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Facilitated governance in Mercosur: policy transfer and integration in education, health, and migration policies

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This article researches the role of Mercosur's institutions in the process of policy transfer among member states in three specific areas: education, health and migration. The main argument is that these institutions became public policy-making forums acting as policy transfer facilitators in the empirical cases studied. This article aims to contribute to the development of empirical studies on public policy transfer in regional integration processes. Regional trading blocs promote the articulation of ideas and experience exchange among public policy managers. The methodology applied to this study involves the analysis of Mercosur's official documents and interviews. Despite its intergovernmental nature and its low institutionalization, Mercosur has played an important role in national policy-making in education, health and migration.

Keywords: Mercosur; policy transfer; migration policy; educational policy.

A governança facilitada no Mercosul: transferência de políticas e integração nas áreas de educação, migração e saúde

O artigo investiga o papel das instituições do Mercosul no processo de transferência de políticas entre os Estados-membros em três áreas específicas: educação, saúde e migração. O argumento principal é que essas instituições tornaram-se espaços formadores de políticas públicas, atuando como facilitadoras da transferência de políticas nos três casos empíricos examinados. O artigo pretende contribuir para o desenvolvimento de estudos empíricos de transferência de políticas públicas nos processos de integração regional. Os blocos regionais criam espaços de articulação de ideias e trocas de experiências entre os gestores de políticas públicas. A metodologia envolveu análise de documentos oficiais do bloco e entrevistas. Apesar do seu caráter intergovernamental e da sua baixa

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The empirical cases were presented at the following events: 3rd Seminar on International Relations: Graduate and Post-graduate programs of the Brazilian Association of International Relations, held on 29-30 September 2016 in Florianópolis/SC (migration); III Workshop on Research in International Relations of the Federal University of Paraná, held on 1-2 December 2016 in Curitiba-PR (education); and 39th Annual Meeting of the National Association of Research and Graduate Studies in Social Sciences, held in October 2015 in Caxambu-MG (health). The authors are grateful for the suggestions of the reviewers and editors of RAP's dossier.



institucionalização, o Mercosul desempenhou funções importantes no processo de formulação de políticas públicas nacionais nas três áreas selecionadas na pesquisa.

Palavras-chave: Mercosul; transferência de políticas; política migratória; política educacional.

La gobernanza facilitada en el Mercosur: transferencia de políticas e integración en las áreas de educación, migración y salud

El trabajo investiga el rol de las instituciones del Mercosur en el proceso de transferencia de políticas entre los Estados miembros en tres áreas: educación, salud y migración. El argumento principal es que estas instituciones se han convertido en espacios que forman la política pública, actuando como facilitador de transferencia de políticas en los tres casos. El *paper* tiene como objetivo contribuir al desarrollo de los estudios empíricos sobre la transferencia de las políticas en los procesos de integración regional. Los bloques regionales crean espacios de articulación de ideas e intercambio de experiencias entre los gestores. La metodología consistió en el análisis de documentos oficiales del bloque y entrevistas. A pesar de su carácter intergubernamental y su baja institucionalización, el Mercosur desempeñó funciones importantes en el proceso de formulación de políticas en las tres áreas seleccionadas.

Palabras clave: Mercosur; transferencia de políticas; política migratória; política educacional.

1. INTRODUCTION

This article analyzes the role of Mercosur institutions in policy transfer in three areas related to the movement of people between member and associate states. The three areas selected for analysis are: i) the academic mobility made possible by Marca (Regional Academic Mobility Program in Accredited Courses); ii) the Mercosur Residency Agreements; and iii) professional education and practice in health care. The movement of people is one of the main themes of the Mercosur project. Mercosur was intended, since its foundation, to be a common market. This implies in facilitating the circulation of capital, goods, services and persons, as explained by Béla Balassa's work (1961). Mercosur has been seeking progress in these areas, especially since the trade bloc was reformed in the 2000s, expanding its socio-political agenda and intensifying the role of its formal institutions linked to social issues. As a result, it was possible to observe a proliferation of areas for debate and policy formation involving education, health and migration.

This is the case of the Specialized Migration Forum (SMF) of the Meeting of Ministers of the Interior, which played a key role in the formulation of the residency agreements and in advancing the rules on free movement. The SMF was established in 2004 and brought together the officials of the signatory states' immigration authorities. Prior to the creation of the SMF, discussions on migration were held in technical committees of the Meeting of Ministers of the Interior. In the area of education, the Regional Coordinating Committee for Higher Education (RCCHE) made progress in this area and was responsible for the implementation of programs related to academic mobility. Finally, in the area of health, we highlight the Subcommittee on Professional Development and Practice (SPDP) of the Working Subgroup 11, linked to the Common Market Group (CMG). This Working Subgroup, created in 1996 by Resolution CMG N.151/96, is composed of three committees, namely: 1) Health Products Committee; 2) Health Surveillance Committee; 3) Health Care Services Committee. The third one is divided into three subcommittees: Health services; Evaluation and Use of Technologies in Health Services; and Professional Development and Practice (SPDP) (Machado, Paula and Aguiar Filho, 2007:295).

It is argued here that SMF, RCCHE and SPDP of the Working Subgroup 11 have worked according to the ‘facilitated’ mode of governance described by Bulmer and Padgett (2004) in the process of transferring public policies in the aforementioned areas. Since the 2000s, these institutions have become spaces for the induction of new policies, which, in turn, have been impacted by ideas and knowledge that had been shared after being previously adopted in one of the member states. As is often the case, states then imported the experiences learned in Mercosur and adapted the policies proposed according to their national realities and interests — practices known as institutional bricolage (De Jong, 2013) or institutional grafting (Pessali, 2011).

After this introduction, this article is organized in five sections. The first one presents the theoretical and methodological elements of policy transfer with the aim of identifying which elements contribute to the analysis of the role of Mercosur in the three selected cases. The second, third and fourth sections present transfer processes in the three areas (education, health and migration), with emphasis on the role of Mercosur institutions. The fifth and final section shows the conclusions reached and a discussion of the empirical cases, with a focus on the impact of the Mercosur institutions on those transfers.

2. THEORETIC AND METHODOLOGICAL ELEMENTS OF POLICY TRANSFER

The recent development of a research agenda on policy transfer has been favored by the processes of globalization and regionalization, as stressed by different authors (Evans and Davies, 1999; Stone 1999, 2004; Hassenteufel et al., 2017; Porto de Oliveira and Faria, 2017). One of the main challenges of this agenda has been to differentiate concepts such as transfer, diffusion and convergence (Stone, 2004; Dolowitz, 2017; Porto de Oliveira and Faria, 2017). Dolowitz and Marsh (1996:344) describe policy transfer as processes by which knowledge about policies, institutions and ideas in a past or current reality is used in the development of policies, administrative norms, institutions and ideas in another political scenario. This concept is not synonymous with diffusion. While transfer involves unidirectional movements in which policy conveyance occurs from one jurisdiction (district, state, country, etc.) to another (Porto de Oliveira, 2013; Porto de Oliveira and Faria, 2017:30), policy diffusion corresponds to the adoption of policies by a group of countries or governments. Finally, policy convergence results from macroeconomic harmonization of common forces or processes that may occur unintentionally (Evans and Davies, 1999).

Another challenge, noted by Stone (1999), is the relatively small number of analyses on the changes in norms due to regional integration processes. The literature on Europeanization provides elements to fill this gap. According to Graziano and Vink (2007), Europeanization provides a measure of the extent to which norms built in the European Union have had an impact on the national policies of the member states and let them to converge. The same assessment can be applied to the Mercosur experience — “mercosurización” (or mercosurinization), as called by Solanas (2009) and Botto (2011) —, for which there are few studies.¹ The approach, however, has

¹ One of the studies carried out in Brazil on this subject was produced by Marin (2011), who resorted to the classification of Bulmer and Padgett (2004) to suggest the use of the facilitated governance mode to analyze the Specialized Meeting on Family Agriculture of Mercosur.

been scarcely attempted in Brazil. In fact, Dolowitz (2017:51) has argued for the need of empirical research in general. The policy transfer studies are still very incipient in Brazil, according to the survey conducted by Porto de Oliveira and Faria (2017).

Dolowitz and Marsh (2000) suggest that transfers in regional integration processes can be considered as 'negotiated', while Bulmer and Padgett (2004) and Stone (1999) call them 'facilitated'. From the concept of policy transfer, Bulmer and Padgett (2004) studied the modes of governance of the European Union. Inspired by the work of Dolowitz and Marsh (2000), the authors defined four different degrees of transfer: emulation or copying, synthesis, influence, and abortive. Emulation or copying involves borrowing a policy model from another jurisdiction without changing it. Synthesis is the combination of models from two or more jurisdictions. Influence occurs when a model serves as the inspiration for a new policy. Lastly, the abortive form of transfer occurs when actors with veto power in the receiving jurisdiction block a transfer. Box 1 below summarizes the basic elements of the authors' approach.

BOX 1 MODES OF GOVERNANCE AND RANGE OF LIKELY TRANSFER OUTCOMES

Modes of governance	Range of likely transfer outcomes
Hierarchy	Emulation - Synthesis
Negotiation	Emulation - Synthesis Synthesis – Abortive
Facilitation	Influence - Abortive

Source: Adapted from Bulmer and Padgett (2004).

The hierarchical mode of governance involves a high degree of institutionalization, which is based on formal and informal rules, supranational institutions, and a transnational society. In this context, the transfer would take place vertically, with the application of rules and legislation through the imposition by supranational authority on national governments (Bulmer and Padgett, 2004).

The negotiated mode of governance is the process by which common norms to be adopted are agreed between the member states, with some accommodation of their specific interests. In this scenario, the transfer can occur by adoption, by the regional bloc, of the model or the policy of one of its members. The rules of decision-making contribute to creating a more conducive environment for transfer based on political negotiation. The authors note that the existence of a qualified majority in European decision-making reduces the veto possibilities of signatory states, providing conditions for more consistent forms of transfer (synthesis or influence). The unanimity rule, however, produces less consistent forms of transfer based on influence (Bulmer and Padgett, 2004).

The facilitated mode of governance assumes that national sovereignty is maintained, that is, there is no obligation to adopt a particular political model. However, the trading bloc enables interaction

or exchange between policymakers. In this sense, institutions shape the processes of public policies transfer. There are different types of governance in the European Union, which entails different forms of transfer (Bulmer and Padgett, 2004). ‘Facilitation’ refers to ‘voluntarism’ — as portrayed in theories of transfer and diffusion of public policies. It occurs when a sovereign state considers adopting a policy from an external source and, despite having the power to make decisions, it agrees to cooperate and coordinate efforts in less institutionalized situations (Bulmer and Padgett, 2004), as can be observed in Mercosur. According to Andrés Malamud (2003), the regional institutions of this trading bloc would just be intergovernmental fora in which national representatives are constrained to obtain unanimity to make decisions. In this way, states retain their competence and autonomy in the regional and national public policy agenda, although they use such fora to cooperate and coordinate efforts to reach common solutions to certain problems.

The empirical cases explored below shall show the predominance of the facilitated mode of governance in Mercosur. This results from a focus on the institutions responsible for policy making in each case and on the study of “places and spaces of interaction (forums, colloquia, seminars, meetings, etc.) where transnational actors spread their concepts, and are in contact with national actors”² (Hassenteufel, 2005:37). Thus, documental analysis was conducted, centered on (i) minutes of the meetings of the institutions involved in the three empirical cases (SMF, RCCHE and SPDP); and (ii) national legislation, in order to verify the extent to which the content of regional decisions has been internalized by the member states.

In the specific analysis of migration policies, semi-structured interviews were applied with: (i) managers of migration policy; (ii) actors that participated in the SMF; and (iii) specialists involved in the formulation of the national laws of the Mercosur member states. The interviewees were selected based on their involvement in the discussions on the topic. The interviews contributed to add new empirical evidence about the role of the SMF, which acts as a facilitating institution for the transfer of migration policies. The next three sections analyze each the role of one of the three institutions (SMF, RCCHE and SPDP) in the policy transfer in Mercosur.

3. TRANSFER OF POLICIES ON MIGRATION IN MERCOSUR: THE ROLE OF THE SPECIALIZED MIGRATION FORUM

The issue of migration gained space in Mercosur’s agenda from the 2000s. Argentina played a major role after approving its national migration law based on the broad granting of rights to migrants at the end of 2002. At the same time, Argentina proposed Residency Agreements (RA) to the other signatory states of Mercosur, as well as to Bolivia and Chile, which were promulgated in 2009. The RA incorporated the idea of the Mercosur citizen as a person bearing rights, among them the right to legalization, to work, education and health under the same conditions as nationals of the country in which they reside. After the signing of the RA, other themes began to be discussed within Mercosur, with emphasis on residence, movement and refugees.

The Specialized Migration Forum (SMF) is the central institution to act as a space for transferring ideas and policies from Argentina to the signatory states. The forum is formed of

² The original: “[...] lieux et espaces d’interaction (forums, colloques, séminaires, réunions, etc.) au sein desquels les acteurs transnationaux vont diffuser leurs conceptions, en étant en contact avec des acteurs nationaux”.

labor ministers of the member states and officials of the national migration authorities, with meetings taking place quarterly in different cities of the member states. SMF allows connections among representatives of each migration authority and enables the transfer of ideas, knowledge, as well as of entire policies. The forum was created in 2004 within the framework of the Mercosur Meeting of Interior Ministers and has drawn up agreements with the Common Market Council — an executive body responsible for approving decisions in Mercosur. Therefore, the SMF is the most important institution in shaping the debates on migration in Mercosur, from which emerge the main decisions on the issue.

Regarding SMF as a forum of mediation of policy transfer, the interviewee João Guilherme Granja (2016) indicated that the space allows “[...] sharing experiences and updating information on the actions that the five National Migration Directorates have developed and allows strengthening good practices.” Granja pointed out that within the SMF, “[...] Mercosur went through this discussion, of granting rights to immigrants, which reinforced the traditional logic of principles”. The interviewee mentioned the sharing of habits among the members of the SMF, which helps to guarantee the maintenance of the institution’s procedures. Another interviewee, Jorge Muíño (2016), pointed out that within the SMF “there is permanent transfer of ideas and knowledge about good practices”.

In November 2005, the Declaration on the “*Pátria Grande*” program proposed by Argentina was signed in the SMF. Through the program the member states pledged to incorporate the pioneering Argentine program for the regularization of Mercosur nationals (Mercosul, 2006a). This Declaration is evidence of the transfer of the Argentine “*Pátria Grande*” program to the other states of the trading bloc, according to the then National Migration Director of Argentina, Ricardo Eusébio Rodríguez (2007). Comparing the procedures adopted in Brazil, Paraguay and Uruguay regarding migration, it is possible to observe clear similarities with the Residency Agreement (RA) and the “*Pátria Grande*” program. The Argentine government in fact aimed at spreading its policy and in order to prevent setbacks in regional migration policy. The interviewee Federico Augusti (2016) stated that “the idea of the ‘*Pátria Grande*’ program ended up being disseminated within the SMF”, considering that Argentina was the first country to implement a program to legalize Mercosur nationals. Argentina has proved to be the state in the trading bloc to most promote policy transfers on migration: 90% of the decisions made in the SMF were based on proposals from Argentina (Margheritis, 2015). A process of emulation of the Argentine national policy for Mercosur occurred as ideas and programs were transferred from the Argentine legislation. This was also the case for the states that ratified the RA. This transfer within Mercosur was clearly shown in the minutes of the SMF and in the interviews conducted with migration policy managers.³

³ The following interviewees contributed with this research: i) ARGENTIERI, Constanza. Representative of the Institute of Public Policy and Human Rights of Mercosur in the SMF. Interviewed in Curitiba, 30 November 2016; ii) AUGUSTI, Federico. Director of International Affairs at the Dirección Nacional de Migraciones (DNM) Argentina and DNM representative in the SMF. Interviewed in Curitiba, 18 November 2016; iii) BARALDI, Camila. Specialist in Migrations in Brazil and Mercosur. Interviewed in Curitiba, 28 October 2016; iv) GRANJA, João Guilherme. Ex-Director of International Affairs of the Ministry of Justice (Brazil); Representative of the Brazilian Government in the SMF. Interviewed on 16 October 2016; v) MUIÑO, Jorge. Director of Consular Affairs and representative of the Minister of Foreign Affairs in Uruguay in the SMF. Interviewed in Curitiba, 30 October 2016; vi) VICHICH, Nora Pérez. Specialist in migration policy in Argentina and Mercosur. Interviewed in Curitiba, 10 October 2016.

Interviewee Nora Pérez Vichich (2016) pointed out that RA are the intergovernmental norm of the process, the adoption of which extrapolated its initial intention “[...] when it ended up shaping migration policies for the region”. That is, the RA helped to boost policy transfers, compelling signatory states to reform their national migration laws. These changes were necessary as the agreements presented an approach based on granting broad rights to citizens. These rights were not covered by national migration laws, traditionally designed to emphasize security issues.

In the case of Uruguay, the policy transfer was evidenced through the approval of Law 18.250. Within the Bulmer and Padgett’s (2004) range of transfers, the Uruguayan law emulated or copied several articles of the Argentine migration law 25.871, as shown in box 2. Mercosur acted as a facilitator in enabling contacts between the agents and managers of migration policy in both countries. The interviewee Augusti (2016) stated that there was an exchange between the Argentine and Uruguayan law makers: “There were visits to managers. I myself participated in events in Uruguay in the period of drafting the law”. The model was then used as a reference by Uruguay.

BOX 2 EXAMPLES OF TRANSFERS BETWEEN ARGENTINE MIGRATION LAW (25.871) AND URUGUAYAN MIGRATION LAW (18.250)

Migration Law Argentina (2003)	Migration Law Uruguay (2008)	Article content	Range of transfer
Article 2	Article 3	Defines ‘immigrant’	Copy/Emulation
Article 5	Article 7	Establish equality in the treatment of nationals of the signatory states	Emulation
Article 6	Article 8	Sets the full rights of immigrants	Emulation
Article 7	Article 11	Addresses the issue of access to education	Copy/Emulation
Article 10	Article 10	Provides information about family reunion	Copy/Emulation
Article 11	Article 13	Addresses sociocultural and policy integration	Emulation

Source: The authors based on National Migration Laws of Argentina and Uruguay.

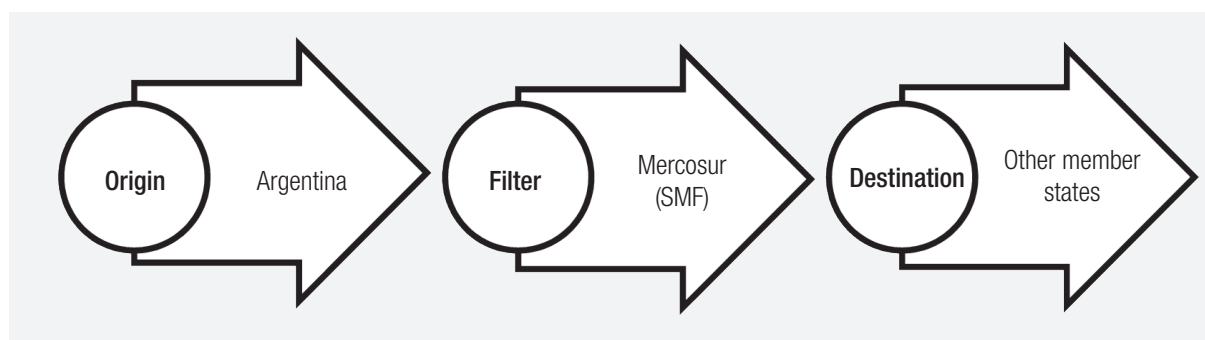
It is also observed that the mediating action of Mercosur caused a transfer between the Argentine migration law and the new Brazilian migration law 13.445/2017. The transfer between Argentine and Brazilian norms also occurred through other spheres, such as seminars and congresses, mediated by civil society actors. On the contacts between the countries’ civil society, the interviewee Constanza Argenterio (2016) pointed out that there are ties between Argentine, Brazilian and Uruguayan nonprofit organizations. They communicate in networks and promote “exchanges of national experiences”. Still,

the most important exchange events between migration actors and experts were the South American Migration Conferences, which resulted from discussions within the SMF.

The interviewee Camila Baraldi (2016) presented personal experiences of migratory exchanges as evidence of policy transfer within the trading bloc: “I think there are many exchanges after Mercosur. I had the opportunity to participate in an event in 2012 [...]. On that occasion there were many Argentines sharing experiences providing inputs to think on a new Brazilian migration law” (Baraldi, 2016).

Figure 1 illustrates the path of migration policy transfer in Mercosur. The Argentine Law is the starting point, the SMF acts as a filter and sounding board, and the other signatory states are the final destination of the migration policies conditioned by the RA.

FIGURE 1 FLOWCHART OF MIGRATION POLICY TRANSFER IN MERCOSUR



Source: Elaborated by the authors.

The interviewee Vichich (2016) stated that “the transfer through Mercosur [...] is a process that involves mechanisms [...] that have to do with exchanges that take place in more formal meetings, but also with the increase of trust levels among the negotiators”. This kind of cooperation results in courses on specific themes and exchanges of information, as well as on institutional visits to monitor the policy implementation.

As for the migration issues in Mercosur, thus, there is clearly information exchange based on the facilitated model of governance. Member states pursue the exchange of information and knowledge in those debates, as in the case of Argentina’s *Pátria Grande* program, but they are not impelled to transfer policies. States retain their sovereignty, transfer policies only when seen as advantageous, and therefore voluntarily adhere to regional policies and decisions.

4. THE MARCA PROGRAM: MERCOSUR EDUCATION HELPS THE FORMULATION OF PUBLIC POLICY

Education is considered one of the priority areas for strengthening integration in Mercosur (National Congress, 2005:14). Since the beginning of the meetings between the ministers of education of the member states, education is defended as fundamental to the process (Mercosul,

2017b). Considering the range of themes in this area, this section will focus on student and docent academic mobility policies.

Academic mobility has always been on the agenda at the meetings of ministers of education. In the year of creation of the regional trading bloc, the ministers of education signed a memorandum of understanding (Mercosur, 1991) in which they declared their interest in promoting the mobility of docent, students and specialists in order to foster understanding of regional reality and human, cultural, scientific and technological development. In this document, they reinforced the need for measures to overcome mobility barriers and the exchange of goods and people in the bloc. In the following year, the ministers of education met and recommended the development of mechanisms for docent and student exchange. Between 1993 and 1995, protocols were signed involving education at the postgraduate level, and integration to continue postgraduate studies in the institutions of the member states. In 1996, education leaders recommended to the Regional Coordinating Committee a feasibility study for accreditation of courses in order to define a system for the recognition of undergraduate degrees (Mercosur, 2017b).

Signed in 1998 and implemented in 2002, bases for exchange between students and docents (Mercosul, 2017b) were created with the Experimental Mechanism for Accreditation of Courses for the Recognition of University Degrees in the Mercosur Countries (Mexa). This exchange became possible after a few years with the creation of the Regional Academic Mobility Program in Accredited Courses (Marca). The courses in the Regional Accreditation System for Undergraduate Courses (Arcu-SUL) are part of this program. Although it is explicit in the documentation consulted that there will be compliance with local legislation and that membership is voluntary, an attempt was made to align and harmonize proposals.

In order to empirically demonstrate facilitated governance in education, the documents of the Regional Coordinating Committee for Higher Education (RCCHE) were analyzed. Created in 2001, the Committee is a specific forum for discussion of mobility programs, made up of bureaucrats nominated by member states. Box 3 summarizes the evolution of the discussion on mobility in Mercosur based on the minutes of the RCCHE meetings.

BOX 3 EVOLUTION OF THE DISCUSSION ON MOBILITY IN MERCOSUR

YEAR	DISCUSSION
2002	Implementation of Mexa. Proposed agreement regarding mobility.
2004	Approval of Regional Academic Mobility Program in Accredited Courses — Marca and link established to Mexa.
2005	Documental review for the Marca summit.
2006	Beginning of the academic exchange and proposal for the accreditation system. Brazil proposes 'Marca Docent', which is approved.
2008	Signing of Arcu-SUL, which establishes the accreditation system to which the academic mobility programs are connected.

Source: Elaborated by the authors based on Mercosul (2017a).

Mexa was developed based on the definition of accreditation, mobility and cooperation in the Strategic Plan of the Mercosur Educational Sector 2001-2005. After a pilot project with the areas of Agronomy, Engineering and Medicine, the definitive mechanism was established: the Regional Accreditation System for Mercosur Undergraduate Courses — Arcu-SUL. The accreditation system formed the context to the creation of the Regional Academic Mobility Program in Accredited Courses (Marca) (Mercosul, 2018b).

The discussion on academic mobility, accreditation and inter-institutional cooperation has been in place since 2001. At that time, the report on bilateral programs and the study and observation of existing models were carried out by the Brazilian, Chilean and Paraguayan delegations in order to establish the basis for discussing the theme. In the following year, the guiding principles of the academic mobility program of the trading bloc started to be defined and Argentina was responsible for compiling the parties' suggestions (Mercosul, 2017a).

In 2004, the academic mobility in the regional bloc with Marca was approved. The RCCHE was designated as responsible for its implementation. In 2006, the academic exchange through the project began with the Agronomy course, and the definitive design of the accreditation system was also requested. In the same year, the Brazilian delegation presented the proposal of docent mobility. The proposal was approved by the Committee, and the Brazilian delegation assumed responsibility for coordinating the program (Mercosul, 2017a).

Brazil continued to play a leading role in docent mobility, as the program showed positive results. Brazil was responsible for elaborating a flow of mobility plan according to the areas of interest and funding suggested by member states. Thus, during 2007, the members agreed about the continuity and expansion of the initiative, and to keep Brazil in the coordination role. Budgetary issues delayed implementation until 2008 (Mercosul, 2017a).

In the following years, the countries alternated as protagonist of the issues related to the students. As for the exchange of docents, however, Brazil continued to excel in conducting the work. In 2012, it was decided to restructure the program and to suspend calls for docent mobility in order to discuss its inclusion in the System of Integrated Mobility (Mercosul, 2017a).

Since 2013, the program has changed its approach. In addition to participation in the system, the need for interuniversity cooperation projects with the involvement of institutions from Argentina, Brazil, Paraguay, Uruguay, Bolivia and Chile was established with the aim of fostering exchange of students, coordinators and docents who are teaching in careers registered at Arcu-SUL. This change in approach was expected to affect docents and students, and to increase established relationships (networks/projects) in parallel with the quality of the proposals, thus ensuring the objectives of the Marca program were achieved (Mercosul, 2018b).

Although of a voluntary character, the program has been marked by the active participation of all the members. Table 1 compiles the number of participating institutions by course and by country. The adhesion and commitment of member countries in the implementation of the Marca program is evident, considering that compliance with the local legislation envisaged in the program seems not to have been used as a restriction on policy transfer.

TABLE 1 NUMBER OF INSTITUTIONS PARTICIPATING IN THE MARCA PROGRAM PER COUNTRY AND PER COURSE

COURSE/COUNTRY	ARGENTINA	BOLÍVIA	BRAZIL	CHILE	PARAGUAY	URUGUAY	VENEZUELA
AGRONOMY	5	2	16	4	-	1	2
ARCHITECTURE	9	6	12	-	1	2	-
NURSING	4	3	7	-	-	-	-
ENGINEERING	13	10	13	-	1	2	-
MEDICINE	4	7	1	1	2	1	-
DENTISTRY	2	2	-	-	1	1	-
VETERINÁRY	7	1	5	2	1	1	1

Source: Elaborated by the authors based on Mercosul (2018b).

As seen, the negotiations regarding academic mobility in Mercosur countries show that RCCHE served as a facilitator in the process of public policies transfer among member states. The forum allows the member states to share experiences in the formulation of public policies and that such experience exchange help to shape the proposals of the trading bloc – in some cases, with a greater role of one of the countries, such as Brazil in relation to docent mobility. Since it is a joint debate — even if a country model is used — all member states participate and ratify decisions. This joint model may explain the decrease in resistance for policy implementation. It has been seen from table 1 that all member states have implemented the agreements. This shows that RCCHE has worked as a space for the synthesis and dissemination of public policies.

The issue of student mobility illustrates the inspiration of signatory states in other processes for building the regional model, i.e., in the synthesis of public policies. With regard to docent mobility, RCCHE also enabled one of the member states – Brazil – to present its model to others, defending it as a solution to the common issue, and allowing policy transference by means of influence.

5. HEALTHCARE: PROFESSIONAL DEVELOPMENT AND ACTIVITY IN MERCOSUR

The theme of professional development and activity in Mercosur requires the participation of professional associations and technical expertise necessary to browse the complex agenda dealt with by the Working Subgroup 11 of the Common Market Group (CMG). The issue is handled by the Subcommittee on Professional Development and Practice (SPDP), linked to the Committee for Health Care Services. The agenda of the Working Subgroup 11 demands specialized knowledge, which increases the importance of technicians and professional associations conducting the work, and reduces the role of bureaucrats. As a result, progress on health care issues in Mercosur, in particular in the SPDP, depends on the interests of the professional sectors involved. In addition, the role of SPDP is to advise the decision-making process in the specific area of professional training and activities. On

the basis of consensus among states, it can draft resolutions submitted to the CMG for consideration and approval.

The need for connection between the works of SPDP and the Mercosur Education Sector was clear (Paula, 2009:133). The joint work should generate “an analysis of the Mercosur different instruments related to the temporary movement of people providing services, in order to determine the need for additional instruments” (Mercosul, 2017c:2). The analysis of people instead of organizations is related to the issue of professional activity of qualified healthcare professionals who are interested in working in other member states. Therefore, professional activity is a topic associated with the other areas addressed in the previous sections of this article, since it involves the recognition of the titles and qualifications of health professionals (educational area) and the specific issues related to intra-bloc migrations.

According to the study by Aida El-Khoury de Paula (2009:168), working groups, together with professionals from different areas as well as institutions related to the theme, constituted the spaces for the discussion, conception and formulation of Mercosur’s policies in healthcare. Through Administrative Order n. 929/GM (of 02 May 2006), Brazil institutionalized the Permanent Mercosur Forum for Health Work. Its purpose is to support the coordination of SPDP in the ordinary meetings of the Working Subgroup 11. This forum is “a space for dialogue and cooperation between managers and healthcare professionals” (Ministério da Saúde, 2010:13) and is coordinated by the Brazilian Ministry of Health.

The central theme of SPDP is the recognition of the specialties of healthcare professions in Mercosur. Aida El-Khoury de Paula (2009), who worked in the Brazilian Ministry of Health, analyzed the minutes of meetings of the subcommittee, and participated in the SPDP from 2004 to 2007. For Aida de Paula, professional activity demands the implementation of human resource policies agreed by SPDP. The agreement established on the free movement of persons affects the guarantee of social rights and the service provided by healthcare professionals. For health professionals to work in equal legal terms over the member states, several requirements were identified, such as: (i) overcoming problems related to conflicts in national legislations with regard to regulation of health professions; and (ii) establishing mechanisms for controlling, supervising and registering disciplinary sanctions imputed to professionals, further to creating a code of ethics for each healthcare profession (Paula, 2009).

In 2004, internal discussions among the different agents involved in the work of SPDP resulted in the approval, based on consensus, of the Minimum Matrix of Registration of Mercosur Healthcare Professionals, as pointed out by the Brazilian Ministry of Health (Ministério da Saúde, 2010:22-23) and by de Paula’s research (2009). The purpose of the Matrix was to make an integrated registry of healthcare professionals interested in operating in other member states. The register would be a document containing personal and professional data, including sanctions a professional may have received (Cardoso, Machado and Vieira, 2013:61).

An analysis of the minutes of the Working Subgroup 11 between 2007 and 2015 shows that, despite the specific progress made by the Matrix to solve the problems listed above, in a few years (2007 to 2010) there has been no progress with regard to its re-discussion and internalization by the signatory states. The Matrix was only validated at the second meeting of the Working Subgroup 11, in September

2010. The Subgroup established that it should be in operation by 2011, but the research found no relevant mention regarding the matrix in that year. In 2012, SPDP submitted two draft resolutions about the theme to the CMG. One was the List of Mercosur Common Medical Specialties, necessary for the recognition of these specialties by the signatory states. The other was the List of Mercosur Healthcare Professions, recognized as common to all states in the trading bloc. In October 2013, the minimum matrix was updated. The internalization of the CMG Resolutions 07/12 (List of Mercosur Healthcare Professions) and 08/12 (List of Mercosur Common Medical Specialties) was made by Uruguay in 2013 and by Brazil and Argentina in 2014.

The edition of two Administrative Orders (734/2014 and 735/2014) in Brazil sought to give effect to resolutions 07 and 08/12 of the CMG. Through the orders, the Ministry of Health (2017a and 2017b) recognized the healthcare professions listed therein. However, there is still a need to comply with current Brazilian laws, which means that professionals from other Mercosur countries are required to validate their professional qualification documents in Brazilian institutions. The orders approved a common list of nine healthcare professions recognized by the signatory states and another list containing thirty-eight Mercosur common medical specialties. The approval of these two lists facilitated health professionals entering Brazil. The orders, however, did not eliminate the legislation that requires the validation of the qualification documents.

In summary, the creation of a Minimum Matrix, updated in 2012 by the SPDP and approved in 2013 by the Working Subgroup, was not enough to overcome the limits imposed by the laws and regulations in force in each country, but made it possible to make occasional progress in the area of healthcare within Mercosur. In any case, the minimum matrix emerged from the interactions and reciprocal influences between the states, which succeeded in reaching a consensus on the healthcare professions and the essential requirements within the SPDP.

6. DISCUSSION AND FINAL REMARKS

We have learned in this study that public policy transfers within and from regional integration processes have complex issues of their own when compared with the ones that take place between states or subnational actors. For this reason, the classification suggested by Bulmer and Padgett (2004) helps to understand the differences between the experience of Mercosur and the European Union (EU). Their study showed the predominance of hierarchical mode of governance in the EU, that is, the convergence of norms in specific areas, in what Graziano and Vink (2007) called Europeanization. In the case of Mercosur, the facilitated mode of governance seems to have prevailed, that is, the voluntary exchanges of knowledge and of good practices based on the previous experiences of the member states. In this sense, the empirical cases analyzed here have highlighted Mercosur's difficulties in producing harmonization of norms and policies among member states — the so-called “mercosurization” — since each state incorporates these norms and policies in different ways.

Within the classification proposed by Bulmer and Padgett (2004), Mercosur would not fit in the hierarchical mode of governance while persisting the low degree of institutionalization observed by authors like Tullo Vigevani and partners (2008) and Andrés Malamud (2003). The hierarchical mode of governance implies a high degree of institutionalization, which is expressed in the existence of supranational institutions with the capacity to impose political decisions and norms on the member

states. This is not the case for Mercosur, where institutions have an intergovernmental nature and involve the direct participation of representatives and technicians of the executive branches of the member states in the formulation of regional decisions – although there is room for influence by actors from organized civil society. In addition, in the decision-making process of the Mercosur fundamental bodies — the Common Market Group (CMG) and the Common Market Council (CMC) — decision-making shall prevail by consensus or unanimity, as set by Article 37 of the Ouro Preto Protocol. Thus, it was possible to observe that this institutional design had repercussions on policy transfers that need to be taken into account in the analysis of this integration experience. Likewise, it is necessary to consider and examine the role of specific spaces created within Mercosur (such as specialized meetings, forums, committees and subcommittees, among others), since they allow the identification of the limits and possibilities of policy transfer in this trading bloc.

In addition, the empirical cases confirm the analysis by Mercedes Botto (2011), who argues that the policies are born in the domestic environment of the member states and are brought to the discussion at the regional level, which may lead to varying degrees of transfer. This helps to explain one of the reasons why Brazil and Argentina were protagonists in certain policies transferred through Mercosur, such as docent mobility and migration. The other reason is the existence of economic and political asymmetries among the member states, which explains the ability of the two countries to lead on certain themes on Mercosur's public policy agenda.

Throughout this article, the reciprocal influence between Mercosur member states and associates was observed through their specific institutions (the SMF, RCCHE and SPDP). For Bulmer and Padgett (2004:111), reciprocal influence is characteristic of the facilitated mode of governance and tends to increase: (i) by the incorporation of objectives and treaty directives; and (ii) procedures that oblige states to re-evaluate the performance of their national public policies based on the practices developed by their regional partners.

The second section highlighted the role of the Specialized Migration Forum (SMF) as a transnational space that facilitates the process of policies and programs transfer in the area of migration. Through the activities and discussions held at the SMF, member and associate states have recognized the need to adjust their national legislation to the content of the Residency Agreements. Thus, Mercosur facilitated the changes in legislation for migration in Brazil — through Law N. 13.445/2017 — and in Uruguay in 2008.

In the area of education, RCCHE served as a space for the production of a synthesis of programs aimed at regulating student and docent mobility. The proposals were developed based on the experiences of the member states and on the observation of external models, that is, there was a voluntary transfer. It was possible to see Argentina as protagonist in the elaboration of the proposal for student mobility and the same for Brazil in the negotiations regarding the exchange of docents through institutional partnerships. Because of its intergovernmental nature, the Marca Program showed that Mercosur, through RCCHE, acted as an enabling environment for the synthesis and dissemination of programs among member states.

In the case of professional activity in healthcare, SPDP was the space in which Mercosur's member states sought to build consensus around the minimum matrix capable of grouping personal and professional information of those interested in working in the region. However, in Brazil, medical

associations exercised the power of veto by preventing doctors from other countries from working without the validation of their qualification documents by Brazilian institutions. This is what Bulmer and Padgett (2004) call abortive transfer. Physicians from other Mercosur member states do not have free transit in Brazil, even after the approval of the Minimum Matrix and the orders of the Ministry of Health of 2014. They must conform to the rules established for other foreigners. The veto power of Brazilian medical associations functioned on the basis of technical issues that were not exclusive to national bureaucrats.

In summary, the SMF, the RCCHE, and the SPDP are spaces that allow Mercosur members and associate states to share ideas, knowledge, programs and policies. They are also discussion forums for the national representative officials. SMF, RCCHE and SPDP express the facilitated model of governance that prevails in Mercosur and they have allowed for revisions in national policies in the three specific areas (migration, education and healthcare) analyzed in this article, at the same time that countries have preserved their sovereignty. Each member state exerted their sovereignty to promote subsequent changes in national policies according to their social and political interests.

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