



3 Ways to Invest in Latin America to Curb Migration

BY ARTURO PORZECANSKI, OPINION CONTRIBUTOR — 04/15/21 06:00 PM EDT

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On his first day in the Oval Office, President Biden suspended the Trump policy that forced migrants arriving at the southern border to wait in Mexico while applying for asylum; reinstated Obama's program allowing children coming from El Salvador, Guatemala and Honduras to reunite with their parents in the United States; and froze deportations of undocumented aliens who have committed criminal offenses. He also unveiled the U.S. Citizenship Act of 2021, an immigration reform bill that would provide new pathways to citizenship for "Dreamers" and farmworkers while offering billions in aid to Central American countries.

The chances that these executive decisions would escape judicial challenges, and that a comprehensive immigration proposal would overcome a divided Congress, were never very high. But those chances are reduced now, considering the influx of migrants arriving at the U.S.-Mexico border in recent months — especially unaccompanied minors. The executive orders have prompted lawsuits from states including Texas and Louisiana against the Biden administration's new policies and have also riled up most congressional Republicans while sowing doubt among some Democrats.

To be sure, the wave of migrants coming from Mexico and Central America poses a provocative and politically divisive challenge to the United States. It cannot be ignored and needs to be tamed, especially as the COVID-19 pandemic eases. But to a greater or lesser extent, the same troubled and underlying economic, social and political conditions have been present in many other Latin American countries. They explain why large waves of Dominicans, Colombians, Ecuadorians, Peruvians and lately Venezuelans have also been arriving, albeit through other entry points and by stealthier means.

Therefore, the Biden administration must look beyond Central America. In fact, the potential challenges facing us are arguably even more worrisome in South America, where there are multiple cases of anti-American nationalism, populism, violence and actual or potential political instability. While Venezuela is the continent's most prominent disaster, trouble has been brewing in countries like Argentina, Brazil, Chile, Colombia, Ecuador and Peru even before the devastating pandemic hit.

To cite but one indicator, Latin America was the only world region to have experienced zero economic growth in 2019, followed by the largest drop in real GDP in pandemic-driven 2020 — a collapse of 7 percent versus an emerging-markets average contraction of under 3 percent.

Beyond adjusting gatekeeping rules on the southern border, the Biden administration has a great opportunity to rebuild the ability of the U.S. government to support and protect those who advocate for better governance, respect for human rights — including property rights — and the rule of law throughout Latin America. As the White House has pointed out in relation to the immigration reform bill, the president’s \$4 billion plan to address the underlying causes of Central American emigration is “conditioned on their ability to reduce the endemic corruption, violence, and poverty that causes people to flee their home countries.”

Here are examples of what could be done with that, or other U.S. funding, for the benefit of all Latin America — and, over time, the United States.

- 1) Provide more financial support through USAID, the State Department and the National Endowment for Democracy for the local civil-society organizations, independent investigative reporters, and academics that are making a difference in terms of enhancing government accountability and transparency, as well as exposing corruption.
- 2) Offer enhanced budgetary support to the Inter-American Commission on Human Rights, part of the Organization of American States, so it may staff up and reduce its huge backlog of investigations into human rights violations, which often take a decade or more to be processed. Although the commission issues nonbinding recommendations, it has generally been useful in defending victims, suggesting reparations and influencing public policies throughout Latin America.
- 3) Increase funding for projects to expand access to justice, strengthen the independence of the courts, and professionalize civilian law-enforcement, discouraging corruption and political interference. Most countries lack effective policies on, and funding for, granting the disadvantaged access to justice, meeting judicial demand in outlying areas, or protecting judges and prosecutors who investigate organized crime. The independence and capabilities of prosecutors and judges must be supported by meritocratic selection practices, long and financially attractive appointments, and fair evaluation and disciplinary procedures.

Unrelated to funding, the U.S. government should refrain from filing claimant-unfriendly submissions in cases involving U.S. citizens or corporations seeking compensation before international arbitration tribunals for injustices perpetrated by Latin American governments. These arbitrations are contemplated by bilateral trade or investment agreements, and recourse to them is often necessary given the unwillingness of most Latin American judiciaries to rule against their own governments in disputes involving foreigners.

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