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GOVERNANCE, TRADE AND LABOUR MOBILITY

1. INTRODUCTION

The Mexican government recently produced a 31 page pamphlet, *Guide for the Mexican Migrant*, directed at its citizens attempting to cross the Mexican–US border without legal documents. The introduction stated:

The safe way to enter another country is to obtain your passport from the Mexican foreign ministry, and a visa from . . . the country to which you wish to travel.

Still, in practice we see many cases of Mexicans who try to cross the northern border without necessary documents, traveling through dangerous terrain . . . By reading this guide, you can also find out about basic legal issues concerning your stay in the United States of America without the appropriate immigration documentation, as well as about the rights you have in that country, once there, regardless of your migratory status (English translation in New York Times, 2005).

It went on to offer practical advice regarding the symptoms of dehydration, the dangers of human traffickers, and what to do if arrested in the United States. The pamphlet attracted considerable attention in the United States. Some members of Congress and anti-migrant groups charged that Mexican officials were promoting illegal cross-border migration (New York Times, 2005; Migration News, 2005a). Yet the publication of the guide can be seen as one of several recent efforts by the Mexican administration to safeguard the human rights of its citizens whether in Mexico or elsewhere. More significantly, the guide also speaks to the seeming inability of the United States and Mexico to negotiate an effective means to liberalize and manage cross-border labour mobility.

Under Mexican President Vicente Fox's administration migration issues have emerged as a key priority area on the Mexico–US formal bilateral agenda for the first time (Wise, 2004: 149). Fox proposed, during his 2000 presidential campaign, an ambitious vision of a new North American community modelled on the

European Union. This vision, embraced the free movement of labour across North American borders and the transfer of social funds from Canada and the United States to aid Mexico. As Fox put it, 'Our idea is to sell a long-term project where we can move upward from a trade agreement to a community of nations agreement or a North American common market' (Migration News, 2000). The label 'NAFTA-Plus', used to signify deeper economic integration, is often attached to this vision. In 2001, Fox proposed a more modest bilateral set of proposals (Ugalde, 2004: 125–127). Nevertheless, the deepening of the North American Free Trade Agreement (NAFTA) to address migration issues is still floated by the Mexican President (Migration News, 2005b). Fox's use of NAFTA and the proposed NAFTA-plus option raises the possibility of whether neo-liberal regional trade agreements can be strategic sites to pursue other objectives, such as liberalized migration, between member countries.

Today migration is governed not only by individual nation-states but also, in part, through cooperation at the regional and international level. In the case of the former, migration is associated with the familiar statist system and underwritten by conventional nation-based understandings of sovereignty and citizenship. Even within an increasingly globalized world the nation-state remains at the fore of migration issues. State sovereignty is exercised, in part, through the right of nation-states to control the entry and exit of people to a territorial space. But the management of migration is also of concern within regional arrangements. NAFTA, which grants the right of mobility to certain categories of businesspersons, offers a case in point. Other initiatives, such as the General Agreement on Trade in Services (GATS) Mode 4, also have the potential to liberalize access for some service providers. States are implicated in the construction of these frameworks and some countries in the global south have attempted to use trade forums as a way to address broader migration concerns. To date, global governance appears to facilitate and enshrine the movement of the 'high-skilled' and capital embodied in investor migrants. Regional and international trade agreements are cast as matters of trade policy that transcend the 'national' and are focused on reciprocal commitments and barriers to trade. In many cases these agreements, which are only directed at temporary entry, explicitly distant themselves from questions of permanent migration, citizenship and rights. In contrast, immigration policy, including existing temporary worker provisions, is assumed to fall under the rubric of the 'national/domestic' realm and concerned with national labour markets and standards, residence and citizenship matters. Yet, in practice, the dynamics of these two regulatory arrangements may intersect.

This chapter takes up the dynamic between immigration policy and trade policy as a starting point to consider the way in which the governance of international labour mobility is changing. Despite assertions to the contrary, international and regional trade agreements do challenge conventional understandings of governance and citizenship and, in some cases, prompt us to think about new forms of citizenship and territory. Drawing on the case study of NAFTA, and Mexico's particular experience, this paper considers the extent to which a regional trade agreement can address broader issues of labour mobility. Part I of the paper examines some of the ways in which the concept of citizenship linked to a nation-state is being destabilized.