

## Paradiplomacy in the cross-border region of Brazil and Uruguay Between legal vacuum and regulatory discrepancy<sup>1</sup>

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### Abstract

The aim of this article is to explore potentialities and limits of paradiplomacy in the cross-border region of Brazil and Uruguay (CBRBU) vis-à-vis the relation between twin towns and systemic actors. The application of the ontology of the interaction-level microstructural theory by Alexander Wendt (1999) allows one to identify that the vacuum created by the lack of regulations concerning cross-border issues and the differences between Brazilian and Uruguayan regulatory frameworks have hindered the advance of paradiplomacy in the region. Informality is also recognized as a crucial, local tool for dealing with the obliteration of systemic actors regarding the CBRBU.

**Key words:** Paradiplomacy, Brazil-Uruguay Cross-Border Region, Twin Towns, Informality, Regulatory Discrepancy.

### Resumo

O objetivo deste artigo é explorar as potencialidades e os limites da paradiplomacia na região transfronteiriça de Brasil e Uruguai (RTBU) vis-à-vis a relação entre as cidades gêmeas e atores sistêmicos. A aplicação da ontologia da teoria microestrutural de nível de interação de Alexander Wendt (1999) permite identificar que o vácuo criado pela falta de regulações sobre questões transfronteiriças e as diferenças entre as estruturas regulatórias brasileiras e uruguaias dificultam o avanço de paradiplomacia na região. A informalidade também é reconhecida como uma ferramenta local crucial para lidar com a obliteração dos atores sistêmicos em relação à RTBU.

**Palavras-chave:** Paradiplomacia, Região Transfronteiriça de Brasil e Uruguai, Cidades-Gêmeas, Informalidade, Discrepância Regulatória.

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## Introduction

What are the potentialities and limits of paradiplomacy in the cross-border region of Brazil and Uruguay (CBRBU)? This article will address this question from the interaction-level microstructural theory by Alexander Wendt (1999). His relational perspective outlines that every international level interacts with each other, resulting in intentional effects or not, and establishing international reality. The exploration of the potentialities and limits of paradiplomacy in the CBRBU will comprehend the 2000-2015 timespan and it will focus on the local reality and subnational actors of the cross-border region of the aforementioned countries *vis-à-vis* their interactions with the so-called 'systemic actors'. These actors, particularly nation States and the organizations of which they are part, act under the normative logic of the international system, giving context, and to some extent, conditioning the ground – that has been fertile – of the development of cross-border, local paradiplomacy.

Paradiplomacy refers to the political action of entities that are neither States, nor regional nor international organizations and that operate somewhat in the shadows of the traditional international system, manifesting differences in purpose, design, and *modus operandi* in relation to the so-called classical diplomacy (cf. Keating, 2000). Understanding paradiplomacy in the Brazilian-Uruguayan cross-border region requires analyzing local specificities of international urban conurbations located in this region, which in the case studied, are called 'twin towns' (that is, their administration offices). Such cross-border urban agglomerations are the basic political unit and the first *locus* of 'paradiplomatic action' in this cross-border region, since they are a point of intersection and of direct contact with their first international interlocutor, with which they share many interests, particularly those related to the social and economic development of urban areas. In other words, the twin town of a border municipality represents the main (key) actor in international negotiations, more than the neighbor State, which tends to be incongruous to the interests of border localities.

To develop this analysis, this article will first explain the ontology of the microstructural theory of Wendt, locating twin towns and the border in the conceptual framework developed. In the next section, the CBRBU will be presented, exploring some of its geographical, political, and social characteristics. Subsequently, the reflection of Brazil and Uruguay binational relation to the CBRBU will be addressed. The next part will explore the main *modus operandi* of paradiplomacy in the CBRBU: informality. Final considerations will close this investigation.

## Paradiplomacy in a cross-border region and the international system

Region is a multifaceted construction in which several organizations and actors concomitantly share similar and opposing interests. Across-border region, understood as a new *locus* for

international political action of local actors is thus as intricate as latent. With the objective of achieving whether economic or socio-political goals, local/subnational actors need to insert their diplomatic operations in a system dominated by nation States and intergovernmental or transnational organizations. Such a system can hardly be challenged or used in their full capacity by subnational actors, but only marginally employed by them (cf. Keating, 2000).

For this reason, an analysis of potentialities and limits of paradiplomatic practice in the CBRBU requires a general perspective and concomitantly a particular one. By doing so, one will be able to grasp realities of different analytical levels and to identify intersection points (i.e. interactions) that can constitute potentialities or limits to paradiplomacy in the region studied. Intentionally or not, 'macro' and 'micro' levels interplay with one another (and they are all relevant parts of the international system). "Wendt (1999) defines microstructural theories as opposed to reductionist theories. While the latter seeks to explain results in terms of attributes of parts – e.g., [...] the explanation of international policy exclusively from domestic factors – the former seeks to *explain results in light of relations between the units of a system*" (RICHE, 2012, p. 44, emphasis added). In other words, in the interaction-level microstructural theory by Wendt (1999), each level interacts with the other ones, triggering intentional and unintentional consequences throughout the system, building and rebuilding international reality. Such interactions "are structured by the configuration of desires, beliefs, strategies, and capabilities across the various parties" (WENDT, 1999, p. 148), that is, by numerous interests and aptitudes of the actors involved.

The preponderance of the nation State in the international system (WENDT, 1999) lies in the fact that inter-State interactions have great normative capacity vis-à-vis other relations that occur in this system. There is no way to dissociate paradiplomacy from the 'game rules', from international and national structures (mainly constructed by inter-State relations) that influence and condition local actors' international political action. Since States also act sovereignly at the local level, cross-border paradiplomacy will respond to the norms of the State and to its relations – either through conformity (by accepting the limited space within the international field) or tangentially (by employing paradiplomacy on the margins of the 'game rules').

At the cross-border reality, other logics are cohabitating with State logic, in the face of political action of actors of non-systemic levels (such as local governments and informal organizations).<sup>3</sup> In addition, the 'two-level game' dynamics of international relations is also evident.<sup>4</sup> Cross-border, subnational actors cannot run from the 'domestic-international' dichotomy insofar they are even more subject to fluctuations, negotiations, and legal and regulatory structures of the inner sphere.

<sup>3</sup> For this reason, the level of local analysis becomes not only an analytical unit, but a source of explanation, since it preserves distinct attributes and works on diverse socio-political structures (cf. BUZAN, 1995), a result of the multiplicity of relationships there undertaken.

<sup>4</sup> In the 'two-level game' dynamics, the domestic dimension has a significant weight in the decision-making process and indicates an internal game of power that intricates the design of foreign policy strategies (PUTNAM, 2006).

Differences in political structures and in regulations of the countries to which border municipalities belong, that is, immediate normative inequalities (that can be maintained or not according to bilateral and/or regional policies of the neighboring countries) denote an intricate relational network formed by multiple interests and by the various rationales that are at stake. In this sense, regional organizations and political-ideological synergies can also be producers of paradiplomacy norms insofar they influence greatly the political environment of local actors' immediate neighbors (twin town), which may favor or not their actions in the international field.

In view of the drastic changes regarding the physical space of interactions at the international level, the border is no longer a primary means to develop international relations. This mutation of the role of the border in international relations emphasizes the need to work with the cross-border subnational level (Vigevani, 2005), allowing to holistically understand paradiplomatic action in this peculiar region. It is important, thus, to place the analytical focus of this article on neighboring municipalities and their relationships among themselves and to their respective nation States.

Brazilian border municipalities and Uruguayan border departments are, in the scope of their twin town inter-relation, primarily focused on solving local issues, following what Rosenau (2000) calls 'logic of governance'. Their relationships influence (and are influenced by) both decision-making processes and contours of undertaken international policies. As subnational entities, they are likely to reduce the distance between foreign policy and real demands of local populations. Their (local) international relation sheds light to the importance of practical issues that concern creation and exercise of political actions that are beyond legal or normative conditions, such as application of municipal budget, status of political microenvironment, local regulations differences, socio-economic profile of cross-border populations, and many other factors. In other words, local level operates under the problem-solving logic. That's why subnational entities occupy an ambiguous position. On the one hand, they are relational structures that substantiate State itself (WENDT, 1999). On the other hand, they aspire autonomous flights in the international system, especially considering the inability of the classic model of state administration in dealing with contemporary issues of cross-border regions, which Rosenau (2000) calls 'logic of government'. In this sense, the border is a space of multiple interests and divergent logics. It is the space where systemic actors and relations are intertwined with constitutive actors and structures, highlighting tensions within the current evolution of the international system.

## The cross-border region of Brazil and Uruguay

The border area of Brazil and Uruguay includes Barra do Quaraí, Uruguaiana, Quaraí, Santana do Livramento, Dom Pedrito, Bagé, Aceguá, Pedras Altas, Herval, Atlanta, Santa Vitória do Palmar, and Chuí Brazilian municipalities, as well as Artigas, Rivera, Cerro Largo, rock, and

Treinta y Tres Uruguay an departments. Stretching along of 1068km of border, the region spreads around 88000 km<sup>2</sup> (slightly larger than Austria) across different geographies, from ponds and lakes (fluvial border) to plains of ground vegetation (dry border, with 320 Km long) (MAZZEI and DE SOUZA, 2013). Regarding development levels, the entire border area has been historically neglected by the Governments of Brazil and Uruguay, exposing modest social and economic figures. The border area is mentioned among the poorest regions of Uruguay and Rio Grande do Sul Brazilian federal state, requiring intense support from their respective local and national administrations (MAZZEI, 2013).

It is important to differentiate 'border area' from 'cross-border region'. Border area is the one with the physical characteristics listed above and includes the area comprising *all* municipalities and departments contiguous to Brazilian and Uruguayan borderline, whereas here it is considered as cross-border region the area formed by binational urban conurbations named 'twin towns'.<sup>5</sup> In total, six cross-border conurbations receive such a denomination: Quaraí-Artigas, Santana do Livramento-Rivera, Aceguá-Aceguá, Barra do Quaraí-Bella Unión, Jaguarão-Río Branco and Chuí-Chuy (PUCCI, 2010). Geographical features of the region led to the emergence of populational gatherings in both sides of the border. In the words of Santos and Santos (2005, p. 45), 'almost no natural obstacles favored the formation [...] of an area in which one recognizes common traits, shaped by a history of its own, which has become a region with unique features that sets it apart from other areas of Rio Grande do Sul and Uruguay'. Relations within the CBRBU emphasize a kind of 'systemic cordiality' as well as a playful rivalry, indicators of a *modus agendi* of the border citizen in their interactions with immediate neighbors (PUCCI, 2010) and a local logic of international relations – an 'everydayness' and familiarity with a complex social institution – which requires, in macro scales and under State logic, an extremely dense and formal apparatus.

High degree of interdependence, elevated concentration of border populations, and semi-autonomous, intense and historical cooperative dynamics are key factors that make this set of twin towns a region that transposes and transcends the border. This means that such transnational urban connections differ from other municipalities of the Brazil-Uruguay border in relational terms. They typify the attributes of the region and have become focus of multilevel interactions by key actors operating intensively in the international system, such as national governments (Brazil and Uruguay), regional bodies (MERCOSUR and its institutions), and subnational units (the federated state of Rio Grande do Sul and Brazilian municipalities). Hence, twin towns are becoming central actors in the international negotiations within the CBRBU, occupying a position sometimes more important than the neighboring State itself, since it tends to be more incongruous regarding the interests of border towns.

Despite the differences between the border area and the border region, twin towns and the region they form present some similarities compared to other border municipalities, such as

<sup>5</sup> The term 'twin town' is used not to illustrate exaggerate a non-existent homogeneity in border urban clusters (cf. MAZZEI, 2013), but by the fact of being so named by systemic actors in their relations, which *a priori* can indicate that the concept has relevant attributes from the point of view of international system norm-making relations and actors.

low institutionalization of public services, and unsatisfactory transport infrastructure, sanitation, education, and health (NOGUEIRA, DAL PRÁ, and FERMIANO, 2007; PUCCI, 2010). The inadequacy in the provision of public services has represented both an obstacle to paradiplomacy as a factor to be exploited by local governments. In fact, the low level of infrastructure for paradiplomacy contrasts with the municipalities' interest in building relations with their peers, since none of the twin town has an international relations office, sector, or center. This fact is not surprising, since they lack resources for basic areas. Although the absence of elementary infrastructure is *a priori* unfavorable for deepening international, cross-border cooperation, the project of integrated urban sanitation in Aceguá-Aceguá twin towns (URUGUAY, 2013) is the largest example of positive use of bilateral and regional cooperative environment for settling structural weaknesses of the CBRBU towns (MATIUZZI DE SOUZA, 2015b) through the construction of strong relations between the twin towns and the promotion of paradiplomacy.

### Between legal vacuum and regulatory discrepancy

Being inserted in the regional structure of South-American politics in the last decade and a half, twin towns witnessed profound changes in the regional scenario in terms of politico-ideological synergies, of visibility of 'marginal communities' within the framework of MERCOSUR, and of access to funding (mainly through MERCOSUR's fund, FOCEM). Such changes favored paradiplomacy in cross-border regions, while also agitated issues related to whether such political units had any *de facto* institutional autonomy (MATIUZZI DE SOUZA and CULPI, 2016; ROMERO, 2004; VENTURA and FRANCO, 2012). The so-called 'post-hegemonic regionalism' and the creation of alternative spaces for the implementation of regional policies and consensus (RIGGIROZZI, 2012; TUSSIE and RIGGIROZZI, 2012) represented, for twin towns, an opportunity to participate in the South-American cooperative process, whereas it also revealed difficulties of effectively building institutionalized regional cooperation, particularly within MERCOSUR (see SANTANDER, 2012). Furthermore, the logic of the post-hegemonic South-American regionalism stood on the intense action of the State in regional projects (DABÈNE, 2012), which sometimes promoted, sometimes weakened the space for political action of subnational actors.

Binational and regional relations carried out by Brazil and Uruguay, in the scope of the post-hegemonic South-American regionalism, produced two dissimilar circumstances for paradiplomacy in the CBRBU: on the one hand, such relations did not fill the legal vacuum caused by the absence of specific agreements that could manage the many everyday situations that require some degree of cooperation between local communities at the border; on the other hand, they pointed out the disparity between national regulations, which progressively manifested, insofar border actors approached and began the process of construction of their formal cross-border, international relations.

Concerning the legal vacuum created by the lack of historical binational regulations for the region, for the past 15 years, Brazilian and Uruguayan governmental interests have converged to create mechanisms to address cross-border issues to increase the region's economic and social indices. In the first decade of the years 2000s, the expansion of the politico-ideological synergies between Executive leaders of the two countries facilitated the governments rapprochement and the opening of more direct and practical talks that aimed to create a new institutional environment for the border (CLEMENTE, 2014; MATIUZZI DE SOUZA, 2015a). The New Agenda for Border Development Cooperation (NABDC), signed in 2002, made possible the signing of several agreements, mainly in education, health, sanitation, citizenship, and sustainable development, and aimed to the best articulation of local and national scales, in an attempt to meet the region's institutional needs (LEMOS and RÜCKERT, 2015; MATIUZZI DE SOUZA, 2014).

Among the series of documents signed within the framework of the NABDC, it is worth mentioning the residence permit, to facilitate mobility of citizens (in force since 2004), the complementary agreement of health (to regulate professional practice and the use of public services, in effect since 2010), the arrangement for the creation of bilingual schools/institutes (in force since 2007), and various agreements focusing on police cooperation between twin toowns (in effect since 2008) (LEMOS and RÜCKERT, 2015; MATIUZZI DE SOUZA, 2015a; NÚÑEZ, 2015). It is also important to point out the existence of numerous projects with infrastructural objectives, such as the integrated sanitation project in Aceguá-Aceguá. In addition, the NABDC strengthened the process of 'internalization of diplomacy', fostering the participation of Rio Grande do Sul Brazilian federated state (see NÚÑEZ, 2014) and of border municipalities.

Within the discussion of the role of Uruguayan subnational entities, the NABDC intensified the debate for the need to increase political action of border departments. The government of Uruguay attempted to redirect the bilateral efforts with Brazil to the sphere of local action, paving the way for what was called a 'new cross-border paradigm' (SANTOS and SANTOS, 2005). Bilateral efforts were, however, still inadequate in the engenderment of an institutional structure capable to fill the regulatory vacuum in the region. The NABDC, in this sense, can only be considered a prelude for future, broader negotiations on cooperation at the local level (cf. GUIMARÃES and GIOVANELLA, 2005) - a legal matrix for future agreements (PUCCI, 2010). The convergence of Uruguay and Brazil also created sectoral overflows, and at the local level, presented a series of negative developments, bringing to the fore differences of domestic regulations (what Lawrence (1996) denominated 'cross-border spillover').

The discrepancy between Brazilian federalism and Uruguayan centralism is one of the main legal barriers to twin townsparadiplomacy (CLEMENTE and NÍLSON, 2012). In Brazil, recent decades have demonstrated the existence of a 'federative paradox', in which municipalities were granted a 'relative autonomy', while the states of the Federation, a 'semi-autonomy', always understood from the logic of cooperation with the Union. This means thinking about the performance of subnational entities from a 'natural symbiosis' of interests, which was never proven to be the case of paradiplomacy in the country. The idea of fragmenting authority

on issues related to international relations is rejected by the political elites of Brasília. By centralizing decision-making in matters of foreign policy under the Ministry of Foreign Affairs, Brazilian federative system maintains an incomplete model of paradiplomacy, which has caused instabilities in the domestic political game (SOMBRA SARAIVA, 2004). Within such a system, Brazilian twin towns have been constantly questioned by the Union about their ability to international action (cf. PRADO, 2014), while the federated state of Rio Grande do Sul, the only one sharing borders with Uruguay, received Chancery status to produce local international agreements, although under strict supervision and tutelage of the Brazilian State (SALOMÓN and NUNES, 2007).

The Uruguayan political system, built under the logic of centralization, started gradually a trajectory towards the autonomy of subnational entities from the constitutional reform of 1996, putting in motion the institutional consolidation of some of the legal duties linked to the process of decentralization (CARDARELLO *et al.*, 2010). The notion of problem-management of the new Uruguayan municipalities – a non-existent governmental level until then – opened the doors to international cooperation, included here cross-border paradiplomacy. This had converged institutionally local administration structures of Uruguay and Brazil which, as mentioned, tend to share various interests. The concentration of decision-making in foreign policy remained, however, in Uruguayan Chancellery, as well as the implementation of border policies, making cross-border paradiplomacy virtually impossible by municipalities and even by departments of the Oriental Republic.

Although Brazil developed an ambiguous federative model for paradiplomacy, it has shown growth potential, also considering the vigorous demands from twin towns. Uruguay remained heavily dependent on a bilateral agreements national agenda, which, fortunately for the case studied, was among the biggest concerns of the Uruguayan Government since the early 2000s (see LÓPEZ, 2013). Hence, twin towns have been relegated a space of international political action between the legal vacuum of the many areas that have not yet been contemplated with bilateral agreements – and even when they are contemplated, they are incomplete vis-à-vis functional details of agreements implementation – and the regulatory discrepancy of priority issues within this growing cooperation process. Such questions demand great political interest on the part of national and local decision-makers, since it can involve the slow process of modifying laws and regulations in force in both territories.

## Informality of local international relations

Despite all bilateral efforts and institutionalization processes in the CBRBU, twin towns still needed (and need) to solve local issues, which includes international relations with immediate neighbors. Standing in between the absence of regulations for managing specific problems and the disparity of national laws, twin towns' public administrators have been using almost exclusively informal mechanisms of paradiplomacy. Already attested as one of the fundamental



attributes of cross-border policies (KOFF, 2016), informality has become the basis for building (*ad hoc* or permanent) resolutions of local cross-border issues, in several areas, from health to public security, from transportation to trade and labor relations (GUIMARÃES and GIOVANELLA, 2005; HOFF, 2009; MRE, 2016; SCHERMA and OLIVEIRA, 2014; SILVA and SILVA, 2009; STRUMINSKI, 2015).

Informal interactions in the CBRBU have been based on amicable relations between those responsible for the municipal or departmental administrations. This has been also the case in kinship, employment, and trade relations, all interwoven in this relatively peaceful, cooperative routine (cf. RANGEL, 2014). This means that a large part of the paradiplomatic efforts undertaken in the CBRBU is invisible to the external evaluator and to national decision-maker, who were and are far from local realities, in the national capitals. The lack of visibility of the real international relations of twin towns remains a problem, despite the establishment of agreements within the framework of the NABDC and the opening of forums for subnational entities in MERCOSUR. Twin towns thus have not yet encountered facilitators to institutionalize their exercise of paradiplomacy.

The great dependence of local politico-ideological synergies and interpersonal relations of public administrators is also a relevant matter. Heads of local Executive Offices and civil society leaders confirm that the change of mayor in municipal elections tends to mitigate or strengthen tensions between twin towns, affecting the fulfilment of agreements set out in previous governments, which can neither puzzle or simplify the resolution of day-to-day issues between the two municipal jurisdictions separated by the borderline. In Aceguá-Aceguá twin towns, for instance, the beginning of a new term has generated great political discomfort because the newly elected Brazilian administrator obstructed the use of public health system by Uruguayan populations (and by Brazilians living in Uruguayan territory). The mayor also showed to be intransigent about complying with Brazilian laws, particularly those that differed from Uruguayan regulation.<sup>6</sup> The mentioned case illustrates the pitfalls of developing exclusively informal cross-border paradiplomacy that aims at the elementary satisfaction of transitory necessities. Although demanding more efficient governance efforts, twin towns have not yet managed to develop or propose governance models consistent with their needs, to strengthen international relations with neighbors, and to alleviate the difficulties of access to resources and public services of higher quality.

<sup>6</sup> Based on a series of interviews with mayors, municipal officers, and civil society representatives of the Uruguayan and Brazilian twintowns, held in April 2015 as part of fieldwork trip of doctoral research. The majority of those interviewed requested anonymity. Executive and Legislative national elections can also significantly change the progress of cross-border projects, since they depend on the acquiescence of their respective Federal Governments for implementation.

## Final considerations

The interests of Brazil and Uruguay for their cross-border region demonstrated over the past fifteen years, at the same time, potentialities and limits to the exercise of twin towns' paradiplomacy. It is possible to identify, firstly, the opening of a new opportunities for paradiplomacy motivated by bilateral convergence, which have shown great political will to resolve common obstacles and to leverage social and economic indices in the region. The participation of local actors in the construction of agreements, previously non-existent, went on to have some relevance, although still fragile and insufficient. This enabled the launch of formal negotiations for local level cooperation beyond typical *ad hoc* arrangements between local actors, strengthening the support for local initiatives of cooperation between twin towns within the framework of the NABDC. Twin towns have become part of a space of conformity with the standards of international structure, by their own historical local demands and by interests of nation States. Paradiplomacy, in this context, required and requires that it be constructed in alignment with State requirements and based on engendered agreements.

The historic obliteration state of local cross-border demands became the target of scrutiny by central authorities, particularly from 2002, which started a cross-border demands institutionalization process, previously responded almost exclusively through informal methods. The presence of Brazilian and Uruguayan national governments and their respective interests have increased considerably in the cross-border region, concurrent to the intent in developing it. This has uncovered a clash between the forms of external action: the one related to the State (institutional and formalized) and the one related to border subnational entities (informal and case-by-case basis), pushing away local practices to the shadows of the system, and exacerbating the tangential nature of cross-border paradiplomacy. At the local level, informality has been customary practice to deal with the regulatory vacuum concerning cross-border issues and with the discrepancy of the national frameworks of Brazil and Uruguay, both of which became more evident with the cooperative bilateral approximation. Paradoxically, national responses to social and economic demands of the CBRBU have stifled local actors' foreign policy *modus operandi*, particularly in the case of twin towns.

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