Democratic Integration in North America: Focusing on Democratic Institutions

L'intégration démocratique en Amérique du Nord: mettre l'accent sur les institutions démocratiques.

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01. Introduction

- 1 This article is not intended to compare NAFTA and USMCA. Neither do we propose a historical description of the treaties between the three countries. Rather, it is a reflection on the need for democratic institutions in North America coexisting with this economic treaty. Since democracy is a broad concept, this reflection focuses on three aspects: justice, migration, and the environment. This work is built on the theory of democracy developed by Dahl and Diamond. I have based the following discussion on a book that I developed on the fundamental dimensions of democracy centered on Mexico (2011) among other authors. When democratic integration in North America is mentioned, we are referring to a legal and procedural framework with defined standards of democracy in justice systems and with scope in environmental and migration policies. As Pettit put it, a true theory of democracy retains a general faith in the sort of institutions that we find in most democracies today (2014, p. 149).

02. Free Trade: Against or For Democracy?

- 2 By way of introduction, let us give a brief background to his question. Historically, commerce is believed to bring only positive outcomes (Ralston Saul, 2007). Through this vein came the idea of a "strong correlation" between free market (socioeconomic-modernization) and democracy, as Fukuyama stated (1992, p. 141). The principle-based

on this supposed correlation has been a strong discourse in Latin America. This belief is spread worldwide: even socialist Jacques Attali characterized it as "market democracy" (2004, p. 32-3). However, can we attach trade to democracy? Moreover, can we build democracy under the conditions of commerce? Let us see if there is any real substance in his claim.

- 3 "Trade first, democracy comes after," has been dominant and powerful rhetoric, with present-day China as a successful model. However, this discourse has negative repercussions for democracy. Firstly, for technocratic elites, less government means more democracy. Privatization has been the main goal of conservative governments, particularly in Mexico. Nevertheless, privatization often shows a lack of democratic means, such as corruption and lack of transparency. In Mexico, privatization is supposed to bring prosperity, but the evidence has been contradictory. For instance, Mexican elites have tried to open the oil industry to the private sector for decades instead of reforming that industry by cutting off corruption, corporatism, favoritism, and inefficiency that wastes public resources. Instead, Mexican elites blame the "nationalist approach to oil wealth and the sensitive attitude toward sovereignty" (Castañeda, 2011).
- 4 Even Marx described himself as a supporter of free trade, however, he did so thinking that free trade would accelerate the capitalist contradictions and then produce a revolution¹ However, for more than a century, deep contradictions have existed in finance and markets: free trade face eventually economic crises, not revolutions. That is why it should be regulated by democracy: this is the only way that trade would be free and fair. For the populist movement, the French National Front and Donald Trump are pioneering critics of free trade and globalization. They ignore Marx's 1848 critique on globalization. There is also a significant difference. Marx's critique was based on social justice, while their antiglobalization discourse is based on racial nationalism and intolerance.
- 5 Octavio Paz wrote that a modern economy is impossible without democracy. The Mexican economy has proved this principle. Because, despite free trade, deregulations, and privatizations, its economy operates on corruption, favoritism, and conflicts of interest, i.e., a lack of democratic rules and institutions. These factors negatively affect its economic performance as well as its citizens' wellbeing.
- 6 We must ask ourselves the question: What exactly is democracy? Although free elections are important, it is obvious that it is far from guaranteeing a democratic system. Defining democracy is not an easy task. I insisted on the need for social equality of rights and freedoms. This principle is crucial in unequal societies such as Mexico's. Justice and human rights are essential elements of democratic systems (Habermas, 2000). It is therefore of paramount importance to establish solid justice systems to protect freedoms and equal citizenship. Chomsky defines democracy in a participatory way: "Society is democratic to the extent that people in it have meaningful opportunities to take part in the formation of public policy" (Chomsky, 1993, p. 7). Many other authors, including Carothers, share this definition. Therefore, in any of its fundamental meanings, democracy has little to do with trade.
- 7 The very nature of free trade was questioned by Polanyi (1968): "There was nothing natural about laissez-faire; free markets could not have come into being merely by allowing things to take their course [...] laissez-faire itself was enforced by the state."

(p. 145) That is, laissez-faire is inconceivable without state regulation to guide fair trade. Modern societies need democratic states strong enough to reinforce the law.

- 8 Democratic integration in North America could help countries become global players in facing the complexity of globalization. Only then, underlines Habermas, these global players can counterbalance out-of-control markets (2008). Individual states can no longer adequately protect their citizens from such increasingly globalized challenges as environmental degradation, epidemics, or the security risks created by advanced technologies (Habermas, 2003). In short, democracy can and should "catch up" with global trends and build a new economy; otherwise, the excess of markets could harm democratic citizenship.

03. Beyond NAFTA and USMCA

- 9 What is mainly concerned with here is, as a political project, NAFTA² postponed the democratic political reforms in Mexico. President Salinas openly postponed political reforms. Instead, he firmly promoted NAFTA as a national priority. Then, his cabinet composed of a group of dynamic technocrats tried to reach modernity throughout this agreement. These orthodox economists were convinced that open trade would bring economic growth, and this growth would bring prosperity and a shining modern image. At the beginning of the 1990s, this agreement was at the center of the economic strategy, a pharaonic project. Official sponsors and promoters promised the country's modernization by signing NAFTA. However, even for enthusiastic promoters of NAFTA (the North American Free Trade Agreement), the outcomes of the agreement are limited. Sadly, more than ever, the southern U.S. border is a symbol of the abyss between North and South.
- 10 I do not suggest that we abandon trade, but rather make it fairer in a democratic frame. Beyond conservative claims, NAFTA was a disappointing agreement in several ways: Macewan (1994) predicted that NAFTA would produce inequality and stagnation. Amy Godman rightly pointed out that "20 years after NAFTA took effect, it has failed to deliver on many of the promises Clinton and others made." She said that thousands of U.S. jobs have vanished as companies sought low-wage workers in Mexico³ However, is it fair to solely blame NAFTA for the high unemployment rate in the U.S.? American jobs, as well as those of the Western World, including Mexico, have been outsourced to China because of its lower wages. Anyway, NAFTA failed to ensure the implementation of labor provisions; as Macdonald (2015) pointed out, "It would have been in our best interests to promote labor rights in Mexico."
- 11 It is important to consider how critiques on NAFTA are not only necessary but also essential. However, those critiques do not mean that countries withdraw themselves from global issues. We cannot afford to be isolated from global struggles such as environmental degradation. The denial of the international dimension means the denial of global solutions. Nations cannot become withdrawn: they should be open to confront global problems.
- 12 On the other hand, pro-NAFTA voices have exaggerated its benefits for political purposes. For example, Rubio states that "the enormous success of NAFTA is a palpable evidence that opportunities for Mexico are infinite" (1999, p. 2). This naive assertion has proved to be unrealistic. The dominant discourse pretends that the free market is perfect. Although Rubio himself admits that privatization in Mexico was unsuccessful,

he interpreted this failure as the lack of competitiveness, and nevertheless fails to denounce the absence of democratic accountability in the Mexican economy.

- 13 De la Calle and Rubio celebrated the consequences of free trade "as a consequence of trade openness, increased competition and a significant improvement in productivity for production, distribution, and marketing" (2010, p. 54). This was significant since De la Calle was a NAFTA negotiator. They celebrated the increase in the middle class, which is good for the consumption and the economy (p.56). The book does not mention democracy in particular but suggests that the rise of the middle class changes habits and because it is more informed, more will participate. However, this has not happened in China, where the broad middle classes have not translated into democratization.
- 14 Competition has been a powerful discourse to promote free trade policies and the main goal of trade has been mainly GDP growth, however, as Stiglitz has stated, the GDP is not an indicator of economic development, and even less an indicator of sustainable human development. Beyond competition, countries should also consider cooperation to overcome international problems.

04. Democracy and NAFTA

- 15 Some authors have examined the link between NAFTA and democracy. However, Heredia (1994) addressed the issue of democracy but limited the discussion to two aspects: the Zapatista uprising and electoral rights. It must be remembered that at that time the single-party system persisted in Mexico. Heredia addressed the issues related to fraud and the single-party political regime. The author wrote about "civil society" but was referring to partisan associations fighting for political rights before the Inter-American Court of Human Rights. At that time, the Mexican government censured criticism of NAFTA, and this limitation affected democracy as well as the improvement of the agreement. Actors can improve deals by making them fairer.
- 16 In 2000, the beginning of political party alternation at the presidential level produced a false sense of democratization in Mexico. Some authors such as Weiss, (2000) even argue that these changes were produced by NAFTA. However, this perception exaggerated the effects of trade. As Maxwell & Cameron concludes, "The presumption that NAFTA could be the sole cause in triggering Mexico's democratization proved illusory." (2004, p.319) Moreover, NAFTA did not even contain a "democratic conditionality" clause (Aguayo Quezada, 2000: 35). However, conditioning democratic changes in trade are questionable because trade is already unequal and could then be subject to unfair pressures. Democracy is a complex process that cannot be imposed. In any case, it's hard to believe that Mexican elites would be committed to democracy only under the condition of international trade.
- 17 Maxwell and Cameron (2004) based their analysis only on the political party alternation in Mexico, namely PAN coming to power in 2000. But even with that criterion, they did not observe that much of the political system remained intact, nor did they foresee that the monopoly party (PRI) would return to power in 2012. As Pastor and Wise (2005) noted, Fox's administration (2000–2006) lost the opportunity to implement social and economic reforms badly needed in Mexico. Despite the importance of the fall of the PRI party in 2000, the democratization process is much more complex than the change of parties in power.

- 18 Some authors in Mexico tried, unsuccessfully, to establish the democratic consequences of NAFTA. Rubio, for instance, writes: "The country needs something like [NAFTA] for the broader front of public and political life" (2015, p. 59). "NAFTA is nothing more than borrowing U.S. institutions for the benefit of Mexico" (2015, p. 62). The author did not prove this assertion, which is an exaggeration since NAFTA was almost exclusively commercial. Rubio, like other Mexican technocrats, overestimated the economy. However, democracy is a complex process dealing with several dimensions assuring equal rights for all citizens.
- 19 Unlike Rubio (2014) and Contreras (2018), who propose that NAFTA indirectly brought democratization to Mexico, I note the evidence of the gaps that this treaty has with democracy. Contreras (2018) argues that NAFTA's economic development brings democracy to Mexico through the "breaking of political and economic monopolies." He even states that Mexico is a "textbook example of a dual transition." However, as Carothers points out, there is not such a linear conventional transition. Besides, some monopolies have been created. For instance, major Spanish banks now control the national bank system (see Cloke, 2014).
- 20 The argument of Contreras (2018) and Rubio (2014) that NAFTA brought democracy to Mexico is rather questionable. To put this in perspective, President Salinas, who initiated NAFTA, took office in 1988. Rubio stated then that "one of the paradoxes of the July 6 election is that the Institutional Revolutionary Party (the ruling party) did poorly [...] yet the people expect Salinas, the PRI candidate, to deliver economic growth as a matter of course" (Rubio, 1988). I have the opposite view because I believe in democracy and I walked with hundreds of thousands of people to protest that massive electoral fraud⁴ Commenting on this election, Thompson (2004) says, "Political analysts and historians have described that election as one of the most egregious examples of the fraud that allowed the Institutional Revolutionary Party to control this country for more than seven decades." Yet Rubio does not even mention the massive protests (neither official nor commercial TV) but instead adds, "Salinas appears to be convinced that his only chance for success lies in concluding the process of reform and restructuring [the economy]" (Rubio, 1988). In this logic, Salinas undertook NAFTA, then this agreement became a symbol of modernity. However, we have to remember that an authoritarian single-party government with little freedom of the press, no union freedom, and illiberal practices such as espionage⁵ initiated NAFTA. In this sense, those technocrats wanted to organize an economic revolution, but they made the same mistake that guerrillas made in Latin America since neither one built a democracy. As Chesterton says, "You can never have a revolution to establish a democracy. You must have a democracy to have a revolution." (2009, p. 27) Indeed, democracy should precede the modernization intended by that elite. As Tilly said when referring to the World Bank, "Democracy may promote economic growth" (2006, p. 186). Indeed, and not the contrary.
- 21 Mexico is now certainly more democratic than it was in 1990. The country has alternative parties, both left, and right (thanks to reforms promoted by minority parties). Among the six basic institutions required by democratic states according to Dahl (2005), some of them have been reached. There are already free and impartial elections for public posts (1 and 2). Freedom of expression is generally reached (3). The "alternative source of information" (4) is not entirely reached as commercial media may not necessarily offer an alternative view of public affairs since they are part of the

authoritarian system and have their interests. Associational autonomy (5) is partially reached since many supposedly "civil associations" are related to businesses or political parties. This impedes their independent role to protect the interests of civil society⁶ In this sense, the last institution proposed by Dahl, inclusive citizenship (6), remains a mere ideal since Mexico is historically a very unequal country where 46% of the population live under the poverty line (UNICEF, 2013).

- 22 Regarding the state based on the rule of law, Cardoso and Eisenberg (2004) and O'Donnell (2004), among other authors, have pointed out the need for rule of law in a democracy and its absence in Latin America. The relevance of the rule of law for democracy has been undermined both by the liberal tradition and the republican tradition that influenced Latin American political systems.
- 23 Diamond (1997) identifies three dimensions of democratic consolidation: deepening democratic structures to make the government more liberal, accessible, accountable, and representative; strengthening the formal institutions of democracy, including parties, legislatures, and the judicial system; and improving the regime's performance both politically and economically. In Mexico, besides NAFTA, such institutions have been developed (parties and legislatures) in the last 20 years. However, the weakest institution remains the judicial system, which constitutes a nodal point to consolidate democracy in fundamental areas such as the environment.
- 24 Mounk (2019) argues that citizens are increasingly distrustful of their democratic system. Mounk identifies three key drivers of voters' discontent: stagnating living standards, fear of multiethnic democracy, and the rise of social media. In this context, this should be understood as the public's mixed perceptions of NAFTA⁷ Fairbrother notes that, in North America, the elites largely substantiate the dual-pathway model of globalization that systematically limits the role of public opinion in politicians' decisions to open their countries' economies (2019, p. 168). That is why some authors promote the increased participation of social actors, as suggested by the European Union (2017). These authors note the democratic dimension of EU negotiations on trade agreements, mainly the role and responsibilities of citizens and local and regional authorities.
- 25 Some people opposed to NAFTA maintain that the nation is in danger. However, this claim should be understood at a rhetorical level. Gellner's view on the mythic dimension of nationalism is well known. Conventional views oppose internationalism (or cosmopolitanism) and national survival. However, there is not such a mutually excluded dual alternative. As Bouchard says, universal values are normally deemed appropriate by national cultures (2019, p. 330). Neither is sovereignty in danger since the Westphalian principle of the recognition of another state remains an international rule. From Rose Perot to Trump, there is no solid argument to oppose NAFTA or free trade, rather conspiracy theories and electoral rhetoric prevailed. Moreover, to argue that the US (a powerful nation) is in danger in the context of NAFTA is a largely exaggerated view. In Europe, Schmidt notes that "national leaders have generally failed to develop new ideas and discourses to reflect Europeanized realities" (2005, p. 761). While the populist movement propels Brexit mainly by arguing for controlling immigration⁸.

05. Democratic integration

- 26 In July 2020, NAFTA was replaced by USMCA. As Chatzky, McBride, and Aly (2020) pointed out NAFTA was long a political target for both Democrats and Republicans, however, Trump arguing it undermined U.S. jobs and manufacturing, threatened to withdraw from NAFTA. Then USMCA was a political and rhetorical replacement. Above all, there was an update to NAFTA, but included new chapters such as corruption and notably labor. Indeed, in late 2019, the Trump administration won support from congressional Democrats for the USMCA after agreeing to incorporate stronger labor enforcement.
- 27 According to Rubio "NAFTA was meant to be a mechanism whereby the United States provided guarantees for investors in Mexico intending to accelerate Mexico's development while deepening the economic ties across the three nations... USMCA not only eliminates the guarantees for investors but creates disincentives for new capital to flow into Mexico through a series of mechanisms, including very tight rules of origin, severe penalties for labor practices, and (very high) minimum wages for a series of industrial processes. Besides, the agreement incorporates a sunset clause after every six years, a circumstance that hinders long-term projects from being contemplated. The two documents pursue different objectives" (Rubio, 2020).
- 28 Although the establishment doubted that President López Obrador (AMLO) would support NAFTA, he endorsed USMCA. (A member of his cabinet even participated in the USMCA negotiation). Rathbone estimated that the signing of the USMCA in August 2018 calmed fears that Trump would not break the treaty and that AMLO would sign since he was perceived as a nationalist and protectionist rather than his free-trade instincts. However, AMLO even launched a poll on social media to find the USMCA name in Spanish (T-MEC won on October 16, 2018). With AMLO's support, the last five Mexican presidents have supported NAFTA-USMCA as it is, and no significant modifications have been demanded and even fewer demands to go beyond trade and advance democracy have been made. This confirms our thesis: with the absence of a democratization agenda and the need for it in contemporary Mexico, there is a need for democratic rules and standards at the North American level.
- 29 Democratic integration does not violate national sovereignty. On the contrary, international cooperation regarding democratic matters strengthens national institutions. As proposed by Habermas, government legal structure secures internal and external sovereignty.⁹ Regarding the integration democracy concept, we do not ask that they intervene in matters of justice and the environment, but that, as in Europe, national institutions work under fair and clear norms and standards, for example, the European Commission for the Efficiency of Justice¹⁰.
- 30 It is not an intervention, which as we saw happen as was the case with Fast and Furious and Casablanca (made by Democrats). The integration we propose consists of mechanisms that serve as a framework for transparent cooperation with clear criteria and standards.
- 31 During the NAFTA negotiations, Canada and Mexico opposed commissions three-nationals have powers to apply sanctions and monitor compliance of the respective laws since that would mean the validity of a power supranational (BANCOMEXT, 1993). We have to consider also that as Gantz mentioned "the aversion of the United States

against creating new institutions" (2018, p. 2). Democratic integration does not represent a new or supranational institution.

- 32 Democratic institutions already in place in North America with shared standards could function as "Gatekeepers" of the system in the sense that Levitsky and Ziblatt present (2019). In this case, the gatekeeping task would be coordinated with North American partners.
- 33 There is certainly some resistance on the part of the Mexican government over the intervention. Let us mention two cases, the operation Casa Blanca in 1998¹¹; and Fast and Furious in 2006-9¹². However, conditions have changed significantly, and, on several occasions, the Mexican government has requested the collaboration of the FBI. There are two aspects to which cooperation on the asymmetry of American power must be preserved.
- 34 The first is that there is no imposition of any principle or rule in exchange for commercial advantage. This represents pressure and then trade, and the agreement is subject to power. The second is that there is no political interference disguised as democratization. There is a condition to trade and then to have an advantage from it. Neither case contributes to democracy, rather the exercise of power and domination. We can mention the adoption of measures to contain the immigration of Central Americans to the United States under the threat of Trump to impose heavy tariffs on bilateral trade.
- 35 Kymlicka said NAFTA "provided the USA and Canada with some leverage to push for liberal reforms within Mexico" (p.168). This supposes up to down reforms. But liberal reforms are taking place in Mexico pushed rather by civil society. Besides the history of the USA – Mexico is one of domination and imposition such as the Bucareli treaty in 1923. Then, modern multilateralism should prevail. For instance, clear standards on the judicial system would improve human rights in Mexico.
- 36 To be fair, not only Mexico could be subject to democratic improvement. In the case of the United States, we can mention the system of large voters that contradicts the principle that every citizen vote has the same value. For example, the Electoral College gave the presidency to G. Bush and D. Trump despite obtaining less popular vote than their opponents. Also, campaign money perverts democracy, as suggested by Bohlen (2017).

5.1 Non-interference in electoral processes

- 37 One aspect that can be addressed is indirect participation in electoral processes in member countries. For example, in the 2008 US presidential election, President Calderón mistakenly sided with Republican candidate McCain and even invited him to Mexico. In September 2016, the President of Mexico, Peña Nieto, invited then-presidential candidate Trump on a catastrophic visit (see Dresser, 2016). In July 2020, President López-Obrador was invited to the White House in the middle of the Trump presidential campaign to be reelected. This intervention has negative consequences for the opposition parties and affects electoral fairness, then the democratic systems. As such, this type of political manipulation should be stopped. These meetings during elections matter since Mexican presidents participate under pressure or in the expectation that it would ensure the good course of NAFTA and USMCA. A clear

framework for relationships during the respective campaigns would help overcome this situation.

5.2 Corruption

- 38 An aspect that contributes to the development of democracy is transparency and the fight against corruption. Indeed, as noted by Pasquino, corruption affects not only public decisions but also undermines legitimacy (in Bobbio, 1998). Absent in NAFTA, USMCA addresses this issue in chapter 27, whose main goal is to "prevent and combat bribery and corruption in international trade and investment"¹³ However, the document often refers to the responsibility of each country to enforce the law. For example, "Each Party shall adopt or maintain legislative and other measures as may be necessary to establish as criminal offenses under its law" (USMCA, 2019, 27.3). However, the USMCA text calls for cooperation in 17.9: "The Parties recognize the importance of cooperation, coordination, and exchange of information between their respective anti-corruption law enforcement agencies." This chapter is welcome in the context of global corruption, as Brazil's Odebrecht scandal proved. Mexico's new government is tackling this network of corruption¹⁴ This proves the decorative function of the National Anti-Corruption System (NAS) created in 2015 by the Peña Nieto administration, while Odebrecht's corruption acts were being committed. We must mention that this president maintained that corruption in this country is "cultural" (which was praised by the anti-Mexican rhetoric) and that there is not a political issue related to institutions and the rule of law. Ironically, this view has reached racist groups who target Mexico and consequently oppose any relationship with it¹⁵.

5.3 Democratizing Unions?

- 39 USMCA's chapter 23 on labor aims to raise and improve labor standards and working conditions in all three countries. As reported by the Canadian government, the labor chapter targeted Mexico: "The labor chapter includes new provisions to prohibit the importation of goods produced by forced labor; enforce obligations related to discrimination, including discrimination based on sex, sexual orientation and gender identity; address violence against workers exercising their labor rights, and ensure that migrant workers are protected under labor laws. To address the main labor rights violations in Mexico (specifically, the use of 'protection contracts' or employer-dominated union agreements), the chapter also includes an Annex on Worker Representation in Collective Bargaining in Mexico, under which Mexico commits to specific legislative actions to provide for the effective recognition of the right to collective bargaining" (International.ca, 2020). It is important to mention that unions were official (belonged to the ruling party), and the main one, CTM, which controlled teachers and actors to steel and mining workers, was directed by Velazquez since the 40s (in 1994, at the beginning of NAFTA, he was 94 years old—that is to say, "Soviet-style"). However, this has changed, although the democratization of unions is still needed.
- 40 Some authors in Mexico warn of the consequences of USMCA's rules on labor. Homs (2020) argues that, under USMCA, labor supervision may exist through foreign unions. This author also speculates that foreign companies investing in Mexico could enter into

collective contracts with foreign unions. However, these are pure speculations. We must wait to see how it works and who benefits from it¹⁶ Some businesspeople are getting ready, but it is a long process of adaptation (Alegría, 2020).

- 41 Rubio suggests that the USMCA rules on unions would dismantle the old structure of unions in Mexico (Rubio, 2020). We hope that the demand to break union corporatism is sincere. I condemned this corporatism of the Mexican system (Rangel, 2011). So far, however, both businesspeople (foreigners and Mexicans) and politicians have benefited from this kind of unionism. As Bruhn notes, unions "often cooperated with draconian policies to freeze wages because their leadership had long ago been captured by the PRI and maintained in power through undemocratic internal practices" (Bruhn, 2009, p. 5). Indeed, this happened in the 1982 and 1995 crises.

5.4 Migration: Beyond Walls

- 42 Mexican migration to the U.S. is significantly diminishing; in fact, most of the migration crossing the border now comes from Central America. However, the now-official right-wing demagogy sees a plot to invade the U.S. In any case, unemployment, the absence of social security, and violence are still powerful forces that propel migration. Thus, working on those issues through law enforcement and social development is the only way to reduce structural migration to the U.S. Moreover, it was proved that building big fences and deploying armies, high technology, and even drones make up an extremely expensive strategy that neither guarantees a secure border nor stops migration. As Dear (2013) pointed out, the only beneficiary of the border fence was the multi-billionaire security industry. Dear also noted that the wall jeopardizes the prosperity and the development of the communities that already coexist.
- 43 It is widely known that Republicans have blocked all initiatives for migration reform, interpreting any proposal as "amnesty." This conservative strategy serves to discredit Democrats and then, in simple terms, exploit the delusional fear of "invasion." Nevertheless, this populist strategy jeopardizes social cohesion and allows the permanence of the broken migration system. A bipartisan work is therefore needed to build a fair migration system, which allows those people who already work and contribute to the United States to obtain citizenship. If conservatives can look past xenophobic views, they could cooperate with their neighbors to create jobs and then curb illegal immigration.
- 44 Fairtrade is another factor that could reduce migration. For instance, many Mexican fruit and avocado producers try, unsuccessfully, to sell their products to big retailers such as Wal-Mart. In some places, this corporation is the only vendor of those products. Why? Calderón openly and enthusiastically supported Wal-Mart's development in Mexico: this company grew profusely and is now the largest operation outside the U.S., consisting of 2,411 stores around the country. However, this expansion was a result of political backing and widespread corruption¹⁷ Does Wal-Mart's expansion represent a "free" trade? It is not. This dynamic produces poverty, unemployment, and then migration as a result.
- 45 Equal development can diminish migration flux from Mexico. Migrants are an easy target for conservative groups and, often, racist attacks. They have become scapegoats of the dysfunctional system from which both the North and the South are excluded.

Even if we accept the necessity of a migration reform to fix a "broken system," we should accept the need to develop employment and wealth in Mexico. By building institutions that ensure peace, security, and the rule of law in that country, we discourage migration. Moreover, the Mexican migration system is also dysfunctional. That explains the flux of migration from Central America to the U.S. border : for example, we can mention the humanitarian crisis caused by the arrival of tens of thousands of women and children from Guatemala, Honduras, and El Salvador in 2014.

- 46 Once the wall narrative weakened, Trump began using commercial blackmail. Since the flux of migrants from Central America continues via caravans, igniting an anti-immigrant sentiment, Trump demanded that the Mexican government stop such caravans or else (illegal) tariffs would be imposed on their products¹⁸ The Mexican government gave in to this pressure¹⁹ This can be deemed blackmail through trade to impose an immigration policy, and certainly not "free trade." Rather, North American cooperation is needed to collectively attack the causes of such migration, such as regional development and the fight against violence in Central America. After all, the US is no stranger to the post-armed conflicts in which it intervened. Some authors such as Tseng-Putterman (2018) argue that the US military interventions in Central America have created the immigration crisis.

5.5 Security and Justice Systems

- 47 It is not a secret that better justice institutions build democratic and peaceful societies. As Spinoza pointed out, peace is not only an absence of war or hostilities. Peace is a rather positive social building. This must be considered in the context of social violence in Mexico. As Carlsen (2008) noted, in the frame of NAFTA, the naive initiative "Security and Prosperity Partnership" was launched in 2005, followed by Plan Mexico. As we can see, these initiatives did little to stop violence in Mexico. Furthermore, we should consider that the perception of drugs has radically changed. A new continental strategy should tackle drug issues beyond the failed punishment approach.
- 48 As Shedler (2014) pointed out, "Policy incoherence permitted the lingering violence to become worse." Indeed, Calderón's incoherent policies, such as military confrontation with drug cartels, worsened violence, endangered civilians, and took thousands of policemen's lives. Though, ironically, instead of recognizing this, Trump's conspiracy theory claims that Mexico "exports" drugs. Shedler encouraged civil society's participation in stopping violence in the country. Indeed, civil participation is important, as proved by vigilante self-defense groups (*autodefensas*). Those groups, however, have clear limits. All Mexico needs are stronger institutions. Although a law passed to establish oral trials, justice institutions are weak in Mexico as well as in Latin America.²⁰ A democratic integration should put pressure on and enhance that process.
- 49 The absence of a democratic justice system in Mexico, in addition to its highly unequal society, produces impunity : "the plague of republics," as Milton said. This vicious circle reproduces violence at high levels and discredits institutions. This phenomenon is experienced in many places in Latin America. Often, violent acts against the civilian population expose the tight relationship between politics, law enforcement, and organized crime ; they also show how weak the state has become.
- 50 It is essential to develop cooperation between justice systems. One cannot apply the same law everywhere, since, as Montesquieu said, laws must fit the customs of different

countries. However, following international law and human rights principles, independent justice institutions could help tackle differences between North American countries. Mexico can learn from its neighbors.

- 51 In "Perpetual Peace," Kant establishes a set of rules to build an internationally consolidated peace. That dream of cosmopolitan peace could be built in North America through intense cooperation. Democratic institutions could then humanize and limit violence.

5.6 Environment

- 52 Rightly, David Suzuki criticizes the "emphasis of the economy over the environment, and indeed, the separation of the two comes as humanity is undergoing dramatic changes" (2012). This assumption is valid today more than ever; to tackle environmental degradation, it should be global and therefore under international integration.
- 53 Suzuki accurately pointed out that "treaties, agreements, and organizations to help settle disputes may be necessary, but they often favor the interests of business over citizens" (2012). Democratic integration would help environmental policies in North America. For example, the West Coast Environmental Law Association of Canada has weakened its environmental laws, which violates its obligations under NAFTA²¹ Regional truth integration should tackle environmental problems since these problems are inherently global.
- 54 These policies are needed because corporations, such as Canadian mining companies, cause *serious water pollution in Latin America*. For example, Goldcorp "Los Filos" in Guerrero.²² Citizens can fight big *corporate polluters*—but what does NAFTA do about it? True, NAFTA has the Commission for Environmental Cooperation, though this commission is purely symbolic since it has no power to influence policies or *reinforce environmental legislation*. For example, the Santiago River in Jalisco is heavily polluted by dozens of industries, some of them being American²³ A truly environmental commission should *prevent environmental disasters* like this one which is caused by multinational corporations.
- 55 Chapter 11 of NAFTA outrageously put a priority on corporate over civil interests. For example, ruling under this chapter, the state of San Luis Potosi in Mexico was punished for refusing to open a U.S. waste disposal.²⁴ As Suzuki observed, "Many of the problems arise because of an investor-state arbitration mechanism, it allows foreign investors to bring claims before outside arbitrators if they believe their economic interests are being harmed...So economics trump national interests" (2012). Happily, chapter 11 was removed from USMCA. In a democratic integration, citizens' rights and public institutions should prevail over corporate interests.
- 56 The new agreement CUSMA has an Environment Chapter (24): "the primary purpose of [the agreement], is the protection of the environment" (USMCA, P24-1). However, enforcement is ambiguous. In the case of the US and Canada, the text mentions that laws would be enforced by the central level of government; in the case of Mexico, the federal government is responsible (p. 24-1). We also must mention that USMCA continues to participate in the Commission originally established under NAFTA (pp. 24-23).

- 57 According to Maciunas (2020), "CUSMA incorporates new types of obligations and commitments for the parties and also in respect of specific areas, such as fisheries and illegal wildlife trade, while providing for dispute resolution" (p. 1). However, for Maciunas, "The biggest deficiency in the chapter is the failure to include language on climate change" (p. 7), which is the most pressing environmental concern of our time, this author notes. While CUSMA represents progress in addressing several issues under trade rules, there is much ambiguity regarding tackling and solving some urgent environmental issues such as the use of glyphosate.

06. Conclusion: Time to Move Toward Democracy

- 58 What does democratic integration mean? We understand it as constructive cooperation aimed at the institutional building process centered on democracy. However, until now, trade has been the main driver of North American policies and governmental strategies. We should recall Pastor, who pointed out that "leaders of NAFTA need to start with an idea based on a principle of interdependence. If one country fails, all three are harmed, and if one grows, they all benefit" (2011). This principle of interdependence should be applied to the North American democratic integration.
- 59 Of course, this is not to suggest that only integration can bring democracy to Mexico. Democracy is institution-building which would be reinforced by cooperation. Undoubtedly, sovereign authority in a democracy lies with the people. Democracy is a process that cannot be imposed by an outside force (Rae, 2010). We can nevertheless work together and establish criteria that would build democratic institutions and enforce rules already in place. It is, therefore, necessary to set up standards and harmonize the legislation regarding justice systems.
- 60 Democratic integration must be fair, equal, transparent, and governed by democratic rules. Transparency and participation are the best ways to avoid this. Citizens' demand for more transparency is fair and makes the integration process legitimate. In this sense, integration does not mean the creation of a supranational body that could erode sovereign national powers. As Piketty pointed out, "even though nation-states remain policy modernizers...only regional political integration can lead to effective regulation of the globalized patrimonial capitalism of the twenty-first century" (2013, p. 945). This argument is opposed to the populist discourse that demonizes globalization for not claiming social justice but only justifying racial nationalism.
- 61 I emphasize the need to develop global interactions between national and international institutions. Chomsky saw NAFTA as a sign of "the new imperial age [which] marks a shift toward the reactionary end of the antidemocratic spectrum" (1993). A post-NAFTA era should therefore amount to a post-hegemonic era ; this calls for the development of a process centered on democracy that overcomes the contradictions of the global financial crisis. Moreover, as Pettit pointed out, "when a stronger state tries to use hard power to impose on others, the result can be counterproductive" (2014, p. 172). Paradoxically, we have a U.S. president who denies global issues while trying to impose his power on Mexico in an imperialist manner, such as the funding of his border wall project.
- 62 More than ever, we have evidence that the notion of linear and automatic democratic transitions is a fallacy (Carothers, 2002). Democratization is rather a complex process

that we must enforce and promote at the continental level. For example, the protection and promotion of fundamental rights is the basis of democracy. To promote human rights in this country, a deep reform of the criminal system according to North American standards are needed. The current accreditation of a few prisons in Mexico by U.S. agencies is not enough.²⁵

- 63 The true integration of North America will mean building democratic institutions. As Michael Apple pointed out, democracy is about renewing institutions. Indeed, democracy "is a complex set of institutions that involves accountability, rule of law, and an adequate state ; they have to work in conjunction with one another," as even Fukuyama (2014) now agrees. Countries should therefore work to develop that system of institutions.
- 64 A European Union promoter, Habermas, rightly underlines that praising national values, such as solidarity, could and should prevail at the supranational or international level (2003). A policy of solidarity is needed to construct new and ever more sophisticated forms of "solidarity among strangers" (2001).
- 65 Meyer (2003) pointed out that since NAFTA's creation, "Mexico ceased to define its national interest in terms of the degree of its independence relative to the United States and identified it instead with its closeness...with that country." Indeed, democratic integration should develop Mexican democratic institutions that focus on its national interests. Otherwise, dysfunctional state institutions in Mexico are negative for U.S. interests, even if Mexico is seeking closer ties with the U.S. Like Canada, Mexico should look for independent and accountable institutions. We cannot forget that integration should address the current North-South imbalance in North America through policies that promote solidarity (Habermas, 2013). Mexico needs institutional development to improve security, justice, and, only then, improve its citizens' quality of life. Mexico's development is in the best interest of its northern neighbors.
- 66 Camdessus, while FMI director, said regarding the Mexican economic crisis in 1995 : "The Mexican crisis showed clearly that openness to international financial markets imposes an obligation of unfailing discipline on economic policy. [...] [It] demonstrated the high costs that can arise when a country lowers its guard and markets exercise their discipline instead" (Camdessus, 1995). Analogically, when a country lowers its guard in democracy policies, particularly judicial justice, and equal citizenship, social problems and violence prevail. This does not mean we should punish the lack of democratic policies. We rather suggest strengthening democratic institutions, particularly justice institutions, by adopting clear rules and standards. This promotes accountability and transparency, values about democratic regimes, as Bobbio suggests (2000).
- 67 Mexican elites are sensitive to foreign leverage. But public opinion has also become sensitive to it in the global context. I share the views of Wood, that "there is a real opportunity for the North American partners to move beyond conversations about trade and investment. Now that the rules have come into force, we need to push our three countries' leaders to think beyond trade. There needs to be an investment of time, effort, and political capital in addressing issues as diverse as energy integration, climate change, citizen security, organized crime, and drugs, and ensuring that the region as a whole is prepared to face exogenous and endogenous threats" (2020). Indeed, it is time to move forward. This view could certainly be seen as naïve since Trump remains in power. There is a need to set up a framework of rules of cooperation

to go beyond personal presidential power, especially with the current erratic and unpredictable US president. Instead of immigration blackmail and environmental negligence, cooperation should prevail. It is more desirable to introduce justice systems that reinforce environmental laws and new provisions on corruption. The election of Donald Trump as U.S. President, as well as the ascendancy of right-wing populism, has raised questions about the future of democracy (Reza, 2017). It might seem contradictory or naive that I am advocating for cooperation in this era of racial nationalism and economic populism. However, it is crucial to stand up for it precisely because this populism is eroding democratic values. Hopefully the new President Biden will help advance a democratic agenda.

- 68 Regarding the justice system, the reforms implemented in Mexico in 2008 are incomplete. I must agree with Shirk: "Whether the reforms are successful depends largely on how they are implemented, and by whom. Mexico now needs to invest in training and supporting the lawyers and practitioners who will operate this new legal framework, working to ensure that justice is swift, predictable, and fair" (2009, p. 9). Mexico could benefit from the experience in the United States and Canada where several key reforms to further professionalize the administration of justice and promote a rights-based criminal justice system took effect in the post-World War era.
- 69 USMCA added some rules regarding unions, but it is not clear if they will benefit workers or be a means of business dispute. We want them to improve the standard of living of workers and contribute to the democratization of trade unions. USMCA also added a chapter on corruption aiming to prevent it and combat it. This positive provision is viable only if it can be enforced properly. This brings us back to the justice system. This would improve the regime's performance both politically and economically, as Diamond suggested (1997).
- 70 I agree with Schmidt "policy issues that challenge deep-seated values do need to be addressed" (2005 p. 775, see also Anderson, 1999). Indeed democratic policy platform should be a continental focus for the Americas. Fewer weapons and more institutional cooperation could contribute to peace-building in a violent continent. For instance, the U.S. could curb the illicit traffic of small arms, which largely contributes to the *high rates of crime* and violence in Latin America. It is important to point out that public opinion supports the development of democracy and that people expect more democracy on trade agreements. That is why democratic integration is so important to put pressure on authorities to reinforce laws already in place. It is time to build global democracy through security, civil peace, and solidarity. To build a democratic integration, it is necessary to take those views into account. Rather than declare the end of globalization, it is time to build it from democratic institutions. Rather than closing borders and raising walls, cooperation is needed to solve trans-border problems. This cooperation would quicken the pace of democratization in Mexico.

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NOTES

1. This Marxist is well known, See- On the Question of Free Trade, 1888, Brussels.
2. We refer indistinctively to the agreement as UMCA or USMCA, acronyms used in Canada and the US respectively.
3. Democracy Now, January 3, 2014.

4.] I was a deputy returning officer in that election, and in my electoral box in It. Mexico City, Cardenas (the candidate from center-left) won over Salinas 3 to 1.
5. Documents released in 2018 contain information regarding espionage on writers, intellectuals, journalists, actors, entrepreneurs, social fighters, and union leaders. Barraza, 2019. See also Semple, 2017.
6. We refer to Pettit's concept of the protection of citizens' interests (2014).
7. Polls on NAFTA and USMCA have changed radically over the years (see Gallup.com).
8. Some polls showed Brexiters were mainly concerned about immigration. *Washington Post*, November 16, 2018.
9. According to Habermas the "power – state" (staatsgewalt), is a legal term referring to an executive branch securing internal and external sovereignty. State (staatsvolk) also refers to "state- people" (2000, p. 281).
10. The European Commission for the Efficiency of Justice (CEPEJ) initiated in 2002 following the initiative of the European Ministers of Justice who met in London (2000), the Committee of Ministers of the Council of Europe aimed to establish an innovative body for improving the quality and efficiency of the European judicial systems and strengthening the court users' confidence in such systems.
11. "Casablanca" was a multi-year covert operation involving Mexican bank executives, in money laundering activities. This operation irritated the Mexican government, since US agents acted in Mexico without their consent, violating the country's laws and some international agreements (Valverde, 2001). Not to mention that Casablanca punished only Mexican bankers (no Americans).
12. Operation Fast and Furious — was placed on a group of Arizona-based prosecutors and federal officials who lost track of hundreds of weapons that were allowed to pass into Mexico in hopes of tracing them to cartel leaders. Two of the high-powered guns turned up at an Arizona shootout in 2010 that killed an American border patrol officer. Officially, hundreds of those weapons ended up in the hands of drug cartels (Fast, Furious, and Foolish. Editorial. September 20, 2012. NYT, 2012).
13. This chapter is almost identical to Chapter 26 of the Trans-Pacific Partnership (TPP), which President Trump withdrew the US from in January 2017.
14. Lozoya, a former PEMEX director, was arrested in Spain and extradited to Mexico on July 17, 2020.
15. We can mention the Tea Party and authors such as Lou Doubs and radical groups. However, we can mention authors such as Castañeda who also argues that corruption is cultural (Castañeda, 2011).
16. USMCA includes a "Rapid-Response Mechanism" that would allow for the deployment of a three-member panel of labor experts to a facility to ensure that the national labor law is being respected.
17. New York Times (17-12-2012) reported a former executive statement: "In its rush to build Walmart stores, he said, the company had paid bribes to obtain permits in virtually every corner of the country..."
18. President Trump threatened that he would impose a 5 percent tariff on all imported goods from Mexico beginning June 10, a tax that would "gradually increase" until the flow of undocumented immigrants across the border stopped. NYT, May 30, 2020.
19. In a joint declaration issued by the two countries, Mexico agreed to "take unprecedented steps to increase enforcement to curb irregular migration." This included the deployment of Mexico's national guard. CNBC, June 5, 2020.
20. Reforma Constitucional en Materia de Justicia Penal y Seguridad Pública, Mexico, June 2008.
21. The Globe and Mail, Aug. 14, 2013
22. Mining Watch Canada. April 3, 2014.

23. Greenpeace, (2012) Estudio de la Contaminación en la Cuenca del Río de Santiago. México.

24. In October 1996, Metalclad Corporation, a U.S. waste-disposal company, accused the Mexican government of violating NAFTA's Chapter 11 when the state of San Luis Potosi refused it permission to open a waste disposal facility. Then in a lawsuit under NAFTA, a Tribunal for the case ruled in favor of Metalclad, ordering the Mexican government to pay US\$16.7 million in compensation.

25. ICPA Congress, Mexico, October 2012.

ABSTRACTS

Twenty-five years after the establishment of NAFTA, the limits of this trade agreement are obvious. Rather than integration, NAFTA's actual outcomes evince a profound North-South inequality. This utopian agreement developed trade but turned into a dystopia in terms of security, migration, and development, particularly for Mexico. While USMCA features some changes, democratic oriented policies are badly needed. Contrary to the right-wing, anti-free trade discourse, I argue that, beyond a technocratic perspective, a radical transformation is needed to build a continental integration based on democratic institutions and cooperation beyond supranational organizations. I propose an integration based on a) security through justice institutions; b) global development that addresses migration; and c) sustainable cooperation in environmental policies.

Vingt-cinq ans après la mise en place de l'ALENA, les limites de cet accord commercial sont évidentes. Plutôt que l'intégration, les résultats réels de l'ALENA mènent à une profonde inégalité Nord-Sud. Cet accord utopique a développé le commerce mais s'est transformé en une dystopie en termes de sécurité, de migration et de développement, en particulier pour le Mexique. Bien que l'ACEUM présente certains changements, des politiques orientées vers la démocratie sont absolument nécessaires. Contrairement au discours de droite anti-libre-échange, je soutiens qu'au-delà d'une perspective technocratique, une transformation radicale est nécessaire pour construire une intégration continentale basée sur des institutions démocratiques et une coopération au-delà des organisations supranationales. Je propose une intégration basée sur a) la sécurité à travers les institutions judiciaires; b) un développement intégral qui aborde la migration; et c) coopération durable en matière de politiques environnementales.

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