MERCOSUR, regulatory regionalism and contesting projects of higher education governance

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1. Introduction

Higher education (HE) governance is far from being shaped exclusively by national policymaking frameworks. In fact, territorial politics of the State is being challenged by a complex set of regulations and norms established at international and regional arenas. At the same time, these regulations and norms generate ideas and discourses of HE governance that also stimulates practices within HE institutions (HEI). Therefore, in order to surpass this methodological nationalism, avenues for research have been opened by the study of how regional integration schemes are transforming the scales for policy delivery (Jayasuriya & Robertson, 2010). Many regional integration agreements (RIA) –including Latin American and the Caribbean (LAC) regionalism– have settled norms for the HE sector and most of the regional policies are by-passing the territoriality of politics of the State. As a result, the concept of regulatory regionalism is fruitful to assess these thick configurations of norms, regulations and policies that are crafting HE governance across the globe.

In the case of LAC regionalism, the peculiar features of the RIAS are rooted in their institutional hybridity as well as their inherent tensions regarding scope, depth and motto for regionalism. That is to say that the landscape for regional integration in LAC is complex due to its multiple and varied arrangements, sometimes overlapping and mostly contesting models. On one hand, the so-called institutional hybridity refers to the fact that there is no one regional integration arrangement (RIA) whose policy-making architecture is crafted by supranational institutions with binding power on domestic policy arenas. Despite the RIAs in the region lack such an institutional characteristic, they rely on the "voluntary binding effect" of the compromises agreed at presidential summits. On the other hand, even this shared peculiarity, the map for regional integration is far from being homogenous as divergent models for pursuing political and policy unity are coexisting. This may seem obvious as the political landscape of the region is not that uniform either and those diverse national projects are reflected in governments' regional choices: RIAs that are tied to the Neoliberal paradigm *vis-a-vis* RIAs that are discursively in clear opposition and building a wide range of regional policies to fulfil the demands for economic development and political autonomy.

We pinpoint at least three contesting and/or overlapping projects of regionalism present in the LAC regional map: a) a project of hegemonic regionalism rooted in the new regionalism schemes launched during the nineties that considered trade liberalization as an end in itself and the region consisted in an instrument to foster competitiveness –the paradigmatic cases are the asymmetrical Free Trade Agreements (FTA) signed by Chile, Colombia and Peru, the North America Free Trade Area (NAFTA) and the recently created Pacific Alliance; b) a posthegemonic scheme erected after several political, social and economic crises in several countries that led to the emergence of renewed political forces that re-claimed welfarist projects domestically and regionally and based upon the principles of cooperation and

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solidarity. These "regional structures [are] characterized by hybrid practices as a result of a partial displacement of dominant forms of US-led neoliberal governance in the acknowledgement of other political forms of organization and economic management of regional (common) goods" (Riggirozzi & Tussie, 2012, pp. 11-12), being the Union of South American Nations (UNASUR) a typical case; c) a counter-hegemonic scheme posed by Venezuela alongside the Bolivarian Alternative for the People of Our America – People's Free Trade Agreement (ALBA-TCP), as Muhr (2011) indicates, it is the case of a geopolitical and geostrategic project ruled by principles radically different from those of the new regionalism schemes, such as solidarity, cooperation, complementarity, reciprocity and sustainability (Muhr, 2011, p. 105).

The Common Market of the South (MERCOSUR)² represents a post-hegemonic case, as after the political and economic turmoil of the beginning of the millennium –alongside the emergence of New Leftist governments– the integration project shifted towards the inclusion of social policies, citizenship rights and mechanisms to reduce asymmetries and developed a productive model of regional integration. However, MERCOSUR holds a birthmark: it was created under the new regionalism bias and its institutional framework reflects the emphasis on trade liberalization but, at the same time, it was built upon the rapprochement of Argentinean and Brazilian relations during the mid-eighties, which were based upon a developmental model rooted in industrial and scientific and technological complementarities.

MERCOSUR's regional regulations, norms and policies are by-passing domestic policy process in certain agendas of integration (HE agenda), mainly supported by transnational (and transoceanic) epistemic communities and/or advocacy networks, in order to prompt domestic change (policy change / institutional change) so as to support these groups' interests. Consequently, the concept of regulatory regionalism (Hameri & Jayasuriya, 2011; Jayasuriya & Robertson, 2010) is fruitful to assess MERCOSUR's regionalism in HE, the implications of regional policies on domestic arenas and the contesting projects for HE regionalism.

We argue that the development of MERCOSUR's regulations for higher education has shaped at least three contesting projects of governance: a project embedded in MERCOSUR's birthmark between a developmental model of regional integration and the emergence of a new regionalism typical scheme. This project aimed at strengthening the goal of the common market. A second project rooted on the need to support local HEI in a regional and global market highly competitive by the creation of a quality certificate of the region. We call it "MERCOSUR's landmark" to distinguish the particular case of regulatory regionalism. Finally, a third project is deeply connected with the European Union (EU) as a case of regulatory state regionalism (Robertson, 2009a) that is diffusing to the South American region, especially in the policy area of academic mobility. The three projects are present nowadays and congregate several groups of actors with competing interests and values about HE governance and MERCOSUR. In fact, the second project is the result on how the tension between parties of the first project resulted (in favour of the group connected to AQA but reclaiming autonomy of HEI and sovereignty of the countries); and the third one represents the interests of the group that lost (the pro-Europeans) while the second project was being configured. At the current moment of negotiations –and at a glance of the broader regional projects in South America– this last group is gaining visibility as the bi-regional negotiations with the EU have been reinitiated. Therefore, we would also overlook how MERCOSUR's regulatory regionalism is also under constraints posed by recent changes in the landscape of LAC regionalism: ALBA-TCP actions in Education fostered by Venezuela, which collides with overall orientation of MERCOSUR's action in HE; the establishment of bi-regional agreements between CELAC and

² It was created in 1991 by the Asunción Treaty between Argentina, Brazil, Paraguay and Uruguay. The first adhesion as a Member State is Venezuela, since 2012.

the EU, empowering the project claimed by stake-holders of the Bolognization of MERCOSUR; and the Pacific Alliance, which gathers many Associated States and UNASUR parties and that are committed to the commodification of HE. These on-going processes are challenging MERCOSUR's regulatory regionalism.

In order to achieve this goal, we proceed with an in depth study of MERCOSUR's regional policies for higher education (1991-2014), which are subject to three domains: i) accreditation and quality assurance of undergraduate university degrees; ii) academic mobility; iii) interinstitutional cooperation. We built our analysis from the literature on regulatory regionalism and some recent insights of current regionalism studies.

Briefly, as Jayasuriya and Robertson (2010) pinpoint, regulatory regionalism stresses how national agencies are crafting a softer way of governance as a result of the connections and exchanges they are developing with their foreign counterparts. Therefore, regulatory regionalism does not necessarily lead to uniform and homogeneous regulatory standards; on the contrary, it is a useful tool to assess the way in which regulatory regional projects occur in layers, even overlapping ones. This approach allows us the analysis of contesting situations that transform the territorial space within the State by means of the incorporation of regional agendas within the domestic institutions.

Additionally, Hameri and Jayasuriya (2011) defined it in terms of the institutional spaces of regional regulations within national policy and political institutions. Thus, the focus of inquiry is no longer placed on the creation of supranational rules and institutions; instead, attention is paid to the political process of region building, which is national and regional simultaneously. This point of view allows us to overcome the traditional division (quasi antagonistic) between Nation States versus supranational regional institutions that is posed by both the neofunctionalist and intergovernmentalist literature (Perrotta, 2013a). Moreover, it allows us to move away from narrow studies that are focused mainly on the commercial aspects of the integration so as to proceed with the study of social policies at the regional level. Indeed, according to Phillips (2001) emerging forms of regional regulation, aiming at strengthening the, rely more on the active participation of national agencies in regulatory practices rather that in formal treaties or international organizations.

A useful strategy to assess regulatory regionalism is to un-pack regions, an insight that is discussed within the field of comparative regionalism. Warleigh-Lack and Van Langenhove (2010) propose three areas of comparison: processes, projects and products of region-building. Processes refer to history; projects refer to the presence of various visions of intellectuals, social actors and interest groups linked to the region; and the products have to do with treaties, institutions, regional policies and effective practices integration. Consequently, they propose four strategies to advance comparative studies of regions: unfold regions according to the properties of stateness; link integration with geographical and historical issues; combine an overall logic with an understanding of the differences; gathering intra-regional and interregional processes. This type of assessment is appropriate and applicable to the study of colliding regional projects.

2. MERCOSUR's regulatory regionalism and HE governance

Throughout his more than twenty years of development, MERCOSUR's Educational Sector (SEM) has consolidated a solid institutional framework so as to fulfil the goals of educational integration. It could be pinpointed that SEM's functioning recognizes at least three phases (Perrotta, 2011, 2013b): the first (1991-2001) aimed at building its institutional structure,

establishing bonds of trust among the governments officials through the exchange of information about the characteristics of national educational systems and creating common indicators to obtain comparable information. During the second phase (2001-2008), the first regional programmes started to be implemented. The greatest political achievements were the establishment of protocols for the recognition of qualifications (for academic purposes) and the implementation of the first regional policy: the experimental mechanism for the accreditation of undergraduate university degrees in MERCOSUR, Bolivia and Chile (MEXA). Within the period, other policies were designed and implemented (secondary education). It could be pinpointed a process of strengthening of policies as the experimental AQA policy turned into a permanent system (accreditation system of undergraduate university degrees for the regional recognition of their academic quality in MERCOSUR and Associated States, ARCU-SUR) and a regional fund started to be negotiated (MERCOSUR's Educational Fund, FEM). The third period began in 2011 as a result of the modification of the institutional structure and the implementation of regional policies in various areas of action (elementary and secondary education; special programs regarding human rights; a Youth Parliament; etc.), and a new area for policy delivery was created: teacher training.

An interesting feature to remark about SEM's functioning is the fact that both Member States and Associated States participate on this regional arena and implement regional policy initiatives. The first two countries that associated to the intra-zone trade area were Chile and Bolivia; alongside MERCOSUR's development, Colombia, Ecuador, Peru and Venezuela associated to the free trade area and therefore could start participating in SEM's negotiations. However, as these countries –according to their status– are not forced to implement MERCOSUR's initiatives regarding HE unless they signed it in a commitment, the implementation path have been different in each case. Currently, all of them joined SEM and actively participate and implement policies. However, two cases must be highlighted. First, the change of status of Venezuela after the completion of the adhesion process in 2012. Secondly, the *impasse* in Paraguay's participation as a result of the Coup d'état (2012) – MERCOSUR prohibited its political participation-. The combination of the two situations generated some turmoil within SEM as Venezuela needed to absorb many regional norms and regulations while contacts with the Paraguayan delegation were stopped. Since the return of Democracy in Paraguay, relations are being reconstructed. The Venezuelan adhesion to MERCOSUR as a full member, however, poses some questions about how the RIA is going to process it: the projects of Venezuela regarding education at the regional scheme (prompted within ALBA-TCP) are quite different from MERCOSUR. Such a situation questions whether SEM would undergo a new stage in its development.

Within the institutional structure, the decision-making body is the Meeting of Ministries of Education (RME), followed by the regional coordinating Committee (CCR), composed by officials from the ministries. The CCR, in turn, is assisted by regional commissions for the coordination of four areas (CRC): basic education (CRC-BE), higher education (CRC-HE), teacher training (CRC-TT)³ and technological education (CRC-TE). Finally, there are thematic advisory commissions and temporary bodies.

The regional agencies for the delivery of HE policies are: CRC-HE; Meeting of National AQA Agencies (RANA); MERCOSUR's Mobility Program Ad Hoc Commission (CAhPMM); Working Group on Postgraduate Programmes (GTPG); Working Group on Recognition of Degrees (GTR);

 $^{^{3}}$ The area of teacher training is the newest (it dates from 2011). The work within this area is supported by SEM Support Program (PASEM), which was created as a result of bi-regional cooperation (MERCOSUR – EU) –i.e. it is funded by the EU–. While its creation was under negotiation, doubts were raised about if it should be "a sector" itself or it should be under the CRC-HE instead (as teacher training in Brazil is performed at the university sector). In the end it was to create as a separate sector.

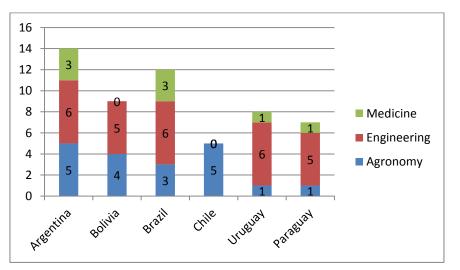
Management Group of "MARCA" and MERCOSUR Centre for Studies and Research in Higher Education (NUCLEO).

These bodies are intergovernmental, which also means that frequently these delegates are also in charge of the negotiation in other Forums, such as UNASUR and CELAC, as well as the Organization of American States (OAS); Organization of Ibero American States (OEI); United Nations Educational, Scientific and Cultural Organization (UNESCO); etc. Participation of non-governmental actors has been little nor inexistent (the only university that composes the national delegation of its country: is the University of the Republic (Uruguay). It must be noticed that SEM is subordinated to the Common Market Council (CMC, the top decision making body of MERCOSUR). This situation suggests that non-trade agendas have a peripheral position within the policy-making arrangements of the RIA. Such a situation presents both functional and democratic deficits (Caetano, Vazquez, & Ventura, 2009)

Despite the deficits detected, several regional policies have been set in force. The fact that SEM started operations in 1991 —which led to a self-enforcement process— and its typical organization of the work by Operational Plans explain the success in policy delivery.

The axes for policy delivery in HE within SEM are: recognition / accreditation; mobility; interinstitutional cooperation. The three dimensions were not planned as consecutives but, in practice, SEM's initiatives followed that order by an incremental and gradual implementation path that started with the experimental AQA mechanism; then, "spilled over" to the first mobility programme (of accredited degrees) and finally fostered inter-institutional cooperation activities. The last ones are the most recent policies and reflect the broadening of the HE regional agenda, as it is placed in the current Operational Plan (2011-2015).

The first regional policy was the implementation in 2002 of the experimental mechanism for the accreditation of undergraduate university degrees in MERCOSUR, Bolivia and Chile (MEXA). The degree courses of undergraduate programmes that were subject to AQA under MEXA were Medicine, Engineering and Agronomy. After the implementation of this pilot instrument, by the year 2006 55 undergraduate degrees/diplomas obtained MERCOSUR's quality stamp: Medicine, 8; Engineering, 33; Agronomy, 19. Argentina accredited 14 diplomas; Bolivia, 9; Brazil, 12; Chile, 5; Uruguay, 8 and Paraguay, 7 (see Graphic N° 1).

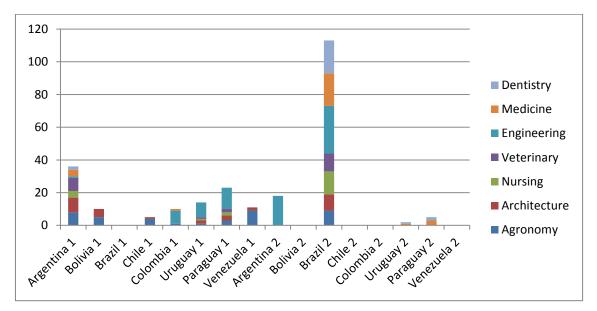


Graphic N° 1 Results of MEXA – 2002-2006

Source: elaborated by author.

Two policies resulted from MEXA: on one hand, an accreditation system of undergraduate university degrees for the regional recognition of their academic quality in MERCOSUR and Associated States (ARCU-SUR), signed in 2008 as an International Treaty among parties (DEC CMC N° 17/08). ARCU-SUR also broadened the participation to many of the Associated States and incorporated new disciplines: Veterinary, Architecture, Nursing and Dentistry.

By the first semester of 2012, the results of ARCU-SUR showed that 109 degrees obtained MERCOSUR's quality stamp: Argentina, 36; Bolivia, 10; Chile, 5; Colombia, 10; Uruguay, 14; Paraguay, 23; Venezuela, 11 and Brazil, none. During the 1stsemester of 2012, 38 undergraduate courses were implementing the procedure: Argentina, 18; Paraguay, 4; Uruguay, 2 and Brazil, 113. As it is noticed, Brazil only started to implement ARCU-SUR in 2012 to fulfil the regional commitments. Such a situation generated tensions with the rest of the members –and mainly with Argentina, one of the main promoters of the regional AQA policy–. Graphics N° 2 illustrates this situation.



Graphic N° 2 Results of ARCU-SUR – 2008-2012

Source: elaborated by author.

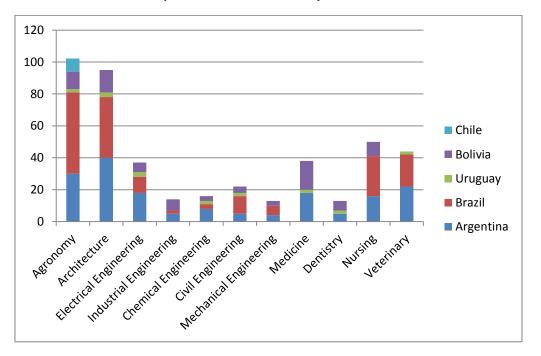
<u>References</u>: number 1 next to country name refers to AQA completed by the 1^{st} semester 2012; number 2 next to country name refers to AQA in process during the 1^{nd} semester 2012.

On the other hand, the first programme for the mobility of undergraduate students was launched as a consequence of the AQA regional policy: the regional academic mobility program for the courses authorized by MEXA (known as MARCA). It was designed in 2005 and launched in 2006 –57 students participated–. It must be quoted that when MEXA became ARCU-SUR, the regional mobility programme for students of accredited degrees continued under a new denomination: the regional academic mobility program for accredited courses under the accreditation system of university degrees in MERCOSUR and Associated States.

The mobility experience is the realization of a semester at a university in a country other than the country of origin. The first mobility experience was among Agronomy courses that had been accredited by MEXA. MARCA for Agronomy was a pilot test and the number of students to be mobilized was five for each of the first 17 MEXA accredited degrees: 85 students were to be mobilized –25 (28%) Argentina; 15 (18%) Bolivia and Brazil, respectively; 20 (23%) Chile; 5 (6%) Paraguay and Uruguay, each– but only 57 students actually did it. This problem has not been overcome yet. Since its inception in 2006 up to 2010, 985 places have been available.

However, the number of students actually mobilized is much lower (580 in total). The EU has been close to the implementation of the mobility policy: providing funds and –related to this– demanding regulations that were not yet elaborated within MERCOSUR (for instance: free visas for students that mobilize through MARCA).

The latest available data of the mobility flow (2014) accounts a moment of impasse in the regional integration process. The number of places agreed is 444 but these do not include all the participating countries (see Graphic N° 3). Indeed, there are no flows to Paraguay or Venezuela. The allocation of flows is as follows: Argentina (38.5%), Brazil (37.4%), Bolivia (18.2%), Uruguay (4.1%) and Chile (1.8%). This situation is explained as Venezuela is trying to absorb the regional policies after the adhesion while Paraguay is being re-incorporated after it has been banned from political participation within MERCOSUR's bodies as a result of the *Coup d'état* that dismissed former President Lugo.





All in all, from 2002 to 2008 regional policies were related to quality assurance. From then on, SEM would start regulating other areas so as to craft the following map. Some of the initiatives were built upon pre-existing bilateral cooperation programmes between Argentina and Brazil; others were stimulated by the availability of funds –especially from the EU–.

To begin with, regarding actions targeted to the postgraduate level, the 2011-2015 Plan settled a "Comprehensive System for Quality Promotion of Postgraduates Programmes within MERCOSUR", organized by a Working Group according to three lines of action: a) programme of joint research projects; b) partnership programme to strengthen postgraduate courses; c) training programme for human resources. The first is aimed at strengthening cooperation in doctoral programs of excellence in HE institutions from MERCOSUR member States (Argentina, Brazil, Chile, Paraguay, Uruguay and Venezuela); it lasts two years and could be extended (two more years). The aim is to stimulate the exchange of teachers and researchers. The second programme, based on the principle of solidarity, seeks a particular partnership from the association of a graduate program of excellence to one that is still less developed in order to strengthen it. Thus, it is aimed at trying to reduce asymmetries between higher education

Source: elaborated by author.

systems in the region. Participating countries and duration are similar to the aforementioned. The third programme is the awarding of scholarships for doctoral university professors in the institutions of the region. It is worth noting that this type of regional cooperation was set up from bilateral cooperation programmes (Argentina & Brazil); in other words, it is an experience of regionalizing bilateral cooperation actions.

Secondly, MARCA for Professors was built upon the experience of MARCA for students. The goal is to strengthen institutional cooperation and the training of professors. The universities that have degrees accredited by ARCU-SUR are to establish cooperation projects and the exchange of Faculty is among this projects. To illustrate the functioning, in the Argentine case, four institutions in the country coordinated networks with other institutions in the areas of architecture, chemical engineering, agronomy and electronic engineering⁴.

Third, MERCOSUR's Mobility Program (PMM) project is co-funded by the EU. It was under negotiations since 2005 but its implementation started quite recently. The project targets the four initial Member States and has a double aim: a) to create a sense of belonging and regional identity; b) to achieve a common educational space (Regional Space for Higher Education, RSHE⁵). The PPM was implemented by the formation of academic networks, the launch of a pilot programme for student mobility of unaccredited degrees and the establishment of campaigns designed to inform HEI.

Additionally, other exchange programs are: i) university partnership programmes for the mobility of MERCOSUR undergraduate Professors in all areas of knowledge so as to stimulate the approximation of the curriculum frameworks and foster mutual recognition of degree structures; ii) the exchange program of Portuguese and Spanish teachers, so as to foster bilingualism.

Fourth, in the area of inter-institutional cooperation, the NUCLEO was created in 2011⁶. Three purposes guide actions: to promote knowledge production about HE and RIAs; to encourage research about the contributions of HE to MERCOSUR; to propose initiatives and actions that will strengthen the formulation of public policy and guide decision-making. These goals relate to the systematization and analysis of information of the HE systems and to the need to foster communicating vessels among stake holders. The first action was the implementation of a digital Journal; then, the organization of several seminars; and, later on, the NUCLEO started subsidizing research networks.

All in all, *MECOSUR Educativo* has succeeded in nurturing the political agenda for HE over time, especially during the last decade.

⁴ Data obtained from Ministry of Education of Argentina. Last accessed September 11, 2014. <u>http://portales.educacion.gov.ar/spu/cooperacion-internacional/cooperacion multilateral/mercosur-educativo/</u>

⁵ The initiative to create a RSHE was first placed in the regional negotiation arena at the XXXII RME (June 2007). Later on, the "Conceptual Document about the RSHE" was approved during the XXXIV RME (December 2008).

⁶ Linked to the genesis of the creation of the NUCLEO we can highlight two processes: first, the creation of a MERCOSUR Center for Training and Research in Meteorology, proposal approved at the XXIX RME. Second, the proposal to create MERCOSUR Institute of Advanced Studies (aka IMEA) followed by the discussion to create a University of MERCOSUR. Still, the latest initiative never materialized because in the same year (2007) Brazil unilaterally began the implementation of the IMEA in Foz-do-Iguacu (as a result of an agreement between the Federal University of Parana and Itaipu Binational). This situation led to discontent among partners; nevertheless, Brazil created the Federal University of Latin American Integration (Universidade Federal da Integração Latino-Americana, UNILA). It was forced by law in 2010.

2.1. Regulatory regionalism and contesting projects for HE governance

As aforementioned, MERCOSUR's decision-making bodies are purely intergovernmental, which means that delegates nationals from Member and Associated States composed the regional bodies. Additionally, the participation of non-governmental actors within SEM's agencies has been null –except for the case of the University of the Republic (Uruguay)–, i.e. the negotiation of regional policies has been purely intergovernmental. However, despite this institutional features, MERCOSUR's norms, policies and regulations for HE have been set in force and, in many cases, have by-passed domestic policy processes and introduced policy-change at the national level. The regional initiatives have been fostered by transnational (or transoceanic) epistemic communities and/or advocacy networks in order to prompt domestic policy change to support interest groups at stake.

As a result, MERCOSUR's regulatory regionalism has consequences regarding HE governance, which not strictly lead to the convergence of standards. Contrarily, as regulatory regionalism is a contested process transforming the territorial space of the State; it is not surprising that several regulatory projects for HE are present both at the regional and the national scale, sometimes moving in parallel tracks, sometimes overlapping, but most of them challenging the territorial politics of the State. All in all, the analysis of MERCOSUR's regional policies for HE during the last two decades provides us an in-depth understanding about these phenomena. At least three projects of HE governance could be pinpointed within MERCOSUR's regulatory regionalism.

Project #1 – MERCOSUR's birthmark tension: development versus competitiveness

The first regional policy for HE was set in force in 2002, focused in the area of AQA: MEXA Memorandum was signed by the four initial Member States together with Chile and Bolivia. However, the 2002 version of MEXA was built upon a previous Memorandum signed in 1998: "Memorandum of Understanding about the implementation of an experimental mechanism for the accreditation of undergraduate degrees so as to recognize university diplomas within MERCOSUR's countries" (Memorandum 1998). This agreement was signed as a result of a request posed by the GMC in 1996 in an effort to prompt free mobility of professionals within the region. By then, the demand for labour mobility in professional disciplines (Law, Accountant and Civil Engineering) was bond to the creation of a mechanism to recognize university diplomas.

As a result of the request, SEM started to build an initiative to cope with GMC interest to expedite cross border professional mobility. However, not all the national delegations participated actively in the first steps of the creation of this mechanism –specially, Argentina was not fully participating as delegates were, at the same time, undergoing a policy reform in the field of HE which one of the main elements was establishing a national system of evaluation and accreditation of universities–.

Memorandum 1998 established that the diplomas to be accredited would be Agronomy, Medicine and Engineering and three Advisory Commissions of Experts were settled: three experts per country (one from the Professional Association; one from public universities; one from private universities) were chosen (36 experts total) to define the evaluation criteria from a regional approach. The coordination of the work within SEM was subject to the Working Group of Specialists in Evaluation and Accreditation (GTAE). As a result of the work the regional criteria of quality for the three disciplines were reached, which lead to the creation of instruments and procedures of evaluation. By the year 2000 (while a pre-test was conducted) the national AQA agency of Argentina (National Commission of University Evaluation and Accreditation, CONEAU) begun to participate regularly at the regional level as the agency had completed the first domestic accreditation process (Medicine). Since then CONEAU started to leader the process.

Despite the progress made, a new Memorandum was signed in 2002 which change the initial provisions. First, one of the controversial elements of Memorandum 1998 was that it stated that the dictum of the experts (after the evaluation procedure) would have a mandatory character if decision was reached by unanimity. Such a situation would potentially have created a supranational agency –above national AQA agencies–, which was not viable then (and still isn't it). Secondly, another problematic issue was the fact that diploma's recognition do not necessarily encompasses cross-border mobility of labour because in order to work in another country. This relates to the fact in most of the countries, the exercise of professions is regulated by permissions obtained by different types of mechanisms settled by associations. Third, alongside the neoliberal reform of HE which established renewed control mechanisms over institutions, the strong tradition of autonomy of public universities would be undermined by regional regulations; so, public universities also opposed to the mechanism. Therefore, the creation of a comprehensive regional accrediting body would largely reduce the sovereignty of States, the prerogatives of professional associations and the autonomy of universities. The result was as expected: Memorandum 2002 made slightly but significant changes so as to overcome opposition and install a different project.

All in all, the first project of HE governance recalls on the initial goal of MERCOSUR: to create a common market, which involves the free movement of labour. This project is influenced by a developmental model of pursuing regional integration that is rooted on the previous experiences within the region (related to the 1960s Latin American Association of Free Trade and the integration process between Argentina and Brazil of mid-eighties) and some influence of how the European experience was perceived back then (as a successful process).

The actors involved in this project are the national delegates involved in the creation of the common market (a developmental group) that echoed the group of delegates interested in the free trade zone (which wanted to advance in the trade of services, as it started to be incorporated at the multilateral level). Of course, the two groups have divergent interests about the regional integration scheme: the first one pursuit a developmental model and the second one a new-regionalism scheme. Therefore the role assigned to HE was different: for the first one, HE was a cornerstone for strengthening the common market and deepen the integration process; for the second one, HE was perceived as a tradable service. For both of them, MERCOSUR should advance in the liberalization of the areas that were most competitive and needed at the regional market: Medicine, Agronomy, and Engineering.

As a result of pressures of interest groups and organized actors, Memorandum 2002 was passed and all that relates to labour mobility regarding services was derived to the GMC (and the group of service liberalization). It could be highlighted that the vision that prevailed was a more pragmatic one, as recognition of diplomas shifted towards recognition of quality of the undergraduate programmes and it also reflects that the most advanced national frameworks for AQA influenced the regional negotiation agenda.

However, in the last few years negotiations regarding recognition of university diplomas have been re-initiated: specially, the current Operational Plan mentions the need to advance in this

issue-area and it has been created within SEM a working group to deal with it. It is still, though, a problematic agenda as professional associations need to be involved in the process⁷.

Project # 2 – MERCOSUR's landmark for quality assurance of selected university diplomas

In 2002, MEXA was passed, which incorporated MERCOSUR's Associated States (Chile and Bolivia) and the original goal of recognition of degrees for enhancing the labour market shifted towards the objective to assess regional quality standards as a stepping stone for recognition of diplomas. There was a need to assure academic quality and not to interfere with the regulation of the professions. Thus, freedom of movement of professionals was set aside: the Ouro Preto Protocol had consolidated the customs union and the "quasi-automatic" recognition of diplomas implied in Memorandum 1998 undermined sectorial interests. Consequently, MERCOSUR reproduced the domestic differentiation between recognition of degrees and permits for professional practice: SEM is in charge of recognition of degrees while the professional practice –and therefore labour mobility– is under the Group of Trade of Services (within the GMC).

Memorandum 2002 established that RANA would coordinate the process and that domestic implementation would be done by national AQA agencies or an ad hoc commission for those cases that there was not yet such a body. The mechanism could be synthesized in the following steps: the call for accreditation; the elaboration of self-evaluation reports by the selected HEIs; the visit of the experts to the HEIs and elaboration of the evaluation reports; the possibility to answer some points of the evaluation report; the decision of a dictum and the publicity of results. It must be highlighted that the mechanism was implemented in all the countries at the same time in each of the three disciplines and the evaluation reports were discussed within regional meetings of experts supported by RANA bureaucrats. As a result, the gathering of the experts promoted a socialization process that led to the formation of an embryonic regional identity among governmental officials and experts.

However, the creation of "MERCOSUR's quality stamp" (MERCOSUR Landmark) reflects how several interests merged and crafted a peculiar way of pursuing regional AQA, its drivers and results. First, the decision to proceed to the accreditation of the quality of professional diplomas relates to the fact that the productive model of MERCOSUR's and its parties was to be reinforced: stimulate intra-regional labour mobility, especially in those areas that are crucial in terms of the economic structures of the countries, on one side, and the particular needs posed by an underdevelopment context –such as a demand for health assistance–, on the other. It must also be considered that one of the most salient characteristics of our HE systems is the influence of the professional model of university; MERCOSUR re-enforces that trend.

Secondly, the mechanism was based on a particular logic: the club logic. As the original goal had shifted towards a more practical –and competitive– one related to improve the recognition of undergraduate degrees within the region so as to strengthen a regional HE market and enhance HEIs on the global market, quotas per country were established. There are two reasons that explain why not all HEI could apply for the regional AQA procedure. On

⁷ It must be noticed that in order to fulfill the goal of professional mobility, there are at least to ways of pursuing it: a) centralized regulation (vertical approach) and b) mutual recognition of regulatory frameworks (horizontal approach). The former requires a harmonization process where new standards are agreed and national standards are to be changed in order to fulfill the centralized premise. This process of harmonization relates to regulatory convergence as the goal is to assure the equivalence of technical standards, professional qualification and licensing requirements. This is the case of the EU. The latter approach is based upon the idea of acceptance among jurisdictions that their professional regulatory system meets certain standards. As a result, it is built around the cooperation between professional bodies and/or governments (Sá & Gaviria, 2011, pp. 309-310).

one hand, alike the functioning of a club –in this case, a group of HEI that share certain characteristics and whose organization reports them benefits–, there are conditions for membership: only the most prestigious universities could obtain MERCOSUR's quality stamp and therefore fulfil with the goal of enhancing top HEI to compete in the global market. On the other hand, the establishment of quotas also worked as an instrument to deter a massive participation from Brazilian HEI: the idea was to prevent Brazil from obtaining all the benefits of the quality stamp itself and leverage the distribution of benefits per country. Therefore, the distribution of quotas per parties relates to the competitive bias of MERCOSUR.

However, the "club logic" of functioning had a positive consequence in terms of regional cooperation because a club is also based on the principle of solidarity. The value of MERCOSUR's quality stamp relates to the fact that all the parties complied with the procedures, especially during the experimental mechanism –because all the undergraduate degrees under assessment were subject to a regional discussion and the dictum was decided within that common space–. As a result, the more developed members (in terms of technical expertise, material resources and institutional capacities) ended contributing to the less developed ones in order to implement the procedures. Such contributions resulted in transferring know-how, financing activities and organizing the regional meetings in strategic locations.

Third, the EU as a case of regulatory state regionalism (Robertson, 2009b) with the normative power to influence other regions. In fact, as mentioned before, the first ideas regarding the design of the mechanisms recall in the initial stepping stones of the European Higher Education Area and the creation of the Bologna Process. Indeed, during the negotiations to create the mechanism, the EU tried to promote a system of credit transfers but MERCOSUR's position was not in favour of such a homogenization and settled, instead, a mechanism based upon quality assurance and the respect of both national and institutional particularities. Memorandum 2002 and MEXA reflect an autonomous path to pursuit regionalization of HE.

Meanwhile, an epistemic community regarding AQA became more visible as the experimental mechanism was being implemented and it was crystalized with the creation of the Iberoamerican Network for Quality Accreditation in Higher Education (RIACES). The existence of this epistemic community collaborated in the dissemination of the AQA procedures, which were applied following the peculiarity of each State. At the same time, this process fed back to the regional policy. This epistemic community included, among its members, the presence of European scholars and practitioners on the field; and was supported by the UNESCO International Institute for Higher Education in Latin America and the Caribbean (IESALC) and biregional experiences. The socialization process that was generated as a result of the intensity of contacts within the regional framework also favoured the creation of this epistemic community, which even resulted in joint academic productions between officials of different countries –such as Robledo and Caillón (2009)–

In 2008, MEXA became a permanent system with the signature of ARCU-SUR treaty, which locked in the focus of the regional policy on quality assurance, leaving aside the original goals of recognition of degrees and mobility of workers. Three are the major changes from MEXA to ARCU-SUR: first, convergence of policies proved to be crucial for AQA agencies in order not to duplicate efforts. The underlying motto is that, as the AQA process is expensive and demands an important technical effort, coincidence of calendars makes it more efficient. Therefore, currently, regional schedules match national accreditation calendars. Secondly, that need for time convergence have affected negatively the AQA regional policy: it has led to the mechanization of the implementation, leaving aside the important effect in terms of region-building at the regional gathering of experts (decisions about accreditation are reached at the national level). Third, the policy has been broadened as new members are participating:

Colombia, Ecuador and Venezuela. The enlargement of the mechanism poses new challenges: for instance, Argentina's position could be confronted by the Colombian delegation as it is a country that has been implementing AQA policies for a long time but stands for a more privatized HE system.

The implementation of the regional AQA policy triggered policy diffusion processes at the domestic level, encompassing the peculiarities of each country⁸. We summarize our findings regarding domestic change:

Argentina was the only of the four Member States that already had an explicit AQA regulation: CONEAU was created in 1996 (HE Law N° 24.521). Therefore, by the moment of implementation of MEXA (2002), Argentina had already settled the AQA process and as a result CONEAU influenced the process of establishing the mechanisms and instruments for the AQA regional policy. We argue that the typical features of the domestic AQA policy were transferred to the AQA regional policy model. The Argentinean delegation became a crucial policy transfer actor as CONEAU officials started transferring expertise to the other members – and continue doing so nowadays as more associated States are participating of ARCU-SUR– by offering courses, technical support, etc. As a result, there is harmony between domestic and regional regulations and such a harmonization did not imply nor policy neither institutional changes. On the contrary, the AQA regional policy, according to CONEAU officials, is considered to be less exhaustive than the national policy (the quality standards diverge).

In the case of Brazil, by the moment of the regional negotiation there were no specific AQA regulation nor did a national agency exist. Instead, there was a strict regulation regarding the evaluation of the HE system: institutions, courses, scholars, students. It is a comprehensive model of control that started in the decade of the eighties which continues nowadays and has even been reinforced: the HE evaluation system (SINAES). This regulatory framework was adapted so as to cope with the provisions established in the regional mechanism without creating major institutional innovations⁹. During the experimental phase, Brazil contributed to the implementation of the AQA policy by assuming a technical and financial support to the process. Brazil indeed became a paymaster by means of its material and financial resources in order for the mechanism to be fulfilled. The position changed after the signature of ARCU-SUR treaty because domestic implementation of AQA policy stopped until 2012. This situation caused some misunderstandings and mistrust between the national delegations, as attempted the prevailing "club logic". We argue that Brazil did not have to undergone major changes to cope with regional AQA policy and depended strongly on the national structure and regulation. It is neither a priority policy issue –unlike unilateral HE internationalization's policies, which have been strengthened-. However, we pinpoint that there is a process of coordination with Argentina (the leading voice in AQA).

The major impact of AQA regional policy in terms of domestic change is observed in the case of *Paraguay*. The Memorandum indicated that the process was to be organized by national agencies of accreditation and that the countries that did not have such a body should proceed to create it. Paraguay had no AQA regulation, so a HE law was set in force, which created a national agency for the evaluation and accreditation of HE (ANEAES). Consequently, the

⁸ In order to comprehend the main characteristics of the AQA regional policy it should be acknowledged: the varied ways in which the policy attempts to tackle structural and regulatory asymmetries between HE systems; the different academic cultures and university traditions of each country; and the divergent capacities of the governmental agencies (financial resources, human resources, power resources). These elements provides us an understanding of the process of domestic change (Perrotta, 2013c).

⁹ However, since 2012 it is being discussed at the parliamentary level a project to create a national AQA agency.

process of domestic change could be partly explained by the policy diffusion process from the regional level and the socialization of actors within this arena. First, domestic political actors used the "regional obligation" to install the discourse of AQA policy and the need to improve the HE regulatory framework. Secondly, the characteristics of MEXA shaped the configuration of the national AQA policy. If we take into consideration that the regional AQA policy was built upon the Argentinean AQA policy: was the policy diffusion process top-down (from MERCOSUR to Paraguay)? Or, was the policy diffusion process horizontal (from Argentina to Paraguay)? CONEAU had an important role during the implementation of the regional AQA policy by training the national delegations of other countries, especially Paraguay, Uruguay and Bolivia. Therefore, Argentina was able to impose the domestic AQA model in the regional negotiation and to legitimate such a position from a discourse of being the only one with the expertise to do so. Meanwhile, an epistemic community regarding AQA became more visible and collaborated in the dissemination of the AQA procedures. All in all, in Paraguay the diffusion process derived in the convergence of polices that led to a harmonization of procedures.

The case of Uruguay is quite unique and such novelty relates to its university tradition. As a result of the regional AQA policy there is a current situation of peaceful coexistence between the regional policy, on one side, and the segmentation and differentiation of national policies alongside the self-regulation of the University of the Republic (UDELAR), on the other. In order to comprehend such complexity, it must be highlighted that the National Constitution states that UDELAR is regulated by its own organic law. As a consequence the national Ministry of Education has no binding power over UDELAR. Thus, UDELAR has composed the national delegation of SEM. Uruguay set in force an ad-hoc commission with presence of the three actors (government, UDELAR, private institutions). Several projects to create an agency for the promotion and quality assurance of tertiary education (APACET) have been discussed, but none of them could be adopted (and would not be adopted in the medium term). The discourse about the need to adjust to the regional requirement was prompted by the government and the private sector but it did not lead to domestic change as the contesting position of UDELAR is stronger. However, in this scenario the AQA regional policy was implemented in Uruguayan HEIs, both public and private ones. The interesting results are: first, UDELAR submitted to the AQA policy of MERCOSUR even though it rejects to do the same at the national level. Therefore, UDELAR considers that "MERCOSUR's stamp" is valuable and they should not be left aside. Second, it was the first time that the three actors sat together at the same negotiation table to discuss HE public policies. As a consequence, the domestic regulatory framework remains the same while coexisting with the regional policy requirements.

All in all, the results of the AQA regional stamp show an autonomous way of pursuing the regionalization of HE that strengthened the position of some (top) universities within a regional and global HE market; even though among the unintended consequences it fosters a cooperative bias. This model –MERCOSUR Landmark– was stimulated by the role of national AQA agencies, specially the Argentinean one; the requirement to leverage the presence of all parties (so that national interests were not undermined); and the need to set a gradual and autonomic model than could deter the pressures exerted by the EU.

Project # 3 – The Bolognization of MERCOSUR

In order to unpack the project that relates more to the EU as a normative power, the policy area to analyse is academic mobility. However, recent actions undertaken by SEM regarding AQA policy are challenging the so-called "autonomous path".

Mobility policies have been a fertile soil for the influence of the EU because of two reasons¹⁰: on one hand, the EU is broadly perceived by SEM's bureaucrats as a model of successful regional integration that resulted both from socialization processes –assiduous contacts among actors that led to changes in their identities– especially during the negotiations of the framework agreement and when implementing joint initiatives, as well as from persuasion. On the other hand, the EU became a paymaster of MERCOSUR's mobility programmes, which means alongside the bi-regional agreement the EU has been able to impose rewards and costs: conditionality, technical capacity-building, financial assistance. The bi-regional agreement had a chapter regarding HE and also MERCOSUR parties have applied to the Framework Programmes for Research and Technological Development; as a result of the funding obtained, the EU could impose methodologies and procedures: for example, the need for free visas for exchange students within the region was a condition set by the EU. Also, technical capacity-building actions were involved in the bi-regional relations, prompting emulation and mimicry processes. Currently, the EU is financing two relevant programmes within SEM: PMM and PASEM.

Regarding this policy issue, many actors are interested in advancing with this project: first, governmental authorities that seek to provide a sustainable framework for their goals vis-à-vis bottlenecks generated by the lack of continuous funding. Secondly, HEI are motivated to strengthened ties with the EU so as to foster linkages with European institutions, reproducing a traditional –and highly asymmetric– practice of international cooperation. This complex net of material resources and highly valued reputation from the EU is attractive to both actors and generates a deviation from a different path of international cooperation –focused in fostering bonds among LAC institutions and even the Global South based upon horizontal cooperation and mutual recognition–. Of course, since the last two years the EU has tuned its actions within the region and has adopted a more trenchant approach. However, as problems regarding recognition of studies undertaken abroad (within the region) hinder the advancements in mobility, accreditation policy is in focus again.

In the case of AQA, MERCOSUR managed to shape its own model of regional policy even though we recognize some emulation mechanisms during the negotiation of the policy. The latter refers to the fact that the EU tried to influence "good practices" that were being developed at home: that is to say, in order to fulfil the goal of free labour (professionals) mobility, the former step was to have recognition of diplomas as well as agreements of mutual recognition between professional associations¹¹. In order to do so, the "best practice" (in this lesson drawing) was the proposal to establish a harmonized degree structure and apply the system of credit transfers and a regional (i.e. international) AQA agency. However, the path chosen by SEM did not undertake the structural reform of the degrees neither advanced in the creation of an international agency.

Nevertheless, currently renewed discourses about the need to learn from Bologna and the accreditation process are present at SEM's bodies. If during the creation of MEXA and its transformation into ARCU-SUR, RANA officials could deter the influence of the EU (that was combined by huge offers of funding), currently RANA has hired a consultant to analyse the AQA procedure that has installed the "Bologna Yes" debate again. In order to understand this

¹⁰ We recalled on Börzel and Risse (2009, 2011) arguments about the mechanisms of direct influence exerted by the EU to other countries: 1) physical or legal coercion; 2) manipulating utility calculations by offering incentives (positive or negative); 3) socialization; 4) persuasion.

¹¹ It must be mentioned that in 1995 the bi-regional framework agreement was signed and the EU was advocating for its own regional integration model within a context of competence with the US –who had initiated negotiations for the creation of a Free Trade Area of the Americas (FTTA)–. In the case of cooperation activities regarding universities, see: Perrotta (2008).

situation, it must be mentioned, first, that national delegates of Member States have changed –especially in countries that lead the process: Argentina is the paradigmatic example– and these renewed bureaucracies are more likely to accept the Bologna Package. Secondly, the Associated States that are currently participating at the regional agenda have highly privatized HE systems (Peru, Colombia, Chile) and also have signed free trade zones (FTA) with many developed countries, including the US and the EU. Such "OMC Plus" agreements include provisions for the liberalization of HE services.

As a result, MERCOSUR Landmark regarding AQA policy is being challenged by the strong influence about how national and regional actors perceive the EU. This situation and the peculiarities highlighted in the mobility policy are leading to a Bolognization of MERCOSUR.

2.2.Latin American regionalism and HE governance: challenges to the regulatory regionalism prompted by MERCOSUR

The landscape of LAC regionalism –and in particular, South America– challenges many of the projects that result from MERCOSUR's regulatory regionalism. The way this tensions are channelled would lead to reconfiguration of actors and interests and may probably introduce changes to MERCOSUR regulatory net.

To begin with, ALBA-TCP, as Muhr (2011) pinpoints, is a counter-hegemonic regional project and that characterization is important to comprehend that in the field of education it has set ALBA Education "grannacional" programme. Two main policies have been implemented: the University of the People of ALBA (UNIALBA) and the Experimental National University of the People of the South (UNISUR) (Muhr, 2010). Both initiatives created undergraduate and graduate programmes in Medicine, Education and Geopolitics of Fuel. UNIALBA is organized with a nodal structure for the exchange and mobility of students, professors and officials. UNISUR relies on Venezuela's structure for HE. The underlying principles are: solidarity, complementarity, defence and respect for sovereignty and free self-determination of peoples.

UNASUR, despite its dynamism regarding health policies, have not advanced much in the field of education. There is a South American Council of Education created in 2013 –from the previous Council of Education, Culture, Science, Technology and Innovation (2010) – has only pinpointed that actions to converge with MERCOSUR are to be fulfilled. The policy area that is targeted is quality assurance and the need to converge relates to the fact that UNASUR parties are almost the same as MERCOSUR composition if we consider both Member and Associated States, except for Guyana and Suriname.

In the case of CELAC, HE initiatives are bond to the bi-regional forum: in 2013 the first Academic Summit EU-CELAC was pursuit in Santiago de Chile so as to reinforce the euro-Latin American space. The "Declaration of Santiago on university cooperation in HE, science, technology and innovation and proposals to Chief of State and Government of EU-CELAC Summit" highlights: social inclusion, quality education, accreditation and degree recognition, professional permits for work, development of basic and applied research, linkages with the environment and university-private sector partnerships. These topics are the same that are present in other bi-regional agreements performed by the EU. However, a novelty of current state of negotiations is that the LAC region has created a network: the Association of Deans / Presidents of LAC Universities (ACRULAC) which is currently formulating an Action Plan to present it to CELAC authorities.

Finally, the Pacific Alliance is implementing policy coordination of national actions in the area of mobility of students, professors and researchers. In fact, a Platform of mobility has

established a scholarship programme between Mexico, Colombia, Chile and Peru. Since its creation in 2013, 444 exchanges have been granted: 29% Mexico, 35% Chile, 18% Colombia and 18% Peru; 87% of the grants were for undergraduate students while 13% to doctoral and research exchanges. All in all, the Alliance's strategy is to make visible unilateral actions within the regional framework; which is different from building a regional policy.

As it depicts from this complex map, by unpacking regionalist projects we obtained a scenario of tensions to MERCOSUR's regulatory regionalism: ALBA-TCP is the more radical case and it is not fully complementary to other cases. It is interesting to highlight that MERCOSUR Member States have settled national policies that are related to the Venezuelan case and therefore could be a starting point for deepening ALBA Education actions. However, there is a misconnection between the advancement in terms of accession to rights and inclusion of national policies for HE at the domestic level (MERCOSUR Member States) and the plain agenda for the delivery of regional policies in MERCOSUR, mainly focused in mobility and AQA.

UNASUR presents an overlapping case: the regional agenda is trying to cope with MERCOSURs policies –already settled–. Such a situation does not pose risks to project # 2 yet, as conflicts are being negotiated through MERCOSUR –where currently 5 members have the definite voice–. However, within UNASUR, Argentina liquefies its capacity to influence other actors and to lead the project; unlike the case of MERCOSUR, where Argentina is a key promoter of policy delivery from a more autonomous way.

CELAC and the Alliance challenge MERCOSUR's regulatory regionalism prevalent trend (Project # 2) as they are reinforcing project # 3, tightly connected to the EU's overall influence on the region. In the case of CELAC is more direct: the LAC forum is concentrating the negotiations with the EU so as to create a HE space between the two regions. The creation of ACRULAC allows us to assess how interested HEI are in advancing relations with the EU. The Alliance is pursuing a model that relates to the strengthening of HEI in the world market.

3. Discussion

In this paper we aimed at assessing how MERCOSUR configures HE governance and, in doing so, territorial policy of the State is by-passed. In fact, national agencies are crafting this net of regulations that affect HE institutions and actors as the result of the development of transnational functions. In order to grasp these phenomena, we proceeded from the approach of regulatory regionalism and added some considerations from the field of comparative regionalism studies (prompted by scholars of the New Regionalism Approach, NRA). We also added the assessment of typical features of LAC regionalisms.

The process of un-packing MERCOSUR's regulatory regionalism shed light on three contesting projects of HE governance. Each project pursuit diverge goals about regionalisms and regionalization of HE, some complementary and other competing and conflicting. The configuration of actors varies also among projects while it must highlight that most of them are governmental bureaucracies, with little or null influence of other actors. In a scenario that is –apparently– allowing the participation of other actors (such as ACRULAC), we could question about the continuity or change of the three project. The fact that a broad both global and regional epistemic community is still present relates to the strengthening of some paths of action.

However, one of the major changes have to do on how the projects are also challenged by recent changes in LAC landscape of regionalism, specially by the renewed relations of the region with the EU. This situation is highly problematic for MERCOSUR (unlike other RIAs)

because its main project (MERCOSUR Landmark) rejects, at least partially, the perception that the EU is a role model to imitate. Discordant voices with the EU process are being left aside too often at present, which represent a drawback of the creation an autonomous path to regionalizing AQA policies. This scenario leads to an uneven development of the HE sector within the region, and may be stressed if MERCOSUR's decides to follow the Pacific Alliance path in regionalizing HE.

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