U.S.\$5 billion a year (Weintraub, 2004: 13). From 1994 to 2000, U.S. investment in Canada increased from \$2 billion to \$16 billion, while Canadian investment in the United States jumped from \$4.6 billion to \$27 billion (Pastor, 2004: 126). Despite concerns that NAFTA would result in a dramatic loss of U.S. jobs to Mexico, "the United States experienced its largest job expansion in its history in the 1990s" (Pastor, 2004: 126), though the extent to which NAFTA caused this expansion is a matter of dispute.

Nevertheless, unsurprisingly, NAFTA's opening of markets "impinge[d] both favorably and negatively on different interests" and different areas within the three countries (Weintraub, 2004: ix). According to one study, within the United States the lowering of trade barriers hurt the apparel, electronics, and transportation sectors of the economy, with North Carolina, Texas, Pennsylvania, New York, California, Georgia, and Tennessee losing the most jobs. Yet in terms of *net* loss of jobs, the same

<sup>21</sup> Some differences in the treatment of the signatory countries were apparent here. Mexico agreed to the imposition of sanctions, in the form of fines, if there was a "persistent failure" to comply with either its domestic environmental legislation or its laws regulating minimum wages, safety and security standards at work, and child labor. Canada refused to accept sanctions from another country and required that claims that it had failed to comply with its environment and labor standards would be handled in Canadian courts (Morales, 2006: 117).

<sup>22</sup> The most complete discussion of the pertinent data is found in Weintraub (2004).

study revealed that several of the states that lost the most jobs (including Texas, California, and New York) were also among those gaining the most new jobs (Bolle, 2003). So while some sectors of the U.S. economy suffered as a result of increased competition, it is harder to discern the differential effects of NAFTA in various states and regions.<sup>23</sup> In Canada, the economic benefits of NAFTA accrued to those provinces that adapted their public policy to take advantage of increased trade opportunities (Chambers, 2002: 110, table 4.3). In Mexico, the effects of NAFTA varied by region, with rural areas and the southern part of the country generally not receiving the same benefits that urban areas and northern states enjoyed (Morales, 2003). Indeed, one Mexican commentator lamented that the benefits of free trade did not “reach all regions and sectors of the country” and that “[m]ost of NAFTA’s benefits have accrued to a small segment of the country’s economy and to an even smaller number of primarily multinational firms” (Rozenal, 2002: 76-77).<sup>24</sup> Whatever the accuracy of this claim, NAFTA did not produce the sustained economic growth in Mexico necessary to deal with income disparities within the country (Weintraub, 2004: 11).<sup>25</sup>

These negative effects, however, hardly vindicate Laski’s claim that federalism interferes with the capacity of governments to manage advanced capitalism. Federalism was not the culprit. Rather, scholars have attributed these negative effects to factors such as the difficulty of combining developed countries and a developing country in a trade agreement and the pre- NAFTA conditions that made it hard for poorer regions in Mexico to participate in the productive opportunities NAFTA offered.<sup>26</sup> More positively, the successful negotiation of NAFTA and the benefits it produced, even if unevenly distributed, point to compatibility of federalism and advanced capitalism. Despite their federal arrangements, the three NAFTA signatories were able to negotiate, adopt, and implement a complex international agreement touching almost all aspects of their economies. Would NAFTA, NAALC, and NAAEC have been different had they been negotiated by unitary system? Probably. But the regional differences within the three countries would likely have made themselves felt, even in the absence of a federal structure. As Richard Simeon has noted, federalism is less a hindrance than a condition that citizens and politicians work with,

<sup>23</sup> Data indicate that, during the 1990s, 10 U.S. states experienced more than a 10 percent annual rate of growth in exports, 17 experienced seven to 10 percent, eight experienced five to seven percent, and 15 less than five percent (Chambers, 2002: 110, table 4.3).

<sup>24</sup> This is not necessarily a representative view: public opinion data reveal that a majority of Mexicans have a positive view of NAFTA (Moreno, 2002).

<sup>25</sup> Even a strong proponent of NAFTA has acknowledged that “free trade and increased foreign investment have skewed development and exacerbated inequalities” in Mexico (Pastor, 2004: 130).

<sup>26</sup> On the crucial effects of different levels of development, see Belous and Lemco (1995: ch. 11). On why poorer regions and households in Mexico were ill-equipped to reap the benefits of free trade, see Scott (2004).

around, and through (Simeon, 2003: 162). And in Canada, the United States, and –to a lesser extent– Mexico, they have become so used to working in a federal context that it ceases to be a serious problem.

That leaves Bricker’s concern that international agreements like NAFTA would invade the prerogatives of state governments and undermine federalism. Once again, the reality is more complex. Had NAFTA established supranational institutions like those of the European Union, perhaps there might have been cause for concern. But the institutions created by NAFTA hardly pose a threat. The United States –and Canada and Mexico as well– have resolutely refused to cede sovereignty to international institutions. Implementing NAFTA does not impinge on state or provincial power, because the constitutions of the three signatories all recognize the subject matter of the treaties, international trade and investment, as falling within the responsibility of the federal government. NAAALC and NAAEC may implicate areas in which states had been active but they impose no new regulations, merely requiring the enforcement of domestic law. Moreover, as this article has shown, the NAFTA signatories took state and provincial concerns into consideration in the agreements they reached.

Thus, “adding a global sphere extends the complexity, but in ways not so foreign to the already complex system” of decentralization and collaboration characteristic of federal countries (Galligan, 2003: 119). This is hardly surprising. If one views federalism not as a layer cake or, to change the metaphor, a system of watertight compartments but, rather, as “a complex system of multiple governments with shared sovereignty and overlapping policy jurisdiction,” a combination of shared rule and self-rule, then “its compatibility with globalization is more obvious” (Galligan, 2003: 88). NAFTA illustrates the compatibility, not the incompatibility, of federalism and globalization.



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# Beyond Courts: Harmonizing Practice and Principles in North America through Investor-State Arbitration

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## ABSTRACT

The legal systems of the NAFTA nations have common features, yet the differences in terms of court practice and applicable substantive principles are notable. Within the context of NAFTA, however, a dispute resolution system not under the control of any single NAFTA nation—investor-state arbitration—is refining the concept of the minimum standard. The arbitral tribunals are guided by prior arbitral awards in shaping the important body of international law, and they are developing fairly consistent and harmonized principles concerning the contours of the minimum standard, particularly with regard to denial of justice.

**Key words:** North American Free Trade Agreement (NAFTA), customary international law, minimum standard of treatment of aliens, fair and equitable treatment

## INTRODUCTION

A remarkable development is shaping international investment law and dispute resolution in North America. Under Chapter 11 of the North American Free Trade Agreement (NAFTA), non-domestic arbitral tribunals are helping shape the law governing certain aspects of foreign investment (32 I.L.M. 289, 635).<sup>1</sup> The adjudicators of the investment disputes are not judges from the NAFTA nations. Instead, they are law professors, private lawyers, former government officials, and others whom the

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<sup>1</sup> Professor Jose Alvarez has described NAFTA Chapter 11 dispute resolution as a “denationalized adjudication” process (Alvarez, 1997). Chapter 11 tribunals have also been described as “non-governmental adjudicatory bodies of international law” (Caruso, 2006).

disputing parties have selected to resolve their differences. At times, they are asked to resolve challenges that involve matters essential to governance within each NAFTA nation, such as domestic judicial decisions.

In addition to process, a key aspect of the system is the substantive law the arbitrators apply to resolve the disputes. Mexico, the United States, and Canada agree that foreign investment of investors from the NAFTA nations is entitled to a minimum standard of treatment. The standard recognizes that host nation's courts will not act to deny justice to the investment, whatever that may mean.

The arbitral awards issued in the NAFTA Chapter 11 disputes have put denial of justice into a meaningful context. In addition, substantive principles have been harmonized to a limited extent due to a system of *de facto* precedent (Franck, 2005a). Even though "arbitration awards technically have no *de jure* precedential value, practitioners, investors, and states rely upon such decisions as *de facto* precedents and as indicators of their potential rights and liabilities." These developments, which have clarified standards for foreign investment in North America, have largely occurred outside of the respective judicial systems of the NAFTA nations. The limited harmonization of investment standards is a result of the investor-state arbitration process yet not necessarily mandated by it.

## THE CUSTOMARY INTERNATIONAL LAW MINIMUM STANDARD IN CONTEXT

For many years, Mexico recognized that investments of foreign investors were not entitled to better treatment than that afforded investments of Mexican nationals (Daly, 1994). Today, Mexico affords certain foreign investments a minimum standard of treatment. In NAFTA article 1105(1), Mexico promised to treat investments from Canada and the United States "in accordance with international law, including fair and equitable treatment and full protection and security" (NAFTA art. 1105). Canada and the United States have made the same commitment to investments from their respective NAFTA counterparts. The article 1105(1) standard is in addition to affording the investment and investors the better of national treatment (NAFTA art. 1103, 1104) or most-favored-nation treatment (NAFTA art. 1103, 1104). Further, the article 1105(1) obligation is separate from the obligation not to expropriate or take measures tantamount to expropriation subject to compensation and other conditions (NAFTA art. 1110).

The obligation to protect foreign investment is not without consequences. NAFTA provides for investor-state settlement of certain investment disputes through arbitration under the auspices of the International Centre for Settlement of Investment

Disputes (ICSID) or under the arbitration rules of the United Nations Commission on International Trade Law. The disputes are subject to investor-state arbitration and involve claims under Section A of NAFTA Chapter 11 and certain other NAFTA provisions (UNCITRAL) (NAFTA art. 1116, 1120). The arbitral tribunals apply NAFTA and applicable rules of international law to resolve the investment disputes. Also, NAFTA is to be interpreted in light of its objectives set out in article 102(1) and “in accordance with applicable rules of international law” (NAFTA art. 1113 [1]).

The arbitrations have brought to life the parties’ commitment under international law. The NAFTA nations could face a claim for substantial damages if they breach obligations owing a qualified investor. In fact, the NAFTA nations have been, and continue to remain, embroiled in disputes under article 1105(1). For example, an arbitral tribunal awarded a U.S. investor US\$16.685 million due to a Mexican municipality’s withdrawal of a permit to build a landfill in *Metalclad Corp. v. Mexico (Metalclad Award)*, holding Mexico liable because “Metalclad was not treated fairly or equitably” (40 I.L.M. 36, ¶¶ 99-101). The Supreme Court of British Columbia, however, ultimately set aside the award on the article 1105(1) finding, as it was beyond the scope of issues submitted to arbitration in *Mexico v. Metalclad* (2001 B.C.S.C. 664). A Canadian investor had sought US\$750 million based on an executive order of the governor of California and California regulations on methyl tertiary butyl ether (MTBE) in California gasoline. Among other charges, the investor claimed discrimination (44 I.L.M. 1345). After a hard-fought and lengthy arbitration, the claim ultimately failed (2001 B.C.S.C. 664, notes 86-89). Even though only a handful of NAFTA Chapter 11 claims have succeeded, billions of dollars are and have been at stake.<sup>2</sup>

Given the substantial potential liability, it came as no surprise that the NAFTA nations attempted to reign in arbitral tribunals by clarifying article 1105(1). In *Mondey International, Ltd. v. United States (Mondey Award)*, the nations were apparently concerned a proven claim that state action was “unfair” or “inequitable” could lead to article 1105(1) “liability” (ICSID Case No. ARB[AF]/99/2, ¶ 103). On July 31, 2001, the NAFTA Free Trade Commission, in accordance with its delegated authority (NAFTA art. 2001[2][c]),<sup>3</sup> issued a formal interpretation of NAFTA (“Notes” 2001).

<sup>2</sup> See <http://www.state.gov/s/1/c3439.htm> (consulted June 30, 2007), setting out the NAFTA Chapter 11 petitions. See also Brower 2002, noting disputes under article 1105(1) have exceeded US\$2 billion.

<sup>3</sup> The commission, cabinet-level officials or their designees, “shall ... (c) resolve disputes that may arise regarding [NAFTA’s] interpretation or application.”

The interpretation, which is binding on a Chapter 11 tribunal, stated as follows:

B. Minimum Standard of Treatment in Accordance with International Law.

1. Article 1105(1) prescribes the customary international law minimum standard of treatment of aliens as the minimum standard of treatment to be afforded to investments of investors of another Party.
2. The concepts of 'fair and equitable treatment' and "full protection and security" do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens.
3. A determination that there has been a breach of another provision of the NAFTA, or of a separate international agreement, does not establish that there has been a breach of Article 1105[1] (NAFTA art. 1131[2] note 17, § B).

The interpretation relied on a well-established, yet arguably vague, principle of international law: the customary international law minimum standard of treatment of aliens. Invoking the minimum standard surely did not settle the meaning of article 1105(1) as the minimum standard itself is far from definite. Instead, the interpretation's intent was to limit application of article 1105(1) to a heightened level of alleged state misconduct.

So, what is the content of the now guiding light of article 1105(1), the minimum standard, and has application of the standard helped harmonize the treatment of foreign investment in North America?<sup>4</sup> The American Society of International Law's founder and former U.S. Secretary of State Elihu Root referred to "a standard of justice, very simple, very fundamental, and of such general acceptance by all civilized countries as to form a part of the international law of the world" (Root, 1910). But Secretary Root's words give little guidance. Even contemporary international law luminaries acknowledge the minimum standard but struggle with its content (Brownlie, 2003). "[Requirements of] international law in [the] field of [foreign investment] ... represent an attempt at accommodation 'between the conflicting interests involved'" without given more clarification" (Jennings and Watts, 1992).

Dancing around the concept of a customary international law minimum standard does little to help investors and states, which would benefit from a more refined sense of the concept. One aspect of the minimum standard, however, has some clarity and this element concerns "denial of justice," or what one NAFTA Chapter 11 tribunal has described as "the standard of treatment of aliens applicable to decisions

<sup>4</sup> According to Professor David Gantz, "Even if everyone agrees that 'fair and equitable treatment' in Article 1105 means the standard required by 'customary international law,' it still needs to be determined exactly what that means" (Gantz, 2004).

of the host State's courts or tribunals" (Garcia-Amador, 1974; ICSID Case No. ARB[AF]/99/2, note 15, ¶ 96).<sup>5</sup> Establishing the contours of denial of justice is important as the standard necessarily involves the sensitive issue of an international tribunal's assessment of a state's judicial or quasi-judicial activity.

Certain recent U.S. free trade agreements (FTAs) and bilateral investment treaties (BITs) provide a clearer sense of the minimum standard, including the U.S.-Chile Free Trade Agreement (U.S.-Chile FTA) and the U.S.-Uruguay Treaty Concerning the Encouragement and Reciprocal Protection of Investments (U.S.-Uruguay BIT).<sup>6</sup> The new U.S. BITs are based on the 2004 U.S. Model BIT ("Treaty" 2004). In the new FTAs and BITs, the United States and its treaty parties, like the NAFTA nations, agree that the customary international law minimum standard applies to foreign investments and the standard includes fair and equitable treatment and full protection and security (U.S.-Chile FTA; 44 I.L.M. 268, 272). Thus, as to these agreements, any doubts about the fact of a minimum standard and its customary international law status have been put to rest.

The new FTAs and BITs are more expansive than NAFTA. In them, the treaty parties "confirm their shared understanding" of customary international law, which they agree "results from a general and consistent practice of States that they follow from a sense of legal obligation" (U.S.-Chile FTA; 44 I.L.M. 268, 272, note 24, annex A). The minimum standard "refers to all customary international law principles that protect the economic rights and interests of aliens" (U.S.-Chile FTA; 44 I.L.M. 268, 272, note 24, annex A). The U.S.-Uruguay BIT, based on the 2004 U.S. Model BIT, explained "fair and equitable treatment" and denial of justice as follows:

"Fair and equitable treatment" includes the obligation not to deny justice in criminal, civil, or administrative adjudicatory proceedings in accordance with the principle of due process embodied in the principal legal systems of the world (44 I.L.M. 268, 272, note 24, art. 5.2).

Denial of justice is thus an element of fair and equitable treatment. Under the U.S.-Uruguay BIT, "full protection and security" requires a party "to provide the level of police protection required under customary international law" (44 I.L.M. 268, 272, note 24, art. 5.2).

<sup>5</sup> Arguably, this is a narrow definition as, "in a broad sense," denial of justice includes "all the acts or omissions capable of giving rise to international responsibility of the State for injuries caused to the person or property of aliens, independently of the organ which may have been the proximate cause of such injury." See also Paulsson, 2005, discussing the evolution of the duty of a state to provide "decent justice" to foreigners.

<sup>6</sup> U.S.-Chile Free Trade Agreement, June 6, 2003, available at [http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Chile\\_FTA/Final\\_Texts/asset\\_upload\\_file1\\_4004.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Chile_FTA/Final_Texts/asset_upload_file1_4004.pdf) (U.S.-Chile FTA); U.S.-Uruguay Treaty Concerning the Encouragement and Reciprocal Protection of Investments, 2004, art. 5, 44 I.L.M. 268, 272. See Gantz, 2004, discussing the minimum standard under NAFTA and recent free trade agreements.

Accordingly, parties to the new BITS and FTAs and NAFTA agree the minimum standard of treatment is the customary international law minimum standard. The standard includes “fair and equitable treatment” and “full protection and security.” Recent U.S. BITS and certain FTAs have established that one of the subsuming elements, “fair and equitable treatment,” includes the obligation not to deny justice in certain proceedings. Due process, as defined by the world’s principal legal systems, is the governing standard.

The treaty standards have given important guidance on the minimum standard but they have not removed all ambiguities and uncertainty. Furthermore, it was apparently not the intention for the treaties to provide an airtight definition of the minimum standard. The term “justice” has broad implications and, when applied to aliens in the context of a potential claim of state responsibility, the political implications can be substantial. Jan Paulssen has recognized that giving effect to denial of justice requires the “balancing of a number of complex considerations” (Paulssen 2005). As he has further written, “We have learned to live with inherently elastic concerns relating to the international legitimacy of national judicial processes” (Paulssen 2005, 66). The treaties thus authorize arbitral tribunals to resolve investor-state disputes involving the minimum standard and have given some, albeit incomplete, guidance in defining the standard.

## THE MINIMUM STANDARD UNDER A MICROSCOPE: ESTABLISHING RELATIVE CONSISTENCY ON DENIAL OF JUSTICE

### Introduction

The concept of denial of justice derives from the system of reprisals that emerged before the rise of the modern state (Freeman, 1970). In the context of international trade and investment in the era of the nation-state, alien traders often needed protection when they were in foreign nations and subjected to wrongdoing (Lillich, 1983). Emmerich de Vattel, in *The Law of Nations*, argued the state owed a duty to protect its own subjects who claim an injury by a foreign state (Brownlie, 2003, note 22, 497; Dawson and Head, 1971). Scholars have documented how the developed world’s ideas of justice and fairness became part of an international standard, even though local communities may have had different values (Sornarajah, 2000). As the late Professor Sir Robert Jennings noted:

That so-called “minimum” standard for the treatment of “aliens” was the product of European and North American States wishing to demand a standard of treatment of their nationals in foreign countries, which they called “minimum”, but was nevertheless thought to be higher than the local *national* standard in some defendant countries, and which national standard those countries claimed sufficed for the purposes of international law.<sup>7</sup>

Attempts to refine the concept have met with difficulty. Numerous nations, particularly Latin American ones, had resisted a minimum standard. The UN International Law Commission’s Articles on State Responsibility do not address the substantive content of a state’s obligation (Crawford, 2002). Professor Louis B. Sohn and Professor Richard Baxter, in their “Convention on the International Responsibility of States for Injuries to Aliens,” attempted to clarify the topic, such as denial of access, denial of a fair hearing (adequate preparation time, ability to call witnesses) but their work remained a draft (Sohn and Baxter, note 23, 133).

The decisions of arbitral commissions in the early part of the twentieth century helped advance the concept. For example, in *United States (L.F. Neer) v. Mexico* (U.S.-Mex. General Claims Comm’n, Oct. 15, 1926), a 1920s decision of the United States-Mexico General Claims Commission, the tribunal held that actionable government conduct in the treatment of an alien “should amount to outrage, to bad faith, to willful neglect of duty, or to an insufficiency of governmental action so far short of international standards that every reasonable and impartial man would readily recognize its insufficiency” (4 R.I.A.A. 60, 3 ILR 213 [1927]).<sup>8</sup> The *Chattin* and *Roberts* cases, also from the United States-Mexico General Claims Commission, addressed denial of justice in the context of criminal matters. These decisions, however, did not consider denial of justice within the context of an investment dispute. Of course, all of these decisions are nearly a century old.

Until recently, international tribunals after the United States-Mexico General Claims Commission gave some attention to the fair and equitable standard and little attention to the customary international law minimum standard (Dolzer, 2005). With NAFTA article 1105(1) and NAFTA’s investor-state arbitration mechanism for resolving disputes however, matters have changed. In the words of some commentators, “The investment arbitration experience of the last five years has turned a drought into a flood” with the fair and equitable standard becoming “a potent tool in the

<sup>7</sup> *Methanex Corp. v. United States*, Second Opinion of Professor Sir Robert Jennings, Q.C. 1-2, on line at <http://www.naftaclaims.com> (emphasis in original).

<sup>8</sup> See also Government of Canada Counter-Memorial (Phase 2), *Pope & Talbot, Inc. v. Canada* (Oct. 10, 2000) ¶¶ 212, 238, 266, 309 on line at <http://www.dfait-maeci.gc.ca/tna-nac/documents/B-2.pdf>; and *Mondev* (ICSID Case No. ARB[AF]/99/2, note 15, ¶ 114).

assessment of the adequacy of the judicial and administrative systems of host States” (McLachlan, Shore and Weiniger, 2007).

## The NAFTA Chapter 11 Arbitral Awards

NAFTA Chapter 11 arbitral tribunals have limited the contours of denial of justice. An arbitral award under Chapter 11 is not binding beyond the dispute at issue (32 I.L.M. 289, 635, note 1, art. 1136[1]). Yet, awards tend to reflect the views of learned international law scholars and are fairly well-reasoned and thoughtful pronouncements of legal principles. At a minimum, they establish reasonable boundaries on claims that state conduct amounts to a denial of justice.

Establishing some clarity has not been easy. An early NAFTA Chapter 11 award, *Azinian v. Mexico* (39 I.L.M. 537 [2000]), involving a Mexican city’s termination of a U.S. investor’s waste collection and disposal contract, steered matters in the right direction. The Mexican courts had upheld the city’s right to terminate the contract under Mexican law. The claimants did not challenge the decisions of the Mexican courts but argued the city’s annulment of the contract violated NAFTA. The tribunal used the challenge to the city’s conduct, however, to pronounce a limited ability of an arbitration panel to review local judicial decisions:

The possibility of holding a State internationally liable for judicial decisions does not, however, entitle a claimant to seek international review of the national court decisions as though the international jurisdiction seized has plenary appellate jurisdiction. This is not true generally and it is not true for NAFTA. *What must be shown is that the court decision itself constitutes a violation of the treaty* (39 I.L.M. 537 (2000) ¶ 99).<sup>9</sup>

According to the tribunal, “the Claimants must show either a denial of justice, or a pretense of form to achieve an internationally unlawful end” (39 I.L.M. 537 (2000) ¶ 99). A claim of denial of justice, if alleged, would have been recognized “if the relevant courts refuse to entertain a suit, if they subject it to undue delay, or if they administer justice in a seriously inadequate way” (39 I.L.M. 537 (2000) ¶ 102).<sup>10</sup>

<sup>9</sup> Emphasis in the original. Jan Paulsson, the author of the recent definitive work on denial justice, was president of the tribunal in *Azinian*.

<sup>10</sup> The decision also refers to a “fourth type of denial of justice” which is the “clear and malicious misapplication of the law” (39 I.L.M. 537 (2000) ¶ 103). The opinion’s reference to “fourth type” is confusing as international law could be breached based on a misapplication of domestic law, *GAMI Inv. Inc. v. Mexico*, Award (Nov. 15, 2004) ¶ 91, note 57 and accompanying text, on line at <http://naftaclaims.com/Disputes/Mexico/GAMI/GAMIfinalAward.pdf>. (*GAMI* Award). The observation demonstrates that the line



While the *Azinian* tribunal perhaps needlessly addressed denial of justice, its cautionary words set the stage for later decisions. In the meantime, certain tribunals took the debate down a different path.

After *Azinian*, several investor-state NAFTA arbitral tribunals entered the debate on the meaning of article 1105(1). *Metalclad Corp. v. Mexico* pronounced that fair and equitable treatment required that the host state “ensure a transparent and predictable framework” for the investor’s “business planning and investment” (40 I.L.M. 36, note 10, ¶ 99). A “lack of orderly process and timely disposition” of decisions relating to an investment defy the investor’s expectation of treatment “fairly and justly in accordance with the NAFTA” (40 I.L.M. note 10, ¶ 99). As noted, the Supreme Court of British Columbia set aside, in part, the *Metaclad* award (40 I.L.M. 36, note 11, ¶ 99). A few months before the issuance of the interpretation, the tribunal in *Pope & Talbot Inc. v. Canada* announced a broad standard for article 1105(1) as follows:

The Tribunal interprets Article 1105 to require that covered investors and investments receive the benefits of the fairness elements under ordinary standards applied in the NAFTA countries, without any threshold limitation that the conduct complained of be “egregious,” “outrageous” or “shocking” or otherwise extraordinary.<sup>11</sup>

Infusion of notions of fair and justness without any “threshold limitation” raised a red flag. The floodgates under article 1105(1) could have been open to investors with any complaints about the treatment of their investment.

The interpretation helped ease the tension. The first award on the merits issued after the interpretation, *Mondev International Ltd. v. United States*, discussed denial of justice in the context of the minimum standard (ICSID Case No. ARB[AF]/99/2, note 15). The Canadian investor in *Mondev* alleged that Massachusetts courts’ dismissal of a jury verdict in the investor’s favor violated article 1105(1). The trial court had granted a judgment notwithstanding the verdict (JNOV) on behalf of the Boston Redevelopment Authority due to immunity (the court affirmed the granting of the JNOV) and the Massachusetts Supreme Court reversed the verdict against the City

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between domestic and international conduct may not be clear at times. As the tribunal in *GAMI* stated, “a government’s failure to implement or abide by its own law in a manner adversely affecting a foreign investor may but will not necessarily lead to a violation of Article 1105.”

<sup>11</sup> *Pope & Talbot Inc. v. Canada*, Award on the Merits of Phase 2 (Apr. 10, 2001), on line at <http://www.investmentclaims.com/decisions/Pope-Canada-Award-10Apr2001.pdf>. After the award was issued and after issuance of the interpretation, the tribunal issued a separate opinion on damages. Applying the standard set forth in the interpretation, which the tribunal assumed was a high one, amounting to “shock and outrage,” it awarded substantial relief to the investor. The conduct concerned Canada Softwood Lumber Division’s “threats and misrepresentations.” See *Pope & Talbot Inc. v. Canada*, Award in Respect of Damages (May 31, 2002), on line at <http://www.investmentclaims.com/decisions/Pope-Canada-Damages-31May2002.pdf>.

of Boston due to the investor's failure to take necessary steps to hold the city in breach (ICSID Case No. ARB[AF]/99/2 ¶ 1).

An obvious concern for the tribunal in *Mondev* was that the alleged wrongdoing stemmed from decisions of the Massachusetts courts. As the tribunal noted, "It is one thing to deal with unremedied acts of the local constabulary and another to second-guess the reasoned decisions of the highest courts of a State" (ICSID Case No. ARB[AF]/99/2 ¶ 126). With the cautionary tone set, the tribunal emphasized the minimum standard should be considered as of no earlier than NAFTA's effective date, 1994, and the standard "has evolved and can evolve" (ICSID Case No. ARB[AF]/99/2 ¶ 124). Further, the NAFTA interpretation expressly incorporated international law, "whose content is shaped by the conclusion of more than two thousand bilateral investment treaties, many treaties of friendship and commerce" (ICSID Case No. ARB[AF]/99/2 ¶ 125). The extreme standard of the *Neer* decision, which had issued in the early twentieth century, no longer controlled.

Instead, *Mondev* cited the decision of a chamber of the International Court of Justice in the *ELSI* case, which spoke of "willful disregard of due process of law . . . which shocks, or at least surprises a sense of judicial propriety."<sup>12</sup> It then set forth the following test under article 1105(1):

The test is not whether a particular result is surprising, but whether the shock or surprise occasioned to an impartial tribunal leads, on reflection, to justified concerns as to the judicial propriety of the outcome, bearing in mind on the one hand that international tribunals are not courts of appeal, and on the other hand that Chapter 11 of NAFTA (like other treaties for the protection of investment) is intended to provide a real measure of protection. In the end the question is whether, at an international level and having regard to generally accepted standards of the administration of justice, a tribunal can conclude in the light of all the available facts that the impugned decision was clearly improper and discreditable, with the result that the investment has been subject to unfair and inequitable treatment. This is admittedly a somewhat open-ended standard, but it may be that in practice no more precise formula can be offered to cover the range of possibilities (ICSID Case No. ARB[AF]/99/2 ¶ 127).

The tribunal in *Mondev* easily disposed of the claim of denial of justice. As to each principal complaint, the tribunal held the Massachusetts courts acted consistently with the applicable law. For example, the investor had argued that, under Massachusetts law and practice, issues regarding contract performance should have been

<sup>12</sup> ICSID Case No. ARB(AF)/99/2 ¶ 127, quoting *Elettronica Sicula S.p.A. (ELSI) (United States v. Italy)*, ICJ Reports 1989, 15, 76.

remanded (ICSID Case No. ARB[AF]/99/2 ¶ 135). The tribunal refused to have “quintessentially matters of local procedural practice” become part of article 1105(1), and noted that if the investor’s approach were adopted, “NAFTA tribunals would turn into courts of appeal, which is not their role” (ICSID Case No. ARB[AF]/99/2 ¶ 136). The tribunal’s analysis is consistent with Jan Paulsson’s observation that a national court’s application of national law “does not give rise to an international delict unless there has been a violation of due process as defined by international standards” (Paulsson, 2005, note 23, 7).

Shortly after *Mondev*, the tribunal in the 2003 case *ADF Group, Inc. v. United States* (ICSID Case No. ARB[AF]/00/1) adopted a similarly guarded approach to article 1105(1). ADF, a Canadian entity, had a subcontract to provide structural steel components for a bridge project, and intended to use U.S.-originated steel fabricated, in part, in Canada (ICSID Case No. ARB[AF]/00/1, ¶¶ 45-55). According to U.S. and Virginia authorities, fabricating the steel in Canada violated Buy American requirements, which were part of the subcontract. The standards purportedly required ADF to conduct the manufacturing process, including fabrication, in the United States. The Virginia regulatory authorities refused the general contractor’s request to waive the Buy America requirement.

ADF argued that the Buy America program and the procedures used to implement it violated article 1105(1). Two aspects of the claim caused the NAFTA tribunal to examine decisions of U.S. agencies. First, ADF argued that the Federal Highway Administration (FHWA) of the U.S. Department of Transportation misapplied relevant case law, which ADF claimed gave it a legitimate expectation that some fabrication could occur outside of the United States. The tribunal did “not believe that the FHWA’s refusal ‘to follow prior rulings, judicial or administrative’ is, in itself in the circumstances of this case, grossly unfair or unreasonable” (ICSID Case No. ARB[AF]/00/1, ¶ 189). In fact, the case law arguably was inapplicable to the statutes (ICSID Case No. ARB[AF]/00/1, ¶ 189). Second, ADF argued FHWA “acted *ultra vires* and in disregard” of the applicable law (ICSID Case No. ARB[AF]/00/1, ¶ 190). While the tribunal held the investor had not made a *prima facie* case that the FHWA had acted without authority, even if it had, the tribunal could do nothing as it “has no authority to review the legal validity and standing of the U.S. measures here in question under *U.S. internal administrative law*” (ICSID Case No. ARB[AF]/00/1, ¶ 189).<sup>13</sup> Indeed, “something more than simple illegality or lack of authority under the domestic law of a State is necessary to render an act or measure inconsistent with the customary international law requirements of article 1105(1)” (ICSID Case No. ARB[AF]/00/1, ¶ 189). ADF’s holding is

<sup>13</sup> Emphasis in original. As the tribunal further noted, “We do not sit as a court with appellate jurisdiction with respect to the U.S. measures,” (ICSID Case No. ARB[AF]/00/1, ¶ 189).

consistent with the principle of *Azinian* that decisions of municipal courts are not reviewable in absence of a violation of the treaty.

*Loewen Group, Inc. v. United States* [Loewen Award] is, perhaps, the most notable of the NAFTA Chapter 11 cases. A Canadian funeral home company and its U.S. subsidiary faced a US\$500 million judgment from a Mississippi state court (ICSID Case No. ARB[AF]/98/3). During the trial, the Canadians suffered nationality-based comments and race and class-based discrimination, which the trial judge refused to temper with a cautionary jury instruction. The Mississippi courts later refused to find good cause to reduce or dispense with an appeal bond in excess of the judgment. The Canadian company ultimately settled.

The NAFTA Chapter 11 claim was dismissed due to the Canadian corporation's failure to maintain itself as a Canadian investor.<sup>14</sup> Nevertheless, the tribunal reviewed the conduct of the Mississippi court and pronounced the trial "a disgrace" and noted "the trial judge failed to afford the company the process that was due" (ICSID Case No. ARB[AF]/98/3, note 69, ¶ 119). In fact, the tribunal, after documenting instances of unfairness, observed "the whole trial and its resultant verdict were clearly improper and discreditable and cannot be squared with minimum standards of international law and fair and equitable treatment" (ICSID Case No. ARB[AF]/98/3, ¶ 137). In this situation, it seems a clear violation of article 1105(1) had been established. Even under the interpretation, a denial of justice could be established due to the "manifest injustice in the sense of a lack of due process leading to an outcome which offends a sense of judicial propriety" (ICSID Case No. ARB[AF]/98/3, ¶ 132).<sup>15</sup> Yet, the state court trial was only one aspect of the judicial process in *Loewen*. For the United States to be responsible under international law for denial of justice, the claimants must have exhausted effective, adequate and reasonably available remedies under municipal law (ICSID Case No. ARB[AF]/98/3, ¶¶ 168, 217). As the claimants had settled before all remedies had been exhausted, the system had not denied them justice (ICSID Case No. ARB[AF]/98/3 ¶ 217). Jan Paulsson later would observe that "finality is thus a substantive element of the international delict" (ICSID Case No. ARB[AF]/98/3, note 23 ¶ 100).

Also consistent with *Mondev* is the award in the 2004 decision of *Waste Management, Inc. v. Mexico* (Waste Management Award II) (43 I.L.M. 967). A U.S. investor,

<sup>14</sup> The panel later confirmed its dismissal included a dismissal on the merits as to a Loewen family member, a Canadian, and his claim, ICSID Case No. ARB[AF]/98/3, Decision on Respondent's Request for a Supplementary Decision issued September 13, 2004.

<sup>15</sup> The decision has an interesting analysis of discriminatory treatment and noted that "a decision which is in breach of municipal law and is discriminatory against the foreign litigant amounts to a manifest injustice according to international law," ICSID Case No. ARB[AF]/98/3, ¶ 135.

through a Mexican subsidiary, had entered into an exclusive waste concession agreement with the city of Acapulco (43 I.L.M. 967 ¶¶ 168, 217). The company had also agreed to build and operate a solid waste landfill for Acapulco (43 I.L.M. 967 ¶ 45). A bank provided a letter of credit to secure partial payment for services rendered under the agreement (43 I.L.M. 967 ¶¶ 48-50). The concession agreement provided for arbitration of disputes in Acapulco under the rules of the Mexico City Chamber of Commerce (43 I.L.M. 967 ¶ 45).

The company-city relationship became marred due to the city's difficulty in enforcing the exclusivity provisions and due to local waste practices (43 I.L.M. 967 ¶¶ 54, 56-57). The bank refused to pay the company's full demand under the letter of credit (43 I.L.M. 967 ¶¶ 58-65). The company sued the bank in the Mexican federal courts for non-performance but the claims and their appeals were dismissed (43 I.L.M. 967 ¶ 70). Further, the company sought to arbitrate its dispute against the city under the concession agreement but the arbitration was discontinued when the city refused to pay an amount as a condition for the arbitration to proceed and the company then refused to pay the arbitration fee owed by the city.<sup>16</sup>

In the NAFTA Chapter 11 arbitration, the company raised numerous claims, including denial of justice arising from the acts of the city, state, and bank. After reviewing the awards on article 1105(1), the tribunal in *Waste Management II* announced the following standard:

The minimum standard...is infringed by conduct attributable to the State and harmful to the claimant if the conduct is arbitrary, grossly unfair, unjust or idiosyncratic, is discriminatory and exposes the claimant to sectional, or racial prejudice or involves a lack of due process leading to an outcome which offends judicial propriety—as might be the case with a manifest failure of natural justice in judicial proceedings or a complete lack of transparency and candor in an administrative process (43 I.L.M. 967 ¶ 98).

The tribunal dismissed the claim of denial of justice as to the Mexican courts' decision involving the bank as they "were not, either *ex facie* or on closer examination, evidently arbitrary, unjust or idiosyncratic. There is no trace of discrimination on account of the foreign ownership of [the investor], and no evident failure of due process" (43 I.L.M. 967 ¶ 130). The fact that arbitration was not pursued did not give rise to a claim under article 1105(1), as the decision not to proceed with the arbitra-

<sup>16</sup> The city also objected to the arbitration on the ground that the contract, as a public contract, was subject to the jurisdiction of administrative courts, and it had sought to stop the arbitration (43 I.L.M. 967 ¶¶ 120-21).

tion, “a decision made by the Claimant on financial grounds, did not implicate the Respondent in any internationally wrongdoing” (43 I.L.M. 967 ¶ 123).

Recent NAFTA awards reflect a similarly reserved application of the minimum standard. In the 2004 case of *GAMI Investment, Inc. v. Mexico* (GAMI Award), the tribunal summarized *Waste Management II* and noted that mere failure to fulfill objectives of administrative regulations or satisfy national law do not give rise to article 1105(1) violations.<sup>17</sup> In the 2005 case of *Methanex Corp. v. United States* (Methanex Award) the tribunal dismissed a Canadian investor’s claim that California’s ban of MTBE and methanol constituted discriminatory treatment (44 I.L.M. 1345). According to the tribunal, article 1105(1) does not prohibit discriminatory treatment between nationals and aliens.<sup>18</sup> Customary international law allows a state to “differentiate in its treatment of nationals and aliens” (44 I.L.M. 1345 ¶ 25). Also, even under the customary international law minimum standard set forth in *Waste Management II*, which the tribunal did not clearly endorse, the “conduct must have been ‘discriminatory and expose[d] the claimant to sectional or racial prejudice’” (44 I.L.M. 1345 ¶ 26).<sup>19</sup> Finding no discrimination, the investor’s claim under article 1105(1) failed.

The article 1105(1) issues in *International Thunderbird Gaming Corp. v. Mexico*<sup>20</sup> (Thunderbird Award) involved Mexico’s Ministry of the Interior allegedly first pronouncing that federal law did not govern certain video game machines which Thunderbird proposed to use in gaming operations in Mexico but, then, closing a gaming facility and preventing the opening of other facilities in which the machines were to be used (Thunderbird ¶¶ 50-78). In the process, the ministry issued an administrative resolution that the machines were prohibited gambling equipment (Thunderbird ¶ 73). In addition, a Mexican administrative body, after a hearing, denied relief to the investor (Thunderbird ¶ 80). Thunderbird alleged denial of justice as to the administrative resolution and manifest arbitrariness in the proceed-

<sup>17</sup> *GAMI Inv. Inc. v. Mexico*, Award (Nov. 15, 2004) ¶ 94, on line at <http://naftaclaims.com/Disputes/Mexico/GAMI/GAMIfinalAward.pdf>. Further, good faith efforts to achieve the law’s objectives could “counter-balance instances of disregard of legal or regulatory requirements” and consideration should be given to “the record as a whole” (GAMI ¶ 94).

<sup>18</sup> Part IV-Chapter C article 1105 NAFTA, ¶ 14, observing “the plain and natural meaning of the text of article 1105 does not support the contention that the ‘minimum standard of treatment’ precludes governmental differentiations as between nationals and aliens,” 44 I.L.M. 1345 ¶ 16.

<sup>19</sup> The opinion in *Methanex* noted the tribunal in *Waste Management* referred to “discriminatory” conduct but required that it be coupled with an exposure “to sectional or racial prejudice,” 44 I.L.M. 1345 ¶ 26. The tribunal in *Methanex* did not tackle the more challenging issue, as in *Waste Management* award’s inclusion of discriminatory conduct as violating the customary international law minimum standard, as it had held there was no discriminatory conduct (44 I.L.M. 1345 ¶ 26).

<sup>20</sup> *International Thunderbird Gaming Corp. v. United Mexican States*, Award (Jan. 26, 2006) on line at <http://www.investmentclaims.com/decisions/Thunderbird-Mexico-Award.pdf> (Thunderbird Award).

ings before the ministry. Recognizing that the article 1105(1) standard is not rigid and “should reflect evolving international customary law,” the tribunal pronounced a high threshold:

Acts that would give rise to a breach of the minimum standard prescribed by the NAFTA and customary international law [are] those that, weighed against the given factual context, amount to a gross denial of justice or manifest arbitrariness falling below acceptable international standards (Thunderbird ¶ 194).

Thunderbird had had the “full opportunity to be heard and present evidence at the Administrative Hearing” and had taken advantage of this opportunity (Thunderbird ¶ 198). The 31-page order from the hearing was “adequately detailed and reasoned.” The proceedings before the ministry had “certain regularities” but these were not “grave enough to shock a sense of judicial propriety” (Thunderbird ¶ 200). The tribunal acknowledged the standard for administrative due process is lower than that of judicial process although it provided no authority for this statement (Thunderbird ¶ 200). Further, the tribunal took comfort in that the ministry’s proceedings, including the resolution, were subject to judicial review (Thunderbird ¶ 201). Interestingly, the tribunal did not hold that the investor’s failure to exhaust its remedies barred a claim of denial of justice.

### Emerging Principles on Denial of Justice

Since the interpretation, the NAFTA arbitral tribunals have rejected investors’ attempts to convert NAFTA Chapter 11 tribunals into courts of appeal. In the first instance, an aggrieved investor must establish that the conduct violates the NAFTA, which for purposes of article 1105(1) means a violation of the customary international law minimum standard. Mere claims that the municipal court decisions violate municipal law are insufficient. Instead, the allegedly wrongful acts must give rise to violations of “due process” or “generally accepted standards of the administration of justice.”

Yet even these violations may not be enough. For example, the failure to give notice, even if harmful and in violation of principles of due process, may not violate the minimum standard. As one tribunal observed, the result should engender “shock or surprise” which causes one to question the judicial propriety of the result. Also, the mere fact that one is caused to question the result is not enough. The outcome must be clearly improper and discreditable. In other words, the decision must be more than wrong, perhaps clearly wrong.

Further, *Waste Management II* held the conduct must be “arbitrary, grossly unfair, unjust, idiosyncratic” or be “discriminatory and expose the claimant to sectional or racial prejudice.” *GAMI* recognized liability under article 1105 if a NAFTA nation’s “officials fail to implement or implement regulations in a discriminatory or arbitrary fashion” (*GAMI* ¶ 94). The tribunal in *Methanex* held, however, that article 1105(1) did not bar discriminatory conduct and it subtly questioned whether discrimination alone violates customary international law (44 I.L.M. 1345 ¶¶ note 90 25-26). And, as *Loewen* instructs, the complaining party must have taken advantage of all domestic means to exhaust its complaints about the municipal judicial or administrative process.

The NAFTA awards refer to due process, shock, and surprise, which likely means more claims of denial of justice will be raised as enterprising lawyers attempt to deal with adverse decisions from municipal courts and tribunals that affect their investor clients. Further, there is ambiguity in the arbitral awards about the role of discriminatory treatment. While the bar for claims under article 1105(1) is high, with the decisions of the NAFTA arbitral tribunals we have the sense that neutrals are playing the function of assuring that nations are adhering to certain international law minimum standards. For this, all of the investors who venture to foreign lands should be grateful, as the host nations now undergo intense scrutiny when the acts of their respective judicial or administrative bodies are challenged. The effect of this scrutiny, however, is not to guarantee State responsibility under article 1105(1) for mistakes or even lapses in judgment of its actors.

The emergence of a refined concept of at least one aspect of the minimum standard has implications beyond the NAFTA nations. Tribunals resolving investor-state disputes under other treaties have at least referenced NAFTA Chapter 11 awards in assessing claims under various fair and equitable treatment clauses. For example, the 2007 case of *Enron Corp. v. Argentine Republic* involved a claim under the fair and equitable treatment clause of the 1991 Treaty between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investments. The tribunal cited various NAFTA Chapter 11 awards (and *Mondey* and *Loewen*, among other awards) in holding that bad faith is not an essential element of fair and equitable treatment (ICSID Case No. ARB/01/3 ¶ 263). Of note, the tribunal further held that fair and equitable treatment under the treaty may require treatment in addition to the minimum standard (ICSID Case No. ARB/01/3 ¶ 258). The tribunal, in the 2005 case of *CMS Gas Transmission Company v. Argentine Republic* (which again involved a claim under the 1991 U.S.-Argentina treaty) referred to the NAFTA Free Trade Commission Interpretation in holding that it need not resolve whether fair and equitable treatment is equated with the minimum standard (ICSID Case No. ARB/01/8 ¶¶ 283-84). The significance of NAFTA and the Chapter 11 awards



in the non-NAFTA cases is not that they establish the relevant legal standard in an absolute sense. Instead, they are factors that non-NAFTA tribunals address, analyze, and distinguish when appropriate.

## PROCESS: THE SYSTEM OF *DE FACTO* PRECEDENT

NAFTA recognizes that a tribunal award is only binding “between the disputing parties and in respect of the particular case” (NAFTA art. 1136 (1)).<sup>21</sup> A tribunal is not required to consider or follow a prior arbitral award. Professor Susan Franck has documented how tribunals in *S.D. Meyers, Metalclad*, and *Pope & Talbot* gave three interpretations of article 1105 (Franck, 2005b)<sup>22</sup>. The awards in a collective sense were inconsistent (Franck, 2005b, note 109, 1576-1581).<sup>23</sup> According to Professor Franck, the inconsistency “will be a threat to the international legal order and the continued existence of investment treaties” (Franck, 2005b, note 109, 1583).

In fact, NAFTA Chapter 11’s dispute settlement procedure expressly seeks to assure “both equal treatment among investors of the Parties in accordance with the principle of international reciprocity and due process before an impartial tribunal” (NAFTA art. 1115). A predictable and stable legal regime is more likely to promote foreign investment. Further, consistency is a partial measure of due process.<sup>24</sup> A dispute settlement regime that lacks a consistent understanding on an essential investment standard (such as the customary international law minimum standard) could undermine the goals of NAFTA.

Each tribunal should render its decision based “on the facts and by application of any governing treaty provisions” (ICSID Case No. ARB[AF]/99/2 note 15, ¶ 118). A tribunal is not free to reach beyond the mandated sources of law, namely, NAFTA and international law. The article 1105(1) experience demonstrates that the NAFTA Free Trade Commission has the authority to interpret NAFTA and its interpretation is binding on a tribunal. The interpretation is the product of a built-in safeguard in NAFTA to

<sup>21</sup> See also *Grand River Enterprises Six Nations, Ltd. v. United States*, Decision on Objections to Jurisdiction (July 20, 2006) ¶ 36, on line at <http://www.investmentclaims.com/decisions/GRE-USA-Jurisdiction.pdf>, stating that “NAFTA arbitral awards do not constitute binding precedent, and in any event are rooted in their specific facts.”

<sup>22</sup> See also *Brower II*, 2003, observing that “incongruity has become the hallmark of decisions involving the minimum standard of treatment set forth in Article 1105(1).”

<sup>23</sup> See also *Brower II*, note 109, at 66-67, establishing the “doctrinal incoherence” of the panels’ decisions interpreting Article 1105(1).

<sup>24</sup> See, for example, *Canfor Corp. v. United States*, Order on Consolidation (Sept. 7, 2005), on line at <http://www.state.gov/documents/organization/53113.pdf>, ¶ 131, ordering consolidation to promote the NAFTA goal of avoiding conflicting results.

keep tribunals in check. The tribunals have followed the interpretation and rejected attempts to ignore or undermine it.

In addition, the reasoning in certain recent NAFTA tribunals has been disciplined. Professor Charles Brower has documented how, aside from the confusion surrounding article 1105(1), the panels “have reached a high level of coherence on many issues” (Brower, 2003: 66, note 109).<sup>25</sup> The coherence arguably is due to the arbitrators’ sophistication and the depth of their understanding of the international legal issues.

As to claims under article 1105(1), since the interpretation, the arbitral awards have demonstrated relative consistency on denial of justice. *Mondev* acknowledged the tribunal “may not apply its own idiosyncratic standard in lieu of the standard laid down in Article 1105(1)” (ICSID Case No. ARB[AF]/99/2 note 15, ¶ 120). Instead, it is “bound by the minimum standard as established in State practice and in the jurisprudence of arbitral tribunals” (ICSID Case No. ARB[AF]/99/2 ¶ 119). *Mondev* urged tribunals to examine decisions of other arbitral tribunals in refining the minimum standard.

Relying on and quoting *Azinian*, the tribunal in *Mondev* recognized it lacked “‘plenary appellate jurisdiction’” over decisions of national courts (ICSID Case No. ARB[AF]/99/2 ¶ 126). Citing *Mondev*, the tribunal in *ADF* stated that “we do not sit as a court with appellate jurisdiction with respect to U.S. measures” (ICSID Case No. ARB(AF)/00/1 note 62, ¶ 190). The tribunal in *Loewen* likewise recognized that claims of denial of justice are subject to exhaustion requirements.

The tribunal in the 2003 case of *ADF Group, Inc. v. United States* followed the *Mondev* standard of article 1105(1). It acknowledged the standard is “disciplined by being based upon State practice and judicial or arbitral case law or other sources of customary or general international law” (ICSID Case No. ARB[AF]/00/1 ¶ 184). The tribunal in *Waste Management II* cited *Mondev* and *ADF*, along with *S.D. Meyers* and *Loewen*, in noting “a general standard for Article 1105 is emerging” (43 I.L.M. 967 note 77, ¶ 98). The tribunal in *GAMI* relied on the “‘survey’ of standards of review” under article 1105(1) set forth in *Waste Management II* (*GAMI* note 47, ¶ 97). In *International Thunderbird International Gaming Corp. v. United Mexican States* (Thunderbird Award) the tribunal acknowledged the minimum standard is evolving yet subject to a high threshold and relied on “recent international jurisprudence” to reach the conclusion.<sup>26</sup>

<sup>25</sup> See also *Canford Corp. v. United States*, ¶ 64, noting most panels “have developed clear rules that strike a healthy balance between the interests of foreign investors with the regulatory obligations of the host states.”

<sup>26</sup> *International Thunderbird Gaming Corp. v. United Mexican States*, Award (Jan. 26, 2006) note 94, ¶ 194, citing *Mondev* Award, *ADF* Award, and *Waste Management II* Award, on line at <http://www.investment-claims.com/decisions/Thunderbird-Mexico-Award.pdf>

Even though NAFTA does not require a tribunal to follow the decision of another tribunal, at least as to article 1105(1) in the post-interpretation environment the tribunals have scrupulously studied and relied on earlier awards. Previous awards, as a former lawyer for the U.S. government in the Chapter 11 cases aptly described, are “persuasive authority” (Bjorklund, 2001). No rules require that the tribunals address and follow or distinguish earlier decisions involving article 1105(1). In practice, however, the tribunals consider prior awards more than “persuasive.” With regard to article 1105(1), they have relied on prior arbitral awards to shape the standard of denial of justice. *ADF* specifically held that arbitral case law disciplines article 1105(1) (ICSID Case No. ARB[AF]/00/1 note 120 and accompanying text; see also ICSID Case No. ARB[AF]/99/2 note 15, ¶¶ 119-20).

The NAFTA tribunals should not be considered as stand-alone institutions that operate in a vacuum. The lawyers appearing before the tribunals on behalf of the NAFTA nations are well-versed in international investment law as they have pleaded and continue to plead a number of cases. Counsel for both sides routinely submit lengthy memorials in which they cite and argue prior decisions. The tribunals address the arguments and the prior arbitral awards. The development illustrates how an important body of investment law has been defined and shaped in a sophisticated and tempered manner.

## CONCLUSION

The NAFTA Chapter 11 investor-state arbitration process has jump-started the harmonization of investment standards and dispute resolution practices in North America. The process has occurred outside of the domestic legal systems of the NAFTA nations as the arbitral tribunals are the creature of NAFTA, not domestic law. Tribunals rise above the three domestic systems as they are international institutions. Yet, they are not super-appellate courts. They do not sit in judgment of municipal court decisions or other municipal acts under municipal law. Instead, the tribunals apply relevant substantive investment provisions of the NAFTA and international law in evaluating the challenged state conduct. The NAFTA Chapter 11 tribunals have been fairly consistent in defining the limits of their role.

Tribunals have been cautious in resolving investors’ claims. Aided by NAFTA’s built-in mechanism for clarification, the commission interpretation, the tribunals through their awards have given critical guidance to investors from the NAFTA nations and to the nations themselves on the obligations owing under NAFTA article 1105(1). A signal of the emergence of a maturing system is that tribunals are citing and

addressing earlier arbitral awards, which has resulted in a refined body of law on denial of justice.

The awards' effect on the conduct of the NAFTA nations will be the real measure of harmonization. Will domestic courts and administrative bodies take heed of the NAFTA Chapter 11 awards in their future decisions influencing investment from another NAFTA nation? As more awards are issued and publicized, their effect cannot go unnoticed. Already, judges in the United States have expressed concern that NAFTA Chapter 11 arbitral tribunals are evaluating their judgments and actions (Liptak 2004, quoting Chief Justice Margaret H. Marshall of the Massachusetts Supreme Court and Chief Justice Ronald M. George of the California Supreme Court). The message is being delivered to domestic actors. The financial stakes mean that the NAFTA nations cannot ignore their promises to foreign investors.

In another sense, NAFTA Chapter 11 dispute resolution has already served a useful purpose. Arbitral awards have shed light on the pitfalls of the NAFTA nations' domestic legal systems. The awards offer insight into matters that, in part, the respective NAFTA nations had elected not to address within their domestic systems. The exposure factor should not be underestimated. The world is effectively on notice about practices that cannot be reconciled with accepted notions of justice. The revelations should prompt the NAFTA nations to consider additional measures to assure that disputes resolved in their respective domestic systems are done so in a fair and just manner.

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# The Solution to North America's Triple Problem: The Case for A North American Investment Fund

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## ABSTRACT

Despite the expansion of trade and investment achieved by the North American Free Trade Agreement, challenges remain. The most serious is the persistence of an "income gap" between Mexico and its northern neighbors. Unless this gap is narrowed, other challenges, including immigration, trade, and security, will persist. The solution is the creation of a viable North American Investment Fund, which will be possible only if the three governments articulate a North American Community and pledge to contribute, each in its own way, to a strategy that will close the income gap and build institutions to resolve old problems and address new opportunities.

**Key words:** NAFTA, investment, North American Community, free trade, immigration, income gap, debt, monetary policy, regulation

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## INTRODUCTION: THE PROBLEMS OF SECURITY, IMMIGRATION, AND TRADE

The North American Free Trade Agreement (NAFTA) came into effect on January 1, 1994 and, in 13 years, trade among Canada, Mexico, and the United States tripled and foreign direct investment quintupled, making North America the largest free trade area in the world. Despite this success, relations among all three countries deteriorated, and a swirl of problems led many to view NAFTA as a failure.

A major cause of the deterioration of relations is the failure of the three governments to find agreement on immigration, trade, and security. None of these problems can be solved easily or soon, but serious progress is not possible until the three governments begin to construct a “community of interests” in which each of them commits significant resources and undertakes reforms to close the income gap between Mexico and its two neighbors and forge institutions and procedures to sustain trust.

Why is the income gap so important to each of the three issues? Contrary to conventional wisdom, more than 90 percent of the undocumented workers from Mexico do not come to the United States seeking jobs. They leave jobs in Mexico for much better wages in the United States. Unless the income gap is significantly narrowed, migration from Mexico will continue to expand. Securing the United States after 9/11 depends on a secure continent and that is difficult when one of the weakest links is Mexico’s poverty. Finally, free trade policies have become unpopular because of chronic disputes, the view by some in the United States that jobs are lost because of free trade, the failure of the United States to comply with NAFTA courts, and the view that Mexico would be more developed if free trade worked.

All three problems point to the same solution: a North American Investment Fund which invests US\$20 billion per year for a decade to close the income gap by grants to build infrastructure –roads, communications, railroads, ports– to connect the poor center and south of Mexico to its northern neighbors. Ten billion dollars would come from additional taxes by Mexicans, US\$9 billion would come from the United States, and US\$1 billion from Canada. But these would only be part of an arrangement whereby Mexico undertakes the kinds of reforms that would allow it to make effective use of these resources.

Such a fund is only possible if the three governments articulate a North American Community and pledge to contribute, each in its own way, to a strategy that will close the income gap and build institutions to resolve old problems and address new opportunities. That is the solution. Now, what exactly is the problem? If immigrants contribute to the U.S. economy so much, why is immigration a problem?

During a state visit by Mexican President Vicente Fox in September 2001, just days before the September 11 tragedy, President George W. Bush agreed to reform U.S. immigration laws as they affected Mexico. There are about 11 million “undocumented workers” in the United States, of whom about 6.3 million are Mexicans. Fox wanted to regularize the status of the Mexicans and ensure a large and steady flow of temporary workers. Despite Bush’s pledge to address the issue, four years passed before he sent his cabinet to Congress to outline his administration’s approach. On October 18, 2005, U.S. Homeland Security Secretary Michael Chertoff testified, “The president believes—and I agree—that illegal immigration threatens our communities and our national security.” He proposed more funding for the border patrol, even though the number of officers tripled and the budget increased 10-fold during the previous two decades (Massey, 2005).

While the U.S. was concerned with security, the immigration issue is primarily an economic and social issue. The U.S. wants cheap labor and Mexicans want better wages in the United States. There is nothing wrong with that, except that Mexicans who are in the United States illegally are easily exploited and, thus, are compelled to work harder at wages too low for most Americans. Even during the boom years of the 1990s, when the income of most Americans improved, the wages of native-born unskilled workers declined by about 10 percent, due, in part, to more competition by illegal workers. There is also a humanitarian issue of dealing with 11 million illegal migrants in the country.

The United States has embarked on a long journey to cope with these problems, and while there are many proposals to “regularize” the 11 million undocumented workers in the country, none can do so without provoking a new wave of illegal migration. None of these proposals will solve or even reduce the flow of undocumented migration to the United States. Indeed, regularizing the status of those who are here illegally may well encourage greater flows in the future. This is what occurred after passage of the 1986 Immigration Reform and Control Act, which combined legalization, which was implemented, and employer sanctions, which were largely ignored. This was one of the reasons why immigration reform failed to pass the Senate in June 2007.

The American people are increasingly frustrated and worried about the inability of the U.S. government to control the borders. A *New York Times*/CBS poll in October 2005 found that 75 percent of Americans think that the government should do much more to keep out illegal aliens, and by May 2007, 82 percent of Americans felt that way (*New York Times*, 2007). However, no one has proposed an effective strategy to address the challenge. The reason is that it would be very expensive to solve this problem, and there is only one way to dramatically affect the flow. The development

gap between the United States and Mexico must be narrowed. A strategy aimed to accomplish that goal would not only reduce illegal migration; it would solve several other chronic problems in North America and beyond.

Many in Mexico viewed the North American Free Trade Agreement (NAFTA) as a vehicle to achieve a first-world economy and close the development gap that separated it from its northern neighbors. Many in the United States supported NAFTA in the hope that it would reduce undocumented migration from Mexico. Many in Latin America and the Caribbean looked at NAFTA as a model for a Free Trade Area of the Americas (FTAA), which would allow them to board a train to the first world. Although NAFTA expanded trade within North America, neither the development gap nor undocumented migration diminished, and, as it became clear that free-trade did not achieve the promise of development, many in Latin America and beyond questioned the utility of free trade. Until free trade can be viewed as beneficial to its poorer members, the prospect of expanding its boundaries will remain small.

Unless and until the development gap between Mexico and the U.S. can begin to close, the prospect of having a genuine partnership among the three countries of North America will remain distant. There are other compelling reasons for the three governments to consider the development gap as the paramount challenge facing North America. NAFTA, at best, has run out of steam; the continental relationships are in danger of going into reverse. The policy responses to 9/11 and the creation of the Department of Homeland Security have constructed a formidable speed bump on the two borders that impedes trade.

NAFTA may be viewed as a problem but "North America" is actually a magnificent opportunity. Stimulating Mexico's economy might be one of the best ways to promote competitiveness for the entire continent. The most effective response to competition from China, for example, is one that merges the comparative advantages of each unit of North America. Developing a community of interests in which the three governments take steps to make the continent more secure and their relationships fair would establish the region as the model.

## DEVELOPMENTAL EFFECTS OF NAFTA

The disparity in income between Mexico and its northern neighbors is the most salient feature of North America. John Audley and Sandra Polaski note that for most Mexicans, real wages have fallen since NAFTA, though they recognize that the peso crisis might be a more important factor than NAFTA. While acknowledging that foreign direct investment added 400 000 jobs in manufacturing, they also point out that

this did not keep pace with the growing supply of labor (Audley et al., 2003: 5-6). There is no disputing the income gap, though there is no agreement as to how to measure it. Below are four ways to measure it. Table 1 uses GDP per capita in current dollars. The ratio of U.S. to Mexico begins at 4.03 in 1980 then rises to 5.6 in the year before NAFTA and to 6.27, a decade later. It declined to 5.5 in 2006 but that still is about 36 percent worse than in 1980. Table 2 measures GDP per capita with constant 2000 dollars and shows more consistency, though the gap is still about 10 percent wider in 2005 than in 1960. Table 3 looks at GDP per capita based on purchasing power parity (PPP) in current dollars. The PPP measure shows that the gap is about 36 percent worse in 2005 than in 1980.<sup>1</sup>

Group*	1980	1990	1993	2000	2002	2004
NAFTA (1994)	4.03	7.35	5.58	5.84	5.66	6.27
	(U.S./Mexico)	(U.S./Mexico)	(U.S./Mexico)	(U.S./Mexico)	(U.S./Mexico)	(U.S./Mexico)

**Source:** International Monetary Fund, World Economic Outlook Database, September 2004.

Country	1960	1970	1980	1990	1993	2000	2002	2004	2005
Mexico	2 554	3 576	5 114	4 966	5 174	5 935	5 853	6 056	6 172
United States	14 134	18 150	22 568	28 263	28 747	34 599	34 669	36 451	37 267
Dev. gap ratio	5.53	5.08	4.41	5.69	5.56	5.83	5.92	6.02	6.04

**Source:** World Bank, World Development Indicators database, <http://devdata.worldbank.org/dataonline/>

<sup>1</sup> The source for these tables is the U.S. Department of Labor, International Comparisons of Hourly Compensation Costs for Production Workers in Manufacturing—Table 2, <ftp://ftp.bls.gov/pub/special.requests/ForeignLabor/ichccsuppt02.txt>.

**Table 3**  
U.S. AND MEXICO: GDP PER CAPITA - PURCHASING POWER PARITY  
(CURRENT INTERNATIONAL US\$), 1980-2005

Country	1980	1990	1993	2000	2002	2004
Mexico	4 279	6 280	7 087	9 197	9 451	10 240
United States	12 186	23 064	25 409	34 599	36 126	39 772
Dev. gap ratio	2.85	3.67	3.59	3.76	3.82	3.88

**Source:** World Bank, World Development Indicators database, <http://devdata.worldbank.org/dataonline/>

**Table 4**  
HOURLY WAGES (US\$) FOR PRODUCTION WORKERS  
IN MANUFACTURING, 1980-2005

COUNTRY	1980	1990	1993	2000	2002	2003	2004	2005
Canada	8.87	16.33	16.97	16.48	16.72	19.53	21.77	23.82
US	9.63	14.81	16.37	19.65	21.33	2.22	22.82	23.65
Mexico	2.2	1.57	2.36	2.07	2.49	2.44	2.44	2.63
Ratio of highest to lowest	US/Mex. 4.4	Can./Mex. 10.4	Can./Mex. 7.2	US/Mex. 9.5	US/Mex. 8.6	US/Mex. 9.1	US/Mex. 9.4	Can./Mex. 9.1

**Source:** U.S. Department of Labor, International Comparisons of Hourly Compensation Costs for Production Workers in Manufacturing-Table 2, <ftp://ftp.bls.gov/pub/special.requests/ForeignLabor/ichccsuppt02.txt>

Emigrants do not bother to examine the aggregate data. Their motives for moving probably are diverse. The conventional view is that they come to the United States in search of jobs. But several surveys of Mexican immigrants in the United States during the past 20 years found that the overwhelming majority had jobs before leaving Mexico. According to the Mexican Migration Project (a 15-year bi-national project directed by Jorge Durand at the University of Guadalajara and Douglas Massey at the University of Pennsylvania), the percentage of immigrants who were unemployed before leaving Mexico for the United States declined steadily from 13 percent in 1970 to 6.4 percent in the 1990s. Another survey found that since the 1990s, more than 93 percent of Mexican immigrants to the United States –legal and illegal– left jobs in Mexico (Durand et al., 2001: table 4, 121). This data is consistent with several other large data sets from both the Mexican statistical agenda and the U.S. Census

Bureau. Research on the causes of migration from the Caribbean in the early 1980s also found that the emigrants left jobs (Pastor, 1985: 14).

They are coming in search of higher wages, and in Table 4, the gap in hourly wages for production workers in manufacturing between 1980 and 2005 more than doubled, rising from 4.4 to 9.1. Still, another study suggests that current wage differentials are 10 to 1 and are expected to grow to 13 to 1 (Ibarra and Soloaga, 2005: 11). What this means is that the average Mexican worker in a manufacturing plant can earn perhaps 10 times or more working in the United States than he or she could in Mexico. Although family networks play an important role in determining where immigrants locate, the most powerful magnet is the economy.

Other studies have shown that the higher U.S. wages are relative to Mexican wages, the higher the probability of migration (Jewell and Molina, 2004). Using regression analyses based on data collected by the Mexican Migration Project (MMP), Jewell and Molina estimate that a 10-percent increase in the Mexican wage leads to a 6.9 percent reduction in migration, while a 10-percent decrease in the Mexican wage leads to a 4.6-percent increase in migration. However, a 10-percent rise in the U.S. wage increases migration by 8.8 percent. If the wage gap narrowed as a result of a 10-percent reduction in U.S. wages, migration would be reduced by 13.1 percent. If the wage gap were closed, the probability of migration sinks to practically zero (Jewell and Molina, 2004). As long as Mexicans can earn much more in the United States for the same work, the lure of migration will remain compelling. In a poll on migration, Alducín y Asociados (2003: 17) found that 81.4 percent of Mexicans would emigrate to the United States if they could. A Pew Hispanic Center study found fewer—46 percent—ready to move if given the chance.

While the numbers differ in the four tables and the estimates of the impact of the wage differential on the magnitude of migration differ on the margin, the pattern is similar and persuasive. With every measure and table, the gap has worsened since 1980. Mexico's goal of convergence has slipped further away since NAFTA began and the impact on migration to the United States is indisputable. The larger the gap in income, the more immigrants will come.

## TWO OTHER GAPS

It is true that average wages for all Mexicans have not improved since NAFTA came into force. But a more instructive conclusion emerges when one looks below that fact to sector and geographical gaps, both of which opened wider because of the trade agreement and its first (peso) crisis. The first gap was between the country's

growing export sector and its domestic market and the second gap was geographical, between the northern and the center-south of the country.

The reduction in barriers to the flow of capital induced a surge of short-term loans to Mexico in 1993. When two political assassinations, including of the leading presidential candidate, unsettled the market and lenders began to withdraw their money, the Mexican government took dramatic steps to keep the funds. It sharply raised interest rates and promised to pay the loans in dollars, but this only made a difficult debt problem worse. When the government finally devalued, during Christmas 1994, the bottom fell out of the market and the country tipped on the edge of bankruptcy. The failure of either the United States or Mexico to anticipate such a crisis and create a substantial swap arrangement further exacerbated the problem and the Mexican economy sank 6.2 percent, its sharpest and worse decline since the Great Depression. Because of NAFTA and the expansion of an export-oriented manufacturing sector, the impact on the economy was uneven. The domestic side of the economy declined by 14 percent, while the export sector grew.<sup>2</sup>

NAFTA also contributed to Mexico's geographical disparities, which were already serious. About half of all domestic production is concentrated in Mexico City and the states of Mexico, Jalisco (Guadalajara), and Nuevo León (Monterrey). After the 1994 crisis, the disparities between regions became even more pronounced. The southern states of Chiapas, Guerrero, and Oaxaca have the weakest infrastructure: a quarter of the households there are without water or electricity; roads are unpaved; the telecommunications infrastructure is less than half of the national average (Fay, 2003). An analysis of the eight regions of Mexico by the Confederation of Industrial Chambers of Commerce (Concamin), using data from Mexico's statistical agency (INEGI), concluded that the social and economic gap between the regions widened since NAFTA. Another analysis found that the gap widened because the northern states, connected to the U.S. market and with more foreign investment, grew 10 times faster than the southern ones, which do not have the infrastructure to bring goods to market.<sup>3</sup>

The two gaps that opened wider since NAFTA suggest that Mexico's economic problem was not due to the treaty, but rather to its absence. In other words, the Zapatistas got it backwards when they launched their uprising in Chiapas to protest NAFTA. They were right that NAFTA would not help Chiapas but this was not due to free

<sup>2</sup> For an excellent analysis of the impact of the 1994 crisis, see González Gómez, 1998: 37-66.

<sup>3</sup> Tamayo-Flores, 2000: 21. The estimates on the gap between regions vary. Luis Ernesto Derbez, a World Bank economist, estimated that during the 1990s, the export-oriented North grew at annual rates of 5.9 percent, while the South barely grew at .4 percent, more than 10 times faster, as cited in Tricks, 2001: 6. Based on data from INEGI and Conapo, the North American Development Bank estimated that the northern part of Mexico was growing more than twice as fast as the south or center.



trade; it was because of the lack of it. The south and center of Mexico were not connected to the markets of the north. The success of the export sector and the northern part of the country are proof that NAFTA succeeded where it connected. For the rest of Mexico to develop, a new strategy is needed.

NAFTA's flaw is that it had no explicit development strategy. Its implicit strategy is to encourage foreign direct investment in the already congested border areas. Not surprisingly, the states closest to the United States attracted workers from the heart of Mexico. Most businesses on the border report a turnover each year of nearly 100 percent, meaning that workers from the south stay in the northern part of Mexico only long enough to learn how to get across and earn more money. Notwithstanding the arguments of NAFTA's proponents, NAFTA encouraged—however unintentionally—illegal migration to the United States. Foreign firms would prefer to invest in the interior where the workforce is more stable and there is less congestion, pollution, and turnover. But they do not because roads and infrastructure are inadequate.

## HOW TO NARROW THE INCOME GAP? LESSONS FROM THE LITERATURE AND EUROPE

Theories of economic convergence predict that the gap in incomes between richer and poorer states or sub-regions in a free trade area will narrow because capital will invest and deploy technology where it can gain greater returns. The United States offers proof of the theory. After the Civil War, the difference in income between the northern and southern states was very large. With the benefit of a single currency and free movement of labor, capital, and goods, that gap narrowed significantly, though it took a century and involved a massive migration of six million African-Americans northward between 1916 and 1970 (Kim, 1997; Postrel, 2004; Foner, 1991). In other words, under the most optimal conditions of free movement of factors of production within a single nation-state, more than 100 years were needed to achieve real convergence in income between rich and poor regions.

In contrast, the European Union significantly closed its income gap between the richer and the four poorest countries in just 15 years. North America represents a very different model from Europe's, and few in the United States would consider replicating the model, but failing to learn from 50 years of experience with regional economic integration would be a serious mistake.<sup>4</sup> The issue for North America is not

<sup>4</sup> For a detailed analysis of the similarities and differences between the European Union and North America and an evaluation of the EU's regional and cohesion policies, see Pastor, 2001: Chapters 2-3.

whether to adopt the European model; the two cases are too different. The question is: What can be learned and adapted from Europe's experience?

Europe defined one of its principal goals as reducing disparities among members, but it did not allocate serious resources to achieving it for nearly 30 years. The rationale for closing the gap was that "wide disparities are intolerable in a community, if the term has any meaning at all." The EU narrowed the gap between its four poorer "cohesion" members (Spain, Portugal, Greece, and Ireland) in a remarkably short time. From 1986 to 2003, the per capita GDP in the four cohesion countries rose from 65 percent of the EU average to 82 percent by 2003 (European Commission, 1996: 13; European Commission, 2003).

While all four cohesion countries have made substantial progress since entering the EU, an analysis of the differences in their rates of growth is useful for assessing the relative effectiveness of the EU's regional policies. Ireland has been the most successful with its per capita income turning it from the poorest country in the European Union in 1980 into one of its richest today. Although some believe Ireland succeeded because it reduced taxes and did not receive aid, for the decade beginning in 1989, Ireland received €10.2 billion—equal to 2.8 percent of its GDP—from EU Structural and Cohesion Funds and the government matched that amount with counterpart investments, which raised the total investment to 5 percent of GDP (European Commission, 1997: 73-75). The EU funds began to arrive in 1989, just when there was a substantial backlog of projects and urgent infrastructural needs. "Without the support of the structural funds," a report by the Economic and Social Research Institute in Dublin concludes, "congestion in public infrastructure and constraints in third level education would have limited the recovery." Using several models, the institute concluded that the combined effect in the period 1995-1999 raised GNP by 3 to 4 percent above the level it would have been without the EU funding (Honohan, 1997: xv-xxi, especially at xviii). Ireland's trajectory was astonishing but the other three poor countries (Spain, Portugal, and Greece) also made substantial progress for much the same reasons. The European Union transferred more than €450 billion during the past 20 years to them (European Commission, 1996; European Commission, 1997: 45).

To what extent did these funds contribute to growth in the four cohesion countries and to the reduction of income disparities? Using regression analyses, Robert Leonardi of the London School of Economics tested various explanatory variables and concluded that structural and cohesion aid "made a substantial contribution to economic investment and overall GDP in the three nations. [It] acted as a significant stimulus to the national economies, explaining in part the surge of these countries toward convergence" (Leonardi, 1995: 133, 170-176).

In its "Third Report on Economic and Social Cohesion," The European Commission found that the structural funds boosted the gross domestic product in Spain by 1.5 percent more than would have occurred without such funds. The funds increased growth in Greece by 2 percent, in Ireland by almost 3 percent, and in Portugal by 4.5 percent more than would have occurred in the absence of such support (European Commission, 2004: xviii).

What specific lessons should be drawn from the EU experience for North America?

a) *Goals and Institutions.* Europe's leaders defined a goal of solidarity and community for security and economic reasons. These goals inspired member states and provided a benchmark from which they could measure progress. The EU established too many supra-national institutions that continue because it is too hard to eliminate them. The lesson is that some institutions are necessary to promote development, but policy-makers should incorporate a "sunset" provision into every new institution and, in the case of North America, it might be better to use an existing institution, such as the World Bank, rather than create new ones.

b) *Convergence and Conditionality.* Among the many factors responsible for narrowing the gap were a single market, foreign investment, and massive aid programs from the EU. An analysis of the difference in growth rates among the four "cohesion" countries –between Ireland and Greece, for example– leads to the inescapable conclusion that national policy is a fourth, critical determinant. The most effective "national policies" were those that utilized the incentive of conditionality to maintain stable macro-economic policies and transparency. The lesson is to use the first three factors as an incentive for the recipient government to adopt the appropriate economic policies that would make best use of the resources.

c) *Projects and Personnel.* The EU has funded almost every imaginable kind of project through many structures, but most analysts agree with Rainer Martin that investments in two areas were most effective: infrastructure and human capital (Martin, 1998: 66-72).

d) *The Magnitude and the Focus of the Commitment.* The task of closing the gap between richer and poorer countries in a free trade area is a formidable one, but the EU has demonstrated that it can be done, provided that its members make a serious commitment and appropriate significant funds for that purpose. Europe has transferred €30 billion per year (US\$40 billion). About half –the investments in infrastructure and human capital– had a multiplier effect on development. Much of the other half went to the poorer provinces in the richer countries as "side payments."

## A PROPOSAL TO NARROW THE GAP

In contemplating an approach for reducing the gap in North America, let us recall the development trajectory of two countries on two continents: Mexico and Spain. The per capita income of Mexico was higher than that of Spain in 1950. By the year 2000, Mexico's was roughly half that of Spain (Rodríguez Barocio, 2005: 4). There are, of course, many reasons for this turnabout but, during the last 20 years, two factors stand out: the magnitude of the EU's aid to Spain and the reforms Spain undertook to be an EU member. The aid was essential but the donors would not have contributed without a vision of community, and the recipient would not have undertaken the reforms without understanding their necessity and without a framework of external support.

A proposal to reduce the income gap in North America, therefore, requires several fundamental elements that need to be woven together: 1) a vision and a goal; 2) a new development strategy; 3) an institution or mechanism to transfer funds; 4) a commitment by all three countries to deliver substantial aid and reforms; 5) a strategy for negotiating and implementing the package.

1) *Vision and Goal.* While the development of Mexico and its integration with its neighbors is the focus of the proposal, a new cooperative relationship among the three governments is a prerequisite to achieving that goal. The vision needed to begin moving in this direction is not one of a union or even a common market. A common market requires the free movement of labor but that is not possible, given the income gap, and a union suggests a merging of sovereignties and all three governments oppose that.

A "North American Community" may be the best option. It evinces an idea that is more than three separate nations but it allows its members to define what "more" they want. The premise of such a community is that each of the three countries benefits from its neighbors' success and pays a price for its neighbors' failure, crisis, or setback. At some level, this is widely understood and explains why the U.S. helped Mexico deal with its debt crisis in 1982 and peso crisis in 1994-1995. Of course, Canada and Mexico are directly affected by events in the United States, whether a countervailing duty or 9/11. In the post-NAFTA world, the economies of the three countries are so inter-connected that a recession in one country will harm the others and a boom in one will lift the others.

When the value of a neighbor's house rises, that has a positive effect on one's own house. When a neighbor's house burns or is vandalized, then all the houses in the community are in danger. Those are the two sides of a vision of a North American Community. Increasing interdependence requires more active involvement by all three

governments to ensure that the public is protected from a more integrated but less regulated market.

A community means that the two bilateral relationships should be transformed into a continental one. Any negotiation in North America reflects the weight of asymmetry. By the sheer size of its economy, the United States could –and does– ignore the complaints of each neighbor. This allows problems –like softwood lumber or sugar– to fester and trust to be eroded. The argument for a continental approach is that it could help correct some of the imbalance inherent in the two bilateral relationships. It could do so by focusing on rules rather than raw power.

If this is true, then why do Mexico and Canada not pursue such a community, and why would the United States accept it? Canada feels that it could do better in a bilateral relationship, though there is scant evidence to prove that, and Mexico has tried a continental approach but has been rebuffed by Canada and the United States. The United States faces a classic trade-off on the issue: should it negotiate bilaterally where it can dominate, or would it be wiser to sacrifice short-term interests in order to create a community respected by its neighbors? After World War II, the United States faced the same choice in Europe: it could have negotiated separately with each country and assured its dominance, or it could take a long-term approach and provide aid to Europe on the single condition that Europe would unite. The U.S. chose the more enlightened approach with the Marshall Plan. The time has come for the United States to follow a similar path in North America.

A second question is: why should Canada contribute to a fund for the development of Mexico? Canada, of course, had difficulty seeing Mexico over the United States but, with the approval of NAFTA, it began to develop its relationship with Mexico. As its trade and investment increased, Canada recognized that Mexico's development will yield economic benefits. Canada has an increasing number of emigrants from Mexico, particularly in the west. Canada does not have a stake in Mexico's development comparable to that of the United States but it does have a sizeable foreign aid program. The question is whether that aid should continue to be aimed at the poorest countries or whether it should be part of a new North American strategy.

In addition to economic interests, there are three reasons why Canada should want to build a North American Community and contribute to a fund to narrow the development gap. First, Canada is a multilateral institution builder, and there is no relationship more important to Canada than the one with the United States (James et al., 2007: ch. 1). It follows that a tri-national institution could be constructed in a manner that would serve Canada's long-term interests in assuring that the U.S. negotiates fairly and complies with the rules of an agreement. Secondly, Canada wants the U.S. to pay attention to its concerns and is frustrated that it does not. A

joint approach with Mexico, which can gain U.S. attention because of the large Mexican-American population, would certainly assist Canada. But Mexico and Canada are likely to be more effective if they pursue fair rules rather than appear as if they are conspiring against the U.S.

The three governments should set the goal of helping Mexico achieve a sustained rate of growth for at least one decade of at least 6 percent per year. If one assumes that the U.S. and Canada maintain a growth rate of 3 percent, the income gap would be reduced by 20 percent in the first decade and, hopefully, provide the momentum to close the gap within 40 to 50 years. While it would be desirable for the gap to be closed, the trajectory may be as important. If Mexicans see the gap closing in a consistent way, self-perceptions could change, and that could mean that fewer Mexicans would emigrate.

2) *A New Development Strategy*. How can Mexico grow at twice the rate of the United States and Canada? Using a computable general equilibrium model of Mexico, Robinson, Morley, and Diaz-Bonilla conclude that the current export model is unlikely to generate sufficient growth to begin to close the income gap. Instead, Mexico needs a fundamental change in development strategy, and they propose two options. Capital formation would need to be raised to the level of 30 percent or more of GDP. Without a significant increase in domestic savings, Mexico would need US\$30 billion more per year of foreign capital, net of interest payments. An alternative would be to channel US\$17-20 billion in new capital, net of interest payments, each year into infrastructure and human capital. As Mexico cannot sustain more debt, grants are needed from abroad. With these investments, they estimate that Mexico could grow at an annual rate of about 6 percent (Robinson et al., 2005).

Others have pointed to Mexico's declining competitiveness and attribute it to Mexico's inability or unwillingness to undertake essential tax and fiscal, labor, energy, and electricity reforms. An IMD World Competitiveness Survey attributed declining competitiveness to poor infrastructure. Of the 30 largest economies in terms of their infrastructure, the IMD survey found that in just three years—2000-2003—Mexico had slipped from eighteenth to twenty-ninth place, while U.S. infrastructure competitiveness remained the top ranking and Spain slipped from ninth to tenth place (IMD, 2004).

The World Bank initially viewed large infrastructure projects as key to development and, after its start in 1960, the Inter-American Development Bank also invested heavily in infrastructure. But beginning in the mid-1970s, there was a gradual shift away from such projects toward those aimed at education, health, and poverty-reduction. More recently, the World Bank has begun to re-evaluate the importance of infrastructure and a number of studies have concluded that lagging performance

in infrastructure "has cascading negative effects throughout the economy. It increases the cost of doing business, decreases international competitiveness, and hinders the country's growth and poverty alleviation prospects" (World Bank, 2003: 1).

Mexico has long under-invested in infrastructure but government investment in infrastructure as a percentage of GDP fell precipitously from about 8 percent in 1980 to 1.2 percent in 2003. In 1960, Korea had less than half of Mexico's paved road density. In 2005, it had 11 times that of Mexico. Similarly, in 1969, Korea had one-third the power infrastructure per capita of Mexico but, in 2005, it had three times as much. While the comparison with Korea is particularly sharp, Mexico also compares poorly with other major Latin American countries. For example, Mexico's road density is currently about one-half that of Brazil. Moreover, the costs of railways and ports in Mexico are higher than in Brazil and the U.S (World Bank and Inter-American Development Bank, 2005; World Bank, 2005; Rodríguez Barocio, 2005: 15).

The lack of infrastructure and its poor quality and reliability have added significantly to the cost of doing business in Mexico. It also has encouraged foreign investment to concentrate on the border. Therefore, one effective way to reduce geographical disparities within Mexico while reducing pressures for out-migration would be to improve the road system from the U.S. border to the center and southern parts of the country. Because of foreign investment, the northern border economy is booming and attracting labor from the poorer parts of the country. However, in many cases, workers stay on the Mexican side of the border only long enough to learn how to cross into the United States, where they can earn a lot more. U.S. firms do not like to invest in the border area because of the pollution and the inefficiencies associated with such a high turnover rate, but they do so because the roads from the border to the center of the country are bad or non-existent.

If roads were built or improved from the border to the center of the country, investors would locate there for three reasons. First, the center and south of the country –Oaxaca, Zacatecas, Michoacán, Guanajuato– have the highest rates of unemployment and, indeed, are the principal sources of immigrants to the border and to the United States. Secondly, the wage level is much lower in these areas but the workers are no less educated than those on the border. Indeed, they are often the same workers. Finally, the region is not the polluted, cramped border. The government has incentive systems to encourage investors to locate there but the problem is a lack of infrastructure: roads, electricity, etc. Build them, and investors would come, immigration levels would decline and so would disparities in income.

Mexico has been criticized for subsidizing higher education at the cost of elementary and secondary schools and that is true (Kogan, 1987: 56-78). But Spain and Portugal discovered that investments in technical and community colleges in rural

areas had a large multiplier effect. College-educated students returned from the capital to their small towns to teach at these colleges and, as they raised a family, they insisted on improvements in elementary and secondary schools that their children attended. The community colleges proved to be the catalyst for improving the level of education at all levels in the rural areas.

3) *Mechanism/Institution*. In the interest of using scarce resources most effectively and keeping bureaucracy to the minimum, the three governments should establish a “North American Investment Fund” as the principal instrument for channeling money to narrow the income gap. North America should not create a new bank. Rather, it should deposit money in a fund that would be administered by the World Bank (and/or the Inter-American Development Bank) under the supervision of a board appointed by all three governments. To avoid the EU’s problem of perpetual institutionalization, the fund should have a “sunset” provision. It should have a 10-year term, and it should be continued beyond that date only by decision of all three governments.

Some have proposed using the North American Development Bank (NAD Bank), but that institution’s mission is to invest in environmental and small infrastructure projects near the border, and it does not have the capability for the large infrastructure projects needed to close the development gap. Rather than provide funds and personnel to give the bank such a capability, it would make more sense to use an existing institution with proven capability. To establish such a fund, the leaders of the three countries would need to make such a request of the president of the World Bank.

4) *Magnitude and Focus*. How much money would be needed for such a fund, and how should it be allocated? The World Bank has estimated that Mexico has a 10-year infrastructure deficit of US\$20 billion per year. This is separate from the additional US\$10 billion that Mexico needs to invest annually in the exploration and development of its natural gas and oil fields (Guigale, et al., 2001: 2, 10-11, 357-376). The computer model suggests a similar amount: US\$17-20 billion in new capital each year, net of interest payments, to grow at an annual rate of 6 percent for a decade in order to close the income gap by 20 percent. On the other hand, they note that Mexico cannot service new debt of that magnitude but that half of that could come from domestic savings –an increase in taxes. The rest would have to come from its neighbors. Thus, the North American Investment Fund should be prepared to provide US\$20 billion in grants per year for 10 years in order to help Mexico grow at a rate of 6 percent for a decade.

How should the funds be spent? The fund should invest in two areas: infrastructure that would connect the center and south of Mexico to its northern neighbors and education in the poor rural areas of Mexico. Eighty-five percent of the funds should be



spent in infrastructure, building roads from the northern border to the cities in the center and south, bypassing Mexico City. The projects should include ports, railroads, airports, telecommunications, etc. Thirteen percent of the funds should be used to build community colleges in Mexico's rural areas and two percent to serve as matching funds for each country to promote research and educational exchanges.

Europe, of course, has spent more than twice as much as is proposed here for more than 20 years, but it was spent in too many areas, which, however commendable, diluted the impact. If the funds are to provide a needed jolt for the Mexican economy, then the three nations need to avoid three temptations. They should not spend the money: a) in the poorest part of Mexico; b) on the border; c) on other commendable projects, whether related to the environment, justice, poverty, etc. Although these are all worthwhile projects or areas, the funds would be most effective if they were concentrated. Using the funds on the U.S.-Mexican border will exacerbate, not solve, its problems. It would increase the power of the magnet, which is emptying the most enterprising labor from the southern and central parts of Mexico. Some funds are, of course, needed on the border but this job should be left to the North American Development Bank, not the North American Investment Fund.

Considerable funds have been expended in the poorer, emigrant-sending regions of Mexico, but these investments often fail because they lack a strategy for connecting them to the markets to the north. In other words, the North American Investment Fund should begin with a strategy of connecting Mexico to the markets of the north, and funds should be spent in the poorer regions only as a part of that strategy.

As the EU found, once there is a fund, many groups will want to spend the resources in many areas. This would work if there were an inexhaustible supply of funds, but that is never the case. Therefore, the lesson is to concentrate the money where it is most needed and will have the greatest effect on the community as a whole. That means investing in infrastructure (connecting the poorer countries to the richer ones) and education in the poorer regions. This will require great leadership as the American political system combines the political need to embrace all perspectives with a chronic attention-deficit disorder. North America needs to resist legitimate demands to divide up the funds into small projects and focus on the most important continental projects.

5) *A Community and Conditionality.* Of the US\$20 billion each year for the North American Investment Fund, Canada and the United States should pay half, with the U.S. –with about nine times the economy of Canada– accounting for 90 percent of that. Mexico should contribute the other US\$10 billion. The United States and Canada are unlikely to contribute funds unless both countries feel that they would be used wisely and that Mexico would undertake serious long-term reforms. Mexico

understands that it needs to undertake fundamental reforms in sensitive sectors such as energy, taxes, pensions, electricity, and the judicial system, but the political system has been stalemated. If its partners were to define, together, a community of three nations in which each would contribute to that future, then that might alter the political balance in a way that would make both the reforms and the fund possible. Absent those changes, the U.S. and Canada might very well conclude that their funds would not be put to good use and would not want to contribute. Spain and Ireland understood the need for reforms, but they could only implement them with the support of the EU.

On fiscal reforms, Mexico relied on its oil monopoly to save its people from paying taxes. In 2003, Mexico received 18 percent of its gross domestic product in federal tax revenues. Of that, 6.5 percent came from oil revenues and 11.8 percent from the federal income tax. That tax rate is the lowest in the OECD countries. Because the tax revenues are so low, the government needs to make up that huge short-fall by taking funds from Pemex, the oil company, leaving it with a bloated, inefficient bureaucracy that lacks funds for its own investments. As a result, Mexico, rich in natural gas and other fossil fuels, finds itself importing about 25 percent of its natural gas from the United States, itself a net importer.

Mexico needs to increase its fiscal revenue as a percent of GDP from 11.8 percent in 2003 to about 18 percent.<sup>5</sup> With a gross domestic product of US\$668 billion in 2006, the additional revenue would amount to US\$41.4 billion, which would meet its Investment Fund obligations and permit Pemex to have substantial funds for exploration. President Felipe Calderon recognized the importance of fiscal reform and, on June 20, 2007, his finance minister unveiled a proposal for an alternative minimum flat corporate tax of 19 percent, which is designed to increase federal tax revenues by 1.5 percent of GDP in the first year, increasing to 2.8 percent by 2012. Leaving aside the question as to whether the Mexican Congress will approve that much of the proposal, in the first year, additional revenue would amount to US\$10 billion, rising to US\$18.7 billion by 2012. This would represent a major step forward, though not as much as needed.

The formula both for narrowing the development gap and creating a genuine partnership in North America is defined as “a community of interests,” in which all three contribute in their respective ways. How will the United States and Canada benefit from such a program? In the short term, Canadian and U.S. companies will have new opportunities to build the infrastructure in Mexico. For every dollar of growth in the Mexican economy, trade with the U.S. and Canada will increase by

<sup>5</sup> For a superb analysis of the tax issue, see Ramírez de la O., 2004: 9.

about US\$0.40. If Mexico's growth rate increases from 3 percent to 6 percent, that means US\$20 billion more for the economy and US\$8 billion more in trade with its two neighbors in one year. Compounded annually for a decade, that will not only contribute to Mexico's development but to North America's.

This will not affect undocumented migration in the short term, but it is the only solution in the long term. It will take decades to close the gap but, if Mexico begins to grow faster than its northern neighbors, this will affect the perceptions of people in all three countries. Mexicans might begin to believe in their country's future, and, instead of calculating ways to cross the border, they might invest in their region.

At the end of the World War II, the United States turned on its head the approach that the victors of great wars had taken. After every war, the victors pillaged the defeated or, in modern parlance, "imposed reparations" and shared the spoils with their allies. Perhaps the worst example occurred at the end of World War I, and Nazism and fascism were the bitter fruits of that approach. Presidents Franklin Roosevelt and Harry Truman and Secretary of State George Marshall fashioned the opposite policy: instead of plundering the vanquished, they offered a "Marshall Plan," the largest foreign aid program in human history to both allies and enemies and on the condition that they present a common plan that would lead to prosperity and peace for all.

It is that kind of vision aimed at lifting its weakest neighbor that North America needs from its leaders today. In the absence of a cooperative vision of North America's future, the request for resources or reforms by one party or another will look like foreign aid or special pleading and is unlikely to attract support. With a shared goal for a community of three sovereign nations, it would be easier to ask members to contribute.

The first draft was enunciated in Guanajuato, Mexico, in February 2001 at the conclusion of the first summit meeting between Presidents Fox and Bush when they pledged, "After consultation with our Canadian partners, we will strive to consolidate a North American economic community whose benefits reach the lesser-developed areas of the region and extend to the most vulnerable social groups in our countries" (Presidencia de la República, 2001).

While the promise of that statement was not realized, the fact that a Republican president accepted this goal is not inconsequential, and this could be the platform for a genuine North American Community. If North America cannot achieve that goal of narrowing the income gap, then the hopes that many poor and middle-income countries have had of finding a path to modernization through free trade would be dashed. If North America succeeds, then it will provide an example and an inspiration for the entire world.

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## **ANÁLISIS DE ACTUALIDAD / CONTEMPORARY ISSUES / ISSUES CONTEMPORAINES**

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# L'Arctique en péril : vers une remise en question des enjeux de souveraineté dans le Grand Nord

STÉFANIE VON HLATKY\*

## SOMMAIRE

La fin de la guerre froide a provoqué un changement de cap dans la façon de concevoir ce que sont la sécurité et la souveraineté. Dans les années 1990, les menaces principales ont été de nature asymétrique, ce qui représente un défi particulier pour notre compréhension de ce nouvel environnement international. La sécurité dans l'Arctique canadien, souvent cadrée en terme de menace à la souveraineté, illustre très bien ces développements récents en relations internationales. Le Canada est-il équipé pour faire face aux nouveaux défis en matière de sécurité et d'imposer sa souveraineté dans le Grand Nord? Nous faisons état de la question en évaluant les menaces qui touchent la sécurité du Canada, tout en considérant les capacités actuelles, ainsi que les moyens de les mettre en application. Finalement, nous proposons une approche pour aller au-delà de la solution militaire, nous permettant de considérer la multiplicité des enjeux impliqués.

**Mots-Clés:** Politique étrangère canadienne; Relations canadiennes-américaines, Souveraineté; Défense de l'Amérique du nord, Défense canadienne; Arctique; Passage du Nord-Ouest; Environnement.

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## INTRODUCTION

Le nouveau millénaire a été marqué par des défis de nature non conventionnelle. Les enjeux dans l'Arctique canadien s'inscrivent parfaitement dans ce registre et nécessitent une réflexion approfondie qui tient compte de la souveraineté du Canada dans cette région, mais qui va au-delà de l'enjeu militaire. Il faut se poser la question suivante : quels sont les intérêts et les objectifs du Canada dans le Grand Nord? Il faut ensuite s'interroger sur les moyens appropriés pour les réaliser. La souveraineté suppose un certain contrôle sur un territoire donné et donc, est intimement liée aux questions de sécurité. La fin de la guerre froide, comme nous allons le voir, a provoqué un changement dans la façon de concevoir la sécurité et la souveraineté. Dans les années 1990, les menaces dominantes sont de nature asymétrique, ce qui représente un défi particulier pour notre compréhension de cet environnement international. La sécurité dans l'Arctique canadien, souvent exprimée en terme de souveraineté, illustre très bien ces développements récents en relations internationales. Compte tenu de ces nouvelles menaces, est-ce que le Canada est prêt pour faire face aux nouveaux défis en matière de sécurité et d'imposer sa souveraineté dans le Grand Nord? Nous allons d'abord identifier les menaces qui touchent la sécurité du Canada. Ensuite, nous allons évaluer le cas de l'Arctique en fonction des processus de décision civilo-militaires. Finalement, nous tenterons d'évaluer les intérêts du Canada en Arctique, selon les capacités investies.

## LA MENACE DANS UN CONTEXTE NOUVEAU

L'époque de la guerre froide ne maintenait aucune ambiguïté quand à l'identification de la menace principale. Le Canada et les États-Unis partageaient un ennemi, l'URSS, et ont vu leur coopération militaire s'accroître en fonction de cette perception commune de la menace. Il fallait se préparer à l'éventualité d'une attaque de missile soviétique venant de la frontière nordique. La guerre froide représentait en quelque sorte l'âge d'or de la sécurité et de la défense en Arctique. La création de NORAD, les patrouilles régulières dans le Grand Nord et la mise sur pied d'un système de radar ont contribué à l'affirmation du Canada sur son territoire arctique. La dimension de coopération en matière de sécurité était aussi perçue différemment : le Canada et les États-Unis s'étaient engagés mutuellement en vue d'une éventuelle attaque soviétique venant de la frontière nordique. Pourtant, même dans cette ère de coopération, les États-Unis représentaient quand même un défi pour l'autonomie du Canada. À cause de la nature asymétrique de l'alliance, le Canada est au prise

avec un paradoxe : les États-Unis ont le potentiel d'améliorer la sécurité de Canada, tout en pesant lourd sur la liberté d'action de celui-ci en matière de prise de décision en politique étrangère et défense. Déjà à cette époque de vulnérabilité pressentie, le Canada percevait une menace à sa souveraineté, provenant d'une trop grande présence américaine. Mais cette crainte a perduré la guerre froide et s'avère pourtant dépassée. Tel qu'énoncé Rob Huebert (2005-2006: 21), cette dichotomie est carrément un faux débat, car les besoins de sécurité du Canada ne sont pas incompatibles avec sa souveraineté nationale. En d'autres mots, il ne s'agit pas d'un jeu à somme nulle. En effet, le Canada possède les moyens nécessaires pour assumer sa souveraineté en augmentant sa capacité d'action et de réaction sur l'ensemble de son territoire arctique. En autant que ceci soit accompli par le Canada, les objectifs américains sont parfaitement complémentaires. L'enjeu du Grand Nord nécessite donc une approche plus large qui prend compte du périmètre nord-américain.

Pourquoi ce faux débat a-t-il persisté, et ce, bien au-delà de la menace soviétique? Quelles menaces perdurent en Arctique dans le contexte actuel? La fin de la guerre froide a été accompagnée d'une baisse générale des conflits interétatiques. Pour le Canada et les États-Unis, la perception de la menace s'est donc beaucoup atténuée. Néanmoins, deux menaces peuvent être identifiées comme définissant le cadre de la politique étrangère canado-américaine. D'abord, il y a la guerre contre le terrorisme. Bien que cette menace ait pris beaucoup d'ampleur depuis les événements du 11 septembre, sa pertinence est réduite dans le contexte de la sécurité en Arctique. Ensuite, il y a la menace environnementale, qui a des implications directes sur la sécurité du Canada. C'est une question qui mérite d'être examinée de plus près. La protection du Nord n'est pas une préoccupation unique au Canada, mais bien partagée à travers l'environnement circumpolaire. Bien sûr, les États-Unis demeurent toujours omniprésents dans ce contexte, mais il faut considérer la présence très importante de la Russie et du Danemark, non comme ennemis, mais comme compétiteurs dans la région nordique.

En ce qui concerne les changements climatiques, la fonte des glaces en Arctique se traduit par des défis et des opportunités pour le Canada. De plus, il est notoire de constater que l'environnement devient un facteur de plus en plus présent dans le discours sur la sécurité. Que ce soit les propos d'auteurs comme Thomas Homer-Dixon ou des rapports spéciaux provenant du SCRS, les académiques et analystes se sont penchés sur les problèmes que peuvent entraîner l'environnement, notamment en matière de sécurité. Cependant, il n'y a pas consensus sur la question. Devrait-on vraiment inclure l'environnement comme faisant partie intégrante des préoccupations en matière de sécurité? Même si on inclut l'environnement dans l'éventail possible des menaces identifiables, ses manifestations restent impossibles à prédire avec précision.

Dans la discipline des relations internationales, certains auteurs contestent l'ouverture du champ, craignant une perte de cohérence intellectuelle dans les études de sécurité. Cette école dite traditionaliste défend la restriction de ce champ aux phénomènes reliés à la guerre, soit « l'étude de la menace, l'utilisation et le contrôle de la force militaire (traduit par l'auteur) » (Walt, 1991: 211). Son argumentation fait allusions aux dangers d'étendre l'agenda des études de sécurité de façon excessive. Certes, nous pouvons inclure des enjeux comme la pollution, les maladies, les droits humains et les crises économiques comme portant atteinte à la sécurité, mais en définissant la sécurité de façon aussi large, nous diluons la pertinence du champ en plus de rendre l'élaboration de solutions plus difficile. En d'autres mots, l'élargissement du champ à outrance nuit à la discipline, mais aussi à la pratique de la sécurité (Walt, 1991).

Il faut dire que les études de sécurité ont toujours été alignées avec les besoins plus pratiques de la communauté politique. Comment peut-on envisager des prescriptions politiques cohérentes si les experts en matière de sécurité ne s'entendent pas sur la définition de leur objet d'étude principal? Les académiciens peuvent parfois, de façon consciente ou non, s'isoler des problèmes politiques immédiats, en se concentrant sur l'exercice conceptuelle et en étudiant plutôt les tendances à long terme. Il existe néanmoins un besoin probant pour un penchant davantage pratique dans la recherche académique. Cette discussion nous amène vers un point de vue plus mitigé, qui n'adhère pas nécessairement à la thèse de l'élargissement à outrance, mais qui conçoit qu'un élargissement modéré soit bénéfique pour la discipline des études de sécurité, mais aussi pour l'étude des problèmes plus concrets.

Pourquoi devrions nous considérer les menaces environnementales comme faisant partie du discours sur la sécurité? D'abord, l'environnement fait souvent partie des causes contextuelles d'un conflit dont l'étendue est beaucoup plus large. Par exemple, l'accès aux ressources stratégiques devient crucial dans les guerres de frontières. Ces conflits sont davantage accentués quand il y a une rareté associée avec ces ressources, due aux changements dans l'environnement. De ce point de vue, il est important de reconnaître le potentiel conflictuel des crises aux ramifications environnementales. Il n'y a pas de solution militaire évidente pour régler les problèmes associés aux changements environnementaux. Cependant, ceux-ci peuvent engendrer des conflits violents par le biais de mécanismes complexes. Par exemple, le double enjeu de la croissance démographique et de la rareté des ressources (eau et terres arables, par exemples) représente une menace pour des communautés entières (Homer-Dixon, 1991). La compétition pour le contrôle des ressources rares contribue à l'exacerbation des conflits et à la guerre. Bien sûr, nous devons tenir compte des différents niveaux ou degrés de menace, car certaines menaces sont de nature beau-

coup plus probabiliste, comme la dispute sur la souveraineté en Arctique, en tandem avec l'impact environnemental que le Canada subira dans cette région dans les années à venir.

Les défis environnementaux auxquels nous sommes confrontés ont également changé la façon dont nous avons traditionnellement défini la souveraineté. À la base, la souveraineté représente une autorité suprême et incontestée sur un territoire géographique donné. Voyons quelles en sont les incidences aux niveaux national et international. Premièrement, au niveau international, si l'environnement est conçu comme une commune mondiale, chaque état détient une responsabilité quant à protéger l'approvisionnement des ressources à long terme, tout en considérant les impacts de l'activité humaine. Au niveau national, le concept de l'état comme Gardien, c'est-à-dire comme protecteur de l'environnement, empêchant le développement abusif, commence à prendre de l'ampleur (Kirton et Munton, 1987).

Cependant, ce protectorat, avec les lois et règlements qu'il comporte, ne peut être appliqué sans contrôle effectif du territoire. L'exercice de ces responsabilités doit reposer sur des capacités matérielles, une expertise développée et une action concertée. Sinon, cette autorité, même si responsable, risque d'être bafouée. C'est une question qui doit être posée, d'autant plus que la souveraineté canadienne s'est vue contestée sur la terre ferme : l'île d'Ellesmere et l'île Hans. Ceci illustre la diversification des rôles que l'état est appelé à jouer : en plus, la complexification des tâches étatiques doit s'informer des connaissances et de l'expertise scientifique pour promouvoir des solutions adéquates. Ceci implique également un équilibre difficile entre la quête de nouvelles opportunités économiques, mises en lumière par la fonte des glaces par exemple, et les effets potentiellement dévastateurs de nouveaux projets d'exploitation de ressources naturelles sur l'écosystème précaire du Grand Nord.

## SOUVERAINETÉ ET SÉCURITÉ DANS L'ARCTIQUE CANADIEN

Le cas de l'Arctique souligne les différentes significations que peuvent revêtir les concepts de souveraineté et de sécurité dans ce contexte nouveau. Rappelons le parallèle avec la période de la guerre froide : nous constatons alors que l'Arctique canadien était une frontière très stratégique, considérant la menace que représentait l'URSS. Maintenant que la guerre froide est terminée, le Nord a une importance stratégique complètement différente : ressources, commerce, tourisme, etc... Dans cette section, nous allons faire état des intérêts canadiens dans la région du Grand Nord, tout en tenant compte de ses capacités pour mener à bien ses ambitions. Le Canada a-t-il adopté une position réaliste jusqu'à présent?

La région de l'Arctique canadien subit de plein fouet les changements climatiques. En plus, ces changements sont très imprévisibles. Il existe maintenant un consensus par rapport à la gravité de la situation, mais nous demeurons limités quand à notre capacité de bien comprendre ce phénomène complexe (Rodal, 1994). Une des incertitudes les plus flagrantes est celle qui est associée au rythme des changements climatiques opérant dans cette région, notamment quant à leurs impacts sur la fonte des glaces. Depuis les années 1970, nous avons pu observer une réduction de 30-40% dans le volume des glaces arctiques (Carman, 2002). Tout développement futur reste dans le domaine de la prédiction scientifique. En nous basant sur des estimations conservatrices mais réalistes, nous pouvons entrevoir la navigabilité des eaux d'ici 2025 à 2050 (Carman, 2002). Et encore, les voyages ne seront que possibles durant les mois d'été, mais pour une durée de plus en plus prolongée. Avec une technologie de brise-glaces plus avancée, même si encore peu rentable, nous pourrions sans doute envisager une navigabilité plus étendue. Les changements climatiques ne feront qu'améliorer les possibilités de ce transit avec le temps.

Énormément d'attention est rivée sur le Passage du Nord-Ouest, une opportunité invitante pour le commerce maritime international. Cette route commerciale est attrayante, car elle serait la voie maritime la plus courte entre l'Europe et l'Asie, soit d'environ 7000 km (Kenney, 2006). Le Japon, la Chine et la Russie entretiennent des ambitions économiques dans la région et possèdent la capacité technologique pour les réaliser. Ils ont tous trois manifesté un intérêt croissant dans le développement économique de la région. Cependant, le risque demeure et représentera peut-être un coût trop élevé pour les investisseurs potentiels. Même si les prédictions demeurent incertaines, l'engouement pour cette région est indéniable et devrait préoccuper le Canada. Les intérêts économiques sont au centre de cette curiosité, car l'Arctique possède des quantités considérables de pétrole, de gaz naturel, de méthane, de nickel, de cuivre, de charbon, de l'uranium, de l'or et des diamants. Pour le Canada, les opportunités qu'offrent son riche territoire se trouvent éclipsés par le litige de droit international, qui met en cause la souveraineté du Canada dans le Passage du Nord-Ouest.

Regardons d'abord les exigences légales de la souveraineté : « le test en droit afin de déterminer si un état détient la souveraineté réside dans l'exercice d'une occupation et d'un contrôle effectifs sur un territoire. L'accord et la reconnaissance formelle de la communauté internationale est souhaitable, mais non nécessaire (traduction de l'auteur) » (Christensen, 2005: 61). Le litige actuel oppose le Canada et les États-Unis en ce qui concerne le statut des eaux du Passage du Nord-Ouest. Le Canada maintient que ces eaux sont internes à son territoire, donc sujettes à toutes lois et réglementations canadiennes. Les États-Unis, pour leur part, insistent sur le



statut international des eaux. Selon eux, les eaux devraient être ouvertes à la navigation internationale sans restriction aucune. La position américaine est d'ailleurs partagée par la majorité des états européens et asiatiques. Les conséquences de ce trafic, par contre, seraient vraisemblablement prises en charge par le Canada. Pour le Canada, sa posture en la matière manque de constance. L'absence d'une stratégie claire dans le Nord place le Canada dans une position difficile à défendre.

Pour élucider les différentes options offertes au Canada, malgré sa position difficile, nous devons considérer ses intérêts en fonction de ses capacités, mais aussi des acteurs principaux impliqués dans l'élaboration d'une stratégie pour le Grand Nord. Pour enrichir cette discussion, nous allons introduire le concept de faisabilité politique, afin d'illustrer les échanges politiques qui rendent ardue la mise en application de solutions concrètes. La faisabilité politique est « la marge de manœuvre dans laquelle les valeurs inhérentes d'une alternative possible provoqueront l'approbation ou le rejet » d'une politique donnée (Krone, 1981: 50). Il s'agit par la suite de considérer la position des différents acteurs qui ont un parti pris ou qui détiennent un certain pouvoir dans le processus de décision, soit le gouvernement, les différents ministères, le publique et les acteurs externes, en l'occurrence les États-Unis (Meltsner, 1972). Pour la question de la souveraineté dans l'Arctique, nous considérons particulièrement le gouvernement actuel de Stephen Harper, le ministère de la défense, qui se trouve fortement impliqué dans la question des patrouilles de souveraineté dans l'Arctique, l'opinion publique et les États-Unis.

Pour les militaires, la faisabilité politique constitue un dilemme particulier : d'abord, dans une société démocratique, les politiques militaires doivent être alignées avec les buts politiques; ensuite, l'usage de la force ou des capacités militaires ne doivent pas se heurter aux valeurs ou à la culture de la société; finalement, les ressources allouées militaires, selon les valeurs dominantes, risquent d'imposer des contraintes sévères sur l'organisation militaire (Krone, 1981: 50). La réconciliation des buts politiques et militaires représente donc une tâche difficile. Comment promouvoir l'efficacité militaire tout en restant conforme avec l'exigence de la faisabilité politique? Cette question nous pousse à considérer les autres acteurs impliqués dans l'évaluation des stratégies alternatives pour assurer la souveraineté en Arctique.

La visibilité renouvelée de l'Arctique nous apprend que, même durant la guerre froide, le Canada n'a jamais acquis les capacités nécessaires pour faire face aux dangers de sécurité en Arctique (Huebert, 2005-2006). Après la fin de la guerre froide, l'Arctique s'est vu davantage éclipsé par le biais de coupures dans le budget et l'équipement, le contrôle effectif du territoire n'étant plus assuré. Le gouvernement Harper a repris le discours de la souveraineté et de la sécurité en Arctique en insistant sur la dimension militaire (*Securing Canadian...*, 2006). Au sein de l'opinion

publique, les questions militaires tendent à être particulièrement fractionnelles et jouissent d'une très grande visibilité, c'est ce que nous apprend la psychologie politique (Verdier, 1994). L'opinion publique ne s'est pas prononcée contre une présence plus accrue en Arctique, mais si la solution revêt un fort caractère militaire, nous pouvons anticiper une certaine réticence populaire (Tetlock, 1998). Dans cette perspective, le cadrage pourrait jouer un rôle décisif. Le cadrage se réfère à la capacité des acteurs politiques de présenter leur cause de façon à faire écho aux valeurs du public visé (Geddes et Guiraudon, 2004).

Quoiqu'une solution concrète n'ait pas encore été trouvée pour résoudre ce dilemme de souveraineté, plusieurs propositions seront certainement présentées au Parlement, comme en témoignent les nombreux projets de Harper, qu'il s'agisse des projets d'acquisitions de matériel militaire ou des exercices de patrouilles accrues dans le Nord. Une si grande allocation des ressources pour un territoire nordique et désert est controversée, cependant le problème du Grand Nord pourrait aussi être cadré de façon symbolique. Par exemple, en soulignant l'importance des changements climatiques qui bouleversent cet environnement, ainsi que le besoin des Canadiens d'y être physiquement présents, la dimension militaire sera plus acceptable, sans être rejetée. Avec ce cadrage, les activités de surveillance, de renseignement et de patrouilles militaires dans le Grand Nord, qui seront maintenues en grande partie par la Défense, permettent au Canada de jouer le rôle de Gardien de l'environnement arctique, sans que ses règlementations ne se voient bafouées par un commerce maritime international accru, qui ne reconnaît pas l'autorité du Canada dans le Passage du Nord-Ouest. Ce scénario fait état des avenues potentielles du débat, mais plus fondamentalement encore, le Canada est-il prêt à jouer ce rôle?

En dépit des coupures budgétaires subies après la guerre froide, le Canada ne possède qu'un minimum en matière de surveillance. Par exemple, les avions de patrouilles, *Auroras* et *Arcturus*, sont toujours en opération, le programme des Rangers a pris de l'expansion et la garde côtière détient encore cinq brise-glaces, quoiqu'un peu âgés. À date, les brise-glaces américains sont fort supérieurs : « la nouvelle catégorie de brise-glaces, le USCGC *Healy*, est technologiquement très impressionnant (traduction de l'auteur) » (Charron, 2005-2006: 46). La marine canadienne, pour sa part, n'est pas en état de fonctionner en Arctique et n'effectue plus de déploiements nordiques (NORPLOYs) (Christensen, 2005). Si nous considérons les menaces concrètes à la souveraineté et à la sécurité du Canada, ces capacités semblent raisonnables. Cependant, les problèmes actuels précèdent toute question de souveraineté : le Canada ne détient pas les capacités suffisantes pour même *identifier* les menaces potentielles. Ceci a des implications directes : si le Canada ne peut identifier les menaces, il est encore en moins bonne position pour y répondre. De façon plus simple

encore, si un incident se produit dans le Grand Nord canadien, le Canada doit pouvoir se déplacer rapidement et efficacement pour remédier la situation. Voilà le véritable test de la souveraineté. La principale faiblesse du Canada est donc les manques importants en terme de couverture radar dans certaines régions du Nord (Christensen, 2005). En ce sens, une surveillance adéquate de l'Arctique canadien est le pré-requis à toute revendication ou démonstration de la souveraineté sur ce territoire.

Ces faiblesses ont été reconnues par le gouvernement Harper, qui a transmis une série de promesses avec son arrivée au gouvernement : trois nouveaux brise-glaces, un quai à Iqaluit, un système de détecteurs sous-marin, un centre d'entraînement militaire arctique, un poste de recherches et sauvetage à Yellowknife, un programme de renouvellement au niveau des Rangers, un nouveau système de surveillance avec des avions sans pilote, des *Auroras* (avions de patrouille) et des satellites pour améliorer notre capacité de réaction dans une situation d'urgence (Huebert, 2005-2006: 21). Ces acquisitions vont certainement rehausser notre crédibilité comme défenseur du territoire nordique, ce qui aidera sans doute à l'affirmation d'une souveraineté effective en Arctique. En ayant une posture plus crédible dans le Grand Nord, le Canada se donne un levier supplémentaire pour affronter les États-Unis en négociations. De plus, le leadership canadien est bien reconnu en matière de protection de l'environnement arctique. Les documents officiels américains témoignent que le Canada a acquis énormément d'expérience et de connaissances en appliquant la *loi sur la prévention de pollution des eaux arctiques* (Christensen, 2005: 39-40).

L'expertise cumulée du Canada et des États-Unis dans la gestion du territoire arctique devrait servir de base commune pour une coopération bilatérale accrue en matière de sécurité dans le Grand Nord. Il s'agirait ainsi d'outrepasser le dilemme de la souveraineté qui ralentit les progrès à ce niveau. Le Canada est en mesure d'assumer un rôle de premier ordre afin de participer à la surveillance de l'Arctique, ainsi que planifier les stratégies de recherches et sauvetage. Ainsi, la souveraineté est établie en pratique, tandis que la dispute concernant le statut du Passage du Nord-Ouest est mise de côté. Une telle ligne de conduite servirait à améliorer les positions respectives du Canada et des États-Unis, leur permettant de superviser conjointement les intérêts commerciaux dans la région et d'assurer, sur le long terme, que tout développement se fera dans le cadre de la durabilité. En effet, il demeure impossible de s'isoler dans un écosystème qui ne reconnaît pas la frontière canado-américaine dans le Nord.

## AU-DELÀ DE LA SOLUTION MILITAIRE

Le dossier de l'environnement devient de plus en plus saillant au sein de la population et suscite des débats intenses à la Chambre des Communes. Jusqu'à présent, le débat demeure incomplet, ce qui tend à polariser les discussions. Par exemple, le gouvernement actuel a présenté la cause de l'Arctique sous sa dimension militaire. Ceci a pour effet d'associer une plus grande présence dans le Nord avec une augmentation des budgets militaires. En réalité, le Grand Nord représente des enjeux divers, qui souffrent d'une circonscription trop sévère du discours. Il faut changer le cadrage de la question pour avoir une appréciation du Grand Nord qui va au-delà d'une plus grande présence militaire. La question de l'Arctique doit mieux refléter les intérêts et les valeurs de la population canadienne dans cette région. Les changements climatiques représentent, bien sûr, un élément symbolique fort. Cependant, il faut comprendre les interrelations entre les différents aspects du développement économique, du droit des communautés autochtones, de l'environnement, et des enjeux de sécurité.

De plus, la dispute avec les États-Unis doit faire place à une plus grande concertation au niveau de la gestion des ressources sur ces territoires, de la gestion des disputes reliées aux territoires et au Passage du Nord-Ouest, et surtout, la promotion d'une approche de communication avec nos voisins de la région arctique. Jusqu'à présent, la stratégie canadienne dans l'Arctique a été exclusivement définie en terme de menace à la souveraineté. Ce qui est désormais claire est qu'une telle approche éclipse toutes les perspectives et domaines de coopération dans le Grand Nord. C'est au sein de cette approche que le Canada a un rôle à jouer et une expertise à apporter.

En guise de conclusion, il devient nécessaire de considérer l'évolution du contexte stratégique de l'Arctique pour le Canada. Avec la fin de la guerre froide, le nouvel enjeu environnemental pousse une fois de plus le Canada à agir et à réévaluer sa posture dans le Grand Nord. La stratégie canadienne en Arctique s'est faite cadrer en fonction de l'enjeu de la souveraineté, tout en mettant l'accent sur la dimension militaire pour assurer le contrôle de la frontière (Lindsey, 2003; Tangredi, 2002). Cependant, un regard posé sur la rivalité avec les États-Unis entrave l'élaboration d'une solution durable axée sur une coopération élargie en Arctique. Les promesses de Harper, si réalisées, aideront sûrement la cause de la souveraineté, mais la solution va au-delà d'une présence militaire plus crédible, celle-ci doit prendre en compte les alliés potentiels du Canada pour une gestion équitable de l'environnement. L'enjeu de sécurité importe aussi dans la mesure où le renseignement, la surveillance et le contrôle du territoire sont clés à l'affirmation de la souveraineté canadienne dans le Passage du Nord Ouest. Un désavantage ressenti dans ce domaine

concerne surtout le manque d'information radar dans le Grand Nord. Voilà la vraie priorité en matière de sécurité. Des mesures entreprises pour parer à cette déficience sont donc justifiées, mais il ne faut pas perdre de vue l'ensemble des objectifs canadiens. L'enjeu du Grand Nord va au-delà des questions de sécurité et nécessite une approche beaucoup plus multidisciplinaire, où les connaissances scientifiques éclairent l'éventail des choix politiques et économiques. Par le fait même, la stratégie diplomatique pourrait enfin intégrer une dimension environnementale.

Effectivement, l'objectif le plus pressant demeure celui de l'environnement. L'environnement arctique est en plein changement, dû à la fonte des glaces. Il s'agit de l'enjeu qui domine tous les autres, mais c'est également le plus difficile à identifier concrètement et le plus difficile à prédire dans ses manifestations. Plus inquiétant encore, les changements climatiques ont des effets dévastateurs dans des écosystèmes précaires comme il s'en trouvent dans le Grand Nord, des écosystèmes sur lesquels dépendent les communautés autochtones. Il s'agit d'une menace concrète, aux effets imprévisibles et certainement irréversibles. Les changements environnementaux dans l'Arctique et la fonte des glaces nous obligent à faire appel à une communauté d'experts scientifiques canadiens qui essaient de mesurer ces changements. Les experts pourront ensuite faire leurs recommandations pour la poursuite de nos intérêts économiques dans cette région. Il faut s'interroger sur la façon d'évaluer les opportunités commerciales qui s'ouvrent à nous, tout en tenant compte des conséquences environnementales du développement dans cette région.

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# Identities compartidas y juego multicultural: consideraciones sobre la transformación política en Quebec

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## RESUMEN

El presente trabajo intenta mostrar las particularidades del proceso político del nacionalismo minoritario quebequense dentro de la federación canadiense –en tanto movimiento con carácter único y ejemplar en toda América del Norte–, insistiendo sobre todo en las transformaciones políticas que tienen lugar en los años sesenta del siglo xx con la llamada *Révolution tranquille*, en la búsqueda de generar políticas democráticas inclusivas y deliberativas que permitan la coexistencia de la diversidad cultural e identidades compartidas en una misma comunidad política. Se muestra, en primer lugar, un acercamiento a la conformación sociopolítica del Quebec moderno. Luego, pretende introducir la discusión política a partir de las características y las posibilidades de desarrollo dentro de un marco complejo de juego multicultural. Todo ello conduce, por último, a la consideración de diversas estrategias políticas en el juego de las identidades múltiples y la búsqueda de la unidad en la diversidad.

**Palabras clave:** nacionalismo quebequense, juego multicultural, identidades compartidas, federalismo descentrado, estrategias políticas.

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## INTRODUCCIÓN

Al igual que Estados Unidos, Canadá es un país con sistema federado que encierra una realidad multicultural compleja y problemática; sin embargo, el caso de Canadá resulta de particular interés e importancia en toda América del Norte, ya que intenta enfrentar los conflictos de la diversidad cultural e identidades múltiples –que concentra en buena medida la provincia de Quebec– a partir de un acuerdo federal descentrado, prácticas de políticas “interculturales” y de participación democrática.<sup>1</sup> Aún hay más: el caso del nacionalismo minoritario quebequense genera un riesgo y un reto adicionales, pues también promueve un marcado intento secesionista, impulsado por la falta de efectividad real y el descuido de las políticas de reconocimiento e inclusión democrática por un centralismo federal luego miope y poco sensible a la difícil convivencia del pluralismo nacional que se debate entre “proyectos políticos integradores y disgregadores”.

El carácter diferencial de la provincia de Quebec, así como su evidente composición multicultural y diversidad social, ponen a prueba el acuerdo federal que sostiene al Canadá moderno. En tanto comunidad con una *especificidad política*, Quebec tiene todo el derecho de defender su lengua, cultura y forma de vida. Pero en tanto entidad perteneciente a un ordenamiento político mayor, todos los implicados tienen la obligación de buscar nuevos acuerdos y mecanismos institucionales que permitan mantener la unidad de convivencia necesaria sin que se aplasten las diferencias y los disensos. De otra forma, el peligro de la secesión en la democracia se constituye en un riesgo siempre presente y que coloca la política en sus límites. El cuestionamiento central que atraviesa este trabajo es ¿qué lecciones podemos extraer del nacionalismo minoritario quebequense? Es decir, ¿de qué forma el complejo caso Canadá-Quebec sirve para comprender mejor y generar posibles soluciones a conflictos nacionalistas de otras latitudes?

Asimismo, pretende recuperar algunas de las principales aportaciones sustanciales que las estrategias políticas del nacionalismo minoritario quebequense vienen generando para un proceso de renovación y fortalecimiento democrático que nuestras sociedades actuales cada vez más reclaman. Para ello, realizaremos una breve

<sup>1</sup> Habría que puntualizar que aunque en 1969 se creó la Real Comisión sobre Bilingüismo y Biculturalismo que pretendía incluir la cultura y la lengua francesa a la federación, no consideraba a los pueblos indígenas originarios. Formalmente, en respuesta a los informes de la comisión, en 1971 comenzó a desarrollarse una política estatal multicultural o intercultural. Sin embargo, habría que reconocer que, no obstante que durante la última década el gobierno federal nacional ha descuidado la atención a la pluralidad cultural como mecanismo para mejorar la equidad entre los diversos sectores canadienses, la “política multicultural” canadiense sigue siendo un modelo esencial para integrar democráticamente la diversidad en una misma comunidad política de destino.

reconstrucción de la historia sociopolítica del Quebec moderno e intentaremos destacar aquellos elementos esenciales que dieron origen y sustentan el pacto federal de 1867.<sup>2</sup> A continuación, nos aproximamos a las características territoriales de la región considerando las políticas de desarrollo que se han implementado y el complejo juego multicultural que ha permitido la tensa coexistencia de un abigarrado tejido sociocultural. Por último, apuntaremos hacia transformaciones significativas en el ámbito de la construcción de las identidades múltiples en la búsqueda de una forma política de convivencia tolerante y la generación de estrategias políticas que pretendan reconocimiento, acomodo democrático y formas factibles de autodeterminación dentro de la comunidad política multinacional, y que de una forma u otra se constituyen en factores que repercuten en la misma calidad democrática.

## LA CONFORMACIÓN SOCIOPOLÍTICA DEL QUEBEC MODERNO

En la actualidad, la federación canadiense está constituida por diez provincias y tres entidades jurídicas descentralizadas. Sin embargo, la construcción del sistema federal es un proceso histórico largo y complejo que tenemos que revisar para poder comprender las peculiares políticas del Canadá contemporáneo. Quebec, Ontario, Nueva Escocia y Nueva Brunswick constituyen las cuatro provincias fundadoras del país; los Territorios del Noroeste, Yukón y Nunavut se unieron a Canadá junto con la Columbia Británica (1871), la Isla del Príncipe Eduardo (1873), Manitoba (1890), Alberta (1905), Saskatchewan (1905) y Terranova (1949). “El lugar de Quebec dentro de Canadá siempre ha sido problemático” (Keating, 1996: 89) desde sus orígenes (Quebec es fundado en 1608). Veamos brevemente cómo se ha ido produciendo esta situación tensa y con efectos contradictorios para todo el país.<sup>3</sup>

En 1534 desembarca Jacques Cartier en la Bahía de Gaspé y toma aquellos territorios en nombre de rey de Francia, Francisco I, que estaban entonces poblados por numerosos pueblos indígenas de la región.<sup>4</sup> El 3 de julio de 1608, Samuel de Cham-

<sup>2</sup> Puede decirse que la Constitución canadiense es una mezcla particular entre el federalismo estadounidense y prácticas constitucionales británicas, producto de una “monarquía constitucional nominal basada en el principio de supremacía parlamentaria combinada con una federación de provincias autogobernadas”. Véanse Bélanger, 2003: 3 y M.Q. Le, 2005: 11.

<sup>3</sup> No obstante, existen pensadores más optimistas y defensores de la unidad canadiense que no dejan de señalar que “había llegado el momento de decir y demostrar, sin ambages y sin complejos, que el hecho de estar juntos nos proporciona una de las mejores calidades de vida del mundo. Lo que constituye la principal fuerza y la verdadera grandeza de Canadá es su capacidad de reunir poblaciones diferentes en torno a objetivos comunes. Esta mezcla de unidad y diversidad no podría mantenerse sin el federalismo que hemos inventado”. Véase Dion, 2005: 34.

<sup>4</sup> Se ha calculado que hacia 1600 eran 225 000 los amerindios que habitaban en América del Norte, de los cuales cerca de 25 000 se hallaban en la región que actualmente se conoce como Quebec; estos pueblos ame-

plain llega a la orilla norte del hoy río San Lorenzo, lugar al que los indígenas designaban como Kebec. Pero los ingleses estaban también interesados en esos territorios, por lo cual en 1759 se produjo el choque entre las potencias coloniales que culminó con la expulsión de los territorios de América del Norte de la Corona francesa, cuando el ejército del general Wolfe sitia la ciudad de Quebec y vence a las tropas francesas del general Montcalm en la significativa batalla de los Llanos de Abraham. En 1760 cae la ciudad de Montreal, lo que pone fin al proceso de conquista inglesa de los territorios del norte de América.<sup>5</sup>

La conquista se formaliza con el Tratado de París de 1763, donde el rey de Francia cede los territorios de sus propiedades en Canadá al imperio inglés. En 1774, en el Acta de Quebec se reconoce a los canadienses de habla francesa el uso del derecho civil francés y del régimen señorial. En 1774, se estipula la Ley Constitucional que establece el sistema parlamentario en Canadá y se reconoce a los canadienses franceses el derecho a la representación. En ese momento el país queda dividido en dos amplias regiones: la que constituye el Alto Canadá de mayoría anglófona, que tuvo como capital a York (Toronto), y el Bajo Canadá de mayoría francófona, que tuvo como capital a la ciudad de Quebec.

Esta situación se fue exacerbando hasta el punto en que entre 1837 y 1838 estalla la revolución que produce una intensa crisis constitucional, económica y sociopolítica que desemboca en la rebelión de los *patriotas* del Bajo Canadá: “el levantamiento armado destruye las instituciones políticas existentes” (Hamelin y Provencher, 2003: 68). Éste será finalmente reprimido con violencia por el ejército británico, lo cual acabó con los ideales independendistas republicanos de una clase media francófona liberal y también con los de otros sectores conservadores que consideraban la posibilidad de anexarse a Estados Unidos (Keating, 1996: 86). Así, para 1840 se proclama el Acta de Unión que pretende precisamente reunir bajo un mismo gobierno a las provincias del Alto y el Bajo Canadá. En 1867, se emite La Ley de América del Norte Británica (la British North America Act, conocida también como la Constitution Act/Loi Constitutionnelle 1867) que integra el pacto federativo canadiense con las provincias de Quebec, Ontario, Nueva Escocia y Nueva Brunswick, consideradas las fundadoras de la federación.<sup>6</sup> En realidad se confrontan tres posturas:

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rindios viven en naciones que se suelen dividir en nómadas (algonquinos) y sedentarias (huroiroqueses) (Hamelin y Provencher, 2003: 12-13).

<sup>5</sup> Para la reconstrucción histórica de Quebec y su vinculación problemática en la federación canadiense, nos valimos fundamentalmente del estudio de Hamelin y Provencher, 2003.

<sup>6</sup> La Ley de América del Norte Británica, como constitución escrita para las cuatro provincias coloniales fundadoras, es en realidad un complejo corpus jurídico en donde conviven, a saber: “*imperial statutes* (aprobados por el Parlamento británico), las leyes votadas por el Parlamento canadiense (*Canadian statutes*), *pre-rogative instruments* (emanados por la Corona), un considerable *case law* (de origen no exclusivamente

1) la defendida por Ontario, que se manifestaba a favor de un proyecto amplio que impulsara la expansión de Canadá unido; 2) la propuesta por Quebec, que a su vez se dividía en dos perspectivas: a) el sector que por razones económicas estaba a favor de una amplia unión ante el potencial de expansión comercial implicado, y b) los sectores reticentes que percibían peligros en contra de la integridad cultural; y 3) la postura asumida en general por la parte atlántica de Canadá, poco favorable a la unidad confederada.

Desde entonces se genera una situación difícil entre la provincia de Quebec y el resto de las provincias que componen la federación; se darán periodos en donde los canadienses francófonos se verán marcadamente marginados de procesos de toma de decisión política, de la vida económica y de las manifestaciones culturales. Desde mediados del siglo XIX, con la derrota de los *patriotas*, hasta mediados del siglo XX dominará una ideología nacionalista conservadora clerical.<sup>7</sup> Se trata de un nacionalismo conservador y clerical, que en 1920 estará representado por Abbél Groulx y expresado con claridad en el informe Tremblay de 1954.<sup>8</sup>

La posibilidad real de soberanía de la provincia tendrá lugar hasta después de la Revolución tranquila<sup>9</sup> y los acuerdos frustrados de 1987 y 1992; no obstante, hubo un previo desarrollo político de importancia fundamental en la conquista de la participación de minorías marginadas. Por ejemplo, en 1917 las mujeres consiguen participar activamente en los comicios mediante el ejercicio de su voto y en 1940 las mujeres quebequenses podrán ejercer el mismo derecho. Después de la segunda guerra mundial la provincia de Quebec se vio presionada a incorporarse a un proceso de modernización económica y sociopolítica; sin embargo, el control de las industrias y finanzas siguió en manos de los empresarios canadienses de habla inglesa.

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autóctono. El Judicial Committee of Privy Council actuó desde Londres como última instancia judicial canadiense hasta mediados del siglo XX) y no pocas *conventions* (mediante las cuales los actores político-constitucionales pueden alterar *the law of the Constitution...* claro que, en palabras del más ilustre de los constitucionalistas canadienses, 'la única desventaja real de la ausencia de un solo texto constitucional es que el Derecho constitucional no resulta fácilmente accesible para todos los no juristas'" (P.W. Hogg en Saiz Arnaiz, 1997: 19-20).

<sup>7</sup> En buena medida, esta ideología se plasmaba en lo estipulado por la Comisión Tremblay de 1954, que establecía que los francocanadienses vinculados estrechamente por medio de valores y principios de la Iglesia católica tienen un origen y cultura indudablemente franceses. De tal forma, el sector francés de Canadá es un grupo homogéneo diferenciado por factores determinantes como la cultura y la religión (véase Keating, 1996: 86-87).

<sup>8</sup> "Rechazaba tanto al individualismo liberal como al colectivismo socialista y promovía las doctrinas sociales católicas del personalismo y la subordinación" (Keating, 1996: 86).

<sup>9</sup> Se conoce como Revolución tranquila a los cambios políticos, sociales y económicos acontecidos en Quebec a partir de los años sesenta, en el momento en que el PL derrota a la Union Nationale. El cambio que tiene lugar en la política gubernamental genera un proceso de modernización acelerado en la provincia (véase Gagnon, 1998).

## La Revolución tranquila como catalizador de una nueva cultura política

Consideramos que la etapa fundamental para entender al Quebec y al Canadá contemporáneos es el periodo conocido como la Revolución tranquila (1957-1965), cuando se logra una auténtica modernización y el reforzamiento de la identidad de la provincia quebequense, lo cual dio origen a un nuevo movimiento nacionalista minoritario: esta vez, la identidad nacionalista corrió a cargo de sectores secularizados de la sociedad civil y se basó en la protección y promoción de la lengua francesa.<sup>10</sup> En contraste, la actividad económica de la región entra en un periodo de estancamiento (1956) y de sensible disminución (1957-1961) en sectores importantes como la agricultura y la minería. En ese momento “Quebec descubre que, incluso dentro de su propio mercado, no logra competir muy bien con el extranjero” (Hamelin y Provencher, 2003: 129). Resulta que ante este percance, en donde sin duda los francófonos quebequenses se ven menos favorecidos, Quebec se obliga a replantearse seriamente un giro sustancial: queda clara la profunda necesidad de mayor intervención del Estado en estos menesteres, pues el sector privado se ve notoriamente rebasado.

Así comienza un proceso de cambios políticos fundamentales, como una mayor intervención reguladora del Estado quebequense ante el crecimiento desordenado de la economía y de la urbanización. El movimiento político denominado la Agrupación (*Rassemblement*) mantiene vínculos de apoyo con el catolicismo, el federalismo y el capitalismo, pero también promueve la modernización de la región al propiciar la necesidad de una mayor promoción del respeto de la igualdad y la libertad. Pero será el Partido Liberal (PL), dirigido por Jean Lesage, cuando en 1960 obtiene la mayoría de los escaños (51 de 94), el que emprende la modernización de Quebec mediante una serie de profundas reformas y de claros desbloques, lo que también propiciará la generación de medidas sociales importantes y una mejor distribución de los bienes y servicios. Así:

En pocos años, Quebec se transforma en una democracia liberal dirigida por un gobierno que se apoya sobre todo en las clases medias y que regulariza la vida económica, reparte de manera más equitativa los bienes y servicios y sostiene la empresa privada. Pero estas transformaciones no se producen sin tropiezos. Molestan a los campesinos y a la gente del pueblo, quienes se sienten excluidos de este proceso de transformación. En un mundo político en el que antaño tenían importancia las relaciones interpersonales, son

<sup>10</sup> En la actualidad, Quebec está integrado en un 82 por ciento por francófonos, un 8 por ciento por anglófonos y el 10 por ciento restante son inmigrantes de diverso origen, aunque también existen alrededor de sesenta mil nativos registrados.

ahora las normas y los procedimientos lo que hay que respetar (Hamelin y Provencher, 2003: 133).

Este proceso de ampliación de las políticas gubernamentales del Estado repercute en la menor participación de las administraciones locales que manejan las pequeñas comunidades. Por otro lado, en un periodo de diez años la sociedad quebequense se asumió aconfesional y se “desclericalizó”. Se lleva a cabo un importante proceso de mutación cultural, “es el momento de descolonización y de liberación nacional, de la revolución sexual y de la época de consumo” (Hamelin y Provencher, 2003: 135). Con estos cambios culturales y como reacción a la presencia del Estado en la vida de la comunidad, surgen nuevas fuerzas sociopolíticas; por ejemplo, el sindicalismo se fortalece y se constituye como un importante aliado social.

La Revolución tranquila llega a su fin en 1965 cuando el gobierno liberal muestra claros rasgos de agotamiento y se presentan ciertos bloqueos que imposibilitan su movimiento dinámico. Aquí surgen dos principales lecturas y posiciones respecto de la liquidación de la Revolución: *a)* la del PL que la da por terminada y propone cierta renovación significativa, y *b)* los nacionalistas de izquierda radical, que apostarán por la independencia política de Quebec y la formación de una sociedad de corte socialista. Los acelerados cambios generan una “crisis nacionalista”; en particular, la minoría quebequense francófona aboga por su reconocimiento, igualdad y participación cultural. Con la crisis generada se establece un límite al que tiene que responderse con decisiones acertadas y acciones que promuevan cambios sustanciales; el dilema es optar entre un proceso tortuoso de ruptura o adoptar a una nueva disposición de acuerdo participativo para la existencia común en una comunidad política.

Con el ascenso de nuevas fuerzas políticas como la Unión Nacional (con un populismo autonomista), el Rassemblement pour l'Indépendance Nationale (RIN), que se constituye como la primera fuerza política que propone abiertamente el estatuto soberano de Quebec, entre otras sugerencias, y la recuperación en 1966 del poder por la Unión Nacional, en un periodo donde la economía baja su ritmo de crecimiento, ocurre un importante *re*alineamiento de las fuerzas políticas. El PL de Pierre Trudeau, elegido primer ministro de Canadá en 1968, promueve una federación bilingüe y multicultural, a la vez que una revisión constitucional y de las instituciones, pero también el reconocimiento de derechos lingüísticos, contexto en el que Quebec exige el reconocimiento de los derechos colectivos y una repartición más equitativa de los poderes entre los diversos sectores de gobierno.

Pero es hasta 1976 cuando por primera vez un partido que promueve la soberanía y la autodeterminación accede al poder en la provincia, nos referimos al Parti Québécois (PQ), que propone un sistema de estados asociados en el que cada una

de las naciones que componen al Canadá moderno establecerá su propio Estado en una forma de vinculación de tipo “confederación descentralizada”; sin embargo, al llevarse a cabo el referéndum de 1980, los quebequenses niegan al gobierno del PQ la facultad de negociar la “soberanía-asociación” con el gobierno federal (cerca de 60 por ciento de los votantes la rechaza), y en 1982 se produce un rompimiento que lleva al gobierno federal a adoptar una nueva constitución sin la participación de Quebec. Ante el claro fracaso del referéndum y los movimientos constitucionales del gobierno, el PQ se ve obligado a posponer su proyecto de soberanía, provocando la escisión dentro de las filas del partido y la consecuente salida del ala más independentista. Ante dichas contrariedades, el partido se debilita al punto de no poderse recuperar; pierde credibilidad y apoyo de la población inicialmente simpatizante y esto conduce a la recuperación del PL en los comicios de 1985.

Durante las últimas décadas del siglo XX se llevan a cabo dos acuerdos de importancia fundamental, pero que terminan sin ratificarse: el del Lago Meech (3 de junio de 1987)<sup>11</sup> y el de Charlottetown (22 de agosto de 1992). El primero busca la ratificación de las diez provincias en un plazo de tres años, pero fracasó técnicamente por la no validación de dos provincias (Manitoba y Terranova). La verdad es que con excepción de Quebec, la totalidad de los canadienses lo encontraba inaceptable. El intento de 1992 fue inicialmente ratificado por los primeros ministros provinciales, los líderes indígenas y el gobierno federal, para ser a continuación rechazado por la provincia de Quebec y el resto de Canadá (Keating, 1996: 91-92).

En 1995, un nuevo referéndum termina con una diferencia del 16 por ciento a favor del no, pues ratificó la aceptación de los quebequenses de mantener el *statu quo*, y en 1998 el fallo de la Suprema Corte de Justicia de Canadá cerca la vía constitucional y jurídica como la ruta más viable para llevar a cabo las pretensiones secesionistas.<sup>12</sup> El gobierno federal pone en vigor el Acta de Claridad o Minuta C-20 en diciembre de 1999; se trata de un recurso legal que refuerza el Poder Legislativo de la federación y de las provincias, pero exceptúa a la provincia de Quebec. El acto

<sup>11</sup> Los puntos principales del Acuerdo del Lago Meech son: a) reconocimiento de Quebec como sociedad distinta; b) mayor atención a la cuestión sobre los inmigrantes; c) influencia en las designaciones de la Suprema Corte; d) limitación en el poder del gasto federal; y e) veto en lo referente a las enmiendas constitucionales (véase Martín *et al.*, 1996; Gagnon, 1998 y M.Q. Le, 2005).

<sup>12</sup> “La decisión de la Suprema Corte conduce a dos concepciones del Estado canadiense. Por un lado, estamos ante el Estado que desea perdurar imponiendo criterios que nunca fueron aceptados por los Estados miembros que convinieron formar parte de la federación. Por otro lado, uno de los Estados fundadores de la federación desea que se le reconozca su derecho a disponer de sí mismo. Estas dos concepciones del Estado canadiense llevan a los actores políticos a apoyarse sobre lógicas distintas, en las que la legalidad y la ilegalidad entran en conflicto [...] A falta de poder convencer a los quebequenses con base en argumentos que recurran a la identificación de éstos con el proyecto canadiense, el Estado central se limita a elevar la altura de los obstáculos que Quebec debe superar para un día poder afirmarse como Estado-nación” (Gagnon, 1998: 221-222).



legislativo pretende imponer marcadas restricciones a futuros referendos o consultas plebiscitarias que atenten contra la unidad nacional de la federación. Por otro lado, la Asamblea Nacional de Quebec aprobó en diciembre del 2000 la Ley 99 o Ley sobre el Respeto al Ejercicio de los Derechos Fundamentales y Prerrogativas del Pueblo y del Estado de Quebec, principio legal que pretende ratificar tanto el estatuto de pueblo fundador y el carácter autonómico de la provincia quebequense, pero también insiste en el principio democrático de la federación canadiense que no puede condicionar de ningún modo el derecho a tomar decisiones en el ejercicio pleno de su libertad y compromiso con la comunidad política de pertenencia.

A ocho años del fallo de la corte se espera un nuevo referéndum como ejercicio democrático que vendrá a señalar una posible salida a este controversial debate, pero que sin duda traerá importantes retos y problemáticas para la federación canadiense y el nacionalismo minoritario quebequense en la búsqueda de un nuevo acuerdo político.

## TERRITORIO, POLÍTICA DE DESARROLLO Y JUEGO MULTICULTURAL

La provincia de Quebec es una sociedad pluralista y multicultural, en buena medida producto del enriquecimiento que conlleva el intercambio entre varios países y el alto número de inmigrantes originarios de varios territorios del mundo.<sup>13</sup> La peculiaridad dentro de la federación canadiense no es solamente su diversidad etnocultural y su férrea defensa de la cultura canadiense francesa, sino también el presentarse como una minoría nacional con una identidad compartida que lucha por la posibilidad real de poder elegir libremente sus creencias, estilo de vida, valores y su forma de pertenencia a la federación canadiense.<sup>14</sup> Por sus mismas características pluralistas, el asunto de la construcción de las identidades compartidas y simultáneas se ha convertido en una cuestión fundamental para la convivencia social y política; este intercambio cultural se lleva a cabo en un marco de respeto democrático y con un

<sup>13</sup> Quebec es una "sociedad de inmigrantes" que anualmente recibe un importante número de ellos. Éstos constituyen una población de cerca de seiscientos mil, y cada año recibe cerca de 25 790 inmigrantes fundamentalmente de Europa, África, Asia y América Latina. Es un dato interesante que cerca del 80 por ciento del total de la población se concentra a orillas del importante río San Lorenzo; su densidad poblacional es de 4.7 habitantes/km<sup>2</sup> y un 78 por ciento de población urbana.

<sup>14</sup> El territorio de Quebec se ubica entre los 45 y 62 grados latitud norte, al noreste del continente americano; limita al sur con Estados Unidos, al este con el océano Atlántico y al oeste con la provincia de Ontario. Su superficie territorial es de 1 667 926 km<sup>2</sup> y su población es de 7 410 504 habitantes. En la provincia predomina el idioma francés, con más de 6 millones de francófonos (descendientes de los colonos franceses); 590 000 habitantes anglófonos (descendientes principales de los colonos ingleses) y 72 425 indígenas (63 800 amerindios y 8 625 inuits), descendientes de los primeros habitantes de América del Norte.

enfoque de relaciones cívicas. Las diversas identidades compartidas ofrecen un interesante *juego multicultural* que permite tanto el anclaje en una cultura minoritaria que brinda identidades y una apertura que posibilita relacionarse y enriquecerse en el contacto con otras manifestaciones culturales.<sup>15</sup>

Quebec pretende constituirse como un espacio de rico intercambio y estructurar un contexto de *confianza* en donde los ciudadanos, sin importar su origen o características culturales, compartan un sentimiento de *pertenencia* a la misma identidad social y política quebequense, que se logre traducir en una participación política activa dentro del marco de la legalidad e institucionalidad que todos aceptan y comparten, en un ambiente de relaciones cívicas a partir de valores democrático-liberales imperantes.

### Estrategias o supervivencia: la búsqueda de un desarrollo de competencia

La economía de la provincia de Quebec se basa en buena medida en el desarrollo de tecnología de punta y en la implementación de un sector empresarial con capacidad competitiva a nivel internacional. Los principales sectores en donde la provincia destaca son la industria farmacéutica, tecnología de información, telecomunicaciones, metalurgia, hidroeléctrica y aeroespaciales. Desde la Revolución tranquila, el desarrollo del nacionalismo minoritario quebequense se ha apoyado en buena medida en el económico, en el sentido de complementariedad entre poder político y poder económico; este nuevo control del poder económico comenzó con la recuperación del sector financiero e industrial que estaba a manos de grupos empresariales canadienses anglófonos y estadounidenses, para luego introducir la economía quebequense al “nuevo orden económico continental e internacional. El control quebequense lo representa el Estado, una incipiente clase empresarial indígena y el sector cooperativista” (Keating, 1996: 115).

En este sentido, se ha logrado desarrollar un interesante modelo económico regional con repercusiones territoriales e internacionales; se trata de una serie de *redes* que logran involucrar a los diversos sectores empresariales, órganos de desa-

<sup>15</sup> “La diversidad étnica, cultural y religiosa de los canadienses es verdaderamente admirable. Aunque casi la mitad de los canadienses actuales, según una encuesta de 2003, se consideran de ascendencia británica, francesa o canadiense, el 20 por ciento viene del resto de Europa y el 13 por ciento de África y Asia. Pero tal vez más interesante resulta que el 22 por ciento de la población reportó su herencia étnica como combinada, un número que crece año tras año. Lo que es más, el 93 por ciento de los encuestados consideran que nunca o raramente habían experimentado algún tipo de discriminación racial o étnica en Canadá. Esto muestra cuán exitosas han sido las políticas culturales y de inmigración de Canadá en los últimos cincuenta años” (Hristoulas *et al.*, 2005: 8).

rollo y sindicatos con el gobierno provincial. A esta experiencia se le ha llamado en ocasiones “Quebec Inc.”. Existen múltiples ejemplos que a lo largo de los últimos años han ido evolucionando con los tropiezos naturales; Hydro Quebec fue nacionalizada por el gobierno de Lesage en los años sesenta; el proyecto de la bahía James, durante los años noventa; el megaproyecto de la industria fabricante de acero de Sidbec, implementada también por el gobierno de Lesage.

La estrategia ha consistido en formar asociaciones a la manera de “redes de corporación” entre los gobiernos quebequenses y los empresarios locales; la Caisse de Dépôt et de Placement fue creada en 1965 como instrumento para administrar los fondos de Quebec y la promoción del desarrollo económico de los diversos sectores de la provincia. Conservando la debida distancia e independencia del órgano gubernamental, la Caisse se constituye en un órgano fundamental para la economía y la política provincial quebequense.

La función de estos organismos es ayudar a impulsar un modelo económico en donde las empresas quebequenses se atreven a competir en los nuevos escenarios internacionales, de tal manera que en la actualidad la provincia es sede de diversas multinacionales como Bombardier y SNC-Lavalin. Por otro lado, los movimientos cooperativistas cumplen una función determinante en el desarrollo económico de Quebec; por ejemplo, el Mouvement Desjardins como un organismo de créditos populares y caja de ahorro local.

Resulta que desde los años ochenta, en tiempos del segundo mandato del PQ, la presencia del Estado local comienza a perder importancia y se promueve al sector privado en la economía de la región, con proyecciones internacionales. No obstante, la economía de la provincia se encuentra muy integrada a la economía canadiense y estadounidense, lo que ha propiciado cierto nivel de dependencia, tema que sin duda ha repercutido en la discusión sobre la independencia de la federación, pues para la provincia de Quebec es vital continuar manteniendo sus vínculos comerciales tanto con el resto de Canadá como con Estados Unidos.<sup>16</sup>

En este sentido deben interpretarse las manifestaciones a favor del TLCAN que ha hecho Quebec.<sup>17</sup> El tratado está estructurado en los términos del libre mercado

<sup>16</sup> “La cooperación transfronteriza opera en los límites de la soberanía estatal. Ello se demuestra en la relación entre Quebec y los estados, pues supone contactos con estados vecinos como Nueva York, Vermont, New Hampshire y Maine, además de estados cercanos y por sus representaciones en Boston, Atlanta, Chicago, Los Ángeles y Washington. El comercio, la inversión, la educación y los recursos energéticos son los temas que han predominado con estados vecinos” (López Vallejo Olvera, 2005: 186-189).

<sup>17</sup> Es necesario no perder de vista el vínculo estrecho que se establece entre el nacionalismo y la política del libre comercio, tanto que luego se habla de “política nacional de libre comercio”. Este vínculo puede explicarse por tres cuestiones: 1) en el caso de los nacionalismos minoritarios como el quebequense, la política comercial no puede desvincularse del nacionalismo; 2) como veíamos, las dos propuestas políticas

y la participación comercial entre los integrantes, donde Quebec puede interactuar económicamente con algunas ventajas que le proporciona el ser una provincia y no un Estado nacional; también, con las protecciones y ventajas que posibilita el pertenecer a una federación como la canadiense, es decir, a un organismo político mayor que logra reforzar la participación de cada una de las regiones que componen el sistema federal y que por separado estaría en desventaja de responder a los retos económicos que la globalización implementa. Estos nuevos escenarios de apertura económica a niveles regionales e internacionales han obligado al modelo quebequense a transformarse de manera más creativa y eficiente.

Este posicionamiento en nuevos escenarios económicos supranacionales en muchas ocasiones resulta mucho más ventajoso para el nacionalismo minoritario de Quebec, pues se desarrolla lo que se ha denominado “nacionalismo del desarrollo” o “sistemas territoriales de producción”. Con las limitaciones que muestran los Estados plurinacionales para llevar a efecto prácticas económicas competitivas y eficientes a partir de la aceleración de la economía y la flexibilización del mercado y con la emergencia de actores económicos a escala planetaria, crecientemente se viene marcando el acento en los “sistemas territoriales de producción, situados a nivel local o regional y capaces de lograr un equilibrio entre la competencia y la cooperación, estimulando la producción de bienes y de externalidades positivas” (Keating, 2002: 61).

Se trata de un tipo de regionalización de la economía de cooperación que pretende estructurar zonas de intercambio que logren funcionar eficientemente más allá del Estado nacional, cuando más en cooperación con éste, ante la necesidad de interactuar desde estos organismos a escala global. Se refiere a la generación de “estrategias de desarrollo” de cooperación política en diversas escalas que van desde lo territorial hasta lo global.

Habría que insistir en que el modelo económico de la provincia de Quebec, como el de otros nacionalismos minoritarios sin Estado o de países desarrollados como Suecia, Japón, Alemania, Suiza..., busca el éxito colectivo, el consenso y los intereses a largo plazo, e intenta establecer un equilibrio entre la *competencia* y la *cooperación*, a diferencia del “modelo neoestadunidense” que pretende sobre todo el éxito personal y la búsqueda de la ganancia a corto plazo, donde la alta competencia a costa de todo sería lo fundamental (Keating, 1996; 2002; Martin *et al.*, coords., 1996).

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que agrupan a los principales partidos políticos de Quebec consisten en exigencias nacionalistas, ya sea autonomistas o de soberanía; y 3) ambas propuestas conciben el libre comercio como una estrategia racional (cf. Martin, “El nacionalismo y la política de libre comercio en Quebec”, en Martin *et al.*, coords., 1996: 195-216).

## Acuerdo federal descentralizado y orden constitucional democrático

Por otro lado, la provincia de Quebec pretende funcionar a partir del establecimiento de un orden jurídico que rige la vida de los habitantes de la región como ciudadanos con derechos y obligaciones. Formalmente este orden se traduce en una constitución que instauro la existencia de los poderes Ejecutivo, Legislativo y Judicial, buscando una distribución de facultades entre el orden federal y el orden provincial. También existe la Carta Quebequense de Derechos y Libertades, que entra en vigor en 1982, donde se hace el reconocimiento explícito de la *persona* como titular de libertades y derechos fundamentales irrenunciables. Estos organismos constituyen un orden de legalidad que posibilita el funcionamiento democrático del poder; así, las decisiones administrativas, la promulgación de leyes o reglamentos deben establecerse dentro de este marco legal y bajo la supervisión de los tribunales locales y federales.

La conformación de un orden jurídico y administrativo equilibrado propicia la equidad, la transparencia e imparcialidad en el ejercicio de sus funciones. Para tal efecto, uno de los mecanismos fundamentales es la plena difusión de los textos legales, reglamentos y normas cuya accesibilidad en la redacción permiten ser comprendidos y pasar a un nivel de conocimiento claro para su utilización. Así, los tres poderes desempeñan una función determinante en la promoción y el respeto de los derechos ciudadanos de Quebec. En este sentido, la Asamblea Nacional de Diputados ha emitido varias leyes, entre las que se encuentran: la Carta de Derechos y Libertades de la Persona, el Código Civil y la Ley de Acceso a Documentos Públicos y Protección de Informaciones Personales, con sus respectivos órganos de promoción y control: el Defensor de los Ciudadanos, la Comisión de Derechos de la Persona y Derechos de la Juventud y la Comisión de Acceso a la Información.

Podemos decir que el sistema político de la provincia de Quebec, en relación estrecha con el federal, se basa en el ejercicio democrático y parlamentario; en cierto sentido, el poder está concentrado en la Asamblea Nacional establecida por medio del ejercicio del sufragio, donde también se asienta el Poder Ejecutivo (Consejo de Ministros), formado por diputados que fungen como representantes del pueblo. Fuera de los órganos oficiales e institucionales se encuentran otros actores que desempeñan una función determinante en la conformación de la vida política de la región: los partidos políticos, los grupos de interés y los movimientos sociales. Sin duda, este complejo entramado de fuerzas políticas imprime un dinamismo muy interesante, no obstante que no cuenta con toda la integración y limitantes requerida por el sistema político para un mejor funcionamiento; es decir, el parlamento quebequense no ha logrado incorporar las demandas y la agenda política de los grupos

de presión y movimientos sociales que expresan inquietudes y necesidades socio-políticas importantes.

Pese a la sensibilidad ciudadana que ha desarrollado el gobierno de Quebec no ha sido posible integrar todas estas manifestaciones políticas que han ido creciendo en número e importancia desde los años sesenta. Otro asunto pendiente es la incorporación plena al escenario político de los diversos grupos indígenas, rezago que el fracaso del Acuerdo de Charlottetown no pudo subsanar. El contexto de desfase y la falta de integración de todas estas manifestaciones políticas con los órganos gubernamentales se torna más complejo con la regionalización e internacionalización de la economía, factores que están redefiniendo muchas de sus estrategias y finalidades.

La cuestión del multiculturalismo, la diversidad social y la construcción de las identidades se constituyen en factores que complican el ejercicio del poder y la búsqueda de acuerdos políticos, pero sin duda también contribuyen al enriquecimiento de la cultura democrática liberal. La discusión sobre la *soberanía* y su *conflictivo vínculo* con Canadá han constituido factores que determinan el perfil de la política y sus instituciones en la cultura quebequense. Sin embargo, para empezar a comprender las transformaciones políticas que Quebec ha experimentado en los últimos veinticinco años es indispensable no perder de vista la importancia capital que la política económica de la región viene cumpliendo, y dentro del proceso de maduración nacionalista e institucional en la historia más reciente de Quebec, la creciente internacionalización de las relaciones constituye un factor determinante de estrategia de *renovación política*. En este nuevo contexto de regionalización e internacionalización de las relaciones económicas, por supuesto que la propia evolución del sistema mundial ha posibilitado las condiciones adecuadas para este tipo de desarrollo, pero también ha sido determinante la *voluntad política estratégica* de la provincia; de ahí la continuidad irreductible entre *política local* y *política internacional*.

### Desarrollo del marco jurídico en Canadá

- Ley de la América del Norte Británica de 1867: esta ley definió la división básica de poderes entre los gobiernos federal y provinciales. Fundamentalmente las secciones 91 a 101 denotan la división básica de poderes.
- Acta de Constitución de 1930: esta ley dio a las cuatro provincias occidentales los mismos poderes sobre tierras de la Corona y recursos naturales que tenían las provincias del este desde la Confederación.
- Estatuto de Westminster de 1931: estableció el principio de que el Parlamento de Canadá tenía la autoridad de aprobar leyes con efectos extraterritoriales. En otras palabras, el estatuto evitaba en la práctica que Gran Bretaña aprobara unilateralmente legislaciones para Canadá.
- Ley de la América del Norte Británica (número 2) de 1949: en esta ley el primer ministro St. Laurent agregó una sección nueva (91 [1]) a la BNA de 1867 para otorgar al Parlamento canadiense la autoridad de proponer enmiendas a la Constitución salvo en casos en que se afecten intereses provinciales, además del periodo de cinco años en el Parlamento y los derechos lingüísticos y educativos de las minorías.
- 1949: la Suprema Corte de Canadá se erige en tribunal final de apelaciones y reemplaza al Comité Judicial del Privy Council en Gran Bretaña.
- 1961: el primer ministro Diefenbaker propuso la Declaración Canadiense de Derechos como estatuto federal, un paso clave para reconocer y proteger los derechos y libertades individuales.
- 1981: la Suprema Corte decidió que aunque el primer ministro Trudeau no violó los derechos constitucionales al enmendar la Constitución unilateralmente, contravino la práctica convencional prevaleciente al no asegurar la completa aprobación de las provincias.
- 1982: el Acta de Canadá fue aprobada y oficialmente *patriada* para convertirse en un derecho canadiense. Esta ley agregó la Carta de Derechos y Libertades y una fórmula para enmiendas a la Constitución. La Carta puso límites fundamentales a todos los niveles del gobierno. Entonces, se empezó a mencionar a la Constitución como el Acta de Constitución. Quebec rechazó ratificar la ley.
- 1987: el primer ministro Mulroney presentó, pero no pudo lograr, la aprobación del Acuerdo del Lago Meech. Este acuerdo fue propuesto para resolver el estancamiento debido al aislamiento político de Quebec frente al resto de Canadá.
- 1992: el Acuerdo de Charlottetown fue rechazado en un referéndum público. El acuerdo era un paquete de enmiendas constitucionales desarrollado y propuesto por los gobiernos federal y provinciales.
- 1995: el referéndum de la secesión de Quebec es rechazado por un margen de 50.58 por ciento contra 49.42 por ciento. Se sometió a votación popular el papel que debía cumplir Quebec en Canadá y si la provincia debería separarse del país.
- 2000: el Acta de Claridad (minuta C-20) se vuelve ley. La minuta señala las reglas para la separación de Canadá, afirmando el derecho del Parlamento para decidir sobre la claridad de la pregunta propuesta en un referéndum y para interpretar los resultados de las votaciones.

**Fuente:** M.Q. Le, 2005: 17-39.

## LA CONSTRUCCIÓN DE LAS IDENTIDADES Y LAS ESTRATEGIAS POLÍTICAS

### Diversidad cultural, nacionalismos minoritarios e identidades políticas

Partimos de reconocer que los individuos y los grupos no tienen una sola identidad, sino que forman parte de un sistema de identidades con distintos niveles de pertenencia, entre las que podríamos señalar principalmente la nacional, la individual-personal, la colectiva, la étnica, la profesional y la identidad de género. Esta pluralidad de pertenencias sólo puede explicarse en el terreno simbólico.

La cultura es la dimensión simbólica de lo social, remite a los códigos con los cuales tanto las prácticas y las relaciones sociales como el entorno y los objetos, el mundo natural y el sobrenatural adquieren un significado. Dentro de este entorno cultural, la identidad se expresa en la forma en que los miembros de un grupo, cualquiera que sea, se definen y son definidos por *los otros* con los que existe interacción. Así, el fenómeno identitario se caracteriza por la presencia de un juego de autodefiniciones y de heterodefiniciones en el que frecuentemente subyacen juicios de valor. La cultura es la base de la que surgen tanto las marcas con las que se percibe, como aquellas con las que se juzga valorativamente lo propio y se distingue lo ajeno. La cultura se encuentra en los cimientos de todo sistema de identidad pero no constituye en sí misma un fenómeno identitario.

Gilberto Giménez profundiza en el tema cuando habla de la identidad nacional. Este colectivo imaginado e imaginario vive de la sustancia psíquica de sus miembros y resulta de la relación subjetiva que establecen con él millones de individuos. Es esto lo que se entiende como *identificación nacional*. En virtud de su identificación con la nación a través de sus símbolos o sus representantes visibles, millones de individuos se consideran como iguales o equivalentes, es decir, como conciudadanos o compatriotas, aunque siempre en contraposición a *los otros*, que en este caso son los extranjeros o enemigos virtuales o históricos (Giménez, 1994: 66-73). Para entender la convicción de por qué la nación es siempre una sola y una misma cosa, es necesario entender que para que se produzca un efecto homogeneizador en el proceso de grupalización no se requiere que todos conciban al grupo de manera igual y se relacionen subjetivamente con él de la misma forma, basta con que todos crean que se refieren a lo mismo de igual manera.

Otro ejemplo de construcción de la identidad es el que se refiere a la identidad étnica, vinculada con la definición de lo propio y de lo ajeno, de quiénes son y quiénes no son miembros de la etnia, de cómo son los miembros y los no miembros (Figueroa, 1994: 325-330). El punto de esta dimensión que nos interesa resaltar aquí tiene que ver con que toda identidad individual o colectiva es social, no se hereda por vía genética sino que necesita ser aprendida para después darse a conocer y hacerse reconocer. En resumen, al reconocer que la identidad: *a)* presupone reflexibilidad; *b)* tiene un carácter intersubjetivo y relacional; *c)* puede ser individual o colectiva, y *d)* es locativa, selectiva e integradora, la identidad es una construcción que en el plano individual se presenta como un proceso de aprendizaje por el cual, a través de fases irreversibles de complejidad creciente, conduce a la autonominación de un sujeto.

Una de las cuestiones que es importante establecer es que la identidad ha dejado de entenderse como un proceso exclusivo que ocurre o se forma únicamente dentro de la dimensión de la personalidad o del individuo, premisas bajo las que sólo la



psicología tendría “permiso” para estudiarla. En la actualidad se ha reconocido que hay un sinnúmero de mecanismos de introspección y recreación de conjuntos simbólicos compartidos con la exterioridad social. La identidad, entonces, se ha convertido en un problema que tiene que pasar por la explicación del *ser parte de* y remitirse al estudio del fenómeno de la pertenencia social.

Una vez aceptado el carácter social de la identidad, podemos agregar que es un fenómeno construido en la interacción entre los individuos dentro de un sistema de oportunidades y restricciones. El término identidad no da cuenta del aspecto dinámico de este proceso, pero señala la necesidad de un nivel de identificación como precondition para cualquier cálculo de ganancia y pérdida. Sin la capacidad de identificación la injusticia no se podría percibir como tal o no se podrían calcular los intercambios en el escenario político.

Sobre esto, Alberto Melucci afirma que la solidaridad es la capacidad del actor para accionar una identidad colectiva expresada como la capacidad de reconocer y ser reconocido como parte de un mismo sistema de relaciones sociales (Melucci, 1985: 780). Siguiendo estos postulados, el movimiento social constituiría la forma más compleja de la acción social, se definiría como un conjunto de interacciones orientadas normativamente entre adversarios que poseen interpretaciones opuestas y conflictivas sobre las reorientaciones de un modelo de sociedad, pero que al mismo tiempo comparten un campo cultural; de ahí que la noción de identidad sea entendida como la definición que hace el movimiento sobre sí mismo que contiene la definición de adversarios y de aliados en lucha, y la idea de totalidad contenida en su proyecto compartido (Tarrés, 1992: 750).

Según Joseph Raz (1986; 1998: 193-205), la autonomía de los individuos, entendida como aquella facultad de las personas para realizar elecciones sobre el tipo de vida que quieren, está estrechamente vinculada con la facultad para desarrollar su propia cultura, su prosperidad y el respeto que los otros muestren hacia su cultura. Algunos liberales contemporáneos como David Miller, Yael Tamir, Jeff Spinner y Will Kymlicka han insistido en la importancia de “pertenencia cultural” o “identidad nacional” para el ejercicio de la libertad de los ciudadanos en las sociedades democráticas actuales.<sup>18</sup>

En este sentido queremos insistir en el aspecto de la “identidad nacional distinta” que promueven los nacionalismos minoritarios sin Estado ya que, al tratarse de

<sup>18</sup> De acuerdo con Will Kymlicka (2003: 35): “[...] existen urgentes intereses relacionados con la cultura y la identidad que son plenamente coherentes con los principios liberales de libertad e igualdad, intereses que justifican el reconocimiento de derechos especiales para las minorías. Podemos llamar a esto la posición ‘culturalista liberal’”. De Joseph Raz pueden consultarse *The Morality of Freedom* (1986) y “Multiculturalism” (1998: 193-205).

nacionalismos diferentes que entran en competencia con los Estados nacionales a los que pertenecen, el reforzamiento de su identidad nacional diferenciada constituye un factor político determinante. Lo que buscan estos nacionalismos es primero el *reconocimiento* de su identidad mediante la flexibilización y el rompimiento del Estado nacional homogéneo, para después buscar *acomodo* dentro de un Estado multinacional que permita el desarrollo de varias identidades culturales y nacionalismos autónomos en una misma comunidad política de convivencia.<sup>19</sup>

En realidad, por el mismo origen contingente de la construcción de las naciones y el nacionalismo, la cuestión sobre la identidad nacional se torna luego bastante oscura y problemática. Sin embargo, nos parece útil retomar, antes de realizar algunas indicaciones sobre la construcción de la identidad nacional de Quebec, dos consideraciones del filósofo canadiense Will Kymlicka en torno a este fenómeno moderno.

1. Podemos partir del dato histórico de que la identidad nacional moderna es un fenómeno producto del desarrollo de las sociedades liberales, y estructurado para responder a muchos de sus intereses. Esta vena liberal de las identidades nacionales choca con otra concepción más dura e intolerante de conservación de la identidad profundamente arraigada en cuestiones como la sangre, la tierra, las tradiciones culturales y la lengua. En efecto, el liberalismo propiciará el desarrollo de lo que Kymlicka ha llamado “identidad nacional débil”, entendida como una sensación difusa de *pertenencia* a una determinada sociedad y de la que se comparte más o menos una historia común y se espera también un futuro compartido.

En este tipo de concepción, dentro de la clara lógica del liberalismo *procedimental*, que establece una absoluta distinción entre “lo bueno” y “lo justo”, no se comparte una misma concepción del bien o de la vida buena. De lo que se trata es de establecer las condiciones necesarias para que “los ciudadanos cumplan sus deberes de justicia. Sabemos que es más probable que la gente haga sacrificios a favor de otros si esos otros son considerados ‘uno de los suyos’ y, por consiguiente, promover un sentido de la identidad nacional robustece el sentido de mutua obligación que se necesita para sostener la justicia liberal” (Kymlicka, 2003: 396). Sin embargo –termina comentando

<sup>19</sup> De lo que se trata aquí no es de las llamadas “identidades múltiples”, ya que éstas terminan generando lealtades y rivalidades de diversos tipos. A. Smith habla del “carácter de cebolla” de la etnicidad, de su “capacidad para generar ‘círculos concéntricos’ de identidad y lealtad, siendo así que los círculos más amplios engloban a los demás [...] puede operar en diferentes niveles, la identidad más amplia y la comunidad engloba otras menos generales, de manera que una persona puede ser a la vez y de forma armoniosa miembro de un clan, de un grupo étnico, de un Estado nacional e incluso de una federación pannaional [...]” (Smith, 2000: 351).

Kymlicka— existen otros motivos menos estimables para que el liberalismo haya promovido la identidad nacional que el ejercicio de la *justicia* liberal; entre ellos, señala la promoción del “patriotismo *acrítico*” y el “sacrificio *patriotero*”.

El desarrollo del nacionalismo liberal-democrático establece que la “lealtad nacional” tendrá que supeditarse a los derechos humanos y las libertades públicas para generar nuevos vínculos políticos entre ciudadanía democrática y nacionalismo. La compleja discusión sobre la nación y el nacionalismo nos permite percibir la renovación del enfoque liberal-democrático con motivo de la emergencia de los llamados “nuevos nacionalismos”, el multiculturalismo y la creciente globalización. La importancia de la identidad nacional se ve relegada a un segundo plano a favor de una identidad política que permita la coexistencia democrática y el ejercicio abierto de la tolerancia hacia la diversidad marcada de nuestras sociedades permitiendo el desarrollo de *a)* el reconocimiento de las diversidades culturales de las naciones pluriétnicas; *b)* el derecho de protección de las minorías para la búsqueda de convivencias pacíficas; *c)* el principio de reconocimiento y autonomía de las diversidades que componen los Estados plurinacionales; *d)* el principio de “ciudadanía compleja” (Taylor) que permita la complementariedad entre nacionalidad y ciudadanía democrática.

2. La significativa transformación que han sufrido los nacionalismos tradicionales respecto del proceso de construcción de una “identidad nacional fuerte”. En lo tocante a ciertos nacionalismos minoritarios se percibe un cambio desde un nacionalismo étnico-racista a uno de tipo *postétnico*-cívico, pero ¿cómo puede explicarse este cambio? Tiene que ver con la extensión del liberalismo democrático en los años posteriores a la segunda guerra mundial en varias partes del mundo; por diversos motivos, esto ocasionó una redefinición de ciertos nacionalismos hacia una conceptualización más abierta, flexible e inclusiva del nacionalismo minoritario que ostenta. Esta transformación puede verse en el caso de Quebec en donde, tradicionalmente, para ser considerado como quebequense se tenía prácticamente que ser descendiente de los colonos franceses originales.

Este cambio ocasionó una nueva forma de percibir la cultura y la identidad nacionales. Y por tratarse de una “sociedad de inmigrantes”, progresivamente tuvo que ir aceptando a los otros hasta constituirse en una sociedad multicultural y *postétnica*.<sup>20</sup> Según Kymlicka, este cambio se ha producido

<sup>20</sup> La política del “interculturalismo” quebequense de los años setenta constituye un intento por integrar institucionalmente las identidades y prácticas etnoculturales diversas mediante tres principios básicos: *a)* el

por las mismas razones que se han llevado a cabo en los nacionalismos minoritarios de los Estados nacionales, fundamentalmente, por los cambios globales que repercuten en el fenómeno masivo de las inmigraciones: *a*) las necesidades económicas y laborales que los inmigrantes vienen a cubrir en las nuevas economías de libre mercado; *b*) para subsanar las dificultades que ocasiona la tendencia anómala de la demografía moderna; y *c*) las tremendas dificultades para poder controlar los flujos de inmigrantes que parecen imparables por algún medio racional.

Así, la cuestión para poder integrar a los inmigrantes constituye un problema tanto para los nacionalismos mayoritarios como para los minoritarios en sociedades desarrolladas, generando que las concepciones tradicionales sobre el nacionalismo se desplacen “hacia un concepto de identidad nacional de carácter postétnico y multicultural; ambas enfatizan la integración lingüística e institucional de los inmigrantes y ambas aceptan y acomodan a un tiempo la expresión de la etnicidad de los inmigrantes” (Kymlicka, 2003: 329).

### La construcción de las identidades complejas en Quebec

La construcción de la identidad nacional en Quebec tiene que ver con las características particulares de sus orígenes, con el choque de imperios que tuvo lugar en 1759 y que terminó con la expulsión de los franceses por parte de la Corona inglesa. Los colonizadores de la Nueva Francia tuvieron una relación peculiar con los conquistadores ingleses, que en ocasiones los toleraron y en otras emprendieron medidas de asimilación. Pese a imponerse la cultura inglesa en todo el territorio, por diversas razones, como por ejemplo el peligro de que los canadienses de habla francesa se unieran a los revolucionarios estadounidenses, se establecieron acuerdos con el clero católico. La región que después se constituiría en la provincia de Quebec siguió conservando sus peculiaridades culturales y sociales, rodeadas de una cultura mayoritariamente anglófona en el amplio territorio de América del Norte.

Son tres cuestiones principalmente las que contribuyen a la formación de la identidad nacional quebequense:

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pleno reconocimiento del francés como lengua de la vida pública; *b*) el respeto a los valores liberales democráticos, incluyendo los derechos políticos y civiles y la igualdad de oportunidades; y *c*) el claro respeto al pluralismo, con una práctica política de apertura y tolerancia hacia las diferencias de los demás (véase Kymlicka, 2003: 325-329).

1. El factor estructurante de la lengua francesa: uno de los elementos que otorgará una identidad nacional compartida a los quebequenses es sin duda la protección y difusión de la lengua francesa; de una forma u otra han establecido una resistencia férrea frente a la extensión del inglés que prácticamente los circunscribía y aislaba en Norteamérica.
2. La presencia inquebrantable de la religión católica: la iglesia de la provincia se constituyó con aquellos sacerdotes que huían tanto de la revolución francesa como del proceso de secularización que la precedió. Esta formación particular originó el establecimiento de una Iglesia muy conservadora que protegía y fomentaba la identidad francocanadiense y la conservación de las raíces tradicionales, y por lo mismo se oponía abiertamente a la modernización.
3. La función de una clase social: por las amenazas reales que la institución religiosa veía en el proceso de industrialización y urbanización, lo que la llevó a promover un tipo de sociedad rural. Por diversas cuestiones históricas, Quebec entró en un proceso de modernización con el surgimiento de grandes ciudades, y las emigraciones hacia las urbes ocasionaron una marcada división del trabajo, puesto que la clase empresarial inglesa tenía bajo su control las industrias y empresas de la región (Keating, 1996; 2002).

Una ideología de nacionalismo conservador con fuertes fundamentos clericales prevalecerá en toda la región quebequense hasta mediados del siglo xx. Este tipo de nacionalismo para nada tenía pretensiones secesionistas, sino que el nacionalismo francocanadiense de Quebec encontrará acomodo dentro de la federación canadiense. Es el momento del nacionalismo étnico y racista, plenamente afianzado en cuestiones como la lengua, la religión, el territorio, una historia compartida, la raza o la sangre. Por motivos claramente geográficos, puesto que los quebequenses francófonos se veían rodeados tanto por los canadienses de habla inglesa como por la presencia constante de Estados Unidos, tenían que conservar su cultura replegándose y cohesionándose mediante factores como la religión.

Son tiempos de *resistencia cultural* para lograr mantener la lengua francesa minoritaria en un escenario abrumadoramente anglófono; la Iglesia logra aglutinar todo el *imaginario político* de los francófonos que le permite administrar ámbitos como la educación y los servicios sociales incipientes. Dentro de este proceso de resistencia, la política lingüística ha sido todo un programa estratégico en donde gira la estructuración de la identidad nacional quebequense. La sociedad conservadora se establece a partir del individuo y la familia; si bien se tolera la presencia del Estado, organizaciones no estatales cobran mayor importancia en tanto que giran en torno a la Iglesia católica conservadora. En este momento la *cooperación social* y la *colabo-*

*ración de clase* se convierten en elementos que permiten estructurar el pensamiento social católico, lo que propició el ambiente de participación y progreso que más adelante permitiría la transición de Quebec hacia la modernidad dentro de la federación canadiense, y mantener vínculos con socios comerciales como Estados Unidos y Francia.

Después de la segunda guerra mundial, Quebec tuvo que subirse irremediablemente al tren de la modernidad. Pese a la gran apertura de la región al comercio nacional e internacional, no se trabajó lo suficiente para que la sociedad quebequense tomara el control de su economía. El gobierno de Maurice Duplessis consiguió preservar un equilibrio de poder de la región y de la federación; se conservaron algunos de los privilegios de la Iglesia, pero el sindicalismo obrero fue duramente reprimido. Se trata de un acuerdo político entre el gobierno, la elite empresarial y la clerical, que se mantuvo con dificultad hasta la muerte de Duplessis acaecida en 1959.

Posteriormente se rompe el cerco que había contenido los cambios profundos en Quebec, acelerados por su incorporación al sistema capitalista de mercado norteamericano, cambios bruscos que afectaban tanto a la cultura como al tipo de sociedad quebequense. La transición se produce con el inicio de la Revolución tranquila durante la primera mitad de los años sesenta; se reconoce como todo un proyecto de modernización que permitirá avanzar a Quebec hasta el nivel de las sociedades industrializadas desarrolladas, buscando imprimir las particularidades de la cultura quebequense francófona. Se ven superadas las expectativas y temores, pues los peligros de disolución de la identidad se disiparon, e incluso ésta se vio fortalecida desde nuevas perspectivas.

El momento histórico conllevó el replanteamiento de la concepción de la identidad nacional, donde la lengua seguía ocupando un lugar determinante en detrimento de la presencia de la Iglesia y de la identidad de clase. Un actor fundamental que pasa a ocupar el primer plano del escenario político es la *sociedad civil*, que paulatinamente contribuye a la transformación del imaginario y la cultura política quebequenses. La Revolución tranquila nos habla de estos importantes cambios para entender no sólo al Quebec actual, sino también la complejidad del Canadá contemporáneo; sin embargo, este periodo es factible de ser interpretado en múltiples sentidos según la óptica que se le aplique. Se han señalado por lo menos tres factores: a) un marcado proceso de secularización en todos los ámbitos de la vida social; b) la emergencia en el escenario de una clase media de habla francesa con intereses propios, formada durante los años cuarenta y cincuenta del siglo xx, y la aparición de una fuerza de trabajo organizada en sindicatos con una presencia considerable; c) finalmente, la paulatina disminución de los empresarios anglófonos tanto en la industria como en las finanzas por el surgimiento de una clase empresarial francó-

fona, que paulatinamente se posesionará de la economía regional con repercusiones internacionales.<sup>21</sup>

Los cambios y retos que genera la internacionalización de la economía capitalista obligan a Quebec a abrirse aceleradamente hacia la privatización y a la desregulación de su mercado interno. La provincia está convencida de que tiene que desempeñar una función protagónica en el nuevo contexto de la federación canadiense; es necesario abandonar la resistencia y cerrazón que la mantenía replegada en sí misma. Sin duda, su identidad tendría que reformularse en otros términos; la *identidad nacional* fungía como un factor que proporcionaba los elementos necesarios para la cooperación (al pertenecer a una comunidad política de sentido y al compartir un pasado y un futuro común que enfrentar), y el ingreso al libre comercio le proporcionaba la proyección y el reconocimiento internacional que necesitaba para ratificar sus particularidades como *sociedad distinta*.

#### Principales objetivos de la política internacional de Quebec

- Conducir los asuntos internacionales como un instrumento mayor del crecimiento y desarrollo económico y sociocultural.
- Establecer un orden de prioridades en las actividades internacionales: desarrollo económico, cooperación científica y tecnológica, recursos humanos y asuntos culturales.
- Promover la participación conjunta (*partnership*) como mejor forma para la acción internacional.
- Desarrollar una visión sobre la conducción de los asuntos internacionales que incluya consideraciones económicas, culturales, sociales y políticas.
- Desarrollar una estrategia que tenga un efecto multiplicador.

**Fuente:** Ministerio de Relaciones Internacionales, Quebec, citado en López Vallejo Olvera, 2005: 186.

### El reto de la unidad ante las identidades múltiples y el multiculturalismo: las estrategias políticas en proceso de renovación democrática

En realidad, se trata de concepciones que no se oponen; por el contrario, son factibles de reconciliar de manera creativa, y al parecer, Quebec se ha decidido por esta opción. Se establece como una *estrategia política* que pretende fortalecer económica y políticamente a la región, y obtener los frutos indispensables para lograr concretar la transición hacia una sociedad autónoma y soberana, o quizá para seguir pertene-

<sup>21</sup> Véanse Keating, 1996; 2002; Martin *et al.*, coords., 1996 y Gagnon, 1998, sobre todo el capítulo 7, "Quebec y la economía política de la integración internacional": 125-148.

ciendo a una confederación canadiense en condiciones de igualdad, autodeterminación y reconocimiento. Sea cual fuere la elección que un futuro referéndum ratifique, tendrá que establecerse dentro de los términos de un acuerdo político multilateral con nuevos fundamentos y principios, en favor del funcionamiento de las sociedades liberales con democracias más maduras.

Como pudimos ver, el conflicto sobre la búsqueda del *acomodo* de Quebec dentro de la federación canadiense es ancestral y con múltiples repercusiones, donde la conservación de la identidad nacional francófona ha desempeñado un lugar privilegiado. Sin embargo, en poco más de treinta años las estrategias políticas han utilizado tanto la vía legal-constitucional como la económica con la búsqueda de la proyección internacional del comercio quebequense. Podemos intentar sintetizar algunas características de la estrategia política que Quebec ha ido implementando sucesivamente a lo largo de su transición hacia una cultura política democrático-liberal, con una identidad nacional minoritaria postétnica y multicultural. Pero veamos antes algunas de las que Charles Taylor atribuye a la cultura política común tanto a Quebec como al resto de Canadá, sin perder de vista las marcadas diferencias que caracterizan a cada una de las partes en disputa. Estos elementos comunes vendrían a acentuar lo que constituye la paradoja del caso Quebec-Canadá:

1. Adhesión a los valores de paz, orden, buen gobierno y preferencia por un tratamiento de conflictos menos litigante.
2. Una sociedad política más comprometida con arreglos o medidas de tipo colectivo.
3. Una solidaridad intrarregional cuya meta es cierta igualdad en condiciones de vida, así como en oportunidades entre regiones.
4. Una identidad de conjunto, multiculturalismo o mosaico canadiense;
5. Una Carta Constitucional de Derechos y Libertades que actúa como punto de referencia de una identidad común (Taylor, 1999: 37-68; Boismenu, 1996: 149-169).

Sin embargo, como anotamos antes, este basamento dentro de los referentes más abiertos, inclusivos y tolerantes del liberalismo democrático no ha sido suficiente para producir los *acuerdos políticos* indispensables que posibiliten la conciliación entre visiones y concepciones diferentes de la realidad nacional del Canadá actual. La construcción de estas *estrategias políticas* que permitirán a Quebec posesionarse de ciertos instrumentos tiene que referirse por fuerza a su concepción particular de nacionalismo minoritario francófono y al lugar que ocupa dentro de una organización política mayor. Podemos enumerar las siguientes estrategias políticas, mutuamente implicadas y complementarias:



1. La posibilidad de negociación complementaria entre el pasado y el futuro, entre la utilización del pasado para proyectarse al futuro. Es decir, disponer de la suficiente *flexibilidad* y *dinamismo* para adaptarse a los requerimientos de los nuevos tiempos de liberalismo democrático sin renunciar a su identidad nacional conscientemente asumida, puesto que “hemos asistido a la adopción del principio de una ciudadanía libre e igualitaria en todo el Occidente, adopción reflejada en la difusión de la educación de las masas y en las constituciones de carácter liberal democrático. Este compromiso con la ciudadanía libre e igualitaria ha alcanzado un punto en el que prácticamente ninguna otra forma de gobierno se percibe como legítima por parte de los ciudadanos” (Kymlicka, 2003: 226).

2. La utilización de un “proyecto nacional” que se logra estructurar fundamentalmente por dos factores: a) una *identidad nacional* entendida en el marco de la construcción de identidades múltiples; y b) la formulación de una *política lingüística*. Para poder llevar a efecto este proyecto se requiere de apoyo complementario entre las instituciones políticas, Estado regional y la sociedad civil; se trata de poder conjugar en un *proyecto común* que logre concentrar las diversas actividades en función de fines compartidos. La lengua francesa se ha constituido como un elemento que logra establecer acciones participativas en funciones de las identidades compartidas: “la lengua se ha convertido en un factor de creciente importancia para la determinación de los límites de la comunidad política en cada uno de estos países plurilingües. Estos países se están convirtiendo, de hecho, en federaciones de grupos lingüísticos autogobernados. Al igual que otras minorías nacionales, es frecuente que estos grupos lingüísticos autogobernados se definan a sí mismos como ‘naciones’ y que se movilicen en función de planteamientos nacionalistas, razón por la cual podemos llamar a estos países ‘Estados multinacionales’”.<sup>22</sup>

3. La búsqueda del reconocimiento de la comunidad nacional quebequense en el marco del Estado federal multinacional canadiense mediante la propuesta de un *acuerdo político* que logre conciliar y equilibrar los derechos individuales (defendidos por los canadienses anglófonos) y los derechos colectivos (defendidos por los quebequenses y los diversos pueblos indígenas). De lo que se trata es de conciliar dentro del marco del liberalismo democrático la cuestión de la ciudadanía con la multietnicidad, con las ventajas que proporciona el sentido de una identidad basada en una *ciudadanía canadiense diferenciada y multicultural*.

4. La estrategia jurídica y constitucional para lograr establecer el reconocimiento del proyecto de una sociedad canadiense dualista, o lo que es mejor, pluralista; es decir, pese a las restricciones e insuficiencias (como el estancamiento notorio que muestra), el debate

<sup>22</sup> Cf. Kymlicka, 2003: 234. Es en este contexto donde Kymlicka introduce el concepto de “política de lo vernáculo”, entendida como la factibilidad para que los ciudadanos debatan cuestiones sustanciales de la política en su propia lengua vernácula por las notorias ventajas simbólicas, estratégicas y comprensivas que encarna. Para un análisis más puntual sobre la cuestión del lenguaje, véase Cardinal, 2005: 141-162.

jurídico ha constituido un proceso importante de avance en la cultura política (empezando con el reconocimiento de Quebec como cultura distinta y como un problema real de la federación canadiense). Las reformas alcanzadas en materia de bilingüismo en cuestiones institucionales, legales o publicitarias son notorias en este sentido. También el uso de una opinión pública política diversificada se ha constituido en un factor importante, como elemento complementario de instrumentos democráticos como el referéndum, las encuestas, los comicios, los pronunciamientos...

5. Dentro de este proceso, el surgimiento de los *medios colectivos* y la *solidaridad social* como producto de las transformaciones generadas por la Revolución tranquila. Esto es posible por el profundo arraigo de las identidades nacionales compartidas dentro de un proyecto futuro de sociedad, y que se traduce, por ejemplo, en el estilo de incorporación a la globalización económica en forma de redes de participación política. En efecto, la conciliación entre el *interés privado* y el *interés público* constituye factor determinante para la búsqueda de la proyección internacional de la región y el reconocimiento de su identidad nacional dentro de la cooperación entre los diversos interesados (empresarios, autoridades, grupos ciudadanos, poblaciones minoritarias, inmigrantes, indígenas...).

Sin duda, la cuestión de los “sistemas territoriales de producción” o “regionalismo del desarrollo” (Keating, 2002: 61) se torna un tema determinante para que el nacionalismo quebequense adquiera la seguridad y la fortaleza para poder competir en diversos ámbitos de desarrollo (local, nacional, regional y global). Como pudimos apreciar someramente, el progreso económico de la región de Quebec ha tenido una importancia fundamental para la presencia política en la federación canadiense y en la proyección internacional en los escenarios globales de regionalización. Si Quebec decide permanecer y encontrar acomodo democrático dentro del Estado plurinacional canadiense tendrá que reforzar su desarrollo económico en diversos aspectos; ahora bien, si finalmente adopta una postura separatista habrá que medir el impacto y fortaleza de una economía que no se halla del todo preparada para enfrentar independientemente la presión altamente competitiva de los mercados internacionales. Nos parece que la estrecha implicación-determinación entre economía regional del desarrollo y usos diversificados de la política, para lograr presencia democrática y desarrollo competitivo dentro de una federación, queda claramente ejemplificada en el nacionalismo minoritario quebequense y su compleja relación con la federación canadiense.

## CONCLUSIÓN

El escenario mundial de la política democrática de estos primeros años del siglo XXI está marcado por significativas transformaciones y retos fundamentales que las comunidades políticas tienen que enfrentar, ante un avance histórico contingente y contradictorio generado por la globalización económica, la revolución tecnológica de las comunicaciones y un proceso intenso de expresión multicultural. Esta complejidad ha originado un cambio significativo, por lo menos en el ámbito de la mayoría de las democracias liberales occidentales, hacia un concepto de nacionalismo e identidad nacional de carácter postétnico y multicultural (Kymlicka, 2003: 328-332). El caso del nacionalismo minoritario quebequense y la implementación de estrategias políticas dentro de la federación canadiense parece erigirse como un modelo político del cual podemos aprender mucho sobre la búsqueda de reconocimiento de la diversidad, acomodo democrático y prácticas factibles de autodeterminación de los nacionalismos minoritarios dentro de un Estado plurinacional.

La historia sociopolítica del federalismo canadiense y del lugar particular que juega en él la provincia de Quebec sin duda se caracteriza por una serie recurrente de fenómenos culturales, sociales y políticos que permiten hablar de una continuidad y cultura política compartida, a pesar de proyectos diferentes y desencuentros que luego rayan en la ruptura no consumada, sobre todo, a partir de la desactivación de posturas radicales y del carácter esencialista de los nacionalismos como efecto del cambio de cultura política durante la década de los sesenta que significó la Revolución tranquila,<sup>23</sup> pero también por un cambio en la construcción de las identidades que permite la convivencia de identidades múltiples, el cual ha posibilitado desde los inicios de la década de los setenta la implementación de políticas multiculturales en la búsqueda de transformaciones democráticas para lograr fortalecer la unidad de la diversidad en una misma comunidad política de destino.

Al parecer, los fracasos de los acuerdos del Lago Meech y Charlottetown muestran una tendencia de desconfianza y temor al optar por una disposición a dejar las cosas como están. Pero, por otro lado, el abandono del compromiso y de prácticas políticas acordes con un real funcionamiento del multiculturalismo y de la democracia inclusiva, en ocasiones parece intensificar las tendencias hacia el rompimiento del acuerdo confederado en la búsqueda de la constitución de una comunidad inde-

<sup>23</sup> Incluso se suele hablar de “nuevos nacionalismos minoritarios” que rompen con el tradicional nacionalismo antimoderno, defensivo y excluyente, hacia una forma más progresista, abierta e inclusiva que asumen plenamente la modernidad y los retos de la globalización como posibilidades de realización. Se trata de nacionalismos cívico-políticos que asumen su carácter híbrido y cosmopolita, ya que sus posibilidades se establecen a partir de estrategias que permitan desplazarse con creatividad desde lo local hasta lo global.

pendiente. En realidad, se trata de una historia compartida de valores y principios políticos irrenunciables (*democrático-liberales*), junto con la serie de ventajas políticas y económicas relacionadas con permanecer dentro de la federación canadiense, ante la excesiva competitividad de los mercados económicos y financieros en la globalización (*principio de ayuda mutua*).

Resulta claro que mientras se presenten futuras consultas y se logren implementar los mecanismos institucionales necesarios que permitan tomar las decisiones democráticas multilateralmente y en conformidad con el derecho internacional renovado sobre el presente y el futuro de Canadá y la provincia diferenciada de Quebec, se requiere también de procesos intensos que logren realizar las enmiendas constitucionales pertinentes que se traduzcan en acuerdos de federalismo descentrado y multicultural, en la consolidación de una democracia más consistente y flexible que posibilite enfrentar los nuevos desafíos que ponen a prueba los mismos principios y valores fundamentales que dieron origen a una misma comunidad política rica y compleja.

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## **REFLEXIONES / REFLECTIONS/ RÉFLEXIONS**

ENTREVISTA / INTERVIEW / INTERVIEW

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**by Robert A. Pastor**

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*Cronología de América del Norte  
(enero-junio de 2007)*  
**Argentino F. Mendoza Chan y Socorro García González**



## A U.S. Congressional Perspective on North America, Interview with U.S. Representative Henry Cuellar

by ROBERT A. PASTOR\*

From Laredo, Texas, Dr. Henry Cuellar was elected to Congress in 2004 after serving 14 years in the Texas State Legislature and as secretary of state of Texas. He is a member of the House Homeland Security Committee and is senior whip in the Democratic Caucus. The congressman received his BA from Georgetown University and a law degree and a PhD in government from the University of Texas in Austin.

\* \* \*



In the broadest sense, can you see a “North America” and, if so, what does it look like? Can you see a relationship between the U.S., Mexico, and Canada that is different from what it is today?

**Henry Cuellar (HC):** I certainly see a different relationship between the U.S., Mexico, and Canada than what we have now. Politically, I think people are afraid of what they call a “union.” There are a lot of advantages to a better partnership in sharing information and changing the laws so that things work better between the U.S., Mexico, and Canada. We certainly understand some of the difficulties but, if we don’t get started now to solve those problems, it is going to hurt us in the long run.



Many people point to NAFTA as the economic foundation of an emerging North America and, by dismantling trade and investment barriers in 13 years, NAFTA more than tripled trade and quadrupled

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foreign direct investment among the three countries. Do you think NAFTA was good? Did it benefit the U.S. and its neighbors?

**HC:** Without a doubt, it benefited our countries. I'm from Laredo, Texas, the largest land-port we have in the southern United States. We have seen our side of the border transformed because of trade due to the primary and secondary jobs created there. On a first-hand basis, I've seen the transformation. Were there winners and losers? Certainly, I don't think anyone can doubt that. If you can have adjustment assistance for those folks that might have had been negatively affected, then we should have that between the U.S., Mexico, and Canada.



If NAFTA was good, then what is missing now? What should we be doing to build on that foundation?

**HC:** NAFTA basically dealt with the lowering of customs barriers and focused on trade. There are other economic areas where we can share between the U.S., Mexico, and Canada. I wish we could work on infrastructure in ways that would help all three countries. I wish we could work on certain health initiatives within the three countries. For example, we can look at tele-medicine to rural areas in all three countries. I would like to focus on ways where we could improve international education. I know American University does a good job at exchanges of not only students but more professors and joint programs between universities in Canada, Mexico, and the U.S.

There is a fear out there, though, evoked recently on the House floor. A member said that no Department of Transportation funds should be used to promote programs between the U.S., Mexico, and Canada. It was overwhelmingly passed. I voted against it. Some people would prefer to put up walls and fences instead of talking to each other.



Why have highways become controversial? If you trade, you need roads.

**HC:** You cannot trade unless you have the right infrastructure, whether it's bridges or highways like I-35 to Dallas or I-59 to Houston. Seventy-five to eighty percent of all trade into the U.S. from Mexico is through roads and at least 50 percent of traffic in Laredo is trade. To paint you a clear

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picture, Laredo sees a convoy of trucks that spans 170 miles past San Antonio on a daily basis. That's an incredibly expansive amount of traffic. If you don't have the right infrastructure to facilitate this activity, you can get to one part and be stopped in the middle on the international boundary. Texas built this beautiful Colombia Bridge with all the connections, but there was no connection on the Mexican side other than a dirt road. The infrastructure is so important. If you don't have it, you can't move goods.



Why don't your colleagues see that?

**HC:** There is a lot of misinformation out there. There are a lot of talk shows on radio and TV that are good at getting out sensational messages. We saw that in immigration reform; we've seen that on the issue of building a fence as if it's so simple for a fence to stop illegal immigration. There are talk shows and radio shows that present one side and they shape American opinion.



Why aren't there more leaders in the administration or in the House and Senate that articulate this vision for North America and the obvious need for infrastructure to cope with the expansion of trade?

**HC:** I don't know but I agree that more are needed. I filed a piece of legislation that allows the U.S. to provide assistance to Mexico in different areas. One is to fight the drug war in Mexico; that will have an impact. But, also, social and economic investment that will help build roads. Helping them create roads will impact other issues, for example, that will create jobs over there and, hopefully, mean that fewer people will be trying to come into the United States. We provide billions in foreign aid but, when it comes to providing aid to a neighbor and a huge trading partner, people will come up with excuses.

For example, they'll say there is corruption down there. But is that to say other countries we provide money to do not have issues of corruption or transparency? There is a sort of bias that we need to be cognizant of and need to address.



Would it help if Canada were at the table? Would it help if in discussing border issues there was a third party that would permit greater balance in the discussions and greater focus on rules rather than paternalism and power?

I filed a piece of legislation that allows the U.S. to provide assistance to Mexico in different areas. One is to fight the drug war in Mexico, but, also, social and economic investment.

If you look at the history of immigration reform, it's always been emotional in the U.S. and it has always been about different ethnic groups. Immigration is not unique to the U.S. It happens across the world but it becomes unique when it affects *us* as a country.

**HC:** Strategically, that would be a smart way of negotiating. Right now, there are certain biased ways of looking at Mexico. As in the case of NAFTA, Canada was brought in and [it] brought a different perspective.



Would it help if there were institutions, like a North American Commission, that put forth a proposal, for example, on North American infrastructure and transportation that could evoke responses from the three governments?

**HC:** I think it would help the debate and raise awareness and a new level to the debate. We need a catalyst to getting this started; your proposals and ideas are things we definitely need to look at.



What about border security? Would having the Canadians in the discussions make things easier or harder? Would there be more innovation?

**HC:** I think it would help. If you look at the Secure Fence Act that was passed a year ago, it called for 700 miles of fence in the southern United States and, in the northern U.S., it called for a study to see if the fence should be built. That is an uneven piece of legislation. The Canadians would say: what about the economic impact or the environmental concerns or access to natural resources? There would have been more debate because all three countries would have been involved, like NAFTA. Three countries would come together to improve education, healthcare, trade, whatever the issue. Tactically, it is a better approach to have all three countries at the table.



Did you anticipate the evolution of the debate on immigration?

**HC:** Coming from Laredo, a border town, immigration has always been an issue to me. If you look at the history of immigration reform, it's always been emotional in the U.S. and it has always been about different ethnic groups. Immigration is not unique to the U.S. It happens across the world but it becomes unique when it affects *us* as a country. I was hoping that the hard part of reform would have been in the House debate but the Senate had a hard time getting it done. The concern is that, the closer you get to the presidential election, the less chance you have of getting



it passed. There are a lot of forces, talk shows on radio and TV, that push a viewpoint that shape American opinion.



How can one build a coalition that favors a different, more respectful way to approach our neighbors?

**HC:** It's difficult. We need different champions in the House and Senate that have similar thinking to you. If we don't have champions, then a new North America is not going to emerge.



Maybe we need one of the presidential candidates to articulate such a vision.

**HC:** As you know, presidential candidates do help shape and define the debate. It would be great to see one of them start that dialogue.



Which one?

**HC:** All of them should engage in this dialogue. I have my own biases; I'm a Clinton supporter.




Should there be a sense of community between the three nations of North America? Would relations improve if they weren't just two bilateral relationships? How do we structure the debate so that the idea of North America becomes logical and persuasive for a wider population?


**HC:** Strategically, the leaders in the countries must talk as though part of a community. If we replicate the discussions of NAFTA, that would help us. There is fear in some communities and in some members of Congress that there will be an overarching government that supersedes the U.S. government. There is an individualistic thing in America that opposes the United Nations or a super-government.

But it's not about that. It's about how we create a partnership where three countries can better interact to improve education, healthcare, infrastructure, and trade between the countries.


It's about how we create a partnership where three countries can better interact to improve education, healthcare, infrastructure, and trade between them.

 What advice would you give to the president of Mexico and the prime minister of Canada about how they can deal more effectively with the United States? Is it in their interests to collaborate with each other more and pursue a “North American option” or should they just deal directly with the United States?

**HC:** Our nation’s neighbors must be willing to collaboratively engage the United States on matters of mutual interest along the borders as well as on issues of transnational policy. I think that there needs to be a balance between the lens through which our neighbors view interactions solely with the United States and those which involve the continent as a whole; there is not one single strategy that would best fit the multitude of diverse issues that the three countries have before them.

 If the president were to put you in charge of “fixing” the border, what would you do?

**HC:** First and foremost, I would address the border security and infrastructural needs of the border. For many years, the border regions of the United States have not been provided the resources necessary to keep pace with their growing importance to the nation in the areas of trade, culture, and security. As I have seen in my home town of Laredo, there has been an ever-increasing flow of commerce through the city as the trade relationship between United States and other nations has grown, but the infrastructure necessary to accommodate this trade has not kept pace. Addressing our borders’ fundamental needs will produce tremendous benefit not only to the U.S. border regions but will, as well, improve the prosperity, security, and a multitude of other pressing issues that presently face our nation.

 What message has the United States –as a nation– been sending to Mexico and Canada, and what message should we be sending?

**HC:** I believe that the message that the United States has been sending in recent years has been a mixed one. On the one hand, our diplomatic efforts speak to a desire to work in partnership with our neighbors but, on the other hand, we have seen efforts to distance and disengage the United States from its place in North American affairs, including through

There has been an ever-increasing flow of commerce through the city as the trade relationship between United States and other nations has grown, but the infrastructure necessary to accommodate this trade has not kept pace. Addressing our borders’ fundamental needs will produce tremendous benefit.

the construction of a border fence, which sends a multitude of complex signals to our neighbors. I believe that the United States must pursue a relationship with its neighbors that places first the interests of Americans as to benefit and strengthen our nation but which does so in a manner that responsibly recognizes and accommodates the unique relationship that we have with Canada and Mexico.



## North American Studies Centers: An Overview

VASSIA GUEORGUIEVA\*

Area studies in the United States were created during the Cold War. In 1957, the Soviet Union announced the launch of Sputnik 1, the world's first artificial satellite. This focused international attention to the emergence of sophisticated technologies and international security threats, and the U.S. government responded by investing more in science and foreign languages. The National Defense Education Act (NDEA) was signed into law by President Eisenhower in 1958. Title VI of the NDEA, entitled "Language Development," would provide federal funding to build foreign language and area studies programs at U.S. universities. Title VI was composed of two parts: Part A, entitled "Centers and Research and Studies" which authorized three programs: Centers, Fellowships, and Research and Studies and Part B, "Language Institutes." Initial funding began in academic year 1959–60 when US\$3.5 million was appropriated with US\$500 000 going to Centers and Fellowships, and the remaining US\$2.5 million allocated to Research and Studies. In 1972, Title VI began providing grants to assist postsecondary institutions in internationalizing their curricula.

Title VI supports ten programs: National Resource Centers (NRCS); Foreign Language and Area Studies Fellowships (FLAS); International Research and Studies (IRS), the Undergraduate International Studies and Foreign Language Program (UISFL); the Business and International Education Program (BIE); Centers for International Business Education (CIBES); Language Resource Centers (IRCS); American Overseas Research Centers (AORCS); the Institute for International Public Policy (IIPP); and the Technological Innovation and Cooperation for Foreign Information

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Access Program (TICFIA). Under Title VI, National Resource Center (NRC) grants support instruction in fields that provide full understanding of areas, regions or countries; research and training in international studies; work in the language aspects of professional and other fields of study; and instruction and research on issues in world affairs. In the past four years, NRCs have received about US\$28 million in funding every year for centers dealing with every region of the world, except North America. About 295 grants have been awarded to universities to support NRCs that focus on the following regions/areas: Asia an Pacific (88 grants), Europe/Russia (66 grants), Latin America (48 grants), Middle East (36 grants), Africa (26 grants), Canada (9 grants), and centers with an international focus (22 grants).

While not prominent or supported by the U.S. government, Centers for North American Studies exist, and we have decided to define them in terms of meeting one of three criteria: they study (a) all three countries of North America; (b) two of the three; or, (c) one of the countries but not the one where it is housed. Thus, while there has been an emerging interest in North America as a region, this interest is not backed by federal funding from the Department of Education.

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American University's Center for North American Studies (CNAS) conducted a series of surveys of university-based and non-university-based centers and programs that focus on North America. The surveys identified centers with a trilateral focus (U.S., Canada and Mexico), a bilateral focus (U.S.-Mexico or U.S.-Canada), a single-country focus on Mexico or Canada, and an "Americas and/or Western Hemisphere" focus. An overview of these centers is provided below. This overview has several purposes. First, it attempts to be as comprehensive as possible and serve as a preliminary mapping of the institutions and programs that focus on one or more aspects and issues pertinent to North America. Second, the overview also invites comments and contributions from *Norteamérica's* readers with the goal of making it as accurate and complete as possible. The last, but not least important, purpose of this summary is to serve as a stepping-stone for the identification of what has been done in the study of North America –what programs and courses have been developed– and how the study of the region should evolve in the future.

Many public policy centers have also done important work on North America. These include: the Brookings Institution, Institute for International Economics, Council of Foreign Relations, Pacific Council on

International Policy, Canadian Council of Chief Executives, Conference Board of Canada, C.D. Howe Institute, Public Policy Forum, and the Mexican Council on Foreign Relations.

The Canadian Embassy has used their funds to sponsor the study of Canada in the United States and Mexico, and that explains the larger number of those Centers.

## NORTH AMERICA STUDIES CENTERS

The survey revealed that the United States has only six centers/programs with a North America focus. These centers are:

- Center for North American Studies, American University
- North American Studies Program, Colorado College
- North American Studies Program, High Point University (North Carolina)
- North American Studies Program, Roosevelt University (Illinois)
- Center for North American Studies, Texas A&M University, Department of Agricultural Economics
- North American Center for Transborder Studies and “Building North America” Project, Arizona State University

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Within the U.S., the centers and programs that focus on North America had declined somewhat in the last decade. Established in 1997, Duke University’s Center for North American Studies became the Center for Canadian Studies on July 1, 2003. In addition, Dartmouth College and California State University no longer offer an Institute on Canada and the United States and the Canadian Studies Certificate Program, respectively. Among the remaining U.S.-based centers and programs, Texas A&M University’s CNAS specializes in agricultural studies only. Colorado College, High Point University and Roosevelt University all have an interdisciplinary focus that either leads to a major or a minor. In 2005, Arizona State University opened a new North American Center for Transborder Studies –a trinational research alliance. Arizona State University also houses the “Building North America” Project, which was set up in 2000 and originally hosted by the Americas Society-Council of the Americas. The project constitutes a website with links to North America Resources

such as case studies and syllabi. Thus, among the 4168 accredited U.S. colleges and universities, only AU's CNAS offers an interdisciplinary undergraduate minor, a graduate certificate, and research and a public policy program in North American Studies.

Among the centers and programs that focus on North American studies in Canada, both Carleton and McGill have an interdisciplinary focus, but Carleton organizes conferences and seminars and does not offer courses. From the centers and programs in Mexico, El Colegio de México's center and the National Autonomous University of Mexico's Centro de Investigaciones sobre América del Norte (CISAN) are research oriented only. CISAN began in 1988 with the establishment of a research program focusing on the United States. With the signing of the North America Free Trade Agreement (NAFTA), the center included Canada in its research activities as well. CISAN's current focus is on a multi- and inter-disciplinary study of the U.S. and Canada and the relations of both of these countries with Mexico. The University of Atemajac's Center has limited activities. The remaining are programs that lead either to a certificate (Tec. de Monterrey) or to a master's degree (Universidad Autónoma de Sinaloa). El Colegio de la Frontera Norte, in collaboration or individually, has initiated in 2007 seminars and professional development programs focusing on North America.

Among the university-based centers and programs in Canada, Mexico and the U.S., the overwhelming majority (63 overall) have a Canada or Canada-U.S. focus. Equally represented are the centers that have a North American studies focus (14) and a Mexico or U.S.-Mexico emphasis (11). The abundance of Canadian Studies Centers can be partly attributed to the funding that the Canadian government provides (out of the 60 programs, 27 were sponsored by the Canadian embassy).

The non-university based centers and programs include the North American Institute (NAMI) in Santa Fe and the North American Forum on Integration (FINA) in Montreal. The National Policy Association (NPA) sponsored for several years, biannual meetings of a "North American Committee" and published several volumes of a journal, *North American Outlook*. NPA closed in 2003. The Center for Strategic and International Studies (CSIS) sponsors an "Americas Program" with a focus on Canada, Mexico, and, occasionally, on North America, as does the Woodrow Wilson Center for International Scholars.

Among the centers and programs that focus on North American studies in Canada, both Carleton and McGill have an interdisciplinary focus. From the centers and programs in Mexico, El Colegio de México's center and the National Autonomous University of Mexico's Centro de Investigaciones sobre América del Norte (CISAN) are research-oriented only.



## UNIVERSITY-BASED CENTERS AND PROGRAMS

### Centers of North America, Mexico and Canada

<b>Table 1</b>			
<b>UNIVERSITY-BASED CENTERS AND PROGRAMS</b>			
	<b>North American Studies</b>	<b>Mexico and U.S.-Mexico</b>	<b>Canada and U.S.-Canada</b>
Canada	2	0	—
Mexico	6	1	3
U.S.	6	10	60
Total	14	11	63

## I. NORTH AMERICA STUDIES

### A. Canada

- Carleton University Centre on North American Politics and Society  
<http://www.carleton.ca/nac/>  
Focuses on the political, social and cultural processes in the North American region. *Has no economics or trade component.*
- McGill University, North American Studies Program-Montreal, Quebec, Canada  
<http://www.mcgill.ca/nast/>

The program offers a Minor and a Major Concentration in North American Studies and has a study abroad program with or without an internship. *Mexico is not included in the North America curriculum and the target group of the program are undergraduate students.*

Among the university-based centers and programs in Canada, Mexico, and the U.S., the overwhelming majority (63 overall) have a Canada or Canada-U.S. focus. Equally represented are the centers that have a North American studies focus (14) and a Mexico or U.S.-Mexico emphasis (11).

## B. Mexico

- El Colegio de México, Centro de Estudios Internacionales: proyectos de investigación sobre las relaciones México-Estados Unidos-Canadá (PIERAN)  
[http://www.colmex.mx/centros/cei/pieran\\_index.htm](http://www.colmex.mx/centros/cei/pieran_index.htm)
- Instituto Tecnológico y de Estudios Superiores de Monterrey (ITESM or Tec de Monterrey) provides a certificate  
<http://www.tec.ubc.ca/certificates/index.html>  
[http://www.itesm.mx/vi/oficinas\\_inter/vancouverprogramas.htm#1](http://www.itesm.mx/vi/oficinas_inter/vancouverprogramas.htm#1)
- Universidad Autónoma de Sinaloa (UAS); maestría en Estudios de Estados Unidos y Canadá  
<http://interpol.uasnet.mx/meeuc/plantadocente.html>
- Universidad Nacional Autónoma de México (UNAM), Centro de Investigaciones sobre América del Norte (CISAN), Mexico City, Mexico  
<http://www.cisan.unam.mx/>
- University of the Atemajac's Valley (UNIVA), North American Studies Center
- El Colegio de la Frontera Norte, "United States, Mexico and Canada: An International and Regional Dimension 2007-2008" professional development program and the 2007 Seminar on Security and Development in the relationship between Mexico, U.S. and Canada.

El Colegio de México's center and CISAN are research-oriented, while the University of the Atemajac Valley's center has limited activities. The remaining are programs that lead either to a certificate or to a master's degree.

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## C. UNITED STATES

- Center for North American Studies, American University
- North American Studies Program, Colorado College
- North American Studies Program, High Point University (North Carolina)
- North American Studies Program, Roosevelt University (Illinois)
- Center for North American Studies, Texas A&M University, Department of Agricultural Economics
- North American Center for Transborder Studies and “Building North America” Project, Arizona State University

## II. MEXICO AND U.S.-MEXICO

### A. CANADA

N/A

### B. MEXICO

- El Colegio de San Luis: Programa México-Estados Unidos

## C. UNITED STATES

- Georgetown University, Center for Latin American Studies: Mexico Project
- Laney College (California), Mexican/Latin American Studies
- Merritt College (California), Mexican/Latin American Studies
- New Mexico State University, U.S.-Mexico Conflict Resolution Center
- Texas A&M University-Kingsville, Southwest Borderlands Cultural Studies and Research Center
- University of California, Institute for Mexico and the United States (UCMEXUS)
- University of California-San Diego, Center for U.S.-Mexican Studies

- University of Pennsylvania, Population Studies Center and Universidad de Guadalajara, Depto. de Investigaciones sobre Movimientos Sociales: Mexican Migration Project
- University of San Diego, TransBorder Institute
- University of Texas at Dallas, Center for U.S.-Mexico Studies

### III. CANADA AND U.S.-CANADA

#### A. MEXICO

- Instituto Tecnológico Autónomo de México (ITAM), Canadian Studies Program
- Universidad Autónoma de Guadalajara, Centro de Estudios Canadienses
- University of Colima, Mexico, Facultad de Ciencias Políticas y Sociales, Estudios sobre Estados Unidos y Canadá

#### B. UNITED STATES (note:\* sponsored by the Canadian Embassy: 27 out of 60)

- Ball State University (Indiana), Committee on Canadian Studies
- Bemidji State University (Minnesota), Canadian Studies Program
- Boise State University (Idaho), Canadian Studies Minor Program\*
- Bowling Green State University (Ohio), Canadian Studies Centre\*
- Bridgewater State College (Massachusetts), Canadian Studies Program\*
- Brigham Young University (Utah), David M. Kennedy Center for International Studies, Canadian Studies Program
- Buffalo State College, Canadian Studies
- Case Western Reserve University (Ohio), School of Law: Canada/United States Law Institute\*
- Clarkson University (NY), Center for Canadian-U.S. Business Studies
- Duke University, Center for Canadian Studies (formerly known as the Center for North American Studies)
- Eastern Connecticut State University, Canadian Studies Program\*
- Edinboro University of Pennsylvania, Canadian Studies Program\*
- Five College Consortium (Amherst, Hampshire, Mt. Holyoke, Smith, UMass-Amherst), Canadian Studies Program

- Franklin College of Indiana, Canadian Studies Centre and Canadian Studies Program\*
- George Washington University, Canadian Studies Program\*
- Harvard University, Weatherhead Center for International Affairs, Canada Seminar
- Indiana University Northwest, Canadian Studies
- Johns Hopkins University, The Paul H. Nitze School of Advanced International Studies, Center of Canadian Studies\*
- Kansas State University, Canadian Studies Program\*
- Lehigh University (Pennsylvania), Canadian Studies Institute
- Mansfield University (Pennsylvania), Canadian Studies Centre, Pennsylvania Canadian Studies Consortium
- Michigan State University, Center for Canadian-U.S. Law\*
- Michigan State University, Canadian Studies Centre\*
- Plattsburgh State University of New York, Center for the Study of Canadá\*
- Plymouth State College (New Hampshire), Canadian Studies Center
- Portland State University, Canadian Studies Program\*
- Princeton University, Canadian Studies
- Seattle University, Canadian Studies Program\*
- Shoreline Community College (Washington), Canadian Studies
- St. Lawrence University (NY), Canadian Studies Program
- State University of New York at Buffalo, Canada-United States Legal Studies Centre
- State University of New York at Buffalo, Canada-United States Trade Center (CUSTAC)
- State University of New York at Buffalo, Canadian-American Studies Committee\*
- State University of New York at Plattsburgh, Center for the Study of Canada
- State University of New York College at Brockport, Interdisciplinary Minor in Canadian Studies
- Texas A&M University, Mays Business School: Canadian Studies Program
- University of Akron (Ohio), Canadian Studies Program
- University of Alaska Anchorage, Canadian Studies Program\*
- University of Arkansas at Little Rock, Canadian Studies Project
- University of California at Berkeley, Canadian Studies Program\*

- University of Central Florida, Canadian Studies Outreach
- University of Central Florida, Florida-Canada Linkage Institute
- University of Kentucky, Kentucky-Canadian Studies Association, Canadian Studies Online Program
- University of Louisiana at Lafayette, Canadian Studies Committee
- University of Maine, Canadian-American Center\*
- University of Missouri, Canadian Studies Program\*
- University of New Hampshire, Canadian Studies Program
- University of Oregon, Canadian Studies
- University of Southern Mississippi, Department of Forensic Science: Canadian Studies
- University of Vermont, Canadian Studies Program\*
- University of Washington, The Henry M. Jackson School of International Studies, Canadian Studies Center\*
- University of Wisconsin, Milwaukee, Center for Canadian-American Policy Studies\*
- Vanderbilt University, Canadian Studies Program\*
- Washington State University, Canadian Studies Program
- Wayne State University, Canadian Studies Program
- Western Kentucky University, Canadian Studies Certificate Program\*
- Western Michigan University, Canadian Studies Program\*
- Western Oregon University, Canadian Studies
- Western Washington University, Center for Canadian-American Studies\*
- Yale University, Center for International and Area Studies, Committee on Canadian Studies

**NON-UNIVERSITY-BASED CENTERS AND PROGRAMS**  
 Centers on North America, Mexico, and Canada

Table 2 NON-UNIVERSITY-BASED CENTERS AND PROGRAMS			
	North American Studies	Mexico and U.S.-Mexico	Canada and U.S.-Canada
Canada	1	0	0
Mexico	0	0	0
U.S.	1	3	2
Total	2	3	2

## I. NORTH AMERICAN STUDIES

### A. CANADA

- North American Forum on Integration (FINA)

### B. MEXICO

N/A

### C. UNITED STATES

- North American Institute (NAMI)-Santa Fe, New Mexico; Edmonton, Alberta, Canada; Mexico City, Mexico

## II. MEXICO AND U.S.-MEXICO

### A. CANADA

N/A

### B. MEXICO

N/A

### C. UNITED STATES

- Center for Strategic and International Studies (CSIS), Americas Program, Mexico Project
- The Florida-Mexico Institute (FMI)
- Woodrow Wilson International Center for Scholars, Mexico Institute

## III. CANADA AND U.S.-CANADA

### A. CANADA

N/A

## **B. MEXICO**

N/A

## **C. UNITED STATES**

- Center for Strategic and International Studies (CSIS), Americas Program, Canada Project
- Woodrow Wilson International Center for Scholars: Canada Institute



## Arrogant Denial: A Literature Review of Recent Evaluations of the Bush Presidency

BERNARDETTE VEGA\*

You aren't going to be a successful diplomat if you don't understand the strategic context in which you are actually negotiating. It is not deal making. It's not. Instead...it was a matter of waiting until the underlying conditions were right, and then acting.

Condoleezza Rice

Quoted in Glenn Kessler, *The Confidante*

How does one understand the Bush presidency? It has been one of the most controversial and analytically rich periods of American politics, both foreign and domestic, and the reason for this attraction lies in the character of one man and the intricate relationships between him and his staff. The administration of George W. Bush created a personality of its own that started to define itself at the core of the Republican Party during his 2000 primary campaign and was confirmed with the September 11 terrorist attacks.

On the verge of the 2008 presidential elections in the United States, it seems appropriate to evaluate the Bush presidency beyond its many political failures, its dogmatic decision-making processes, and its reliance upon flawed intelligence. Understanding the forty-third president as a complicated human being may not justify the poor decisions he made, but it may help us to comprehend better the rationale behind his agenda.

The most frequent evaluations of the Bush presidency have been negative. Already, he is sometimes portrayed as the worst president in

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U.S. history. But, ironically, this judgment offers attractive scenarios for analyzing several political phenomena. The war on terrorism and the Iraq adventure provide examples of the unique way in which the executive-legislative balance of power, the national standing of the presidency, the power of strong personal characters, the attachment to categorically conservative principles (including in terms of his concept of “compassionate conservatism”), and, especially, the role of the United States in world politics (even on the edge of a hegemonic crisis) can be understood in terms of strong domestic dynamics.

Perhaps George W. Bush’s character (as a complement to his beliefs and principles) has been one of the most attractive features for journalists and analysts when trying to understand the outcome of the political equation that is the Bush presidency. In fact, traditionally, analyses of U.S. politics have relied on character studies. Even U.S. political parties have resorted to identities associated with well defined kinds of social character that tend to be crucial for developing a relationship between themselves and their constituents.

Robert Draper takes these characteristics beyond the superficial judgment of the personal life of George W. Bush, beyond his relationship with the forty-first president, and beyond his defining past and his conservative background and lifestyle. This particular journalist gets into the labyrinth of the Bush personality to a degree that allows him to develop a certain distant empathy. With unprecedented access to the president in six interviews, from December 2006 to May 2007, the *GQ Magazine* national correspondent and *Texas Monthly* senior editor delivers a personality-based assessment of George W. Bush’s presidential journey through a chain of anecdotes and character details, some of them taken from the exclusive knowledge of members of his cabinet and some from the president’s own, intimate account.

No doubt, the presidency of George W. Bush has been a watershed for U.S. domestic and international politics. Whether his attempts to transform American politics will have a positive or negative outcome will depend upon the consequences of particular decisions. However, sometimes the inputs and results of those decisions are not sufficiently clear for political scientists to interpret and provide explanations. Journalism can be a peculiar source for gaining a truly analytical political understanding, especially when the context of an investigation addresses the secrecy regarding national intelligence that security considerations de-

Perhaps Bush’s character has been one of the most attractive features for journalists and analysts when trying to understand the outcome of the political equation that is the Bush presidency.

mand. Bob Woodward and his trilogy of books on the Bush administration are quite elucidating for that reason. The war on terror and the Iraq invasion are the most salient events of the Bush administration and the ones that defined the priorities of the government and, for that matter, the international community.

If the intention is to clearly identify the relationship between the “war on terror” and the Iraq invasion or to recognize the political considerations that have been factored into the security equation, *Dead Certain* may not be the most obvious choice. But the interpretation of anecdotes about Bush may provide a relatively accurate approach to understanding the characteristics of this presidential conundrum and the relationship of some of his character traits to his policy decisions: his consistent punctuality; his disciplined regimen of physical exercise; his lack of hesitancy in making decisions; his displays of overconfidence; his projection of optimism and proudly emotional expression of his beliefs; an awkward awareness of his mistakes—though he also demonstrates equal reluctance to engage in any introspection. His often premature or misdirected optimism has been readily observed within his various proclamations—from “Mission Accomplished” through “stay the course”—especially when made in response to anyone questioning his Iraq strategy, whom he frequently would accuse, directly or indirectly, of not supporting the troops and, instead, wanting to “surrender to the terrorists” (Woodward, 2006: 490).

From the Republican primaries in 2000 to the State of the Union address in 2007, Draper unfolds Bush’s vision of his presidency and, moreover, his overall notion of the United States. Just as Condoleezza Rice assured the press, when she succeeded Colin Powell as secretary of state, that “I’m internalizing his world,” Draper also tries to internalize that world in which decision making is a cherished and almost addictive power. But planning and analysis have often been disdainfully dismissed by Bush and were deemed required only in order to justify, instead of support, the decision-making process. Statements by Bush such as “I know we’ll succeed. And I know it’s necessary to succeed,” appear to represent a very dogmatic but, somehow, self-pitying affirmation that the adventure in Iraq needs to mean something positive for the soldiers fighting there: “You can’t give a kid a gun and have him doubt whether or not the president thinks it’s right, and have him doubt whether or not he’s gonna be supported in all ways” (Draper, 2007: XV). Is that sort of declaration an unconscious recognition of his defeat in Iraq? To what extent have the dogmatic stances of

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George W. Bush and the persistent public denial of their tactical failures provided a sign of arrogance or an anchor of determination?

It is curious, if not ironic, that, during the primary elections, Karl Rove criticized the period of "peace and prosperity" that had been touted by admirers of the Clinton administration by proclaiming, "We're the candidate of reasonable, cautious, prudent reform" (Draper, 2007: 8). Ironic or not, White House decisions under Bush appear to have fallen far short of following that implied standard of rational choice. Instead, it has seemed as though no rational choice objection could pose an obstacle between the president's overall vision and the actual steps needed to attain victory. A prime example of that pattern of decision making is his rejection of the three main recommendations expressed by the Iraq Study Group: 1) transitioning U.S. forces from a combat to a support role; 2) making economic aid conditional upon evidence that the Iraqi government is keeping its promises toward achieving governmental reform and national reconciliation; 3) broadening diplomatic efforts to include Iran and Syria in negotiating the conditions necessary to achieve a stable Iraq. Instead, the Bush administration opted for the military reinforcement option of "the Surge."

Not even the Bush administration's sinking domestic approval rating could compel him to moderate the direction of his endeavors. The neo-conservative New American Century Project's assumptions and its seeming attachment to past glories of U.S. foreign policy provided underlying arguments for the Bush administration's approach to the Middle East. Meanwhile, the advice provided by the loyal White House Iraq Group reinforced feelings of certainty regarding these executive decisions. Loyalty and certainty replaced realism as the driving force for these international relations decisions. Indeed, apparently many critics have asserted that no rational choice path can be traced to the decisions made by the Bush administration in pursuit of its foreign policy objectives.

Loyalty, indeed, compromised the White House on a wide range of issues. It compromised cabinet appointments and the credibility of administration officials at all levels. Loyalty, above all else, was expected from all of these officials and it imposed an imperative, among them, of binding themselves to a course of action (intellectually, personally and emotionally) regardless of whether or not it was conducive to supporting the ultimate success of the presidential decision-making process. Colin Powell's address to the United Nations (incorrectly asserting that there was no doubt that Saddam was working to obtain key components to produce

nuclear weapons) is an excellent example of this problem. That address was required to coincide with the underlying beliefs of the president, rather than reflect an accurate assessment of the actual situation and the most effective approach toward resolving it.

Actually, Collin Powell was the “reluctant warrior” in this effort. He had not even been a member of the White House Iraq Group. He sometimes appeared to be the antithesis of the reckless president. Powell represented the moderate face of the Bush administration with a minimum of leverage but, initially, possessing strong public prestige. Yet he was captivated by this process and by its ongoing qualities rather than by its transformative possibilities. A clash of personalities took place between the “cautious” and the “resolute,” accompanied by a doctrinal confrontation. On the one hand, the “Powell doctrine” was based upon the desire, first, to limit the use of military engagements as a means of achieving political objectives, but, second, when the military *is* used, it should employ overwhelming force in order to guarantee success (Woodward, 2004: 78). On the other hand, the Bush strategy (which could barely be described as a “doctrine”) reflected an apparent willingness to use military force (unilaterally, when necessary) to avoid, preempt, or dissuade threats to the U.S. *status quo*. That approach was quite distinct from the “just war” apparently preferred by Powell, whose primary focus, in this respect, included an analysis of the threat, the means needed to address it, the level of support that it might generate, and the consequences of any response to it.

As a result of the ultimate rejection of the Powell doctrine in favor of the Bush strategy, overconfidence, based upon a biased interpretation of the actual tactical and strategic situation, merely strengthened the hegemonic crisis of the United States. Prior to the territorial violation of the “American sanctuary” (a perspective based upon its traditional detachment from the rest of the world but also based on an overstated commitment to the protection of human rights and liberties as part of an attachment to “American exceptionalism”), the hegemonic power was still in a good position to pursue the broader goals of its national and international agendas. Currently, that capacity has been eroded by the political undertakings of the administration as the exercise of U.S. power has been transformed from an asset into a burden upon its foreign policy—a problem that needs to be addressed by the next presidential administration.

Notwithstanding the outstanding contribution of Robert Draper, a personality diagnosis may not be sufficient for achieving a meaningful

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presidential evaluation. Michael Isikoff and David Corn do not stress the character of the decision makers but explore the intricate institutional maneuvers of personal and cabinet-level ventures that have been driven by hubris, resulting in acts of overbearing pride and self-confidence, often resulting in disaster. But a subtle distinction needs to be made in this case; President Bush was not the only promoter of the Iraq War. He did have the first and final word regarding this decision but White House and CIA loyalists were empowered to exert some influence over it, especially in the operational arena

Richard Cheney, Condoleezza Rice, Karl Rove, George Tenet, Lewis Libby, Paul Wolfowitz, and Andrew Card, among others, were behind the marketing apparatus of the Iraq War. It is commonly claimed by some critics that Bush was not in really “in charge” of his presidency. However, a nuanced evaluation of that claim is required. In one interview, Bob Woodward asked Donald Rumsfeld about the notion of Dick Cheney being the all-powerful vice-president who controls the president; the answer left a margin for interpretation when Rumsfeld replied that “he [Cheney] does not take strong positions when the president’s in the room that could conceivably position him contrary to the president... He asks good questions. But he doesn’t put the president in a corner or take away his options” (Woodward, 2006: 485). The president is still the president but the strong influence of some of his closest aides should not be dismissed as a source of advice and even mentoring.

A clash of personalities took place between the “cautious” Powell and the “resolute,” Bush accompanied, by a doctrinal confrontation.

The Iraq War was not the result of a presidential decree or the acquiescence of a majority of members of the National Security Council. The image of strong leadership that Bush projected after a major national trauma was certainly a factor in his ascendancy. However, ties of loyalty and shared pre-war calculations made it possible for the administration to sustain and manage public support for the “crusade” against Saddam Hussein under the pretext of *possible* connections between the dictator and terrorists that could imply the threat of “weapons of mass destruction.” As a result of the 9/11 terrorist attacks, the Bush administration was granted an even greater deference by a frightened American people.

*Hubris: The Inside Story of Spin, Scandal and the Selling of the Iraq War* sheds light on another facet of the current administration: the compromised intelligence network and public credulity that advanced the goal of war with Iraq. This book purports to disclose “how flawed intelligence was misused by the president and his top aides to take the nation

to war." It provides numerous revelations about the White House commitment to going to war, the CIA handling of intelligence as a means of providing a justification for the invasion, and the way that some journalists served as a fundamental element of the Iraq invasion "marketing machinery" in promoting a fraudulent case for war.

"There was a case to be made" (Isikoff and Corn, 2006: 17) was the central motivation for portraying Saddam Hussein as a threat to the international system in general and the United States in particular. Despite the claims that it was a "slam-dunk," the case for war was based on unproven, dubious assumptions and imprecise intelligence. The purpose of making this case was to create overwhelming support for the Iraqi adventure from the American public and, as a result, from Congress, including Democrats. In one sense, the Bush administration could claim that this marketing campaign was not even legally necessary, because a secret Justice Department memo, written after the 9/11 attacks, concluded that "there were 'no limits' to the presidential power when it came to waging the war on terrorism". But if the White House truly believed it already possessed the authority to invade Iraq, it raises the question of why Cheney and Libby were so eager to receive supporting intelligence from the CIA.

The extensive covert operation plans drawn up by the CIA to overthrow the Saddam Hussein regime did not reveal tangible evidence to support the Bush administration's position on Iraq. Nonetheless, the White House Iraq Group was able to prompt widespread concerns regarding fundamental questions of national security. The effectiveness of raising these concerns was demonstrated by the Senate minority leader, Tom Daschle, when he wondered, "What if they're right about this?" This expression of doubt coincided with the sense of dogmatic certainty of the Bush administration as portrayed by Robert Draper, who quoted a core belief, typically expressed by many members of the administration: "We know what we are doing."

But *did* the administration know what it was doing? In this respect, Isikoff and Corn put forward an appropriate question when they asked, "Has Bush compounded this failure by overselling the limited and flawed intelligence because war was his preferred option?" (2006:18). If that interpretation of events is correct, an appropriate follow-up question would be: How did war get to be the preferred option in this situation, especially given a lack of international support and in the absence of a rational argument for the invasion? Cheney's preferred option appeared to favor war, too.

Despite the claims that it was a "slam-dunk," the case for war was based on unproven, dubious assumptions and imprecise intelligence.

The notion that somehow we've got to get across to people is they just cannot think of this as a conventional war. This is not Desert Storm. It's not Korea. It's not World War II. This is a struggle that's going to go on in that part of the world for decades....We just have to have people understand that and understand that the alternative is not peace (Hayes, 2007: 524).

The use of faulty intelligence and the hyping of meaningless evidence that often was only remotely related to potential weapons of mass destruction (such as the faulty findings about yellowcake in relation to the alleged sale of Nigerian uranium to Iraq) was indicative of the intelligence intrigues and distortion of information, unveiled further by the leak of the identity of Valerie Plame as a CIA operative and its subsequent political controversy and criminal investigation. "Scooter" Libby suffered the immediate consequences of this particular incident of the Bush administration misleading the U.S. public, but it also prompted a withdrawal of the administration from its original rationale for the invasion of Iraq. Paul Wolfowitz was subsequently asked, "How do you account for the intelligence failures regarding weapons of mass destruction in Iraq?" He replied, "Well, I don't have to....We relied on the intelligence community" (Isikoff and Corn, 2006: 414). But, as these authors contend, that same intelligence community had been pressured by this same administration to produce these astonishing findings in order to support a political and irrational war.

Resignations ultimately followed the persistent failures of the Iraq adventure, including Donald Rumsfeld (who had openly disparaged the CIA's human intelligence capability) and George Tenet. Even so, there has been little or no ultimate accountability for those decisions regarding Iraq that were shown to be wrong. Ultimately, for most of the Bush administration officials who engaged in this process of faulty and, arguably, even fraudulent intelligence, "there were no consequences" (Isikoff and Corn, 2006: 413). There is a wide array of themes to explore as part of the effort to understand the motivations and the intelligence and political networks of the Bush administration. But in recalling the preference of Condoleezza Rice for "waiting until the underlying conditions were right, and then acting," that statement raises an unresolved question: Why did the Bush administration fail to wait for those right conditions to act, especially if the president's closest advisors were guided by such a principle? Apparently, the calculations of realism do not offer a ready explanation for Bush's

The use of faulty intelligence and the hyping of meaningless evidence was indicative of the intelligence intrigues and distortion of information.



claim to have walked a “fine line between realism and pessimism” and the administration’s subsequent refusal to admit failure.

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## Cronología de América del Norte (enero-junio de 2007)

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### POLÍTICAS DE INTEGRACIÓN EN AMÉRICA DEL NORTE

#### Enero

- 29 Los gobiernos de México y Estados Unidos firman un convenio de cooperación aduanera para la exportación de tela. Susan Schwab, representante de Comercio estadounidense, destaca la firma del convenio, el cual consiste en que la tela mexicana podrá llevarse a Centroamérica, para fabricar ropa y ser exportada a Estados Unidos libre de aranceles.

#### Febrero

- 12 Sempra Energy, de Estados Unidos, anuncia que en 2007 y en el primer trimestre de 2008 invertirá en México entre 350 y 400 millones de dólares, para construir un ducto y concluir la terminal de recepción, almacenamiento y regasificación de gas natural licuado para asegurar mil millones de pies cúbicos diarios. La idea de Sempra es enviar a Estados Unidos el 60 por ciento de la capacidad (600 millones de pies cúbicos diarios) de la planta y el resto (400 millones) a Baja California.
- 23 Mary E. Peters y Luis Téllez, secretaria del Transporte de Estados Unidos y secretario de Comunicaciones y Transportes, de México, respectivamente, anuncian que a los inspectores de seguridad estadounidenses se permitirá inspeccionar camiones en territorio mexicano antes de que puedan ingresar al país vecino. La medida, según las autoridades, eliminaría la última barrera para la apertura largamente demorada de las carreteras estadounidenses a los conductores mexicanos.

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- 26 Durante la Reunión Ministerial de la Asociación para la Seguridad y Prosperidad de América del Norte (ASPAN) (del 23 al 26 de febrero) México, Estados Unidos y Canadá acuerdan: finalizar antes de la próxima Cumbre de Mandatarios un marco de cooperación para la armonización regulatoria entre los tres países; finalizar antes de junio de 2007 un plan para prevenir y atacar una pandemia de influenza aviar o humana en la zona de América del Norte, y formar un mecanismo para coordinar el manejo de emergencias, en la protección de infraestructura crítica y la administración de incidentes fronterizos.
- 27 La Cámara Nacional del Autotransporte de Carga (Canacar) afirma que sólo una empresa mexicana, propietaria de diez camiones, mostró interés por iniciar operaciones hacia Estados Unidos, tras la reciente firma de un acuerdo para abrir el mercado de ese país como lo considera el TLCAN.

### Marzo

- 8 La Secretaría de Energía de México y la provincia de Alberta, en Canadá, firman un acuerdo con el fin de promover la colaboración en el sector energético en materia tecnológica y de capacitación. Los objetivos principales son
- establecer un marco de cooperación para el beneficio mutuo en materia energética;
  - promover objetivos comunes, fomentando la cooperación y el entendimiento entre los sectores energéticos de México y Alberta;
  - aprender de las mejores prácticas, regímenes reguladores y experiencia de talla mundial de cada uno, y
  - alentar la colaboración en el campo de la educación energética, por medio del desarrollo de programas específicos.

### Abril

- 19 La agencia de Aduanas y Protección Fronteriza (Border Patrol and Customs Service, CBP) informa que, a partir de esta fecha todo camión comercial que ingrese a Estados Unidos proveniente de México, a través de los cruces internacionales de California, Texas y Nuevo México, deberá enviar una notificación previa de su carga a los inspectores de la CBP. La notificación deberá hacerse a través del sistema electrónico denominado e-manifest. Roger Maier, portavoz de la CBP en El Paso, mencionó que en el año fiscal 2006 la agencia contabilizó un total de 773 265 camiones de carga que ingresaron de México a Estados Unidos por los cruces internacionales de Ciudad Juárez-El Paso.
- 24 A petición del Senado de la República, el plan piloto de apertura de la frontera de Estados Unidos con México para el autotransporte de carga será aplazado

hasta julio, debido a “detalles” que no se pudieron superar entre operadores y autoridades mexicanas, y pese a que el libre tránsito de camiones de carga estaba pactado desde 1995 en el Tratado de Libre Comercio de América del Norte.

### Mayo

- 26 El Congreso de Estados Unidos aprueba, como parte de la Ley de Gastos de Emergencia para Irak, una cláusula que bloquea el financiamiento federal para la entrada en vigor del programa piloto para el ingreso de los camiones mexicanos a Estados Unidos a partir del 15 de julio, hasta que el Departamento de Transporte emita una “certificación” de que cumplen con los estándares federales.
- 30 Fiona Mackie, economista principal de la Economist Intelligence Unit (EIU), una de las empresas que edita la revista *The Economist*, señala que la economía mexicana se ha vuelto más vulnerable por una doble dependencia de Estados Unidos en la parte de crecimiento y de los ingresos petroleros en el aspecto fiscal.

### Junio

- 13 Melissa Mazzella, portavoz de la Administración de Seguridad Federal de Transportistas (FMCSA), oficina estadounidense encargada de poner en marcha el programa piloto, aprobado en febrero, mediante el cual se permitiría a cien compañías de transporte mexicanas penetrar 25 millas más allá de la frontera, informa que este plan se pospondrá tentativamente hasta fines de agosto debido a una prórroga que exigió el Congreso de Estados Unidos para que se verifique las normas de seguridad.

## SEGURIDAD NACIONAL

### Enero

- 14 El diario *The New York Times* denuncia que el Pentágono y el Servicio Central de Inteligencia (CIA) han usado una potestad poco conocida para obtener documentos financieros de personas sospechosas de terrorismo o espionaje. Las agencias de seguridad han enviado “cartas de seguridad nacional” a bancos, empresas de tarjetas de crédito y otras compañías, en las que solicitan información sobre sus clientes.

- 18 Alberto Gonzales, secretario de Justicia, anuncia en una carta dirigida al Comité Judicial del Senado que el presidente Bush “ha decidido no reautorizar el Programa de Vigilancia Terrorista (TSP) cuando expire el actual permiso”. A partir de entonces “cualquier vigilancia electrónica que se realice como parte del TSP se llevará a cabo bajo la aprobación del Tribunal de Vigilancia de la Inteligencia Internacional”. El cambio de supervisión para las escuchas telefónicas significa que cualquier tipo de espionaje interno que lleve a cabo el gobierno federal deberá contar con autorización judicial.

### Febrero

- 6 George W. Bush aprueba plan del Pentágono para crear un nuevo mando militar para coordinar las operaciones en África y aplacar posibles amenazas futuras a la seguridad del continente. Lo anterior debido a que los mandos del Pentágono han valorado en los últimos tiempos la importancia estratégica de África y han elevado su preocupación sobre posibles amenazas, incluidas las relativas al terrorismo, que pueden emerger en zonas sacudidas por la guerra.
- 24 Beverley McLachlin, jueza de la Corte Suprema de Canadá, invalida un procedimiento relativo a los “certificados de seguridad”, el cual permite a las autoridades llevar a cabo detenciones indefinidas y sin juicio, así como las expulsiones a sus países de origen, de extranjeros o residentes sin ciudadanía canadiense, que representaran, en opinión de las autoridades, una amenaza para la seguridad de Canadá.

### Marzo

- 2 Arnold Punaro, presidente de la Comisión sobre la Guardia Nacional y Reservas y ejecutivo de la Scientific Applications International Corp., contratista de defensa de San Diego, dijo en un informe al Congreso que las cargas simultáneas que significan la guerra y la defensa de la seguridad interna han hecho mella tanto en la Guardia Nacional como de las reservas, dejándolos sin personal, sin equipo y al borde del derrumbe.
- 9 Glenn A. Fine, inspector del Departamento de Justicia, indicó, como resultado de una auditoría, que el FBI hizo un uso incorrecto y a veces hasta ilegal de la USA Patriot Act para obtener información personal sobre ciudadanos estadounidenses.

### Abril

- 11 En un estudio realizado por el Centro Europeo para la Información Estratégica y la Seguridad (ESISC, por sus siglas en inglés), se advierte que la posi-

bilidad de un atentado de Al-Qaeda en América Latina, particularmente en México y Venezuela, es una amenaza real. “El riesgo de un ataque terrorista contra intereses occidentales en América Latina o el Caribe es real”, subraya la organización, creada en mayo de 2002 para el estudio de la amenaza terrorista en la Unión Europea.

### Mayo

- 3 Un informe dado a conocer por la Secretaría de Hacienda y Crédito Público (SHCP) indica que los gastos del actual gobierno relacionados con la seguridad pública y nacional se elevaron a más de trece mil millones de pesos en los primeros tres meses de este año, una cantidad sin precedente, de la cual 47.6 por ciento (casi 6 200 millones de pesos) correspondió a las erogaciones realizadas por la Secretaría de la Defensa Nacional (Sedena). Los gastos reportados por las dependencias y organismos relacionados directamente con la seguridad pública y nacional en conjunto son casi equivalentes al presupuesto total de 2007 asignado a la Secretaría de Seguridad Pública (SSP) Federal: 13 324.4 millones de pesos.
- 28 La Secretaría de Gobernación (Segob) publicó este lunes en el *Diario Oficial de la Federación* el acuerdo por el que se crea el Comité Especializado de Alto Nivel, que coordinará las acciones del Poder Ejecutivo con otros países en materia de desarme, terrorismo y seguridad internacional. Dicho Comité es un órgano auxiliar del Consejo de Seguridad Nacional que actuará como autoridad nacional responsable del enlace internacional y de la coordinación en el ámbito interno.

## SEGURIDAD BINACIONAL

### Enero

- 17 Los congresistas demócratas Silvestre Reyes, legislador de El Paso y presidente del Comité de Inteligencia, y Henry Cuellar, legislador de Laredo, presentan ante la Cámara de Representantes el proyecto “Alianza 2007 para un vecino próspero y seguro”. Mediante este proyecto piden que se conceda a México 850 millones de dólares en ayuda estadounidense para mejorar la seguridad y promover el desarrollo económico en los próximos cinco años otorgando 170 millones de dólares anuales por el próximo quinquenio. Los autores del proyecto dijeron que México recibió el año pasado apenas 69 millones, un monto menor que el concedido a Colombia y Perú. La ayuda sería

usada por México en la profesionalización de la policía; mejoramiento de la tecnología usada en la lucha contra las drogas; fortalecimiento de los tribunales de justicia; establecimiento de programas anticorrupción y promoción económica, y para el desarrollo social con la construcción de capacidades para micropréstamos y mejor comercio.

- 18 En una entrevista publicada en el diario *El Financiero*, Fernando Solana, nuevo presidente del Consejo Mexicano de Asuntos Internacionales (Comexi), señaló que la iniciativa que discuten México, Canadá y Estados Unidos, como parte de la Alianza para la Seguridad y la Prosperidad de América del Norte (ASPAN), para crear un perímetro de seguridad que se extienda desde el extremo norte de Canadá, el océano Ártico, hasta el extremo sur de México, en la frontera con Guatemala y Belice, sólo crearía un “perímetro de inseguridad” para nuestro país. Solana no acepta que esta medida sea la solución para enfrentar al terrorismo y al crimen organizado.
- 22 Miembros de la Guardia Nacional de Dakota del Sur son enviados a la frontera con México, cerca de Nogales, Arizona, para coadyuvar en las labores de vigilancia y frenar el paso de indocumentados.
- 26 El Departamento de Seguridad Nacional (DHS) inicia la construcción de los 1120 kilómetros de barreras físicas ordenadas el año pasado por el Congreso, mientras el debate migratorio reencendido el martes por el presidente George W. Bush dividía a su partido y al país. “Es el primer paso de la construcción ordenada por la Ley Barda Segura, que el Congreso aprobó en septiembre del año pasado”, indicó un portavoz del DHS. La legislación ha sido integrada en la ley sobre fronteras seguras que incluye la creación de una “barda virtual” que combinaría barreras físicas, cámaras de televisión y sensores electrónicos.
- 29 Con el envío de 6 800 agentes estatales y federales a la frontera con México, el gobierno de Texas intensificó su programa de combate al crimen en su frontera sur. Rick Perry, gobernador de Texas, explicó que es la segunda fase del operativo “Río Grande”, que se inició en febrero de 2006 y que reportó haber reducido hasta 60 por ciento la incidencia criminal en las zonas de patrullaje.

## Febrero

- 6 El gobierno de Estados Unidos da luz verde al regreso de soldados mexicanos a cursos en bases estadounidenses, luego de que levantara por “razones de interés nacional” el embargo militar que impuso a México como represalia por el ingreso del país a la Corte Penal Internacional. Con esta decisión presidencial, las Fuerzas Armadas mexicanas tienen nuevamente acce-



so a programas de entrenamiento para fuerzas especiales, cursos de inteligencia, tácticas antiterrorismo y preparación para operaciones de paz en distintos fuertes de la Unión Americana. Desde 2006 y durante más un año, las Fuerzas Armadas de México fueron excluidas de virtualmente todos los programas de Educación Militar y Entrenamiento Internacional del Pentágono (IMET, por sus siglas en inglés), lo que redujo el número de soldados mexicanos becados en instituciones militares estadounidenses.

- 21 Secretarios de Seguridad Pública de la frontera de México y Estados Unidos participantes en la Mesa Binacional de Seguridad Fronteriza acuerdan establecer sistemas de información electrónica compartida para hacer más eficiente la captura de delincuentes y la recuperación de vehículos con reporte de robo en esta región, además de mecanismos de coordinación en caso de desastres naturales, emergencias y eventuales casos de terrorismo. Acordaron realizar ejercicios conjuntos en forma preventiva sobre terrorismo en la frontera, así como la capacitación y entrenamiento para el uso de equipo especializado en esta materia.
- 22 La canciller Patricia Espinosa Cantellano admite que trabajadores de Estados Unidos que construyen el muro metálico en la frontera, cruzaron territorio mexicano en los límites entre Douglas, Arizona, y Agua Prieta, Sonora, y lo hicieron además con maquinaria pesada. “Esto es parte de la lamentable construcción de cercas que México ha rechazado”, dijo la funcionaria.

### Marzo

- 2 El diputado Samuel Aguilar Solís, del grupo parlamentario del PRI, denuncia que en la construcción del muro metálico en la frontera con Estados Unidos participan militares, integrantes de la Patrulla Fronteriza y un grupo especial armado que se denomina Fence Crew Agents (FCA).

### Abril

- 16 El presidente estadounidense George W. Bush visita un sector de la frontera con México (Yuma, Arizona) con varios propósitos en mente: resaltar los logros de su administración en materia de seguridad y protección fronteriza, exponer las líneas generales del rumbo que en opinión de la Casa Blanca debería seguir la reforma migratoria y hacer un llamado al Congreso para aprobarla este mismo año —después de un debate “serio, cortés y concluyente”— con el apoyo de republicanos y demócratas.

Según un memorando de entendimiento firmado por el secretario mexicano de Hacienda Agustín Carstens y el secretario de Energía de Estados Unidos Samuel Bodman, Estados Unidos proporcionará a México asistencia técnica para la instalación y operación de equipos de detección de cargas nucleares y radiactivas en los puertos de Manzanillo y Lázaro Cárdenas, en la costa del Pacífico, así como en Altamira y Veracruz, en la costa del Golfo de México. La embajada mexicana informó que la ayuda estadounidense será canalizada a través de la Administración General de Aduanas de México.

### Mayo

- 15 El diario *The Washington Post* señala que la tecnología de visas láser, en la cual se muestra el rostro y la huella digital, que fue utilizada y pregonada durante la década pasada como una avanzada manera para detener a los terroristas y migrantes ilegales en su entrada al país a través de México tiene una desventaja: los inspectores de la frontera casi nunca la usan. De hecho, el equipo necesario aún no está instalado en ciertos lugares de inspección a lo largo de la frontera. Sin embargo, funcionarios del gobierno dijeron que revisar a más gente crearía un problema demasiado grande en la frontera, donde habría embotellamientos muy grandes que ocasionarían pérdida de tiempo. Por lo anterior, ahora se está implementando el método biométrico que es más rápido, más efectivo y se irá expandiendo conforme lo permita la tecnología.
- 25 Una nota publicada en el diario *Los Angeles Times* informa que el gobierno de México busca ampliar su capacidad de poder escuchar llamadas telefónicas y leer mensajes del correo electrónico utilizando el apoyo económico del gobierno de Estados Unidos al instalar un sistema de interceptación de comunicaciones (*communications Intercept System*). El sistema fue instalado por la AFI y le permitirá a las autoridades rastrear a usuarios de teléfono celular cuando estén viajando, según especificaciones del contrato. El sistema, previsto para comenzar su operación este mes, fue pagado por el Ministerio de Asuntos Exteriores estadounidense y vendido por Verint Systems Inc., una firma que se ubica en Melville, Nueva York, y se especializa en la vigilancia electrónica.
- 28 La legislatura de Texas aprueba un presupuesto estatal de 152 500 millones de dólares para los próximos dos años, en el que se incluyen recursos para mejorar la vigilancia en la frontera con México. El presupuesto para los años 2008 y 2009 incluye unos 43 millones de dólares para reforzar con más agentes y equipo los departamentos del sheriff ubicados a lo largo de la frontera.

## Junio

- 6 Rick Perry, gobernador de Texas, firma una ley de seguridad interior, la cual implica la creación de un Consejo de Seguridad Fronteriza nombrado por el gobernador para que apoye en la asignación de fondos, establece un sistema de ayuda mutua durante emergencias y amplía las capacidades de las agencias policiales para intervenir teléfonos.
- 11 La Patrulla Fronteriza pone en marcha la operación Noble Mustang, mediante la cual el gobierno federal utilizará un nuevo equipo de jinetes y caballos para patrullar los confines más escarpados de la frontera norte de Estados Unidos.

El Departamento de Justicia informa que tres miembros de la Guardia Nacional asignados a la frontera entre Texas y México fueron acusados de dirigir una organización de contrabando de inmigrantes, después de que se descubrió a uno de ellos manejando una camioneta con 24 indocumentados.

- 21 Un informe de la GAO asegura que existen serias dudas sobre si la Patrulla Fronteriza puede realmente entrenar y supervisar a los seis mil nuevos agentes que el gobierno de Bush quiere contratar para antes de que termine el año 2008. El informe cuestiona si el desempeño final de quienes tengan a cargo la vigilancia en la frontera no se verá disminuido por la transferencia de nuevos agentes a la frontera y propone que para reducir estos riesgos se tenga en cuenta un programa de adiestramiento estandarizado, la contratación de agentes especializados que entrenen a los nuevos oficiales y que la Patrulla Fronteriza pueda supervisar el buen funcionamiento de los nuevos agentes.
- 26 Mediante una nota diplomática de protesta, el gobierno de México solicita a su par de Estados Unidos retirar inmediatamente un tramo de aproximadamente cinco kilómetros de muro metálico que fue levantado en territorio nacional; en algunos casos, este cerco se introduce 1.8 metros en la zona de las Palomas, Chihuahua.

El gobierno estadounidense confirmó a México su “plena voluntad” de retirar a la brevedad posible esa sección del muro.

## DIPLOMACIA

### Enero

- 19 Antonio Garza, embajador de Estados Unidos en México, informa que la embajada estadounidense, a través de su Agencia para el Desarrollo Internacional, firmó un convenio con el Consejo Nacional para la Ciencia y la

Tecnología (Conacyt) por dos millones de dólares, a fin de fortalecer los programas de posgrado en México.

### Febrero

- 14 Guillermo Ortiz Mayagoitia, presidente de la Suprema Corte de Justicia de México, informa que la Corte resolvió que los tratados internacionales están por encima de todas las leyes nacionales, con excepción de la Constitución.
- 21 Emilio Goicoechea es ratificado como embajador de México en Canadá.

### Marzo

- 12 Felipe Calderón se reúne en Mérida, Yucatán, con George W. Bush, con quien trata los temas relacionados con migración, lucha contra el crimen organizado y el narcotráfico, así como las reformas sobre la integración del Consejo de Seguridad de la ONU.

## MIGRACIÓN

### Enero

- 8 Glenn A. Fine, inspector general del Departamento de Justicia de Estados Unidos, da a conocer un informe, realizado por esa dependencia, el cual señala que los inmigrantes indocumentados arrestados y liberados en Estados Unidos pueden haber pasado por la misma experiencia hasta en seis ocasiones en apenas dos años. Fine dijo que el resultado se basa en el análisis de cien casos de expedientes sobre detenciones ocurridas entre 2003 y 2004, los años más recientes sobre los que se cuenta con estadísticas completas, de estos casos 73 correspondieron a inmigrantes arrestados en total 429 veces por situaciones que incluyen infracciones de tránsito, tráfico de armas y drogas, robo, asalto, daño a la propiedad privada y hasta terrorismo en tres de ellos.
- 11 Bruce Priddy, juez estatal de distrito en Dallas, Texas, bloquea, un día antes de entrar en vigor, una ordenanza antiinmigrante que requeriría que los caseros verificaran la ciudadanía de potenciales inquilinos.

Deval Patrick, nuevo gobernador demócrata de Massachusetts, revoca la decisión tomada por su antecesor Mitt Romney que facultaba a la policía del estado a arrestar a los inmigrantes indocumentados en esa jurisdicción y comenzar un proceso para su deportación. Patrick sustituyó la medida por una disposición que únicamente facilita la deportación de los extranjeros en

condición ilegal convictos por crímenes cometidos en Massachusetts o que hayan huido de cualquier otro estado del país.

Un grupo de legisladores, entre ellos, el senador demócrata Edward M. Kennedy –el creador principal del proyecto senatorial del año pasado–, así como los senadores republicanos Larry Craig y Mel Martínez, promueve la legalización temporal de hasta a un millón y medio de inmigrantes indocumentados, a fin de generar una reserva de mano de obra en la producción agrícola de Estados Unidos. De acuerdo con la iniciativa, los inmigrantes ilegales que demuestren que trabajaron en la agricultura al menos 150 días en los dos últimos años podrían aspirar a recibir una “tarjeta azul” que les otorgaría un carácter legal temporal.

- 17 Un reporte del inspector general del Departamento de Seguridad Interna afirma que las autoridades no han cumplido con estándares adecuados de salud y protección para algunos de los inmigrantes ilegales detenidos en cinco centros de detención inspeccionados.

En Arkansas, un proyecto de ley que prohíbe a los contratistas estatales ofrecer empleo a inmigrantes ilegales fue rechazado en una comisión de la Cámara de Representantes estatal debido a que los legisladores no estuvieron de acuerdo en que la inmigración ilegal tiene un efecto adverso en la economía del estado.

- 23 Hoy entra en vigor la nueva ley que obligará por primera vez a ciudadanos norteamericanos, canadienses, mexicanos y de Bermudas a presentar sus respectivos pasaportes para entrar a Estados Unidos cuando viajen por aire.
- 26 El senador Jeff Sessions, republicano por Alabama, presentó una enmienda que busca imponerles una prohibición de contratos de entre siete y diez años a las compañías si emplean a inmigrantes ilegales incluso inadvertidamente.
- 28 México y Estados Unidos intensifican la operación del Sistema de Información Avanzada de Pasajeros (APIS, por sus siglas en inglés) para revisar a todos los usuarios que salen de México por vía aérea. Es decir, casi veinte millones de pasajeros al año. Lo anterior tiene como objetivo revisar y cotejar en bases de datos de agencias de inteligencia la información de los pasajeros y detectar a posibles criminales y terroristas. Cuando inició el APIS, en el año 2004, se reportó el registro de siete millones de pasajeros. En 2005, APIS revisó a quince millones de pasajeros e identificó a más de 1100 personas buscadas por agencias policíacas por distintos delitos.

## Febrero

- 1 De acuerdo con la organización Mexicanos Unidos en Acción, con sede en Houston, Texas, en los últimos cuatro años el número de grupos cazamigrantes en Estados Unidos aumentó de 200 a 650, unos cien por año.
- 21 Arturo Sarukhán, recién nombrado embajador de México en Estados Unidos, dice que México está decidido a lograr un acuerdo con Estados Unidos en materia de inmigración y para ello emprenderá una campaña intensa de cabildeo, semejante a la que lanzó el país en busca del Tratado de Libre Comercio de América del Norte. El embajador informa que los consulados mexicanos encabezarán la iniciativa.
- 28 La Cámara de Representantes de Oklahoma aprueba un proyecto de ley que niega asistencia pública a los indocumentados de ese estado. Este proyecto de ley reserva exclusivamente las licencias de manejar y las tarjetas de identidad a los ciudadanos estadounidenses e inmigrantes legales, y exige a las autoridades estatales y municipales la verificación de ciudadanía y la legalidad de estancia en el país de todas las personas que soliciten los servicios sociales estatales o locales.

Funcionarios del Departamento de Seguridad Interna informan que la administración Bush decide aplazar hasta por diecinueve meses la puesta en marcha de la Real ID Act, mediante la cual se busca endurecer las exigencias de seguridad de las licencias de conducir y que estaba planeada para el mes de mayo de 2008. Este aplazamiento se debe principalmente a los altos costos que implicaría hacer que este documento sea más difícil de falsificar.

## Marzo

- 8 Más de cuatrocientos inmigrantes indocumentados han sido arrestados al cumplirse hoy el primer año desde que el alguacil del condado Maricopa, Joe Arpaio, puso en práctica la ley estatal "anticoyote".
- 29 La Cámara de Representantes de Illinois aprueba un proyecto de ley que otorgaría a inmigrantes indocumentados la posibilidad de obtener certificados de manejo sin número de seguro social. Edgard Acevedo, representante demócrata y autor de la iniciativa que logró los sesenta votos necesarios, asegura que "Esta ley beneficiará a todos, convirtiendo en más seguras las carreteras del estado".

El secretario de Seguridad Interior, Michael Chertoff, el de Comercio, Carlos Gutiérrez, e influyentes senadores republicanos elaboraron el primer proyecto de reforma de las leyes inmigratorias de este año. En él se propone que los inmigrantes ilegales deben abandonar el país y pagar enormes multas

para adquirir la residencia legal. El plan intenta imponer la seguridad fronteriza como prioridad al requerir el emplazamiento de más de 18 000 agentes y 595 kilómetros (370 millas) de barda antes de que entre en vigencia cualquier programa de visas de trabajo temporales.

#### Abril

- 13 Ruth McGregor, presidenta de la Corte Suprema de Arizona, a través de una orden administrativa, ordena la aplicación de la Ley 100, la cual niega fianza a indocumentados detenidos por delitos graves. La medida, que tiene carácter de cumplimiento inmediato, establece que el personal de la corte está autorizado para averiguar sobre el estatus migratorio de una persona, solamente para determinar si puede quedar libre mientras espera un juicio.
- 16 En un informe presentado por el Banco Mundial (BM) se informa que México se convirtió en el mayor expulsor de trabajadores migrantes del planeta. El informe asegura que entre 2000 y 2005 salieron de México dos millones de personas para buscar trabajo en Estados Unidos. Es importante el dato si se toma en cuenta que una década antes, entre 1990 y 1995, el registro da cuenta de una emigración de un 1 800 000 mexicanos.
- 23 Queda instalado el nuevo Consejo Consultivo del Instituto Nacional de Migración (INM), presidido por Rafael Fernández de Castro. Entre los propósitos que se fijan para esta instancia, destacan la aportación de alternativas al desempeño del INM, que incluyan la proposición de programas, estrategias y acciones para la ejecución de la política de México y los servicios migratorios.
- 25 Según proyecciones poblacionales del Consejo Nacional de Población (Conapo), hacia el año 2030, al menos quince estados de la república mexicana verán incrementada entre un 9 y un 30 por ciento la migración de su población hacia el extranjero.

#### Mayo

- 4 Un informe del Conapo destaca que los mexicanos que salieron del país en 2006, la mayoría a trabajar a Estados Unidos, son más que los que fallecieron en todo el territorio nacional. De acuerdo con sus mediciones, de 2000 a 2005 emigraron de México alrededor de 2 800 000 mexicanos, cerca de 577 000 por año. Los que nacieron fueron menos de dos millones y los que fallecieron suman 501 000 en total.
- 11 El estudio denominado *¿De aquí p'allá o de allá p'acá? Clubes de migrantes jaliscienses, promoción estratégica de capital social y desarrollo*, elaborado por El Colegio de la Frontera Norte (Colef), señala que, aun cuando fueron creados

originalmente con objetivos filantrópicos y sociales, los clubes de trabajadores mexicanos que emigran a Estados Unidos se han consolidado como “generadores de capital social”, para contribuir a contrarrestar el atraso y la pobreza de sus comunidades de origen.

- 14 Los ciudadanos de Farmers Branch, una ciudad de unos 28 mil habitantes situada en las afueras de Dallas, Texas, aprueban prohibir alquilar viviendas a indocumentados. Ésta es una de las más de 90 medidas planteadas por gobiernos locales de todo Estados Unidos para luchar contra la inmigración ilegal.
- 24 El Senado de Estados Unidos aprueba recortar la cantidad de trabajadores extranjeros que podrían ingresar al país con visas temporales como parte de un amplio proyecto bipartidista para una reforma migratoria. De acuerdo con la propuesta, aprobada por 74 votos y 24 en contra, un nuevo programa de trabajadores invitados tendría un límite de 200 mil al año.

## Junio

- 18 El Informe sobre desarrollo humano en México 2006-2007: migración y desarrollo humano, elaborado por el Programa de Naciones Unidas para el Desarrollo (PNUD), asegura que el principal motor de la migración en México tanto interna como hacia el extranjero, más que la pobreza es la desigualdad que prevalece entre regiones, estados y municipios del país, así como entre hombres y mujeres.
- 25 Alrededor de 260 000 mexicanos indocumentados se establecen en Estados Unidos cada año, según un reporte sobre migraciones en el mundo publicado por la Organización para la Cooperación y el Desarrollo Económico (OCDE).  
Según la Conferencia Nacional de Legislaturas Estatales (NCSL por sus siglas en inglés) hasta el mes de mayo las legislaturas estatales, ante la ineficiencia del Congreso de aprobar una reforma migratoria, han presentado más de 1100 propuestas de leyes migratorias, esto es más del doble del total de propuestas presentadas durante el año pasado, que se caracterizan por tratar de impedir que los inmigrantes ilegales consigan trabajos, encuentren vivienda, obtengan licencias para manejar y reciban muchos de los servicios que provee el gobierno.
- 29 Después de seis semanas de negociaciones, arreglos parlamentarios y peticiones del ejecutivo, el senado de Estados Unidos rechazó la ley de inmigración propuesta por el presidente Bush al no lograr el apoyo de 60 senadores para que la ley avanzara, postergándola para después de las elecciones de 2008 y reduciendo con ello las oportunidades del presidente de “barrer” con las metas establecidas en su agenda política interna.



## REMESAS

### Febrero

- 1 El Banco de México informa en su reporte anual que en 2006 las remesas enviadas por los mexicanos que cruzan la frontera hacia Estados Unidos alcanzaron la cifra de 23 054 millones de dólares. Es una cantidad que, comparada con los 20 035 millones de dólares de 2005, representó un crecimiento anual de 15.1 por ciento.
- 6 Sobre la base de una encuesta patrocinada por el Fondo Multilateral de Inversiones (Fomin) del Banco Interamericano de Desarrollo (BID) se realizó un estudio el cual indica que las remesas que los mexicanos enviaron en 2006 ascendieron a 25 000 millones de dólares, casi dos mil millones más que las detectadas por el banco central del país y que su uso para cubrir sólo necesidades básicas va en descenso. El organismo detectó que el uso de las remesas en el país para gastos de primera necesidad bajó del 78 por ciento en 2003 al 57 por ciento en 2006, y en cambio, subieron otros usos como el ahorro (del 8 al 14 por ciento en el mismo periodo), el financiamiento a la educación (del 7 al 13 por ciento) y la inversión en negocios (del 1 al 5 por ciento).
- 13 El Banco de México, en el informe titulado "Las remesas familiares en México. Inversión de los recursos de migrantes", indica que seis de cada diez mexicanos que se van a Estados Unidos tenían un empleo en México antes de irse.

## EXTRADICIONES / DEPORTACIONES / REPATRIACIONES

### Enero

- 22 El gobierno mexicano entregó a quince capos del narcotráfico, blanqueadores de dinero, homicidas y secuestradores a Estados Unidos, con los argumentos de que estos individuos afectaban "la seguridad interior de la nación, el orden y la paz social, la vida e integridad física de los mexicanos". Los extraditados fueron Osiel Cárdenas Guillén, Héctor *El Güero* Palma Salazar, los hermanos Ismael y Gilberto Higuera Guerrero, Miguel Ángel Arriola Márquez, Gilberto Garza García *El Güero Gil* y otros pedidos por Estados Unidos.  
Según un informe del Departamento de Seguridad Nacional, un total de 89 000 inmigrantes fueron deportados en el ejercicio fiscal del 2006 y la mayoría, 68 000, fueron enviados a México al ser clasificados en Estados Unidos como delincuentes.

## Mayo

- 31 Autoridades de la Oficina de Control de Inmigración y Aduanas (ICE) para la región oeste del país informan que, en lo que va de 2007, han sido deportadas 68 257 personas de nacionalidad mexicana. Entre esas expulsiones se incluyen a 34 222 personas que cometieron algún delito en este país o enfrentaban una orden de deportación y perdieron su caso frente a un juez de inmigración.

## Junio

- 21 De las 214 897 repatriaciones de mexicanos de Estados Unidos en los primeros cuatro meses de 2007, 85 005 fueron por la delegación de Sonora del INM, cifra que representa el 39.5 por ciento del total. De acuerdo con el INM, le siguieron las delegaciones Baja California, con 77 783 repatriaciones, que significan el 36.1 por ciento, Chihuahua, con 39 407 repatriaciones, es decir, el 18.3 por ciento.

## CRIMEN ORGANIZADO Y NARCOTRÁFICO

### Enero

- 11 Eduardo Medina Mora y Alberto González, procuradores de justicia de México y Estados Unidos, respectivamente, se reúnen en el Distrito Federal como parte de la estrategia contra el crimen organizado y en específico contra el narcotráfico. La intención es establecer una agenda bilateral en materia de seguridad que sirva para contrarrestar el tráfico de droga, su consumo y de igual forma atacar la violencia que se vive en la frontera de ambos países. Algunos temas de dicha reunión serán mejorar el intercambio de información, así como establecer acciones conjuntas para combatir delitos en materia de narcotráfico, control de químicos, casos de fugitivos y asuntos legales. Asimismo, atacar delitos como el tráfico de personas y armas, el lavado de dinero y diversos ilícitos cibernéticos que se han presentado en los últimos meses.
- 14 Un reporte entregado al Congreso de Estados Unidos por el Departamento de Seguridad Interna confirma información de la Guardia Nacional al señalar que los decomisos de cocaína en el Pacífico se incrementaron, desde 2000 y hasta 2005, en 68 por ciento. Según la Guardia Costera de Estados Unidos los cárteles mexicanos y sudamericanos han desarrollado dos rutas en el Pacífico. La primera, conocida como costera y de mayor riesgo, consiste en el uso de lanchas rápidas que salen desde Ecuador o Colombia y fondean por

la costa de Centroamérica hasta llegar a México o Guatemala. La segunda ruta, llamada de profundidad, los pesqueros zarpan de Sudamérica, se encuentran en altamar –al oeste de las islas Galápagos– con una lancha rápida que se dirigirá a México y ahí realizan el canje de dinero por droga.

- 19 Charles Allen, jefe de Inteligencia del Departamento de Seguridad Nacional estadounidense, al comparecer ante el Comité de Inteligencia de la Cámara Baja, dijo que la corrupción y la limitación de recursos ponen en duda el éxito de largo plazo en el combate mexicano al narcotráfico en la frontera con Estados Unidos. Además aseguró que existen áreas fuera de control de los gobiernos central o estatal mexicanos.

### Febrero

- 9 Un equipo de investigadores de la Oficina para Asuntos Latinoamericanos (WOLA, por sus siglas en inglés), con sede en Washington, y del Instituto Tecnológico Autónomo de México (ITAM), redactaron el documento “Pandillas transnacionales de jóvenes en América Central, México y Estados Unidos”, en el cual se señala que las pandillas formadas por inmigrantes centroamericanos o conectadas con la Mara Salvatrucha o la Barrio 18 no se han esparcido en México. Asimismo, el estudio sostiene que, pese a la retórica alarmista, las bandas de maras centroamericanos no son un problema mayor en este país.
- 13 John Walters, zar antidrogas de Estados Unidos, da a conocer el fin de semana el informe titulado “Estrategia Nacional para el Control de Drogas” 2007. En él se advierte que el narcotráfico y la violencia que genera son una amenaza para la soberanía de México. En el documento se señala que se continuará e incrementará la cooperación bilateral entre México y Estados Unidos para luchar contra la amenaza transfronteriza que significa el tráfico de drogas.
- 16 Un informe de la Agencia Federal de Investigación (AFI) revela que la erradicación de cultivos de droga se desplomó casi un 50 por ciento durante el último año en México. Reconoce que esto se debió a la falta de equipo, pues las aeronaves que se utilizan para destruir los plantíos “han ido quedando inoperables”. Los 25 pilotos expertos en fumigación –cuyo entrenamiento costó 625 mil dólares al erario–, sólo acuden a firmar su asistencia en espera de nuevas órdenes, ya que la función que desempeñaban quedó en manos de la Secretaría de la Defensa Nacional (Sedena) en esta administración.
- 18 Francisco Ramírez Acuña, secretario de Gobernación, anuncia que el gobierno mexicano va a extender su operación antidrogas a dos estados fronterizos

con Estados Unidos, enviando elementos del ejército, de la marina y policías federales a Tamaulipas y Nuevo León.

- 20 Según un estudio realizado por la Oficina para la Política Antidrogas de la Casa Blanca (ONDCP, por sus siglas en inglés), el consumo de fármacos como narcóticos crece de forma alarmante entre los adolescentes de Estados Unidos y ocupa ya el segundo lugar, luego de la marihuana, entre las drogas más utilizadas por ese sector de población. El estudio revela que los jóvenes van reduciendo el consumo de drogas que suelen conseguirse en la calle, pero buscan en casa y entre sus amistades medicamentos que los estimulen.

### Marzo

- 1 El Informe 2006 de la Junta Internacional de Fiscalización de Estupefacientes (JIFE), dependiente de la Organización de Naciones Unidas (ONU), asegura que cárteles y grupos delictivos mexicanos controlan ya la mayor parte del tráfico de drogas en Estados Unidos, en particular el de cocaína, marihuana, metanfetaminas y heroína. El documento fue dado a conocer ayer en conferencia de prensa encabezada por José Manuel Martínez Morales, representante regional para México y Centroamérica de la Oficina de la ONU contra la Droga y el Delito (ONUDD). El informe señala que México, Estados Unidos y Canadá son los principales objetivos del crimen organizado a escala mundial.

Alberto R. Gonzales, procurador general estadounidense, informa que más de cuatrocientos traficantes de drogas de la organización del mexicano Víctor Emilio Cázares Gastélum, fueron arrestados en tres entidades de Estados Unidos. El funcionario precisó que mediante una operación denominada Emperador Imperial, la Administración Antidrogas (DEA) y la Oficina de Inmigración y Aduanas (ICE, por sus siglas en inglés) arrestaron a 66 narco-trafficantes en California, Arizona e Illinois.

- 2 Según el informe anual sobre control internacional de narcotráfico del Departamento de Estado, titulado *International Narcotics Control Strategy Report*, (INCSR por sus siglas en inglés) el gobierno de Estados Unidos alabó la cooperación antidrogas del gobierno mexicano, pero advirtió que los niveles de violencia, corrupción y consumo doméstico “crecieron en 2006” y colocó al país como el segundo importador de pseudoefedrina en el mundo. El informe ubica a México como uno de los principales puntos de origen y paso para narcóticos consumidos en Estados Unidos, en particular, para 90 por ciento de la cocaína. El texto también dice que México es uno de los mayores conductos para la salida de ganancias ilegales en Estados Unidos.

- 9 El informe titulado “Delitos violentos en Estados Unidos: 24 meses de patrones alarmantes”, divulgado por el Foro Policial de Investigaciones Ejecutivas, organización especializada en agencias del orden, informa que el índice de asesinatos subió más de 10 por ciento en docenas de ciudades grandes de Estados Unidos desde 2004. El informe analiza los índices de delitos graves en 56 áreas metropolitanas de Estados Unidos entre 2004 y 2006.
- 21 El gobierno de Estados Unidos revela su participación en el decomiso de más de 205 millones de dólares en una casa de las Lomas en Chapultepec en el Distrito Federal. En Washington, la DEA aclara que el operativo fue “resultado del tremendo trabajo policiaco de autoridades mexicanas en cooperación con la DEA durante buena parte del año pasado. Su administradora, Karen P. Tandy, confirmó que el dinero fue pagado por cárteles mexicanos que fabrican metanfetaminas para su venta en Estados Unidos.
- 22 Según declaraciones de la administradora de la DEA, Karen P. Tandy, en el último año, esta agencia intensificó sus operaciones en México. Además del intercambio de información sobre la actividad de los cárteles del narcotráfico, en 2006 entrenó a dos mil policías federales en el combate al tráfico de drogas sintéticas y envió equipos de especialistas para realizar operaciones especiales en regiones controladas por los traficantes.
- 24 Arturo Sarukhán, embajador de México en Estados Unidos, declara en entrevista con los editores del diario *The Washington Post*, que la ayuda antidrogas que Estados Unidos da a México es “nula” y asegura que se va a necesitar “significativamente más” cooperación de ese país para que el combate resulte exitoso. Sarukhán afirma que se debe incluir información de inteligencia y más acciones contra el tráfico de armas y el lavado de dinero. Por su parte, Sean McCormak, portavoz del Departamento de Estado estadounidense, consideró los comentarios del embajador mexicano son propios de un novato: “Es nuevo y quizás no ha tenido oportunidad de leer su libro de informes”.

Mientras el embajador de México en Estados Unidos tachaba de “nulo” el apoyo de aquel país a la lucha antinarco, la DEA indicó en un reporte de esta semana que la ayuda a su vecino ha representado, sólo en los últimos diez meses, el entrenamiento de 2100 policías y servidores públicos mexicanos. Entre los cursos recibidos están algunos vinculados con labores de inteligencia y métodos de investigación para detectar y destruir laboratorios. Según este reporte, la colaboración bilateral tiene su principal recompensa con el reciente decomiso de más de 205 millones de dólares a la red internacional que dirige el prófugo Zhenli Ye Gon.

- 26 El Centro Nacional de Planeación, Análisis e Información para el Combate a la Delincuencia, de la PGR, elaboró un documento titulado "Panorama del tráfico de drogas en la frontera común", en el cual se detalla cómo la violencia, la economía ilícita y la presencia de grupos de sicarios han repercutido en la inseguridad y violencia vivida en ambos lados de la frontera. El informe fue considerado confidencial, pero el IFAI ordenó la elaboración de una versión pública. En el documento se aclara que autoridades tanto de México como de Estados Unidos están tomando en cuenta y como punto central de sus investigaciones lo que denominaron "las supuestas alianzas que se han dado a conocer en los medios informativos entre las distintas organizaciones criminales y que han desencadenado un conflicto por la posesión de territorios proclives para sus actividades ilícitas". El contenido del estudio proviene del intercambio de información entre autoridades mexicanas y estadounidenses. En él se encuentran los resultados y conclusiones de los análisis y estudios hechos sobre cantidades aseguradas, rutas de tráfico de drogas, principales lugares de aseguramiento, métodos de ocultamiento y modos de transportación en los estados que integran la frontera norte.

#### **Abril**

- 25 Durante una reunión en los Pinos, el presidente Felipe Calderón y el secretario del Tesoro de Estados Unidos, Henry M. Paulson, acuerdan profundizar la cooperación en materia de seguridad para fortalecer a ambas naciones, sobre todo en el combate contra el lavado de dinero y terrorismo.

Comisiones del Senado aprueban las reformas en materia penal y de salud para combatir el narcomenudeo, que pretenden transferir este delito al fuero común y que estados y municipios puedan combatirlo. Asimismo, se ajustan las tablas de consumo de estupefacientes, para diferenciar entre delinquentes y adictos. Por primera vez se podrá establecer esta distinción, pues a diferencia de hoy cuando se procesa a todos penalmente, los enfermos podrán cumplir su condena en los más de trescientos centros de rehabilitación que dispondrá el Estado para ello.

#### **Mayo**

- 6 En el documento titulado "La trata de mujeres, adolescentes, niñas y niños en México", preparado por la Comisión Interamericana de Mujeres de la Organización de Estados Americanos (OEA) y la Organización para las Migraciones (OIM), se advierte que en México ha cobrado dimensiones "alarmantes" la presencia y expansión de las redes nacionales e internacionales del

crimen organizado dedicadas a la trata de personas. Se advierte, además, que el Estado mexicano ya ha sido rebasado por esta clase de organizaciones delictivas.

- 11 Según el diario *The Dallas Morning News*, los gobiernos de México y Estados Unidos están discutiendo un plan, formalmente llamado Iniciativa Regional de Seguridad, mediante el cual se busca aumentar significativamente la ayuda estadounidense para luchar contra la extendida violencia de los narcotraficantes. Este plan representa una novedad para el gobierno mexicano, el cual sólo ha aceptado ayuda estadounidense limitada en el pasado por un sentido nacionalista y temores de que pueda venir condicionada, precisó el diario.
- 23 Ricardo García Villalobos, presidente del Tribunal Superior Agrario (TSA), señala que el empobrecimiento del campo mexicano y la falta de programas adecuados para los productores han causado que al menos un 30 por ciento de la tierra cultivable esté en manos de narcotraficantes.

## Junio

- 6 De los cerca de cinco mil efectivos de la AFI sólo 184 cuentan con la preparación y salvaguardas necesarias para que la oficina de la DEA en México pueda compartir información de inteligencia, reveló una auditoría aplicada por la agencia antidrogas estadounidense. Según la evaluación del inspector general del Departamento de Justicia de Estados Unidos, dichos elementos mexicanos han sido previamente sometidos a revisión de antecedentes, exámenes de polígrafo y pruebas de orina periódicas para poder permanecer dentro de las dos Unidades de Investigación Sensible (SIU) que operan en México. El programa, creado por el Congreso estadounidense con el presupuesto del año fiscal 1997 originalmente para México, Colombia y Bolivia, registra diferentes deficiencias detectadas por la auditoría del inspector general. Además de México, la DEA mantiene SIU en diez países, para evitar filtraciones que pongan en riesgo la lucha antinarcóticos. Pakistán, Uzbekistán, Tailandia, Colombia y Bolivia son algunos ejemplos.
- 14 El embajador de Estados Unidos en México, Tony Garza, anuncia que altos funcionarios de la Oficina de Alcohol, Tabaco y Armas de Fuego (ATF), dependencia del Departamento de Justicia, se encuentran en el Distrito Federal para analizar estrategias conjuntas que reduzcan la entrada ilegal de armas a territorio mexicano por la frontera.
- 15 Eduardo Medina Mora, procurador general de la República, califica de “cínica” la política antidrogas de Estados Unidos. Señala que en ese país sólo

ven el problema de sus fronteras hacia fuera y no atienden el consumo interno. El funcionario emitió esos pronunciamientos al presentar una ponencia ante integrantes del Instituto de Desarrollo Empresarial Anáhuac (IDE) y dijo que, en el caso de la marihuana, la mayor parte de la que se consume en Estados Unidos se produce ahí mismo.

- 21 El Centro Europeo para la Información Estratégica y la Seguridad (ESISC) sostiene que la lucha frontal contra el narcotráfico emprendida por el presidente Felipe Calderón no ha arrojado los resultados que se esperaban debido a errores estratégicos y a la desconfianza entre el Ejército y las fuerzas policíacas.
- 23 William Hoover, director adjunto para Operaciones de la ATF informa que habrá mayor cooperación con México, la cual se reflejará en un aumento de 24 agentes especiales en estados fronterizos con México, la instalación de al menos dos nuevas estaciones para rastreo de armas en la frontera y un ligero incremento del personal del organismo en México, Distrito Federal, y Monterrey. Hoover informa también que apoyarán a la AFI en su determinación de crear una base de datos, comunicación y consulta en México, a través de Internet y con accesibilidad desde todo el país.

## LATINOS

### Enero

- 22 Datos del estudio realizado por el Centro Selig para el Crecimiento Económico, con sede en Chicago, aseguran que los latinos aumentarán su poder adquisitivo a un ritmo mayor que los otros grupos minoritarios en los próximos años. Según el estudio, aquellos individuos que se declaran latinos y que pagan impuestos dispondrán de una cantidad de 863 100 millones de dólares para gastar o ahorrar. Este aumento del poder de compra latino se debe, en parte, al rápido crecimiento de la población hispana y a la mejora de los ingresos de los latinos, que a su vez se tiene que ver con el desarrollo del tejido empresarial y el rápido ascenso de los latinos en ese mundo.

### Febrero

- 21 Un informe dado a conocer por la Fundación Robert Wood Johnson expresa que, según datos federales, uno de cada tres adultos hispanos, es decir, casi seis millones de personas, que trabajan en Estados Unidos carecen de seguro médico. El estudio también revela que durante el año pasado uno de cada



cuatro adultos hispanos no pudo ir al médico cuando lo necesitó por no tener dinero suficiente para pagar una consulta.

### Mayo

- 17 Las minorías, con los hispanos a la cabeza, seguidos de los afroamericanos, ya suman 100 700 millones de personas en Estados Unidos, gracias en parte al crecimiento de la comunidad procedente de Latinoamérica y, en su conjunto, superan a la población que registró el país en 1910, según revela un informe divulgado por la Oficina del Censo. Los hispanos conforman la minoría más grande del país y hacia julio de 2006 totalizaban 44.3 millones o el 14.8 por ciento de la población total.

## SOCIAL

### Febrero

- 27 La cadena de periódicos McClatchy redactó un informe, con base en el análisis de datos del censo de 2005 —los más recientes disponibles—, en el cual se informa que el porcentaje de estadounidenses que vive en la pobreza extrema ha llegado a su punto más alto en 32 años, con casi dieciséis millones de personas. El análisis encontró que el número de estadounidenses severamente pobres creció 26 por ciento entre 2000 y 2005 (56 por ciento más rápido que el incremento general de la población en pobreza durante el mismo periodo).

### Abril

- 4 Según un comunicado del Consejo Nacional de Población (Conapo), casi seis millones de migrantes mexicanos que viven en Estados Unidos carecen de atención médica. La falta de acceso a la seguridad médica “se agudiza” entre los inmigrantes que tienen diez o menos años de residencia en Estados Unidos.

## MEDIO AMBIENTE

### Abril

- 8 Un tribunal federal de apelaciones determinó que el gobierno estadounidense puede ordenar el recubrimiento de un canal con concreto, en los puntos donde corre paralelo a la frontera con México, a fin de impedir que millones de galones de agua se filtren al sur. El dictamen de la corte anula una orden

de suspensión otorgada el año pasado, cuando los opositores interpusieron la demanda.

- 10 El gobierno de México rechaza la resolución de la Corte de Apelaciones de Estados Unidos, mediante la cual se ordena el reinicio de los trabajos de revestimiento del canal Todo Americano. La cancillería señala que el gobierno mexicano analiza en coordinación con los posibles afectados por esa resolución las opciones jurídicas para encontrar una solución integral a la situación del canal.

### **Mayo**

- 23 Sally Spener, portavoz de la Comisión Internacional de Fronteras y Aguas, informa que la construcción de una barda fronteriza, cuyo propósito sería impedir que indocumentados, contrabandistas y terroristas crucen el Río Bravo, podría agravar las inundaciones y variar el trazo de la frontera entre México y Estados Unidos. Esos cambios violarían un tratado internacional suscrito por ambos países en 1970 y con el cual se resolvieron las diferencias sobre qué países eran los propietarios de islas y territorios que han sido modificados por los cambios en el río que separa al estado de Texas de su vecino al sur.

## Traducciones de resúmenes/ Translations of Abstracts/ Traductions des sommaires

MIGUEL BASÁÑEZ, RONALD INGLEHART Y NEIL NEVITTE

### *Convergencia norteamericana: una revisión*

Este artículo revisa encuestas previas sobre el cambio de valores en Canadá, México y Estados Unidos. La evaluación anterior había mostrado que existía una convergencia de valores entre estas tres naciones norteamericanas. Este estudio, más reciente, confirma que esa tendencia, aun con sus diferencias nacionales y regionales, se mantiene, lo que contradice las predicciones de que sucedería lo opuesto. Independientemente de si se teme o se desea que dicho cambio suceda, el estudio indica que los tres países de Norteamérica lo están experimentando de manera inevitable.

**Palabras clave:** convergencia norteamericana, integración económica, cultura, valores, comercio, integración continental.

### *Convergence nord-américaine : une révision*

Cet essai examine les enquêtes précédentes concernant les changements de valeurs aux Canada, le Mexique et les Etats Unis. L'évaluation faite avant a démontré qu'une convergence de valeurs se produisait entre ces nations nord-américaines. L'étude la plus récente confirme cette tendance dans plusieurs secteurs (bien que les particularités nationales et régionales demeurent), ce qui confredit les prévisions qui affirmaient justement le contraire. Indépendamment de si on a peur ou on est désireux que tel changement ait lieu, cet essai soufien que chacun de trois pays nord-américains est en train de l'éprouver.

**Mot-clefs :** Convergence nord-américaine, integration économique, culture, valeurs, commerce, integration continentale.

STEPHEN CLARKSON

*¿Existe norteamérica? Gobernanza transfronteriza  
después del TLCAN y de la ASPAN*

Norteamérica, si se le ve como una entre varias regiones del mundo, es un enigma que presenta muchas realidades diversas. Desde la perspectiva de su institucionalización formal por el TLCAN, es considerablemente menos diversa de lo que aparenta. Cuando se le examina en esferas de gobernabilidad, como la administración de las aguas transfronterizas o la industria acerera, resulta que es bastante más sólida de lo que podría pensarse en primera instancia. En otros casos, como la regulación de los servicios financieros o los derechos de propiedad intelectual, lo que pareciera ser una armonización de la política continental es en realidad una manifestación de la globalización. En contraste, las medidas antiterroristas de seguridad fronteriza son lo que parecen: una planeación y un manejo de la política intergubernamental de Estados Unidos en la que el hegemon depende de la colaboración de la periferia. Si se quiere ver el rumbo al que Norteamérica se dirige, la consolidación del mercado global de la industria acerera sugiere que el continente ha perdido su oportunidad de convertirse en un espacio de regulación regional. La Alianza para la Seguridad y la Prosperidad de América del Norte (ASPAN) de 2005 puede haber afirmado el deseo de los tres gobiernos federales de reconciliar la prioridad estadounidense respecto de la seguridad fronteriza con la necesidad de prosperidad por parte de la periferia, pero no dio signo alguno de que Norteamérica sea una Unión Europea en estado embrionario como para desarrollarse siguiendo las líneas de este modelo.

**Palabras clave:** gobernabilidad norteamericana, TLCAN, hegemonía estadounidense, relaciones Canadá-Estados Unidos, relaciones México-Estados Unidos, regiones del mundo, Alianza para la Seguridad y la Prosperidad de América del Norte.

*Existe-t-elle l'Amérique du Nord? Gestion trans-frontalière après le  
Accord de libre-échange nord-américain et de l'ASPAN (Alliance pour la  
sécurité et la prospérité de l'Amérique du nord)*

Vue comme une région parmi toutes les autres régions du monde, l'Amérique du Nord est une énigme montrant beaucoup de réalités diverses. Sous la perspective de sa institutionnalisation formelle par le Accord de libre-échange de l'Amérique du nord, elle paraît moins énigmatique. Quand elle est examinée dans des sphères de gouvernement telles que la gestion trans-frontalière de l'eau ou l'industrie sidérurgique, elle s'avère avoir de une structure plus solide de ce qu'on peut juger. Dans

d'autres cas, tels que le règlement des services financiers ou des droits de propriété intellectuelle, ce qui apparaît comme une politique d'harmonisation continentale n'est vraiment qu'une manifestation de la globalisation. En revanche, les mesures anti-terroristes relatives à la sécurité frontalière ne laissent aucun doute : la politique américaine de la coopération intergouvernementale, dans laquelle le hégémonie dépend de la collaboration de la périphérie. Quant à déterminer la direction de l'Amérique du Nord, la consolidation du marché global dans l'industrie sidérurgique suggère que le continent aurait perdu sa chance de devenir un espace régional de la normalisation. Il est, peut-être, vrai que l'Alliance pour la sécurité et la prospérité de l'Amérique du nord ait affirmé le désir de trois gouvernements fédéraux de réconcilier la priorité américaine pour la sécurité de la frontière avec le besoin de la périphérie pour la prospérité, mais elle n'a pas donné aucune indication que l'Amérique du Nord soit une espèce d'Union Européenne embryonnaire qui puisse se développer dans le futur à la manière du modèle européen.

**Mot-clefs :** Possibilité de gouverner la Amérique du nord, Accord de libre-échange de l'Amérique du nord, hégémonie des Etats Unis, relations entre le Canada et les Etats Unis, relations entre le Mexique et les Etats Unis, relations entre le Canada et les Etats Unis, relations entre le Mexique et les Etats Unis, régions du monde, Alliance pour la sécurité et la prospérité de l'Amérique du nord.

FRANK GRAVES

*Norteamérica: ¿mosaico, comunidad o fortaleza?*

El autor utiliza una encuesta reciente para evaluar la plausibilidad de tres metáforas en competencia sobre Norteamérica: las de comunidad, mosaico o fortaleza. En tanto exista apoyo para las tres, la del mosaico de sociedades nacionales separadas que coexisten dentro de un espacio económico común es la que se relaciona más estrechamente con los datos empíricos. Las influencias tan profundas que tienen las preocupaciones estadounidenses respecto de la seguridad, así como la perspectiva cada vez más aislacionista de Estados Unidos han cuestionado este modelo. El autor discute cómo las diversas fuerzas sociales, políticas y económicas actuales que están en juego pueden alterar la trayectoria política en el futuro.

**Palabras clave:** Norteamérica, TLCAN, seguridad fronteriza, identidad nacional, relaciones internacionales.

### *L'Amérique du Nord: mosaïque, communauté ou forteresse*

L'auteur utilise une enquête pour évaluer la plausibilité de trois métaphores concurrentes sur l'Amérique du Nord: la communauté, la mosaïque ou la forteresse. Tandis qu'il ait un soutien pour chacune des ces trois métaphores, la métaphore de la mosaïque des sociétés nationales séparées coexistantes dans un espace économique commun est celle qui semble la plus proche de l'information empirique. Ce modèle a été défié par les influences profondes du soucis américain par rapport à la sécurité et par la perspective de plus en plus isolationniste vers le monde. L'auteur discute la façon dont les diverses forces sociales, politiques et économiques courantes peuvent modifier la trajectoire politique nord-américaine à l'avenir.

**Mot-clefs :** Amérique du nord, Accord de libre échange-Sécurité frontalière, identité nationale, relations internationales.

G. ALAN TARR

### *El TLCAN y el federalismo: ¿son compatibles?*

Algunos analistas han planteado que el federalismo puede socavar el poder gubernamental, especialmente en los asuntos internacionales y el desarrollo capitalista. Esta perspectiva afirma que es más difícil llevar a cabo acuerdos comerciales multilaterales como el TLCAN, además de que sus efectos son más débiles, cuando son negociados e implementados por países de sistema federalista. Sin embargo, un análisis del proceso, que tuvo como resultado el TLCAN y los verdaderos logros económicos de éste, indica con un fundamento real todo lo contrario: que los sistemas federales como Canadá, México y Estados Unidos se han visto beneficiados con la experiencia de la "gobernabilidad compartida" en relación con la globalización, especialmente porque se refleja la complejidad de una integración soberana, fundamental para el éxito práctico de ese proceso.

**Palabras clave:** federalismo, globalización, soberanía compartida, ley y gobierno constitucionales, desarrollo capitalista, negociaciones multilaterales.

### *L'Accord de libre-échange de l'Amérique du nord et le fédéralisme, sont-ils-compatibles?*

Quelques commentateurs ont soutenu que la présence du fédéralisme peut affaiblir la force du gouvernement, particulièrement dans les affaires internationales et

dans le développement capitaliste. Cette perspective affirme qu'il est plus difficile à établir des accords commerciaux multilatéraux, tels que ALENA, et qu'ils sont plus faibles dans leur efficacité quand ils sont négociés et mis en application parmi des pays fédéraux. Cependant, une analyse actuelle du processus qui a créé ALENA et ses accomplissements économiques réels suggère fortement un résultat opposé : que les systèmes fédéraux, tels que le Canada, le Mexique et les États-Unis, ont l'avantage de cette expérience "de gouvernement partagée" en relation à la globalisation, particulièrement parce qu'il reflète la complexité de l'intégration souveraine qui est fondamentale au succès pratique de ce processus.

**Mot-clefs :** Fédéralisme, globalisation, souveraineté partagée, loi et gouvernement constitutionnels, développement capitaliste, négociations multilatérales.

SUSAN L. KARAMANIAN

*Más allá de las cortes: la armonización de las prácticas y los principios en Norteamérica a través del arbitraje inversionista-Estado*

Los sistemas legales de las naciones que componen el TLCAN tienen características similares, aunque también sus diferencias en términos de las prácticas en las cortes y de los principios sustantivos aplicables son notorias. Sin embargo, dentro del contexto del TLCAN, un sistema de resolución de controversias que no está bajo control de ninguna de las naciones que lo conforman (arbitraje inversionista-Estado) está refinando el concepto de estándar mínimo. Los tribunales de arbitraje se guían por fallos arbitrales previos en lo que concierne a conformar el importante cuerpo de la legislación internacional, y están desarrollando principios armónicos justos y consistentes para delinear el estándar mínimo, en particular sobre la negación de la justicia.

**Palabras clave:** Tratado de Libre Comercio de América del Norte (TLCAN), ley internacional consuetudinaria, estándares mínimos de trato a los extranjeros, trato justo y equitativo.

*Au-delà des cours de justice : l'harmonisation des pratiques et des principes en Amérique du nord à travers l'arbitrage investisseur-État*

Les systèmes légaux des nations incluses dans l'ALENA ont des particularités communes, mais leurs différences, en termes de pratique juridique et les principes subs-

tantifs applicables, sont notables. Néanmoins, dans le contexte, un système de résolution de conflits sous le contrôle de n'importe quelle nation unique d'ALENA –l'arbitrage d'investisseur-état– raffine le concept de la norme de minimum. Les tribunaux d'arbitrage sont guidés par les récompenses arbitrales antérieures en formant le corps important du droit international et ils développent des principes assez conformés et harmonisés au sujet des découpes de la norme du minimum, en particulier en ce qui concerne le démenti de la justice.

**Mot-clefs :** Accord de libre-échange nord-américaine, loi internationale consuetudinaire, normes essentielles vis-à-vis des étrangers, traitement juste et égalitaire.

ROBERT A. PASTOR

*La solución al problema triple de Norteamérica:  
el caso de un fondo de inversión para Norteamérica*

Aun con la expansión del comercio y la inversión que ha logrado el TLCAN siguen existiendo algunos retos. El más serio es la persistencia de una brecha en el ingreso entre México y sus vecinos del norte. A menos que ésta disminuya continuarán estos retos, incluyendo la migración. La solución es la creación de un fondo de inversión para Norteamérica viable, el cual sólo será posible si los tres gobiernos articulan una comunidad norteamericana y garantizan que contribuirán, cada uno a su manera, a seguir una estrategia que disminuya la brecha en el ingreso y construya instituciones para resolver los viejos problemas y crear nuevas oportunidades.

**Palabras clave:** TLCAN, inversión, comunidad norteamericana, libre comercio, inmigración, brecha en el ingreso, deuda, política monetaria, regulación.

*La Solution au triple problème de l'Amérique du nord: le cas d'un  
fond d'investissement pour l'Amérique du nord*

Même avec l'expansion du commerce et de l'investissement réalisés par l'ALENA, quelques défis demeurent. Le défi le plus sérieux est la persistance d'un "espace de revenu" entre le Mexique et ses voisins du Nord. Si cet espace ne disparaît pas, les autres défis, y compris l'immigration, le commerce, et la sécurité, persisteront. La solution est la création d'un fonds viable d'investissement de l'Amérique du Nord, lequel sera possible seulement si les trois gouvernements articulent une Communauté Nord-américaine et s'engagent, chacun à sa propre manière, dans la cons-



truction d'une stratégie qui fermera "l'espace de revenu" et bâtira des institutions capables de résoudre de vieux problèmes et de créer des nouvelles opportunités.

**Mot-clefs :** Accord de libre-échange nord-américaine, investissement, communauté nord-américaines, immigration, différence de revenus, debt, politique monétaire, régulation.

STÉFANIE VON HLATKY

*El Ártico en riesgo: hacia una revisión de las implicaciones de la soberanía en el Gran Norte*

El fin de la guerra fría provocó un cambio de rumbo en la manera de concebir la seguridad y la soberanía. En los años noventa del siglo pasado, las principales amenazas fueron de naturaleza asimétrica, lo que representa un desafío particular a nuestra comprensión de ese nuevo entorno internacional. La seguridad en el Ártico canadiense, con frecuencia considerada vinculada con la amenaza a la soberanía, ilustra muy bien esas recientes consideraciones en el ámbito de las relaciones internacionales. ¿Está preparado Canadá para enfrentar los nuevos retos en materia de seguridad y hacer valer su soberanía en el llamado Gran Norte? Retomamos la pregunta evaluando los riesgos tocantes a la seguridad de Canadá, considerando las capacidades actuales, así como los medios para ponerlas en práctica. Por último, proponemos un enfoque que trascienda la solución militar, lo que nos permitirá tomar en cuenta las múltiples implicaciones del caso.

**Palabras clave:** Política internacional canadiense; relaciones Canadá-Estados Unidos; soberanía; defensa de América del Norte; defensa canadiense; Ártico; Paso del Noroeste; medio ambiente.

*The Arctic in Danger: Toward a Review of the Implications Of Sovereignty in the Great North*

The end of the cold war brought a change in ideas of security and sovereignty. During the 1990s, the principal threats were asymmetrical, particularly challenging our understanding of the new international situation. Security in the Canadian Arctic, often posed in terms of a threat to sovereignty, illustrates recent developments in international relations very well. Is Canada equipped for confronting these new security challenges and imposing its sovereignty in the Great North? We must consider

this in evaluating the threats to Canadian security, taking into consideration the current capabilities, as well as the means of applying them. Finally, we propose an approach that goes beyond a military solution, allowing us to consider the multiplicity of implied stakes.

**Key words:** Canadian international policy; Canadian-U.S. relations; sovereignty; defense of North America; Canadian defense; Arctic; Northwest Passage; environment.

GABRIEL PÉREZ Y CÉSAR A. VELÁZQUEZ BECERRIL

***Shared Identities and Multicultural Play:  
Considerations on Political Change in Quebec***

This article attempts to demonstrate the specificities of the political process of minority Quebecois nationalism in the Canadian federation, as a unique, exemplary movement in North America. It emphasizes above all the political transformations of the 1960s with the so-called *revolution tranquille*, which sought to generate inclusive, deliberative democratic policies to make it possible for cultural diversity and shared identities to co-exist in a single political community. It first briefly sketches the socio-political formation of modern Quebec. Then it attempts to introduce the political discussion starting from the characteristics and possibilities for development in a complex multicultural framework. All this leads, finally, to the consideration of different political strategies amidst the play of multiple identities and the quest for unity in diversity.

**Key words:** Quebec nationalism, multicultural play, shared identities, de-centered federalism, political strategies.

***Identités partagées et jeu multiculturel: considérations sur  
la transformation politique à Québec***

Ce travail vise à montrer les particularités du procès politique du nationalisme minoritaire québécois à l'intérieur de la fédération canadienne, en tant que mouvement exceptionnel et exemplaire dans toute l'Amérique du Nord. On y souligne les transformations politiques qui ont eu lieu pendant les années soixantes du xxème siècle avec la dite « révolution tranquille », en prétendant que des nouvelles politiques démocratiques inclusives et délibérantes surgissent, lesquelles permettront

la coexistence de la diversité culturelle et des identités partagées dans la même communauté politique. D'abord, on donne un aperçu sur la conformation sociopolitique du Québec moderne, et après on présente une discussion politique à partir des caractéristiques et des possibilités de développement dans le cadre complexe d'un jeu multiculturel. Tout cela conduit à considérer des diverses stratégies politiques dans le jeu des identités multiples pour atteindre une unité dans la diversité.

**Mot-clefs :** nationalisme québécois, jeu multiculturel, identités partagées, fédéralisme décentralisé, stratégies politiques.

# LINEAMIENTOS DE ENTREGA DE ORIGINALES

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Diamond, Larry, Seymour Menton and Juan J. Linz, coords.

1995 *Politics in Developing Countries: Comparing Experiences with Democracy*, Boulder, Colorado, Lynne Rienner.

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## **CENTRO DE INVESTIGACIONES SOBRE AMÉRICA DEL NORTE**

El CISAN tuvo su origen en noviembre de 1988 con la creación del Programa Universitario sobre Estados Unidos de América, proyecto que entonces representaba una tarea prioritaria para la investigación científica de la UNAM, dada la importancia de Estados Unidos en el contexto internacional y la relevancia de nuestra vecindad geográfica. Este programa fue aprobado por el Consejo Universitario, conformándose así el Centro de Investigaciones sobre Estados Unidos de América (CISEUA).

Ante la inminente firma del Tratado de Libre Comercio de América del Norte (TLCAN), se reconoció la necesidad de ampliar el alcance de los estudios del CISEUA y profundizar el conocimiento de las dinámicas de integración tanto regionales como globales, por lo que, en agosto de 1993, se emprendió el estudio sistemático de Canadá y se cambió la denominación a la de Centro de Investigaciones sobre América del Norte (CISAN).

Los desafíos impuestos a México por las dinámicas de la globalización y de la integración regional de los últimos años, así como los cambios y reajustes geopolíticos han influido en la agenda de investigación del CISAN, misma que tiene como objetivo principal comprender la dirección y las transformaciones de las interacciones entre las sociedades y los Estados de la región de América del Norte.

### **MISIÓN**

Producir investigación multi e interdisciplinaria que contribuya al conocimiento sobre Estados Unidos y Canadá, y su relación con México. Mediante diversos enfoques se fomenta el estudio riguroso de la región para comprender mejor los distintos aspectos de su compleja realidad, buscando promover el análisis objetivo y plural mediante una amplia labor de difusión y extensión universitaria, así como de docencia e intercambio académico entre investigadores de México, Estados Unidos y Canadá y el resto del mundo. Además, el CISAN se ha comprometido con la formación permanente de un acervo hermenéutico especializado, que cuenta actualmente con más de once mil títulos.

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rentes procesos de titulación, impartiendo cursos en distintas universidades nacionales y extranjeras, y mediante el programa permanente de servicio social, dirigido a estudiantes provenientes de carreras afines a las áreas de estudio del CISAN.

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### AMERICAN UNIVERSITY'S CENTER FOR NORTH AMERICAN STUDIES

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#### MISSION

- \* **To teach a new generation of students about the history, economics, politics, and societies of Canada, Mexico, and the United States**, including their past differences and their future prospects as parts of an emerging region. AU's Faculty Advisory Committee has developed and now teaches 12 courses entirely on North America and another 9 courses on sub-regional or related issues.
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- \* **Independent Task Force on the Future of North America.** CNAS partnered with the Council on Foreign Relations to create a trinational, Independent



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- \* **Closing The Development Gap: A Policy Report.** The North American Development Bank sponsored this report which examines the development gap that separates Mexico from its northern neighbors and offers a proposal for narrowing the gap between North American countries. The Council on Foreign Relations sponsored a Study Group to discuss and refine this proposal. Based on the proposal, Senator John Cornyn (R-TX) introduced a bill on a North American Investment Fund. For more information: <<http://american.edu/ia/cnas/nadb.html>>.
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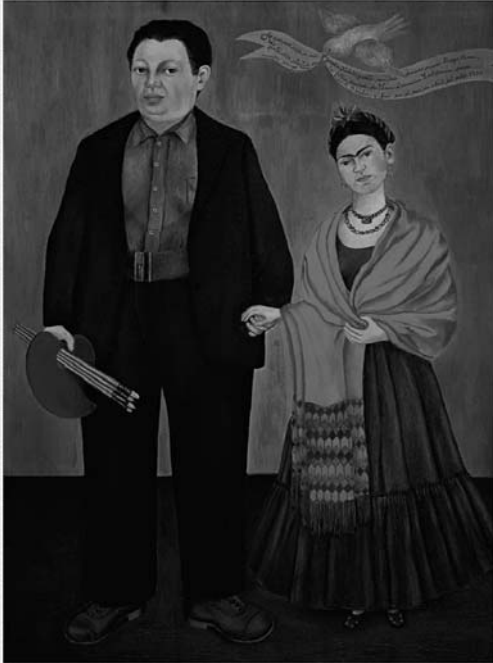
Dr. Robert A. Pastor is the Founding Director of CNAS and the Vice President of International Affairs and Professor of International Relations at American University. Dr. Pastor has combined a career of scholarship, teaching, and public policy. He was National Security Advisor for Latin America (1977-81) and was nominated to be Ambassador to Panama. He was Fellow and Founding Director of the Carter Centers' Latin American and Election-Monitoring Programs. Dr. Pastor was a Fulbright Professor at El Colegio de Mexico, a Peace Corps Volunteer, and a Visiting Professor at Harvard University where he received his Ph.D. in Government. He is the author or editor of 16 books, including *Toward a North American Community: Lessons from the Old World for the New* and, with Jorge Castañeda, *Limits to Friendship: The US and Mexico*.

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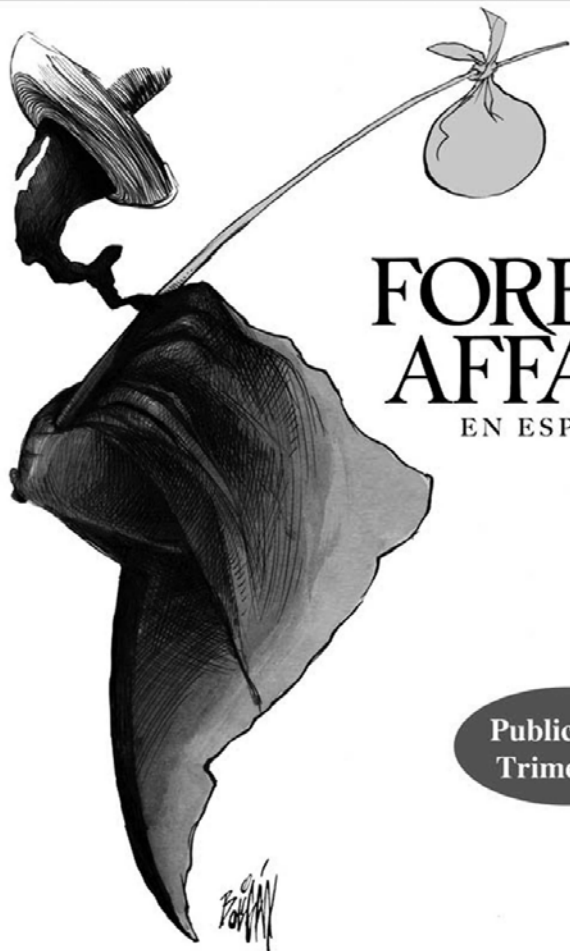
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