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## Principales lineamientos de la política exterior de Chile<sup>1</sup>

Embajada de la República de Chile

La política exterior de Chile, fijada por el Presidente de la República, nace de la combinación entre los principios de nuestro actuar internacional y los intereses de Chile en el mundo. Estos elementos dan forma a políticas, lineamientos y acciones concretas, cuya implementación recae en el Ministerio de Relaciones Exteriores. El ordenamiento de las prioridades en materia de política exterior se basa en apreciaciones sobre el entorno internacional y sus posibles desarrollos, y se fundamenta en los estudios y análisis existentes. Con el fin de facilitar la coherencia que deben tener las decisiones de política exterior, resulta conveniente contar con una guía que permita trazar líneas de acción y fijar objetivos específicos que reflejen las prioridades de Chile en el mediano plazo. A continuación, se identifican los elementos que el Ministerio de Relaciones Exteriores considera fundamentales dentro del diseño de su política exterior, y que reflejan las prioridades de acción para los próximos años.

**Chile y el mundo.** Nuestra prioridad en materia de política exterior está constituida por el fortalecimiento de la relación con los países vecinos y con la región, pues es a partir de esta zona que queremos proyectar nuestra identidad y enfrentar en conjunto los temas de la agenda internacional. Comprendemos que el desarrollo nacional está vinculado a la mantención de las mejores relaciones políticas, el intercambio comercial y la cooperación con nuestros vecinos. Para ello, en la próxima década mantendremos un permanente diálogo, amplio y profundo, sensible a las áreas más relevantes de la relación y que se extienda a los más diversos ámbitos, incluyendo sectores tales como la energía, el comercio, la defensa, la educación, la cultura y las migraciones. Dentro de este contexto, la integración física, a través de la construcción de ejes de transporte, así como las comunicaciones, serán piezas fundamentales del proyecto de integración con nuestros vecinos. Los esfuerzos de Chile dentro de los próximos años estarán

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<sup>1</sup> <http://www.minrel.gob.cl/>

dirigidos a potenciar la comunidad de objetivos con ellos, así como los valores que compartimos, entre los que destacan: la promoción y defensa de la democracia y los derechos humanos, el crecimiento económico con equidad, la igualdad de oportunidades, la paz y seguridad, y el desarrollo social y cultural de nuestros pueblos.

Con **Argentina** compartimos una de las más extensas fronteras del mundo, de más de 5. 500 kilómetros, lo que continuará determinando la profundidad, riqueza y complejidad de nuestra relación bilateral. En la próxima década haremos esfuerzos para intensificar las más de 30 instancias de diálogo y coordinación bilateral existentes, entre las que destacan los comités de integración fronteriza y el grupo técnico mixto de infraestructura. Creemos que es necesario continuar dando importantes señales de confianza en nuestra región, como lo es la creación de la Fuerza de Paz Binacional Combinada Cruz del Sur. La intensidad de la relación seguirá encontrando una de sus más palpables expresiones en la creciente presencia económica y en el dinamismo de las relaciones políticas, económicas, comerciales y culturales.

Con **Bolivia** hemos concordado que dentro de los próximos años nuestras relaciones se enmarquen en un diálogo amplio y sin exclusiones. Ello significa continuar con un proceso activo de generación de confianza mutua, de ampliación de los ámbitos de cooperación económica y social, de libre tránsito y de integración física, entre otros temas (Agenda de los 13 Puntos). El diálogo presidencial y el de Cancilleres continuarán siendo instrumentos eficaces para este proceso. Además, diversas instancias contribuirán activamente al trabajo político y técnico que ambos países desarrollan, tales como el Mecanismo de Consultas Políticas Bilaterales a nivel de Vicecancilleres, el Grupo de Trabajo sobre Asuntos Bilaterales, el Comité de Frontera y el Grupo sobre Libre Tránsito, entre otros. La agenda cultural bilateral seguirá siendo, asimismo, enriquecida con nuestra participación en diversas instancias de integración para los pueblos de ambas naciones. Creemos que la profundización del proceso de desarrollo de confianzas mutuas y la

mantención de un diálogo amplio y sin exclusiones son las bases sobre las que se alcanzarán mayores grados de complementariedad.

El 16 de enero del año 2008, el Gobierno del Perú presentó una demanda contra el Estado de Chile ante la Corte Internacional de Justicia de La Haya. Esta demanda pretende desconocer la frontera marítima común entre ambos países, no existiendo méritos ni fundamentos para plantear una controversia en torno al tema, ya que los límites con Perú fueron fijados hace más de medio siglo, mediante Tratados Internacionales plenamente vigentes y respetados integralmente. El Gobierno de Chile ha respondido con la necesaria firmeza y sobriedad, ya que los antecedentes que invoca son sólidos y objetivamente respaldados.

Esta situación ha sido enfrentada con una posición que goza del respaldo de una política de Estado. Por otra parte, Chile y Perú pueden mostrar raíces histórico-culturales comunes, una cercanía geográfica, la dimensión oceánica, vocación democrática y el compartir el propósito de dar una mejor calidad de vida a sus pueblos como las guías que encauzan la relación chileno-peruana.

Es evidente que ambos países tienen una extensa agenda bilateral, la cual abarca aspectos políticos, económico-comerciales, empresariales, culturales y sociales de directo impacto en los ciudadanos de ambos países. El Gobierno de Chile considera que todos estos ámbitos deben continuar avanzando en una relación inteligente, y que el rumbo de la integración es el único que conduce a un horizonte compartido.

S.E. el Presidente de la República ha llevado a cabo una serie de acciones en la dirección señalada anteriormente y que constituyen una muestra de la voluntad política que siempre ha animado a su Gobierno, en el sentido de perseverar en una profundización de la relación chileno-peruana y la promoción de un mayor acercamiento entre ambos pueblos.

**América Latina.** América Latina continuará siendo el área prioritaria de atención política, a partir de la cual se profundizarán cada vez más los lazos en otros ámbitos, tales como los económicos, comerciales, sociales y culturales. Creemos que nuestra pertenencia a América Latina debe imprimir el sello de nuestra política exterior, otorgándole un contexto geográfico que la determine

como nación. El reconocimiento de esta realidad es lo que sustenta nuestro proyecto de inserción internacional, el cual adquiere importancia estratégica al observar que nuestra región cuenta con un potencial único para estrechar y multiplicar los lazos económico - comerciales, fortalecer nuestros vínculos políticos e impulsar nuestro desarrollo cultural. Ello se materializará a través de programas de cooperación regional, la participación en reuniones bilaterales de coordinación política, económica y cultural, iniciativas de integración en áreas tales como infraestructura, energía, transporte y circulación de personas, y la participación en las instancias de coordinación política en el continente.

Nuestra política exterior parte de la base de que para crecer económicamente, erradicar la pobreza y lograr mayor justicia social y equidad, se requieren mercados abiertos, integrados y confiables, así como una región estable caracterizada por la certidumbre jurídica y política, comprometida con el bienestar de sus ciudadanos. Ello nos motiva a trabajar en la próxima década en los ámbitos vecinal, paravecinal y en instancias de integración regionales, en un marco de respeto y aceptación de las naturales diferencias existentes. Creemos que la mantención de las mejores relaciones bilaterales con los países de la región, así como los esfuerzos de integración, son el camino adecuado para el desarrollo conjunto de nuestros pueblos y para alcanzar un futuro de prosperidad compartida.

En la práctica, nos proponemos contribuir durante los próximos años a los procesos de integración existentes, tales como la Comunidad Andina (CAN), el Mercado Común del Sur (MERCOSUR), el Grupo de Río y la Unión de Naciones Suramericanas (UNASUR). Mediante nuestros esfuerzos de integración con América Latina, aspiramos a contribuir a una profundización del proceso democrático de los países de la región y de robustecimiento de la institucionalidad política, aportando al desarrollo regional.

**América del Norte.** Partimos de la base de que Estados Unidos continuará jugando el rol de principal potencia económica y militar en el mundo dentro de la próxima década. Tal condición hace de dicho país un actor fundamental en la política mundial, de especial relevancia para nuestra política exterior. Esperamos

que la diversidad y amplitud de los vínculos, así como las muchas coincidencias existentes entre ambos países, lleve la relación a un gran nivel de confianza y cooperación, tanto en asuntos bilaterales como globales. La profundización de estos vínculos continuará sustentándose en la consonancia de valores y la existencia de objetivos compartidos.

Seguiremos buscando áreas de convergencia en los temas de la agenda internacional tales como los derechos humanos, la democracia, la seguridad, la gobernabilidad y la apertura comercial. La evolución política, económica y social de Chile ha sido destacada en los círculos políticos y académicos independientes estadounidenses como exitosa, no sólo en América Latina, sino que también entre los países en desarrollo. Como consecuencia de ello, nuestro país continuará siendo percibido como una nación estable, así como un socio confiable en la región.

En los últimos años hemos observado el continuo fortalecimiento de los vínculos recíprocos con un nivel de madurez que se expresa tanto en la estabilidad y solidez de las relaciones, como en sus componentes cualitativos. Lo anterior da pie –y a la vez plantea un desafío– para seguir trabajando en la revitalización de la agenda bilateral sobre la base de profundización de nuestra relación de acuerdo con la nueva realidad de ambos países. En esta estrategia agregaremos valor a la vinculación mediante la inclusión de nuevos temas y un análisis innovador de los escenarios que enfrentemos en el futuro.

En los próximos años, nuestro principal objetivo de política exterior con respecto a Estados Unidos será la profundización de las relaciones bilaterales mediante políticas y acciones que tengan como eje referencial nuestro compromiso con América Latina.

**Europa.** Existe una estrecha coincidencia de principios, valores y visiones entre Chile y la Unión Europea, sin olvidar la afinidad cultural y política que tenemos con los países miembros de esa asociación. Los grandes objetivos estratégicos de la política exterior de Chile hacia Europa para la próxima década serán continuar fortaleciendo el diálogo político a nivel bilateral, así como consolidar nuestros vínculos sobre la base de la profundización de los intercambios económicos, comerciales y la cooperación en sus distintas formas.

La Unión Europea se ha transformado gradualmente en un referente importante a nivel internacional en materia de integración regional, especialmente tras la reunión en Lisboa en octubre de 2007, en donde adquirió personalidad jurídica, lo que suprime en gran medida la unanimidad como mecanismo de toma de decisiones y les otorga mayor poder vinculante. Durante los próximos años, la Unión Europea se abocará a incrementar sus niveles de competitividad e innovación, lo que le permitirá seguir mejorando su posición como actor relevante a nivel mundial. Considerando la afinidad de principios y valores compartidos entre Chile y la Unión Europea, haremos esfuerzos para fortalecer el diálogo político con esa región, con el objetivo de realizar acciones conjuntas, tanto en América Latina como en el Caribe, en ámbitos tales como la promoción de la cohesión social, el fortalecimiento de las instituciones democráticas y la estabilidad económica en la región. En el ámbito económico-comercial, emprenderemos acciones orientadas a buscar una mayor apertura comercial, que permita maximizar la potencialidad que la relación con la Unión Europea tiene para nosotros.

**Asia-Pacífico.** Teniendo en consideración su dinamismo económico, peso demográfico y potencial de su intercambio comercial, el Asia – Pacífico seguirá adquiriendo importancia en el sistema internacional. La red de acuerdos que hemos construido con los diferentes países de esa región desde 1990, que concentra prácticamente dos tercios de la población del mundo, casi la mitad del producto de todo el planeta y el 36% de las exportaciones chilenas, ofrece enormes oportunidades para la próxima década.

En este contexto, redoblaremos los esfuerzos para que no sólo Chile se beneficie de esta relación, sino que el comercio pueda hacerse extensivo a todos los países de América Latina. Buscaremos concertar con los países de nuestra región iniciativas y esfuerzos para establecer líneas de acción comunes, orientadas a abordar las oportunidades que ofrece nuestra privilegiada posición en el Pacífico.

Chile participa en la cuenca del Pacífico a través de diversos foros, tales como el Foro de Cooperación Económica Asia-Pacífico (APEC), el Consejo Económico de la Cuenca del Pacífico (PBEC), el Consejo Empresarial ABAC (consejo

asesor de APEC) y el Foro de Cooperación América Latina – Asia del Este (FOCALAE). Chile es parte de APEC desde el año 1994 y fue sede de la Reunión de Líderes en el año 2004. Continuaremos desempeñando en este foro un activo rol para apoyar el crecimiento y desarrollo de esta región, para contribuir a una mayor liberalización de la economía mundial, para reforzar los efectos positivos resultantes de la creciente interdependencia económica, y para reducir las barreras al comercio de bienes, servicios e inversiones. Inicialmente ideado para la simple promoción y cooperación en el Asia – Pacífico, se espera que en los próximos años este foro irá fortaleciendo su acción en áreas complementarias, tales como la lucha contra el terrorismo, el combate a la corrupción e iniciativas para enfrentar nuevas amenazas que podrían afectar las economías de sus miembros.

La arquitectura política de Asia continuará desenvolviéndose de manera dinámica alrededor del proceso de integración denominado ASEAN+3, compuesta por los diez países miembros de la Asociación de Naciones del Sudeste Asiático y las tres potencias de Asia Nororiental: Japón, China y Corea. Si bien aún es demasiado pronto como para vislumbrar los alcances de dicho proceso de integración, es razonable asumir que la región continuará creciendo económicamente y que sus países percibirán los beneficios de una mayor concertación política y económica. En este sentido, continuaremos profundizando los procesos de inserción política, comercial y cultural que iniciamos hace ya varios años, sobre la base de nuestra ventajosa posición geográfica, ribereña del Pacífico.

**Medio Oriente:** Existe una larga y estrecha relación entre Chile y el Medio Oriente, cuyas culturas, principalmente la palestina, la siria, la libanesa y la judía, continuarán siendo un invaluable aporte al desarrollo nacional. Desde el punto de vista económico, el Medio Oriente tendrá para Chile una creciente importancia estratégica, no sólo por las cuantiosas reservas de hidrocarburos que posee, sino también por contar con el potencial para convertirse en un relevante destino de nuestros capitales. Esta importancia continuará manifestándose a través de la activa participación de nuestro país en instancias de coordinación, tales como el mecanismo de seguimiento de la Cumbre de Países Sudamericanos y Países Árabes (ASPA).

**África.** Continuará siendo el principal receptor de los Objetivos del Milenio de Naciones Unidas, así como de cooperación. Se espera que este continente siga experimentando transformaciones significativas en los planos político, económico y social. La vinculación con esta área, rica en recursos naturales y fuentes energéticas, y que está creciendo a tasas cercanas al 5% anual, constituye una importante tarea de nuestra política exterior.

En el marco de nuestra activa política de estrechamiento de vínculos institucionales con diversos países de África, participaremos de manera dinámica en el mecanismo de seguimiento de la Cumbre de Sudamérica y África y en la Unión Africana, organismo al que Chile fue recientemente aceptado como observador. Asimismo, continuaremos haciendo esfuerzos que se enmarquen dentro del cumplimiento de los Objetivos del Milenio, tales como el aporte anual al fondo UNITAID, organización que dirige sus esfuerzos a la adquisición de medicamentos para combatir las principales pandemias a nivel global en los países en vías de desarrollo.

**El papel de las universidades  
en el desarrollo de las relaciones UE-CELAC**

Prof. Univ. Dr. Iordan Gheorghe Bărbulescu<sup>2</sup>

La Unión Europea es el proceso de integración más importante y exitoso de la era moderna, y por eso, su estudio es siempre necesario, pero al mismo tiempo motivador para una región como América Latina, que vive su propio proceso de integración con muchas dificultades y falta de claridad. Al ver lo que está pasando actualmente en la Unión Europea, los problemas que enfrenta para el avance en la integración, uno se puede dar cuenta de lo importante que es comparar y conocer las experiencias de los demás que están atravesando procesos similares, lo útil que puede ser para lograr los objetivos que uno se propone.

Aunque la Unión Europea y la zona de América Latina y Caribe tienen identidades diferentes, también gozan de lazos culturales e históricos muy fuertes, que se relean incluso en el desarrollo de los procesos políticos de las dos entidades. Una de las características que las dos zonas tienen en común es el hecho de que Europa por un lado y Latino-América y Caribe por el otro atraviesan un proceso de integración regional, en el que avanzan con diferentes velocidades en varios campos, como por ejemplo el de la enseñanza superior. Evidentemente, cada proceso de integración comporta marcas específicas de la región. La integración europea, con más de sesenta años de experiencia, ya tiene una fuerte dimensión económica y una muy dinámica dimensión política, instituciones y políticas públicas comunes, legislación propia, etc. A su vez, los países de ALC se han presentado en la Cumbre del mes de enero de este año, como Comunidad de Estados que, a mí juicio, representa un paso necesario ante la integración.

El mundo ha cambiado mucho. La actual crisis económica y financiera, el cambio climático, la seguridad energética y la migración son hoy los nuevos desafíos y prioridades que debemos tomar en cuenta al momento de evaluar y proyectar nuestras relaciones. Estos desafíos son globales y deben ser abordados

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<sup>2</sup> Profesor Jean Monnet. Catedrático Relaciones Internacionales. Director ISLA. Presidente ECSA-Rumania

globalmente y no país por país y región por región. Por ello, debemos aprovechar al máximo la avanzada cooperación euro-latinoamericana y caribeña, con el fin de contribuir a que estos desafíos se transformen en oportunidades.

En este contexto, la Unión Europea ha considerado y seguirá considerando a América Latina como un socio privilegiado. Europa y América Latina comparten valores, historia y una visión del mundo que categóricamente nos acerca. Pero no solamente compartimos valores, sino también visiones sobre políticas públicas o relaciones económicas dinámicas. Existe la voluntad de incrementar la presencia europea en América Latina y la de ALC en Europa. Las empresas europeas siguen estableciéndose en la región latinoamericana, atraídas por las posibilidades de inversión y de hecho, actualmente los países de la UE se erigen como los mayores inversores en la región, variando entre los Estados latinoamericanos. La Unión Europea también es el segundo socio comercial en términos generales y el primer mercado de exportación en algunos países.

Las relaciones multilaterales institucionalizadas al más alto nivel entre América Latina y el Caribe, de un lado, y, de otro, la Unión Europea tienen una historia de más de 10 años. Desde la primera cumbre birregional de jefes de estado y de gobierno, celebrada en Río de Janeiro en junio de 1999, hemos sido testigos de otras cumbres trascendentales y de una progresiva institucionalización de las relaciones birregionales a múltiples niveles: la sociedad civil, los altos funcionarios, los ministros de diferentes ramos y los líderes políticos que, juntos, conforman un consistente cuerpo de diálogo político entre América Latina, el Caribe y la Unión Europea. En este contexto, aún más, la primera cumbre académica UE-ALC de este año ofrece un nuevo compromiso de los representantes de las dos partes.

El grado avanzado de los canales de comunicación entre ambas regiones responde al aumento y la diversificación de los desafíos comunes. Temas como la energía, el medio ambiente, la migración, el tráfico de drogas, la gobernanza y la cohesión social tienen carácter transnacional y consecuencias directas en todos los estados. Es por ello que el espacio euro-latinoamericano, compuesto por 60 Estados, es decir, un tercio del sistema internacional, contiene un fuerte potencial

para imponer estos desafíos comunes en la agenda global y lograr acuerdos globales en los foros multilaterales.

Evaluando el desarrollo de las relaciones birregionales de los últimos 14 años podemos detectar claros avances, así como una serie de deficiencias u obstáculos a superar. Las cumbres birregionales con una alta capacidad de convocatoria han creado un mecanismo de intercambio estable, que funciona como el impulsor para todos los diálogos subregionales, bilaterales y sectoriales que tienen lugar simultáneamente. Asimismo, en estos años se han firmado Acuerdos de Asociación entre la Unión Europea, México y Chile. También Colombia y Perú han dado pasos decisivos para crear estructuras de libre comercio con la Unión Europea. Los obstáculos a superar se centran en la dificultad de lograr avances concretos, traducidos en programas y proyectos de cooperación, como resultado del diálogo birregional y que arroja críticas habituales a la “diplomacia de cumbres”.

El contexto regional en Latinoamérica está marcado por el cambio de paradigma. Este cambio impacta en los preexistentes esquemas de integración y en el modo en el que se conectan los países latinoamericanos, básicamente en tres aspectos:

- el primero es el concepto de integración;
- el segundo es el relacionamiento político externo;
- y finalmente, el tercero, es el aspecto económico-social.

Indudablemente, existe actualmente en Latinoamérica un escenario político e ideológico muy diferente respecto a los años anteriores. En dicho contexto, se destaca la creación de un esquema de integración como el ALBA, cuya novedad estriba en el hecho de perseguir objetivos, principios y criterios muy diferentes a los acuerdos de libre comercio tradicionales. También se formó un nuevo espacio político en Sudamérica, UNASUR, incluso con nuevas propuestas en materia de defensa y seguridad.

Lo que se percibe es que en términos políticos Latinoamérica está en un periodo de mayor autonomía y al mismo tiempo de diferenciación junto a la

emergencia de un nuevo mapa de poder, cuyo dato quizás más relevante lo constituye la emergencia de Brasil como una potencia con intereses globales. Esto se ha expresado con claridad en el plano multilateral, sea en la Ronda de Doha o en el G-20. Brasil va a tener y ya tiene incidencia política en los acontecimientos mundiales y regionales y probablemente por su propio peso económico puede terminar accediendo a su ambicionada silla en el Consejo de Seguridad de las Naciones Unidas.

Europa, por su parte, ha pasado durante los últimos años por un proceso de transformación no exento de problemas políticos derivados de la ampliación al este, de las dificultades para ratificar el Tratado de Lisboa y a causa de los costes económicos, políticos y sobre todo, sociales, de la crisis financiera y económica internacional.

Pese a su gravedad, la crisis financiera internacional de Latinoamérica no fue tan importante en sus consecuencias económico-sociales. La región aprendió las lecciones del pasado en materia macroeconómica y la crisis la encontró con un sistema bancario-financiero fortalecido, no expuesto a los activos tóxicos como ocurrió en el hemisferio norte. Asimismo, fruto de una coyuntura excepcional en el precio de los comoditos acumuló una importante cantidad de reservas que es un soporte importante para manejar la política monetaria y fiscal. Por supuesto que hay excepciones. Existen países que han pasado momentos más difíciles por la crisis, esencialmente en México, Centroamérica y el Caribe que son más dependientes de sus exportaciones a los Estados Unidos, de los ingresos por turismo y también por la caída de las remesas.

El escenario post crisis actual anuncia la posibilidad de grandes cambios en el mundo y en la región, que tienen que ser motivo de análisis y discusión con Europa. Un tema de relevancia en la relación de América Latina y Europa es la preocupación de ambos por las relaciones con países emergentes, pero al mismo tiempo, con grandes países como Estados Unidos y China con “proyectos” opuestos: los Estados Unidos tiene la necesidad de consumir menos y ahorrar más, China, probablemente, consumirá más y ahorrará menos. Necesariamente debería surgir

una orden internacional más equilibrada fruto de algún grado de entendimiento entre China y los Estados Unidos. Esta nueva orden, como se viene repitiendo en el Grupo de los 20, va a asegurar a la UE, de un lado, pero también a los países de ALC, de otro, un lugar que corresponda a su peso político y económico. Acabamos de ver el cambio con respecto a la distribución del peso que van a tener los países emergentes en el Banco Mundial y en el Fondo Monetario Internacional.

Como académicos, nos interesa, evidentemente, el nuevo reto para las dos zonas que es la creación de un espacio de enseñanza superior común, euro-latinoamericano, que pueda llevar al desarrollo de ambos componentes

La Declaración adoptada en 1999, en la Cumbre de Río, la Primera Cumbre de Jefes de Estado y de Gobierno de los países de la Unión Europea, América Latina, el Caribe (UEALC) considera a la enseñanza superior como una de las prioridades de actuación, lo que queda reflejado en su texto final<sup>3</sup>:

- el compromiso con el establecimiento de una asociación sólida entre América Latina y el Caribe y la Unión Europea en la esfera educativa, cultural y humana, cimentada en los valores compartidos y en el reconocimiento de la importancia que tiene la educación para lograr la igualdad social y el progreso científico y tecnológico (artículo 54).
- la determinación de fomentar los intercambios interregionales entre los actores educativos (artículo 61).
- la voluntad de reforzar la cooperación en el ámbito de la educación como reto mayor, insistiendo en la cooperación entre las instituciones de enseñanza superior, respetando su autonomía, especialmente mediante los intercambios universitarios y el desarrollo de la enseñanza a distancia (artículo 63).
- el compromiso de impulsar la investigación científica y el desarrollo tecnológico como elementos fundamentales en las relaciones entre ambas regiones (artículo 65).

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<sup>3</sup> [http://www.cuib.org/documento\\_referencia\\_uealc.pdf](http://www.cuib.org/documento_referencia_uealc.pdf)

Estas son los objetivos iniciales que se propusieron la Unión Europea y América Latina y el Caribe. En el mundo globalizado en el que llevamos a cabo nuestra actividad, el papel de las universidades es creciente, dado que éstas son las que crean plusvalía, que contribuyen al crecimiento profesional de los jóvenes que han de hacer parte del mercado de trabajo globalizado. Tanto la Unión Europea, como ALC están pasando por un periodo en el que se entremezclan las crisis financieras, económicas, políticas y sociales.

En dada situación, es cada vez más actual las observaciones de Peter Landelius, Ex embajador de Suecia. Miembro del Patronato de la Fundación Euroamérica de Madrid, que decía, por un lado, que

*“(...) entre Europa y América Latina la interdependencia ha aumentado al ritmo de las nuevas oportunidades”*

y, por otro, que las universidades, componentes importantes de la sociedad civil, también tienen intereses propios, hecho que lleva a la ventaja de que

*“(...) de esa manera se crean redes de intereses recíprocos que son tierra fértil para crear ventajas recíprocas”<sup>4</sup>.*

Los resultados no tardan en aparecer si la voluntad política se manifiesta de manera coherente y continua, dándole a la enseñanza superior la prioridad que le corresponde dentro del campo de las políticas públicas.

Podríamos tomar como argumento el caso argentino, donde el presupuesto para la investigación y la innovación fue multiplicado por tres durante estos diez últimos años. Otro ejemplo de logro de este punto de vista es Brasil, que ha duplicado su contribución a la investigación científica, dado que hace diez años representaba el 0,7% de las publicaciones científicas mundiales y hoy está a 1,4%. La evolución creciente de las asociaciones interuniversitarias bilaterales revela el dinamismo latinoamericano: Brasil tiene alrededor de 600 acuerdos

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<sup>4</sup> <http://www.cumbreacademica-alcue.cl/en/pdf/peter.pdf>

interuniversitarios establecidos, 400 con Argentina y Méjico, 300 con Chile y Colombia<sup>5</sup> etc.

La colaboración entre entidades académicas de las dos zonas produce extensos beneficios. El papel de las asociaciones de universidades estimulando la colaboración regional es la pieza clave del proyecto Alfa-Puentes, un proyecto de tres años coordinado por la Asociación Europea de Universidades (EUA) y 23 asociaciones de universidades nacionales y regionales de América Latina y Europa<sup>6</sup>.

La Unión Europea colabora con instituciones de educación superior de los países latinoamericanos para desarrollar una serie de Programas en materia de educación superior e investigación. Entre los más importantes se pueden destacar los siguientes<sup>7</sup>:

- Programa ALFA – América Latina – Formación Académica: Programa de cooperación entre universidades y otras instituciones de educación superior en el que han participado más de 1100 universidades desde su creación en 1994.
- Programa Alþan: Programa de becas que permite a estudiantes y profesionales latinoamericanos cursar estudios en instituciones o centros de la Unión Europea. La primera convocatoria del Programa se abrió para el curso 2002-2003.
- @LIS – Alianza para la Sociedad de la Información: Programa birregional creado por la Comisión Europea en 2001, cuyo objetivo central es promover el intercambio de experiencias en cuanto a normas de regulación y estándares en la Sociedad de la Información, y el desarrollo de proyectos piloto en las áreas de gobierno local, salud, educación y lucha contra la exclusión social.
- Erasmus Mundus: Programa de intercambio entre los países de la Unión Europea y del resto del mundo que permitirá que durante el periodo 2004-2008, estudiantes de tercer ciclo, profesores e investigadores de otros países,

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<sup>5</sup> <http://www.cumbreacademica-alcue.cl/en/pdf/paris.pdf>

<sup>6</sup> <http://alfapuentes.org/es/saopaulo2012/node/298>

<sup>7</sup> [http://www.cuib.org/documento\\_referencia\\_uealc.pdf](http://www.cuib.org/documento_referencia_uealc.pdf)

dispongan de becas que les permitirán estudiar en universidades europeas. También facilitará la movilidad de estudiantes europeos a universidades de otros continentes, financiando la creación de cursos de postgrado y “Masters Erasmus Mundus”, en los que deberán participar al menos tres universidades europeas de tres países diferentes.

En vista de la importancia de la Asociación Estratégica entre la UE y ALC deberíamos buscar las mejores formas de enfrentar desafíos comunes como:

- las crisis internacionales donde buscamos evitar el proteccionismo y que las consecuencias de las crisis no recaigan sobre los grupos más vulnerables de la sociedad;
- el cambio climático, donde se esperan nuevas iniciativas para evitar el calentamiento global para las sociedades futuras;
- la lucha contra la delincuencia y las drogas así como el aumento del multilateralismo.

Para lograr esto deberíamos enfrentar igualmente desafíos internos. Hay que preguntarse por las agendas de las cumbres futuras y la posibilidad de implementarlas sin crear una “fatiga de cumbres”. Debemos buscar nuevas formas de enfrentar los desafíos comunes y discutirlos a otro nivel, diferente de las cumbres, con el fin de preparar mejor el terreno.

Entre tanto, pensamos que los académicos (universidades, profesores, investigadores, etc.) de la Unión y CELAC tienen la posibilidad y el deber de trabajar juntos, de estrechar los lazos de las dos partes del mundo. Dentro de estos actividades, Rumania tiene la intención de jugar un papel relevante y de aquí la apertura a nuestra universidad del Instituto de Estudios Latino-Americanos, la participación nuestra en los trabajos preparatorios de la Cumbre UE-CELAC de Santiago de Chile y la invitación de organizar en Bucarest el año que viene la primera ronda preparatoria para la Cumbre de 2015.

## 1. El sistema político

La constitución vigente de Argentina es la de 1994, que define el estado argentino como uno republicano y federal<sup>9</sup>

El sistema político argentino es uno representativo<sup>10</sup>, tal como se presenta en el preámbulo de la Constitución, dado que los miembros constituyentes de la Constitución asumen el papel de “representantes del pueblo de la Nación Argentina”, otorgado por medio de la “voluntad y elección de las provincias que la componen”<sup>11</sup>.

La Constitución destaca los campos que gozan de una gran importancia dentro del sistema político argentino, dado que los utiliza para marcar los objetivos generales que deben perseguir los miembros de la comunidad política. Éstos son: la unión de la sociedad (“constituir la unión nacional”), las oportunidades de desarrollo de la sociedad (“promover el bienestar general”, “asegurar los beneficios de la libertad”), la justicia (“afianzar la justicia”), la seguridad dentro (“consolidar la paz interior”) y fuera del estado (“proveer a la defensa común”)<sup>12</sup>.

Está previsto en la constitución de la Republica el hecho de que cada una de las provincias goza del privilegio garantido de organizarse, de asegurar su administración de justicia, su régimen municipal y la educación primaria conforme a una Constitución propia, “de acuerdo con los principios, declaraciones y garantías de la Constitución Nacional”<sup>13</sup>.

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<sup>8</sup> Estudiante estudios de doctorado, Escuela Nacional de Estudios Políticos y Administracion Publica

<sup>9</sup> Constitución de la Nación Argentina, Art. 1,

[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>10</sup> Constitución / <http://www.reforma-politica.com.ar/index.php?pagina=DOCS-SistPol>

<sup>11</sup> Constitución de la Nación Argentina, Preámbulo,

[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>12</sup> Constitución de la Nación Argentina, Preámbulo,

[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>13</sup> Constitución de la Nación Argentina, Art. 5,

[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

Sin embargo, no se prevé una separación social y política dentro del estado, puesto que “Los ciudadanos de cada provincia gozan de todos los derechos, privilegios e inmunidades inherentes al título de ciudadano en las demás”<sup>14</sup>. Tampoco es el caso de una división económica entre las provincias con diferentes modalidades de organización, dado que “En todo el territorio de la Nación no habrá más aduanas que las nacionales, en las cuales regirán las tarifas que sancione el Congreso”<sup>15</sup>.

La constitución moldea un modelo descentralizado del estado gracias a las libertades de las provincias, pero mantiene al mismo tiempo el carácter nacional, dado que se limitan los cambios que puedan sufrir estas formas administrativas: “Podrán admitirse nuevas provincias en la Nación; pero no podrá erigirse una provincia en el territorio de otra u otras, ni de varias formarse una sola, sin el consentimiento de la Legislatura de las provincias interesadas y del Congreso”<sup>16</sup>.

### **1.1. El ciudadano**

Un elemento importante que aparece en la Constitución es la nominalización de los derechos garantizados para todos los ciudadanos: “Todos los habitantes de la Nación gozan de los siguientes derechos conforme a las leyes que reglamenten su ejercicio; a saber: De trabajar y ejercer toda industria lícita; de navegar y comerciar; de peticionar a las autoridades; de entrar, permanecer, transitar y salir del territorio argentino; de publicar sus ideas por la prensa sin censura previa; de usar y disponer de su propiedad; de asociarse con fines útiles; de profesar libremente su culto; de enseñar y aprender”<sup>17</sup>.

Los derechos sociales, políticos y económicos de los ciudadanos representan el objeto de otros artículos de la constitución, como serían el artículo 15, que se

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<sup>14</sup> Constitución de la Nación Argentina, Art. 8,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>15</sup> Constitución de la Nación Argentina, Art. 9,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>16</sup> Constitución de la Nación Argentina, Art. 13,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>17</sup> Constitución de la Nación Argentina, Art. 14,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

refiere a los derechos humanos, incriminando claramente la esclavitud y la compra-venta de personas (“En la Nación Argentina no hay esclavos: Los pocos que hoy existen quedan libres desde la jura de esta Constitución (...) Todo contrato de compra y venta de personas es un crimen de que serán responsables los que lo celebrasen, y el escribano o funcionario que lo autorice. Y los esclavos que de cualquier modo se introduzcan quedan libres por el solo hecho de pisar el territorio de la República”<sup>18</sup>).

También existen medios para monitorizar la protección de los derechos de los ciudadanos. Un ejemplo en este sentido sería la línea 102, que es un servicio telefónico gratuito que funciona las 24 horas del día, los 365 días del año, recibiendo consultas relacionadas con cualquier situación que involucre a niños/as y adolescentes. Su acceso está dispuesto para la población en general e instituciones, organismos gubernamentales y no gubernamentales, siempre que las consultas tengan como interés a niños, niñas y adolescentes<sup>19</sup>.

El artículo 17 de la Constitución concierne los derechos económicos de los ciudadanos. Éste garantiza el derecho a la propiedad, evitando los abusos hasta en frente de las autoridades públicas, especialmente de las autoridades armadas (“La propiedad es inviolable, y ningún habitante de la Nación puede ser privado de ella, sino en virtud de sentencia fundada en ley. La expropiación por causa de utilidad pública, debe ser calificada por ley y previamente indemnizada. (...) Todo autor o inventor es propietario exclusivo de su obra, invento o descubrimiento, por el término que le acuerde la ley. La confiscación de bienes queda borrada para siempre del Código Penal Argentino. Ningún cuerpo armado puede hacer requisiciones, ni exigir auxilios de ninguna especie”<sup>20</sup>). Aún más, la garantía sobre la propiedad se refiere también a la propiedad intelectual y prevela sobre cualquier razón, dado que la confiscación de bienes es prohibida sin ninguna excepción.

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<sup>18</sup> Constitución de la Nación Argentina, Art. 15,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>19</sup> Buenos Aires Ciudad, Linea 102, <http://www.buenosaires.gob.ar/linea102/que-es-la-linea-102>

<sup>20</sup> Constitución de la Nación Argentina, Art. 17,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

La constitución argentina cubre el área de los derechos humanos también en lo que se refiere a los derechos de los ciudadanos que enfrentan un juicio o una sentencia ya dictada<sup>21</sup>: “Ningún habitante de la Nación puede ser penado sin juicio previo fundado en ley anterior al hecho del proceso, ni juzgado por comisiones especiales, o sacado de los jueces designados por la ley antes del hecho de la causa (...) Es inviolable la defensa en juicio de la persona y de los derechos”. Además, se especifica en la Constitución que quedan abolidos para siempre la pena de muerte, toda especie de tormento y los azotes.

### **1.2. Los partidos políticos**

Los partidos políticos son “instituciones fundamentales del sistema democrático”, tal como se les nombra en la Constitución y a los que se les reconoce el derecho a la libre actividad, a los que se les garantiza “la competencia para la postulación de candidatos a cargos públicos electivos, el acceso a la información pública y la difusión de sus ideas.”<sup>22</sup>.

La introducción de la obligación de los partidos políticos de “dar publicidad del origen y destino de sus fondos y patrimonio”<sup>23</sup> es una medida para aumentar la transparencia de los partidos políticos e intentar disminuir el nivel de corrupción.

### **1.3. El presidente**

El presidente de la Republica es “el jefe supremo de la Nación, jefe de gobierno y responsable político de la administración general del país” y tiene atribuciones como las de participar en la formación de las leyes con arreglo a la Constitución, de promulgarlas y hacerlas publicar, de nombrar los magistrados de la Corte Suprema, de indultar o conmutar las penas por delitos sujetos la

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<sup>21</sup> Constitución de la Nación Argentina, Art. 18,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>22</sup> Constitución de la Nación Argentina, Art. 38,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>23</sup> Constitución de la Nación Argentina, Art. 38,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

jurisdicción federal, de concluir y firmar tratados, concordatos y negociaciones, de disponer de las fuerzas armadas o de declarar la guerra<sup>24</sup>.

Él es elegido de manera directa por el pueblo, ocupa este cargo por cuatro años y solo puede ser reelegido por solo un periodo consecutivo. El vicepresidente tiene las mismas condiciones, pero es sobre todo interesante la restricción que se refiere al orden de sus mandatos: el presidente y el vicepresidente no podrán sucederse recíprocamente, de tal manera que se evita un posible monopolio sobre el poder, dado que las personas que ocupen los dos cargos no podrán intercambiarse cada cuatro años<sup>25</sup>.

Cristina Fernández es la primera presidenta electa de la República Argentina, después de obtener el 45,29% de los votos de las elecciones del 28 de octubre de 2007. En las elecciones del 23 de octubre de 2011, ella fue reelegida con el 54,11% de los votos, en 23 de las 24 provincias, a diferencia de 8 millones de votos de la segunda posición en la jerarquía electoral<sup>26</sup>.

#### **1.4. El ejecutivo**

La organización del estado está basada en la división del poder entre el gobierno federal y los gobiernos locales, conservando las provincias “todo el poder no delegado por esta Constitución al Gobierno Federal” (Constitución Nacional, Art. 121), permitiendo el control y la cooperación recíproca entre las provincias y el gobierno federal, evitando la concentración de poder a través de su descentralización<sup>27</sup>.

El gobierno argentino tiene la siguiente estructura: Ministerio de Ciencia, Tecnología e Innovación Productiva, Ministerio de Defensa, Ministerio de Desarrollo Social, Ministerio de Economía y Finanzas Públicas, Ministerio de Educación, Ministerio del Interior y Transporte, Ministerio de Justicia y Derechos

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<sup>24</sup> Constitución de la Nación Argentina, Art. 99,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>25</sup> Presidencia de Argentina, Cargos y atribuciones, <http://www.presidencia.gob.ar/la-presidenta/cargos-y-atribuciones>

<sup>26</sup> Presidencia de Argentina, La presidenta, <http://www.presidencia.gob.ar/la-presidenta/biografia>

<sup>27</sup> Gobierno de Argentina, Sistema de gobierno, <http://www.argentina.gob.ar/pais/61-sistema-de-gobierno.php>

Humanos, Ministerio de Agricultura, Ganadería y Pesca, Ministerio de Planificación Federal, Inversión Pública y Servicios, Ministerio de Industria, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto, Ministerio de Salud, Ministerio de Seguridad, Ministerio de Trabajo, Empleo y Seguridad Social<sup>28</sup>.

De los 14 ministros, 3 son mujeres y 11 son hombres, lo que indica un cierto desequilibrio en lo que se refiere al indicativo cuantitativo de la representación política entre las mujeres y los hombres. Por otro lado, este desequilibrio ya no es tan visible si tomamos en cuenta el indicativo cualitativo de la representación política, el hecho de que las ministras dirigen áreas donde antes había una presencia casi exclusivamente masculina como la de la industria y la seguridad, el hecho de que la primera presidenta del estado obtuvo el segundo mandato consecutivo o el que haya políticas públicas que toman en cuenta elementos de la cuestión de la igualdad de oportunidades entre las mujeres y los hombres.

### **1.5. El legislativo**

La Honorable Cámara de Diputados de la Nación<sup>29</sup> y la Honorable Cámara de Senadores de la Nación<sup>30</sup> forman el cuerpo legislativo argentino. Una de las reformas más importantes del punto de vista de la democratización de la Unión Europea como modelo federal es la introducción por medio del Tratado de Lisboa de la posibilidad de que los ciudadanos propongan a la Comisión Europea un proyecto de ley. Un estado federal que ya asegura este derecho legislativo para sus ciudadanos es Argentina, puesto que su Constitución de 1994 establece que “los ciudadanos tienen el derecho de iniciativa para presentar proyectos de ley en la Cámara de Diputados. El Congreso deberá darles expreso tratamiento dentro del término de doce meses”<sup>31</sup>.

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<sup>28</sup> Gobierno de Argentina, Autoridades Nacionales, <http://www.argentina.gob.ar/pais/65-autoridades-nacionales.php>

<sup>29</sup> Honorable Camara de Diputados de la Nacion, <http://www.diputados.gob.ar/>

<sup>30</sup> Honorable Camara de Senadores de la Nacion, <http://www.senado.gob.ar/>

<sup>31</sup> Constitución de la Nación Argentina, Art. 39,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

## **2. Elementos sociales y de la gobernanza**

### **2.1. Áreas prioritarias de la gobernanza**

La educación es una política pública prioritaria del estado argentino, tal y como lo demuestran las inversiones públicas en este campo, que han sido notables en la última década: el porcentaje del PBI destinado a educación creció desde el 3,64% en 2003 a 6,02% en 2010; se continuó con la política de construcción de escuelas implementada por el gobierno de Néstor Kirchner (mientras que entre 1969 y 2003 los diferentes gobiernos nacionales financiaron la construcción de un total de 427 escuelas, entre 2003 y 2010 se construyeron más de mil escuelas que beneficiaron a medio millón de alumnos) y desde 2010 se lleva a cabo un plan de entrega de dos millones de netbooks a alumnos secundarios, con acceso a Internet a todas las escuelas públicas primarias y secundarias del país<sup>32</sup>.

La lucha contra la pobreza y la exclusión social también representa una característica de las políticas públicas argentinas, que consiguen resultados como la reducción de la situación de la pobreza de 21 por ciento en 2006 a 11,3 por ciento en 2009 o la creación de la *Asignación Universal por Hijo*, un beneficio social para todos los menores de 18 años cuyos padres se encuentren desocupados o trabajen en la economía informal y las madres embarazadas a partir del tercer mes de gestación<sup>33</sup>.



### **2.2. Igualdad e inclusión social**

La representatividad política mencionada en las secciones anteriores no se refiere solo a los ciudadanos, sino también a las ciudadanas, demostrando que la igualdad de género es una cuestión importante dentro del estado argentino.

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<sup>32</sup> Presidencia de Argentina, La presidenta, <http://www.presidencia.gob.ar/la-presidenta/biografia>

<sup>33</sup> Presidencia de Argentina, La presidenta, <http://www.presidencia.gob.ar/la-presidenta/biografia>

Este hecho está establecido explícitamente por medio de la ley suprema del estado: “La igualdad real de oportunidades entre varones y mujeres para el acceso a cargos electivos y partidarios se garantizará por acciones positivas en la regulación de los partidos políticos y en el régimen electoral”<sup>34</sup>.

La diversidad de los miembros de la sociedad argentina dejó de constituir un problema para las parejas del mismo sexo, dado que la presidenta Cristina Fernández promulgó en julio de 2010 la Ley de Matrimonio Igualitario, que equipara sus derechos con los de las parejas heterosexuales<sup>35</sup>.

El derecho de las minorías de ser representadas dentro de las autoridades del estado está previsto en el artículo 38 de la Constitución. Argentina y Chile son los dos principales países de América Latina que sirven como destino de migrantes regionales (dado que entre el 70% y 90% de la inmigración en Argentina se origina en las Américas, generalmente en los países vecinos<sup>36</sup>), a razón de cinco y tres inmigrantes por cada mil habitantes respectivamente<sup>37</sup>.

Argentina tiene una actitud abierta hacia los inmigrantes, dado que su Constitución establece que “Los extranjeros gozan en el territorio de la Nación de todos los derechos civiles del ciudadano; pueden ejercer su industria, comercio y profesión; poseer bienes raíces, comprarlos y enajenarlos; navegar los ríos y costas; ejercer libremente su culto; testar y casarse conforme a las leyes. No están obligados a admitir la ciudadanía, ni pagar contribuciones forzosas extraordinarias. Obtienen nacionalización residiendo dos años continuos en la Nación; pero la autoridad puede acortar este término a favor del que lo solicite, alegando y probando servicios a la República”<sup>38</sup> y que “El Gobierno Federal fomentará la inmigración europea; y no podrá restringir, limitar ni gravar con impuesto alguno

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<sup>34</sup> Constitución de la Nación Argentina, Art. 37,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>35</sup> Presidencia de Argentina, La presidenta, <http://www.presidencia.gob.ar/la-presidenta/biografia>

<sup>36</sup> Organización de los Estados Americanos, Organización para la Cooperación y el Desarrollo Económico, Naciones Unidas, *Migracion Internacional en las Americas*, 2011,p. ix,  
[http://www.migracionoea.org/sicremi/documentos/SICREMI\\_2011.pdf](http://www.migracionoea.org/sicremi/documentos/SICREMI_2011.pdf)

<sup>37</sup>Organización de los Estados Americanos, Organización para la Cooperación y el Desarrollo Económico, Naciones Unidas, *Migracion Internacional en las Americas*, 2011,p. viii  
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<sup>38</sup> Constitución de la Nación Argentina, Art. 20,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

la entrada en el territorio argentino de los extranjeros que traigan por objeto labrar la tierra, mejorar las industrias, e introducir y enseñar las ciencias y las artes”<sup>39</sup>.

### **3. Las Organizaciones Internacionales de las que Argentina forma parte**

La Republica de Argentina es un actor geopolítico importante del continente sur americano, pero también del sistema mundial de relaciones internacionales, formando parte de organizaciones internacionales como la Organización de las Naciones Unidas, la Organización Mundial del Comercio, la Organización para la Cooperación y el Desarrollo Económico o Mercosur.

El Mercado Común del Sur – Mercosur parece tomar como modelo el desarrollo de las Comunidades Europeas dado que, más allá de los intereses económicos que llevaron a los estados integrantes a formar esta forma de cooperación, esta organización asume objetivos con carácter político y social: “Los Estados Partes que conforman el MERCOSUR comparten una comunión de valores que encuentra expresión en sus sociedades democráticas, pluralistas, defensoras de las libertades fundamentales, de los derechos humanos, de la protección del medio ambiente y del desarrollo sustentable, así como su compromiso con la consolidación de la democracia, la seguridad jurídica, el combate a la pobreza y el desarrollo económico y social con equidad”<sup>40</sup>.

### **4. Símbolos nacionales**

#### **4.1. El himno**

El *Himno de Mayo* fue compuesto por Vicente López y Planes (versos) y Blas Pareras (música), fue convertido en el himno nacional por la Asamblea del Año XIII el 11 de mayo de 1813 y sufrió varias transformaciones en el título: “Canción

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<sup>39</sup> Constitución de la Nación Argentina, Art. 25,  
[http://www.ara.mil.ar/archivos/Docs/constitucion\\_nacional.pdf](http://www.ara.mil.ar/archivos/Docs/constitucion_nacional.pdf)

<sup>40</sup> El Mercado Común del Sur,  
[http://www.mercosur.int/t\\_generic.jsp?contentid=3862&site=1&channel=secretaria&seccion=3](http://www.mercosur.int/t_generic.jsp?contentid=3862&site=1&channel=secretaria&seccion=3)

Patriótica Nacional”, “Canción Patriótica”, “Himno Nacional Argentino” (titulatura actual desde 1847)<sup>41</sup>.

#### **4.2.El escudo**

El Escudo Argentino es la fiel reproducción del Sello que usó la Soberana Asamblea General Constituyente de las Provincias Unidas del Río de la Plata, ordenado por esta misma Asamblea el 12 de marzo de 1813<sup>42</sup>.



#### **4.3.La bandera**

La bandera de Argentina fue encargada a Manuel José Joaquín del Corazón de Jesús Belgrano en 1812 y se adaptó como símbolo patrio oficial de las Provincias Unidas del Río de la Plata (Argentina) el 20 de julio de 1816 declarado por el Congreso General Constituyente de Tucumán<sup>43</sup>. El contexto de la creación de la bandera es la Revolución de Mayo, durante la cual se les daba cintas de diferentes colores a las personas que estaban a favor de la liberación de Argentina, pero al final los colores representativos para la bandera fueron el blanco y el celeste<sup>44</sup>.



<sup>41</sup> Argentina en noticias, <http://www.argentina.ar/temas/historia-y-efemerides/18817-el-himno-nacional-argentino-cumple-200-anos>

<sup>42</sup> Casa Rosada, Presidencia de la Nacion Argentina, Simblos Nacionales, <http://www.presidencia.gob.ar/nuestro-pais/simbolos-nacionales>

<sup>43</sup> Bandera de Argentina, <http://www.banderadeargentina.com/Historia-de-la-Bandera-de-Argentina.html>

<sup>44</sup> Bandera de Argentina, <http://www.banderadeargentina.com/Historia-de-la-Bandera-de-Argentina.html>

#### **4.4.La moneda**

La moneda de la República Argentina es el peso. El Decreto del Poder Ejecutivo N° 2.128 del 10 de octubre de 1991 dispuso la puesta en vigencia, a partir del 1 de enero de 1992, de la LÍNEA PESO. Se estableció una paridad de un peso (\$1) equivalente a diez mil australes (A 10.000). El peso era convertible con el dólar de los Estados Unidos, a una relación un peso (\$1) por cada dólar, paridad ésta que se estableció continuando con lo legislado por la Ley de Convertibilidad del Austral N° 23.928 del 27 de marzo de 1991. Los billetes emitidos en esa oportunidad llevaban la leyenda “convertibles de curso legal”<sup>45</sup>.

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<sup>45</sup> Banco Central de Argentina, <http://www.bcra.gov.ar/>



Fuente: Mapoteca, Mapas de la República Argentina

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## Neoliberal practices in a developing world.

### Lessons from the Bolivarian society

Ioana Gavril

#### 1. Theoretical premises

Just as capitalism is generally assumed to develop in the context of democracy, so neoliberalism is viable only in the context of capitalism. It is actually a developed form of capitalism, one where the market is self-regulated and the state withdraws its control over the economy. Assuming that we live in an interconnected, interdependent world, neoliberalism is a theory-to-practice concept that allows –and encourages – every economy in the world (whether big or small) to become part of the international economy. Its main vectors are privatization, deregulation and marketization.<sup>46</sup> *Privatization* describes the transfer of what was previously known as national enterprises, factories, or industries to private investors. *Deregulation* is a step further in the cleavage between central power and economy. It defines the reduction of laws and norms as basis for economic interaction inside the state and with its external partners. *Marketization* refers to those state-owned companies which, despite not being privatized, are strongly decentralized. Critics and, as we shall see, examples of neoliberalism prove that practice sometimes contradicts theory: some experiments are successes, but some result in market failure or social and political instability.

There is a discrepancy between the developed states that promote and offer an example for neoliberalism and the developing states – namely states from Africa or Latin-America – whose democratic principles have been adopted instantly rather than perfected over a reasonable period of time. The way their societies are built (tribal in Africa or extremely divided ethnically in Latin America) and their colonial inheritance makes dialogue and consensus very difficult to reach, which in turn

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<sup>46</sup> Cahill Damien, „Ideas-Centered Explanations of the Rise of Neoliberalism: A Critique”, in *Australian Journal of Political Science*, March 2013, p. 71.

leads to inequality. As we aim to show in the case of Bolivia, an economic practice such as neoliberalism inevitably addresses the deeper layers of society and may affect the relationship among social classes. In turn, social struggle affects the state's politics and its interaction with international actors.

## **2. Power and society in the Bolivian state**

Throughout the 20th century, Bolivia has known some very difficult times regarding state administration and has suffered from an instability characteristic to Latin-American weak states. The democratization in the 70s forced the military to withdraw from government which awakened the hostility of the people: between 1978-1985 there have been several coup d'etats and in no more than four years, the power was passed among seven military governments and two very weak civil governments. The diminished capacity to govern was due to some structural constraints and strong American influence over the economy and the decision making process. Facing an artificial import of democracy, the governments were incapable of correctly approaching the economic and social crises.

In what the political organization is concerned, Bolivia is in a class of its own among the Latin-American states. Whenever there are presidential elections, if no candidate obtains an absolute majority, it falls upon the Congress to elect the president from among the two main competitors. Scholars believe that the Bolivian governing system should be called „hybrid presidentialism”<sup>47</sup>, considering the restricted authority of the president in the face of Parliamentary freedom of choice. Because of the disproportionate influence of the legislature, Bolivia has had to cope with a dominant Congress and a weak executive branch. Moreover, the government has permitted the formation of clientelism in exchange for political support.

The most frequently asked questions in the academic literature concern the conflicting nature of the Bolivian state. John Crabtree believes that Bolivia presents

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<sup>47</sup> Eduardo A. Gamarra, "Hybrid Presidentialism and Democratization. The Case of Bolivia", in Scott Mainwaring (ed.), *Presidentialism and Democracy in Latin America*, Cambridge, Cambridge University Press, 1999, pp. 363-393.

a rare case of disproportionate relationship between state and society: it is a weak state that does not manifest its authority homogeneously, where social actors benefit from plenty of influence and the liberty to set their own agendas. Xavier Albó identifies three main tensions in the Bolivian society: (1) the distance between a reality with multiple ethnic identities and the ideal of a single national identity, (2) the tension between ethnicity and social class – a left-over of the colonization structures, (3) and the tension between the rural and the urban. The author defines the rural to be the place where „poverty and the indigenous population are concentrated, both numerically and culturally; the cities, on the other hand, concentrate more wealth and the hegemony of a non-indigenous culture that is open to cultural influences emanated by globalization.”<sup>48</sup>

The transformations on the international scene in the mid and late 80s brought about the adoption of a reform policy that encourages the globalizing economic model. On August 28, 1985, the government of Victor Paz Estenssoro in collaboration with Jeffrey Sachs\* introduce the *Nueva Política Económica (NPE)* with the following objectives: the liberalization of the economy, the transformation of the private sector into the main economic actor and the recovery of state control over some companies that had been absorbed by working syndicates (Bolivian Mining Corporation – COMIBOL). In one year alone, the NPE managed to reduce inflation by 10%, but with disastrous consequences on the population who suffered a dramatic decrease of the standard of living. To complete Estenssoro’s strategy came the *Pacto por la Democracia*, a plan aimed at guaranteeing the Executive with majority in the Congress. This period introduced social transformations such as universal suffrage (also for the illiterate *indigenes*, who represented the majority of the population), the spreading of rural education and the birth of peasant unions.

Unfortunately, the greater inclusion of population in the Bolivian economic circuit meant more ignorance towards the cultural identities of the rural population:

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<sup>48</sup> Xavier Albó, ”The Long Memory of Ethnicity in Bolivia and Some Temporary Oscillations”, in John Crabtree, Lawrence Whitehead (eds.), *Unresolved Tensions: Bolivia Past and Present*, Pittsburgh, University of Pittsburgh Press, 2008, p. 21.

"wishing to avoid one type of discrimination they ended up forming a new, cultural one: 'They told us we would become free men if we ceased being *indios* (indigenous).'"<sup>49</sup>

In Bolivia, there is no accurate distinction among social classes. Under the Spanish occupation two distinct and asymmetric societies emerged: the Spanish elite (conquistadores/colonizers) and the indigenous (those who inhabited the territory and represent today 62% of the entire Bolivian population). A third group can also be identified – not based on social criteria, but according to race: these are the *mestizos* ("mixed"), a combination of the first two classes. The political elite in the time of colonialism was broadly made of the *conquistadores* who had to resist constantly to the indigenous rebellion.

After the presidential elections in 2005, Juan Evo Morales (the leader of the MAS – Movimiento al Socialismo) obtains 54% of the votes and marks the first time in the history of Bolivia when the Congress has no reason to intervene in order to elect a president. Morales is the first indigenous head of state in a country where the „white minority” used to hold monopoly over the political power. The modern social policies (the health policy) helped raise the percentage of indigenous population, despite the fact that most of the economic modernization was addressed to the conquistadores. As a result, most of the Bolivian population was unable to participate in the political and economic circuits. The new government promised to rewrite the Constitution so as to include those social groups which had previously been excluded socially. Morales was the spokesperson of the indigenous population.

Bolivia is constantly included in the unstable and weak states charts and is among the countries with powerful revolutionary movements. George Gray Molina believes that Bolivia is a "weak state with a powerful society."<sup>50</sup> The Bolivian state has a ruptured and unequal society where the modernization process is fragmented and which reunites the 18th century colonial state with 19th century liberal

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<sup>49</sup> Xavier Albó, *op. cit.*, p. 32.

<sup>50</sup> George Gray Molina, "State-Society Relations in Bolivia: The Strength of Weakness", in John Crabtree, Lawrence Whitehead (eds.), *op. cit.*, p. 121.

institutions and the visible influences of the 20th century globalization.<sup>51</sup> Bolivia has been described as a *state with holes*. Molina rises three questions: (1) if the Bolivian state is weak, how did the political elites manage to govern in the 20th century?, (2) if the society is strong, why have the ethnic minorities not managed to make themselves heard in the political sphere?, and (3) if the influence of the law is so scarce, why is constitutionalism so important for the Bolivian society?

Trying to answer his own questions, the author realizes that Bolivia has created for itself a *modus vivendi* that “avoids violence but cannot address a growing number of social and economic problems.”<sup>52</sup> The central power is incapable of offering the public goods proper to a democratic modern state.

From the 1980s, Bolivia enters a neoliberal stage where a developed market economy minimizes the role of the state. It becomes one of the most liberal Latin-American states, attracting a lot of foreign direct investment. Many inefficient firms were replaced by law with new ones who responded better to the market requirements and new industries were launched, such as the textile industry. Export agreements were signed with several Asian countries and the economic dependence on the United States diminished.

After Colombia and Peru, Bolivia is the largest *cocoa* producer. The US tried to convince Bolivia to renounce the coca plantations by replacing them with other equally profitable plantations, but to no result. After the Water War in 1999-2000, the population was more easily mobilized against external economic measures. At that time, the leader of the coca cultivators’ syndicate (the *cocaleros*) used to be Evo Morales himself. His party became famous because of its resistance to keep the coca plantations.

Regardless of its internal problems, Bolivia tries to assume an important regional role using its resources as leverage. Bolivia is the second most important producer of natural gas in South America. Oscar Olivera notes that “because of their global utility, the gas reserves are the closest link between the Bolivian national

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<sup>51</sup> *Ibidem.*, p. 110.

<sup>52</sup> *Ibidem.*, p. 122.

economy and the global commerce. The main consumers of Bolivian hydrocarbons are corporations, governments and the citizens of other neighboring nations.<sup>53</sup> In 2002, Bolivia tried to use this advantage in their negotiations with Chile to "ensure sovereign access to the Pacific Ocean."<sup>54</sup> The Morales administration tried to bring Bolivian resources back in the arms of its citizens. In 2005-2006, the hydrocarbons are nationalized, greatly affecting the corporations involved. It is not characteristic only of the weak states to come across political and social cleavages when it comes to the nationalization of natural resources. However, for Bolivia (a country that previously favored private corporations and other private actors) this meant political and social instability in the years to come.

### **3. Consequences of neoliberalism in Bolivia**

The Neoliberal discourse presents globalization as the highest level of development of the human society which marks the entry in the post capitalist era. Interdependence among global actors has gone beyond economy, reaching culture, politics and environment. Technological progress has created what we now call the „knowledge society.” The neoliberal state preaches the lack (or the minimum influence) of regulation over the free market. Carlos Arze Vargas is however skeptical about the long effects of globalization term over the weak and failed states. He argues that an essential component of globalization is the *monopoly capitalism*, „whose main actors are corporations – whether trusts or cartels – who manifest hegemony by creating a global division of work force and by sharing the international market among the main powers.”<sup>55</sup>

The neoliberals believe that development will continue insofar as all countries integrate in a single global market. Various supranational institutions (such as the IMF or the World Bank) have been assigned to come up with policies and mechanisms that will put into practice the principles of the Washington

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<sup>53</sup> *Ibidem*, p. 154

<sup>54</sup> Juan Antonio Morales, “Bolivia in a Global Setting: Economic Ties” in John Crabtree, Lawrence Whitehead (eds.), *op. cit.*, p. 226.

<sup>55</sup> Carlos Arze Vargas, “The Perverse Effects of Globalization in Bolivia”, in *op. cit.*, p. 239.

Consensus. The neoliberal policies may help determine the conditions that favorites a growing profit for the transnational corporations and the undermining of developing states' sovereignty.<sup>56</sup> Oddly enough, many Latin-American states that have implemented these reforms for almost two decades have suffered a greater social and economic downfall at the end of the previous millennium.

As we have already seen, the Bolivian society has been divided by social and racial criteria. Modernization has therefore been atypical - compared to Europe, where the catalyst was the middle class – and was produced by the import of principles and modern process into a still rather archaic society. This is why the necessity arose to create a so-called national „bourgeoisie” that would help implement the neoliberal model. This social category was composed of businessmen and great land owners: “the new political class tends to look *up* to their future colleagues than *down* towards theirs former comrades from the working class.”<sup>57</sup> Some may say this is the influence of the West. For a developing state like Bolivia, the mirage of the consumer society sticks like a new cloth to an old coat. The statistical results are grim: the Failed States Index shows that Bolivia has a low score for the „Uneven Economic Development” criterion.

The relative stability of the political system, which some scholars may consider strength of the Bolivian democracy, was attained through a series of pacts among the three main political parties mentioned above: the MNR, the ADN and the MIR.<sup>58</sup> The respective government's aims to reduce the state influence in production by limiting its attributions to barely overseeing private activity. Restrictions against foreign investment have been annulled and custom tariffs were highly reduced. These reforms helped privatize most public companies, which were thus sold to foreign investors.

Privatization accentuated the dual nature of the national economy. On the one hand, there was an economy based on the domestic market where the main producers were Bolivian. These were minor businesses with low levels of

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<sup>56</sup> *Ibidem.*, p. 240.

<sup>57</sup> James Petras, Henry Veltmeyer, “Social Movements and the State: Political Power in Latin America”, in *Critical Sociology*, vol. 32 (1), 2006, p. 91.

<sup>58</sup> Carlos Arze Vargas, *op. cit.*, p. 241.

productivity, unsophisticated technologies and a lot of work force that made low-cost products for poor consumers. On the other hand, there was an economy made of big firms that enjoyed state-protected monopoly regimes operating with high levels of productivity based on state-of-the-art technology; they addressed foreign markets (...). This duality is obvious in the immense productivity differences between the two economic sectors. Productivity in agriculture, manufacture and constructions was, at best, less than a quarter of that of the mining, electric energy and banking.<sup>59</sup>

In the late '80s, state companies which had previously accounted for 3% of the total work places had completely disappeared. Even more alarming is the fact that, before 1985, the Bolivian state accounted for 60% of the work places. In agriculture – the most important source of income for the majority of the population – trade liberalization led to near collapse of some cultures (such as the potato and corn plantations). This is the reason why, in three decades, 21% of the rural population migrated to the city. The mining sector suffered radical modifications: to avoid the Constitutional norms that did not allow mining reserves to become property of private companies, in 1985, restrictions were lifted for 80% of the COMIBOL reserves – the state mining corporation.<sup>60</sup> Most state-owned companies ended up to be transferred to private investors for low prices: the transnational's stole our planes, our rails, our roads, our hydrocarbons, the factories and the land."<sup>61</sup> Taxes were lifted (for example, the Corporate Profit Tax or the Transactions Tax) and the mining private companies ended up paying back to the Bolivian state only 4% of their profit.

Although the mining sector was gravely affected by successive privatizations, the natural gas sector suffered most. As we have mentioned in the above, Bolivia played an important regional role in this field. The Hydrocarbon Law of 1996 granted international corporations with the authority to set norms and

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<sup>59</sup> *Ibidem*, p. 243.

<sup>60</sup> *Ibidem*, p. 245.

<sup>61</sup> Oscar Olivera, *op. cit.*, p. 14.

tariffs for the market, with no involvement from the state. Here is an example of some of the consequences:

“In September 1996, a contract was signed with Brazil to export 7.9 trillion cube meters of gas over the period of twenty years and to build a pipe that would link Rio Grande, Corumbá, São Paulo and Porto Alegre with a pumping capacity of 30 million cube meters per day. These volumes mentioned in the contract surpassed the Bolivian reserves at that time, which only reached 5 trillion cube meters. Therefore, the obligation to comply with the contract – which included measures and fines for noncompliance – meant the necessity to invest in exploring and development. This is how the Sánchez de Lozada government (1993-1997) explained to the people the advantageous terms it offered to foreign investors.”<sup>62</sup>

The state having retreated from the economic sector, the levels of the public income fell and had a negative impact on the working conditions and welfare of citizens, thus becoming more dependent on the partner states (of which the US was one of the most important). By implementing new policies, many businesses became unsuitable for the market. This spiraled into fewer jobs and smaller salaries. Instead of modernizing, the remaining business reorganized their work force and made their employees work longer hours in exchange for unsatisfactory salaries. The consequence was that “such strategies, encouraged by successive governments, had to deal with the complaints of the trade unions. This, in turn, led to coercion. Union leaders were deported, activists were incarcerated and, generally, social protest became illegal. This shows that economic liberalization oriented towards globalization involves class struggle.”<sup>63</sup> Security at the workplace diminished. In the 1980s, around 50% of the employees enjoyed health services; in less than ten years, their number fell to 30% and the retirement age rose from 55 to 65 years old. In the same period, 60% of the Bolivian workers were underpaid.

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<sup>62</sup> Carlos Arze Vargas, *op. cit.*, p. 247

<sup>63</sup> *Ibidem*, p. 249

#### 4. Conclusions

Vargas concludes that the new transitory policies (towards democracy) affected the domestic economy and the welfare of the Bolivian citizens. These transformations led to a rise in the poverty rate: 64.3% of the population lives beneath the official poverty line.<sup>64</sup> One must observe that, even though for the developed states globalization and increased interdependencies can be beneficial, for the developing countries which have adopted a „sudden modernization” globalization can generate not only economic anomalies, but even socially and politically weakening anomalies. In these countries, neoliberalism may give way to increased inequality: the businessmen and wealthy land owners have greater freedom of action, eliminate their competition and cause many industrial sectors to become unfeasible. Such sectors lack the necessary technology and are unable to enter the international economic circuit, but are at the same time too costly to maintain only for the benefit of the poor population. The Bolivian economy had to change so as to accommodate multinational companies’ investments and requirements and thus entered a vicious circle where "the unemployment levels rose and poverty affected a greater layer of the population."<sup>65</sup>

This paper has shown that the lack of consensus among the various layers of the Bolivian society has led, in the face of successive neoliberal reforms, to a general discontent with the political elite and a dramatic downfall in the welfare of the Bolivian citizens. As long as the working conditions are becoming worse and the security of the individual diminishes, the neoliberal reforms do not encourage democratic development, but become an excuse in the hands of the powerful to abuse and control the people to their own advantage. In order for neoliberalism to become more effective in the developing countries, it must first of all encourage dialogue between the political elite and society, as well as make way for smaller business to blossom.

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<sup>64</sup> *Ibidem*, p. 251

<sup>65</sup> Daniel M. Goldstein, "Flexible Justice: Neoliberal Violence and 'Self-Help' Security in Bolivia", in *Critique of Anthropology*, vol. 25 (4), 2005, p. 390.

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THE „*TRANSATLANTIC TRIANGLE*” – A POLITICO-ECONOMIC ANALYSIS

ALEXANDRU MIHAI GHIGIU<sup>66</sup>

## 1. MERCOSUR INSTITUTIONAL FRAMEWORK

On 26 March 1991, Argentina, Brazil, Paraguay and Uruguay signed the Treaty of Asuncion, establishing Mercosur, and declaring the aim of constituting ‘a common market’ by 31 December 1994 (Article I). At that time, most Latin American countries were engaged in switching development strategies from import substitution to export orientation. Within the Treaty, four special goals were outlined, setting the framework of the initiative:

- a) “establishing the free circulation of goods, services and factors of production
- b) adopting a common tariff and trade policy
- c) coordinating macroeconomic and sectoral policies and
- d) harmonising domestic legislation”<sup>67</sup>.

The 1991 Treaty of Asunción and the practice established to implement it provide the basic framework governing relations between the Mercosur Member States. Its scope is much broader than economic. Although the trade and economic chapter drove integration in the early years, ‘*Mercosur Político*’ is at the heart of the process. As regards Mercosur’s international projection, Mercosur countries regularly coordinate and publish common declarations on different issues<sup>68</sup>.

The Treaty of Asunción and Protocol of Ouro Preto defined the institutional set-up of Mercosur. The Secretariat is based in Montevideo. It is a small structure with limited powers. The *Common Market Council* (CMC) is the highest-level body of Mercosur and is made up of the Ministers of Foreign Affairs and of Economic Affairs of the Member States. Member States chair the CMC in rotating alphabetical order, for six-month periods, and decisions are taken by consensus.

The *Committee of Permanent Representatives* is made up of representatives

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<sup>67</sup> Treaty of Asuncion (1994), <http://www.worldtradelaw.net/fta/agreements/mercousrfta.pdf>

<sup>68</sup> Anastasios Valvis, *Regional Integration in Latin America*, Institute of International Economic Relations, Athens, 2008

of member countries with ambassadorial rank<sup>69</sup>. This also establishes links with the Joint Parliamentary Commission, with the Economic and Social Consultative Forum and with the specialised meetings of Mercosur. It ensures continuity between successive rotating presidencies.

The *Common Market Group* (CMG) is the executive body of Mercosur and is coordinated by the Ministries of Foreign Affairs of the Member States. Its basic duties are to ensure compliance with the Treaty of Asunción and to implement the decisions taken by the Council. It has the authority to organise, coordinate and supervise working groups and to call special meetings to deal with issues of interest. It decides by consensus.

Within Mercosur, decisions are taken at intergovernmental level and have to be converted into national legislation. At the time of writing, only about half the rules adopted were actually in force. The members' different capacity for internalising rules has an impact on Mercosur's integration process. Nevertheless, common initiatives are taken at a sustained pace. Considerable differences persist between Mercosur countries, in terms of size, population, infrastructure, economic development and the functioning of their political and administrative institutions. This makes generalisation at Mercosur level risky, to say the least. The asymmetries are reflected in the external projection of individual Member States among other things and have a clear impact on the internal functioning of Mercosur and on its decision-making capacity<sup>70</sup>. In order to address this problem, Mercosur established a *Fund for Structural Convergence* (FOCEM), which was recently doubled to approximately \$ 200 millions a year, to finance projects of regional interest. The Latin America Investment Facility (LAIF) could contribute to these efforts. The recognition that democratic institutions are a prerequisite for its own integration and that any alteration of the democratic order is unacceptable lies at the heart of the Mercosur process<sup>71</sup>.

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<sup>69</sup>Idem

<sup>70</sup>European Parliament, Directorate-General for External Policies of The Union, *Towards a genuine multilateralism in external relations between the European Union and Latin America* (Strategy Document), Brussels, 2008

<sup>71</sup>Ibidem

In 2005, a Protocol was approved establishing the *Mercosur Parliament*, which replaced the Joint Parliamentary Commission. The Parliament was inaugurated in December 2006 and in 2008 Paraguay became the first country to elect its members directly, although direct and universal elections at regional level will not be held before 2014. Divergences persist between member countries in relation to the system of representativity of each country.

The *Tribunal Permanente de Revisión* (Permanent Review Tribunal) was established in 2006 in order to ensure consistent interpretation and systematic application of common legal instruments and rules. The decisions of the court, which sits in Asunción, are not binding.

In 2007, the *Observatorio de la Democracia del Mercosur* (ODM) was set up in order to consolidate the objectives of the Protocol of Ushuaia by tracking electoral processes and coordinating the activities of a corps of election observers. Mercosur's commitment to human rights is epitomised by the 2009 decision establishing the *Instituto de Políticas Públicas Derechos Humanos* with the objective of monitoring the human rights policies of the four countries<sup>72</sup>.

In 2009, Paraguay and Brazil found a solution to the long-standing issue of Itaipú. The Botnia dispute between Argentina and Uruguay has been ruled on by the International Court and a solution which seems to satisfy the parties was decided.

One aspect of particular significance is the accession of the Bolivarian Republic of Venezuela. This has been a protracted process. At the time of writing, Venezuela is a fully member of Mercosur, while Bolivia is still in process of accession. Venezuela's accession to the bloc has been perceived as a potential gain in terms not only of trade opportunities and regional energy integration but also of regional stability.

## **2. EU-MERCOSUR COOPERATION**

Whereas through the second half of the twentieth century it was the United

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<sup>72</sup>Ibidem

States, Europe and Japan that drove the world economy, today they are being joined by rapidly expanding economies like Brazil, Russia, India and China. This scenario (with its commercial, political and strategic consequences) is more than enough to encourage a more solid interregional partnership between Mercosur and the European Union, the two most significant integration processes of current trade panorama and with evident historical, cultural and linguistic ties<sup>73</sup>. Nor should one forget that since the XIXth century, Mercosur's countries have been a very common destination for large waves of European immigrants (such as Portuguese, Spaniards, Germans, Italians, Poles etc.), one outcome of which has been the strengthening of European commercial interests in the South Cone countries, specially after the privatisation processes and economic stabilisation plans in Brazil and Argentina<sup>74</sup>, which led to a drastic fall in inflation and foreign direct investment were necessities.

The spin-off of this trend was the *interregionalism* movement, the phenomenon created in the 1990's by the European Union, which seeks to institutionalize closer relations between economic blocs from different regions of the world<sup>75</sup>. This new form of international relations is put into practice throughout an innovative form of diplomacy, whose actors include not only Member States, but also enterprises, political parties, unions, professional organizations, sub-national entities and above all non-governmental organisations. Instead of serving as a *stumbling block* for trade, interregionalism is a 'stepping stone' for multilateral liberalisation, meaning stronger multi-faceted partnerships to deliver market access for exporters, a reduction in trade costs and better protection for fair competition, climate and environment<sup>76</sup>. As a form of „open regionalism”, the driving force behind interregional arrangements is to prepare their member states

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<sup>73</sup>Martínez Puñal, „El Mercosur y la Unión Europea ante la Construcción de una Asociación Interregional”, Anuario Argentino de Derecho Internacional XII, Buenos Aires, 2003. p. 49-54.

<sup>74</sup>Sanchez Bajo, „The European Union and Mercosur: A Case of Inter-Regionalism”, Third World Quarterly, No. 20, 1999, p. 97

<sup>75</sup>Doctor Mahrukh, “Why Bother with Inter-Regionalism? Negotiations for a European Union - Mercosur Agreement”, Journal of Common Market Studies, No.45, 2007, p. 281.

<sup>76</sup>European Commission, *Global Europe: Competing in the World - A Contribution to the EU's Growth and Jobs Strategy*, Brussels,

[http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006\\_0567en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0567en01.pdf)

for further global integration and competitiveness<sup>77</sup>. Interregionalism also represents the worldwide promotion of the efficiency of the European model of integration, so that the EU is becoming today „*the hub of a large number of interregional arrangements which, in turn, are strengthening its own regionalist ideology*<sup>78</sup>“. Given its interregional policy, today the EU has relations with most regions in the world, such as the African Union, the Andean Community (CAN), the South Asian Association for Regional Cooperation (SAARC), the Association of Southeast Asian Nations (ASEAN), the Central American Integration System (SICA), the North American Free Trade Agreement (NAFTA) and specially the Common Market of the South (Mercosur).

Diagonal transatlantic interregionalism started formally in 1992, less than a year after Mercosur's creation, when the European Commission signed its first agreement with the South-American block to provide technical and institutional support. The formalization of that process was the *Inter-institutional Cooperation Agreement between the Mercosur Council and the European Commission*, of 29 May 1992<sup>79</sup>, whose practical objectives were basically technical assistance, personnel training and institutional support of the Mercosur's Secretariat.

In 1994, the European Commission presented a document entitled '*The European Community and Mercosur: An Enhanced Policy*', in which the Commission declared that despite the achievements enabled by the first inter-institutional agreement, this treaty was insufficient to promote the necessary strengthening of the EU-Mercosur relations, and proposed a new strategy divided into two stages. The first stage was the conclusion, in an intermediate term, of an interregional cooperation framework agreement, which would prepare the basis for the bi-regional commercial liberalization and continue to support the South-American integration process. The second stage involved a long-term objective, the

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<sup>77</sup>Hänggi Heiner et al. (eds), *Interregionalism and International Relations*, Routledge Publishing House, London, 2006, p. 155

<sup>78</sup>Söderbaum Fredrik and Van Langenhove Luk, „Introduction: The EU as a Global Actor and the Role of Interregionalism”, *Journal of European Integration*, No. 27, 2005, p. 251

<sup>79</sup>Bulmer-Thomas Victor, „The European Union and Mercosur: Prospects for a Free Trade Agreement”, *Journal of Interamerican Studies and World Affairs*, No. 42, 2000, p. 1-2

creation of a bi-regional association between the blocks, with a solid political, economic, financial, social, and cultural partnership. These two stages would be institutionalised by two independent agreements and the second would be negotiated under the principles stated in the first. The European Council approved the Commission's strategy in December 1994, and, shortly thereafter, the transatlantic negotiations began<sup>80</sup>.

Current EU-Mercosur relations are based on the ambitious *Framework Cooperation Agreement* (FCA), signed on 15 December 1995 in Madrid and entered into force on 1 July 1999, which aims at strengthening the existing relations between the two blocks and at preparing the conditions enabling an ambitious interregional association to be created in the future. Instead of a preparatory contract with a fixed timetable and a compulsory agenda, the interregional *Framework Cooperation Agreement* constitutes a clear obligation of means, by which the parties look forward to prepare the conditions enabling the interregional free-trade area to be created. The agreement is a highly programmatic piece, born to be transitory and provisory, and neither contains any concrete easing of conditions of trade liberalization nor sets any definite date for the intended transatlantic free-trade area<sup>81</sup>.

The interregional *Framework Cooperation Agreement*'s legal status is that of a mixed agreement, because of its broad political and economic content<sup>82</sup>. The signing partners are the European Community and its Member States and the Southern Common Market and its Party States. In the normative bases of the multilateral accord, containing nine titles and thirty six articles, are Article 310 EC and Article 8, IV, of Ouro Preto Protocol.

The *Framework Cooperation Agreement* has three main areas: political dialogue, cooperation and trade. These three pillars should also be the basis for the future interregional *Association Agreement*. Given this broad objective, the

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<sup>80</sup>European Commission, *The European Community and Mercosur - An Enhanced Policy*, Brussels, 1994, <http://aei.pitt.edu/2951/1/2951.pdf>

<sup>81</sup>Faria W, „As Partes no Acordo Comunidade Européia – Mercosul”, Revista de Europeus, No.1, 2007, p. 19

<sup>82</sup>Koutrakos Panos, *EU International Relations Law*, Hart Publishing House, Oxford, 2006, p. 150-152

interregional *Framework Cooperation Agreement* can be classified, according to the International Relations Theory, as a *third generation agreement*, very broad in its scope and with very few substantial commitments<sup>83</sup>.

More practically, a Cooperation Council was established, with the institutional responsibility for the implementation of the agreement and the supervision of the negotiations towards the bi-regional free-trade area, the second stage of the strategic plan.

As mentioned above, ongoing political dialogue, to back up and consolidate closer political relations between the EU and Mercosur, is the first constitutive element of the *Framework Cooperation Agreement* (article 3 FCA). This political dialogue is conducted by means of contacts, information exchanges, consultations, meetings between the various Mercosur and EU bodies, diplomatic channels and specifically within the Cooperation Council created by the FCA (article 3 FCA and *Joint Declaration on Political Dialogue Between the European Union and Mercosur*). As a result, since 1996 many interregional meetings have taken place on different levels to further the aims of the *Framework Cooperation Agreement* and also to coordinate the partners' positions on multilateral questions in the international bodies<sup>84</sup>. As the objectives of the EU foreign policy have expanded far beyond trade in its narrow sense in the last years, this political dialogue constitutes a useful tool to allow conversations on important topics such as development and security objectives, protection of human rights and the promotion of democracy, the so-called „political conditionalities”<sup>85</sup>. The latest Political Dialogue meeting took place in Buenos Aires on 25 April 2008.

The second pillar of the *Framework Cooperation Agreement* is the trade issue (trade in goods; trade in services and trade standards and disciplines). Regarding this second pillar, the *Framework Cooperation Agreement* says that the Parties shall undertake to forge closer relations with the aim of encouraging both an

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<sup>83</sup> Martínez Puñal, op. cit. p. 54-55

<sup>84</sup> Santander Sebastian, „The European Partnership with Mercosur: a Relationship Based on Strategic and Neo-liberal Principles”, *Journal of European Integration*, No.27, 2005, p. 294.

<sup>85</sup> Cremona Marisa, „The Union as a Global Actor: Roles, Models and Identity”, *Common Market Law Review*, No. 41, 2004, p. 555.

increase and a diversification of trade, preparing for subsequent gradual and reciprocal liberalization of trade and promoting conditions which are conducive to the establishment of the interregional association, while adhering to WTO rules concerning the sensitivity of certain goods<sup>86</sup>. To be put in practice in the building of the future free trade area, those general aims have special significance in five fields:

- 1) dialogue on trade and economic matters;
- 2) agri-food and industrial standards and certification;
- 3) customs matters,
- 4) statistical matters
- 5) intellectual property.

Given these references to the WTO rules, the Doha round impasse obviously has many negative consequences for the conclusion of the trade negotiations between EU and Mercosur.

In order to help the Parties to expand their economies, increase their international competitiveness, foster technical and scientific development, improve their standards of living, establish conditions conducive to job creation and job quality and finally diversify and strengthen economic links between them, the EU - Mercosur *Interregional Framework Cooperation Agreement* foresees, as a third pillar of action, solid cooperation between the two Partners. This cooperation is foreseen in such fields as the promotion of business and investments, energy, transport, science and technology, telecommunications and information technology, environmental protection, combating drug-trafficking and institutional development of the regional integration process. Strategies to be employed include: (a) arrangements for the exchange of information; (b) training and institutional backing; (c) studies and joint projects; and (d) technical assistance. Especially in the field of promotion of investment, the *Interregional Framework Agreement* declares that the „cooperation shall encompass measures promoting the development of a legal environment which is conducive to investment between the

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<sup>86</sup>Idem, p. 556

*Parties*"(article 12)<sup>87</sup>.

It is worthy of mention that the cooperation established in the *Framework Cooperation Agreement* has provided other benefits to the participants. On one hand, Mercosur benefits from the experience (and budget) of European integration and, on the other, the EU exports its regional governance model to Mercosur, along with competent technical assistance in the fields of technical norms, tariffs, agriculture, harmonization, documentation and archives<sup>88</sup>.

In fact, the cooperation chapter of the EU-Mercosur *Framework Cooperation Agreement* contains the external dimension of the EU's own project of internal market integration, given that it is a useful tool to allow the EU exports *market principles* and externalises European-compatible ground rules towards goods, services and capitals of non-EU origin on entry in the internal market<sup>89</sup>. In this way, the first (political dialogue), second (trade matters) and third (cooperation) pillars of the *Framework Cooperation Agreement* have a mutually supportive relationship: regulatory cooperation may serve simultaneously to hinder non-tariff trade barriers as well as to improve proportional regulations and legitimate aims.

On the basis of the 1995 *Framework Cooperation Agreement* and its three pillars, and after many discussions, the Council of the European Union approved on 13 September 1999 the negotiating directives leading to a future interregional *Association Agreement* between the EU and Mercosur. Though still be protected by the confidentiality clause, it is fair to say that the negotiating directives presented a very ambitious draft agreement, with provisions concerning the right of establishment and free movement of capital<sup>90</sup>. Once the green light was given by the Council, the EU-Mercosur negotiations started in 2000 with the Bi-regional Negotiations Committee (BNC), the main forum for negotiations.

As mentioned above, the agreement under negotiation consists of three parts:

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<sup>87</sup>Council Decision, *The interregional framework cooperation agreement between the European Community and the Southern Common Market*, 22 March 1999,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999D0279:EN:HTML>

<sup>88</sup>Santander, op. cit., p. 291

<sup>89</sup>Cremona, op. cit., p. 557

<sup>90</sup>Ventura Deisy, *Les Asymétries entre le Mercosur et l'Union Européenne: les Enjeux d'une Association Interrégionale*, L'Harmattan Publishing House, Paris, 2003, p. 339-341

a chapter on political dialogue (with special reference to respecting human rights and democracy), another chapter on trade issues (establishing a WTO-compatible bi-regional free trade area) and a chapter on cooperation on a wide range of matters. There were sixteen negotiation rounds within the BNC between the beginning of 2000 and the end of 2004, when the negotiations were suspended after both partners presented their full proposals. The main obstacles to the continued progress of negotiations are, for the EU, the level of market access for South American agricultural products, especially in relation to durum wheat, beef and sugar, and, for Mercosur, the level of market access of the European industrial goods and services.

The uncertainty surrounding the future of the WTO Doha Round constitutes a clear external constraint for the EU-Mercosur negotiations, as the lack of multilateral guidelines can paralyse the bilateral discussion. Under the so-called 'Lamy doctrine', new regional trade negotiations are strongly discouraged while the Doha Round of WTO talks are underway<sup>91</sup>. The wave of economic nationalism that swept the national markets that seek to leave the current global crisis is another negative factor for the progress of negotiations between Mercosur and the European Community.

In contrast, the unfavourable North-American trade policy towards South America – as a consequence of the crisis that takes account of the U.S. – represents a positive external vector for the EU-Mercosur negotiations; after all, Mercosur often saw the negotiations with the EU as one of its weapons in bargaining concessions from the USA<sup>92</sup>. China's growing role as a powerful competitor in international trade can be seen as another positive influence, which will stimulate bi-regional negotiations in the near future.

Since May 2004, dialogue has been limited to informal technical meetings. Despite the absence of formal BNC meetings, on 2 August 2007 the External Relations Directorate General of the European Commission launched the *Mercosur-European Community Regional Strategy Paper 2007-2013*, which provides a

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<sup>91</sup>Hänggi et al., op. cit., p.158

<sup>92</sup>Bulmer-Thomas, op.cit., p.3-4

concrete action plan for EU cooperation with Mercosur in the next five years, as well as an assessment of the current stage of the negotiations between the two blocks.

An eventual *EU-Mercosur Interregional Association Agreement* would represent the biggest free trade area in the world and the first free trade agreement between two customs unions<sup>93</sup>. The magnitude of this fact is enough to show how complex the negotiations between the two blocks are. It is of note that the European Union already has free trade agreements in Latin America with Chile and Mexico – two less complex economic partnerships. After two years of negotiation, for example, on 18 November 2002 the EU and Chile signed an *Association Agreement*, which has been in force since 1 March 2005. The relations between the EU and Mexico are regulated by the *Economic Partnership, Political Co-operation and Cooperation Agreement* signed on 8 December 1997 (after six years of discussion) and entered into force on 1st October 2000. Undoubtedly, the speedy conclusion of these two negotiations can be attributed to both the limited ambitions of Mexico's and Chile's agreement and the fact that those countries represented fewer threats to European so-called *sensitive* sectors like beef, cereals and sugar<sup>94</sup>.

Mercosur Foreign Ministers and the European Commissioner for Economic and Monetary Affairs, Joaquin Almunia, met in Montevideo (Uruguay) on 17 December 2007 and renewed the commitment of Mercosur and the EU to intensify bi-regional relations. The parties reaffirmed their strong political will to re-launch negotiations with a view to concluding the *Interregional Association Agreement*<sup>95</sup> but they also expressed their priority of successfully concluding the WTO Doha Round of multilateral trade negotiations. In the first week of April 2008, EU and Mercosur officials met in Brussels to assess the state of negotiations and the possibility of calling a summit in the second semester.

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<sup>93</sup>Doctor, op.cit., p. 282

<sup>94</sup>Hänggi et al., op. cit., p. 164

<sup>95</sup>Toscano Franca Filho Marcilio, „The EU-Mercosur Agreement: Between Global Administrative Law and Multilevel Constitutionalism”, GARNET Working Paper [www.garnet.sciencespobordeaux.fr](http://www.garnet.sciencespobordeaux.fr)

During the Fifth EU-Latin America Summit, in Lima (Peru), on 16-17 May 2008, the Heads of State of Mercosur and the Troika of the European Union agreed to reactivate negotiations for an association agreement between the two blocs but they set no deadlines. According to the joint declaration divulged after the meeting, „*both sides underlined the importance of reaching an ambitious and balanced Mercosur-European Union Association Agreement and reiterated their commitment to carry negotiations through to a successful conclusion, as soon as conditions permit, on the basis of the work already done*”<sup>96</sup>.

Once again, during the Second Brazil-European Union Summit held in Rio de Janeiro on 22 December 2008, the Parties reiterate their willingness to resume negotiations for an Association Agreement between Mercosur and the EU.

As seen above, both the EU-Mercosur *Interregional Framework Cooperation Agreement* and all subsequent official documents mention that a deeper partnership between the blocks requires a stable and efficient legal environment in order to induce increasing sustainable investments. Such an EU-Mercosur investment-friendly legal environment would have to include, for example, mutually agreed rules on government procurement, investment, intellectual property rights, competition policies, sanitary and phyto-sanitary regulations, technical barriers to trade, the protection of geographical indications, business facilitation, trade defence instruments, and even a dispute settlement mechanism. The great majority of such rules already exist under other association agreements signed by the EU, like the *EU-Chile Association Agreement* or the *EU-Mexico Economic Partnership*<sup>97</sup>.

The question to be addressed from this point on in this thesis is precisely whether an EU-Mercosur investment-friendly legal environment can be understood as a kind of Global Administrative Law, a concept developed by the American scholars Benedict Kingsbury, Nico Krisch and Richard Stewart. Secondly, what are the consequences of such a mechanism for the bi-regional trade governance? In

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<sup>96</sup>Fifth EU-Latin America Summit, Lima, 16-17 May 2008,

[http://ec.europa.eu/development/icenter/repository/CC\\_CARIFORUM-COMM-final\\_may08\\_en.pdf](http://ec.europa.eu/development/icenter/repository/CC_CARIFORUM-COMM-final_may08_en.pdf)

<sup>97</sup>Toscano Franca Filho, op.cit. p. 8-9

order to address these questions, it is necessary to explore some theoretical background on Global Administrative Law<sup>98</sup>, beginning with its definition and main characteristics and moving on to compare the EU-Mercosur Framework Cooperation Agreement with the European concept of „Multilevel Constitutionalism”.

Relations between the EU and Mercosur are embedded in the overall EU-LA strategic partnership, established in 1999. The EU recently published its strategy for EU-LA relations, '*The EU and Latin America: Global Players in Partnership*'. At the latest ministerial meeting, held in Prague on 14 May 2009, both parties reaffirmed their interest in extending bi-regional cooperation to the three sectors specified in the 2008 Lima Declaration (infrastructure, renewable energy sources and science and technology) and reiterated their commitment to working towards an Association Agreement. This Mid-Term Review and the attached Regional Indicative Programme for 2011-2013 aim to reflect these moves.

On May 17, during the 4th EU-Mercosur Summit of Madrid, Leaders of the EU and Mercosur decided to relaunch negotiations in view of reaching an ambitious and balanced Association Agreement.

Bilateral relations between the EU and the individual countries are constructive and excellent dynamics have been built up. The legal bases are the first-generation Framework Cooperation Agreements, which entail regular consultations on political, cooperation and economic issues. Joint Commissions with Uruguay, Paraguay and Argentina meet every year. An EU-Brazil summit is also held every year as part of the strategic partnership, while meetings at ministerial level take place occasionally. An ambitious Joint Action Plan has been agreed<sup>99</sup>.

### **3. BILATERAL RELATIONS NAFTA - MERCOSUR**

The geographical division of the Americas is noticeable. This large region is

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<sup>98</sup>Idem, p. 14

<sup>99</sup>Pollio Emanuele, „What Kind of Interregionalism? The EU-Mercosur Relationship within the Emerging Transatlantic Triangle”, Bruges Regional Integration and Global Governance Papers, No. 3, 2010

divided into two major parts. On the one hand, there is North America and on the other, Latin America and the Caribbean. Nevertheless, the geographical division is not the major issue in the region. The crucial point is the different paths to economic development that the two parts have followed. Indeed, the latter part has tried to separate itself from the sphere of influence of the former; however, with the end of WWII and the creation of NAFTA, countries from Central America and the Caribbean became more “north American” due to geopolitical and economic reasons while the Southern Cone created its own bloc in the form of Mercosur.

As far as economic integration is concerned, during the 1960s there were some attempts both in the Caribbean and South America. The milestone was the creation of an economic system with a reduction of tariffs between members and the creation of a common trade barrier against non-member countries. Such attempts were the Latin American Free Trade Association (LAFTA), the Central American Common Market (CACM), the Caribbean Free Trade Association (CARIFTA) and the Andean Pact. In the political sphere among Latin American countries, the Contadora and Rio Group and the Organization of American States were created. The Southern Cone Common Market ( MERCOSUR) was established in 1991 with plans for free regional trade, and the North American Free Trade Agreement (NAFTA) in 1990 between the USA, Canada and Mexico.

Through the trade liberalizations and regional accords there has been an increase of trade and investments throughout the hemisphere, across north to south and, south to south. Although this helped some countries, for some others it brought interdependence of labor market impacts, short-term economic stability and disparities in productivity and income levers. The impacts from trade liberalization are greater on smaller countries than on larger ones, and larger impacts are more obvious on Latin America than the US. Smaller economies are much more dependent on trade than larger ones<sup>100</sup>.

What is more, the dependence of Latin American markets on US trade rather than vice versa is worth mentioning. The US is the largest creditor in Latin America

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<sup>100</sup>Valvis Anastasios, *Regional Integration in Latin America*, Institute of International Economic Relations, Athens, 2008, p. 49

and economic support is one reason why Latin American countries look to the United States and wish to join the NAFTA. The destination of Latin America's exports is the United States and every country exports a vast percentage of its GDP to the US, (except for Argentina) – more than the average for the entire Latin American community combined, while US exports go outside the continent or to Canada and Mexico (NAFTA countries). However, moving from north to south the dependence on the United States decreases and intra-Latin America trade increases. But as far as the imports of all Latin countries are concerned (apart from Mexico), they choose the Latin America community over the US. In recent years and following the establishment of Mercosur, exports have increased within Latin America and have almost replaced the US as the export partner<sup>101</sup>.

The US bloc (and NAFTA) and the Mercosur bloc found themselves competing for the membership of Chile and Peru. Both sides wanted to include Chile in their association as part of their expansion. NAFTA's plans for southward expansion died when Chile finally signed with Mercosur as an associate member. Chile did not want, and does not want, to be locked in and prefers to remain open to all blocs. Similar are the cases of Bolivia and other countries of the Andean Community. In addition to the Chilean case, Peru answered positively to the US invitation, although Mercosur tried to reach an agreement.

Most countries prefer to stay in the Latin American bloc because they continue to face problems caused by the US. Nations like Brazil, Chile, Cuba, and Guatemala are familiar with the policy of the US and are doubtful of reaching any agreement with the US. A characteristic example is that of Fidel Castro in Cuba, who is on the US black list, and also the case of Chile where the US brought Pinochet to power, a strongly ambiguous leader, accused of torturing people. In Guatemala, the US army sold guns to rebels. Invasions, assassinations and coups are only some of the involvements of the US in South America. That intervention in the region has not been forgotten so that the political elites and public opinion are critical of the option of a new integration involving the whole continent called Free Trade Area of

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<sup>101</sup>Idem, p. 54

the Americas<sup>102</sup>.

The Free Trade Area of the Americas (FTAA) is a project created by President Clinton in 1994. Its purpose is to eliminate or to reduce trade and investment barriers among all the countries in America except Cuba. The main topics of interest for the participant countries throughout the period of negotiation were market access issues, agriculture, services, intellectual property rights, subsidies, antidumping and countervailing duties, government procurement, investment, competition policy and dispute settlement<sup>103</sup>. The main policy target is how to arrive at zero trade barriers and, more specifically, to eliminate tariffs on industrial and agricultural products. As far as economic development is concerned, FTAA intends to combat corruption, help governments against lobbyists and help them with their problems.

The proposed agreement was considered an extension of NAFTA and was introduced during the Summit of the Americas in December 1994, in Miami, where thirty-two countries agreed on free trade principles. The negotiations were delayed due to the „pesos crisis” and in 1998 the thirty-four countries agreed on the single underlying principle of the negotiations. In 2003 at the Miami summit, these principles had not been taken into account, with the resulting „FTAA à la carte” meaning that countries could adopt levels of commitment with one „common set of rights and obligations shared by all countries”<sup>104</sup>. Although the negotiations were to be completed in 2005, there was no agreement because the most important players in the negotiations (the US, Brazil and Argentina), had other priorities (such as NAFTA and Mercosur), while other important participants, such as Mexico, Chile and Canada used the US leadership as a vehicle to sign agreements with other countries in their region.

The postponement of the agreement was mostly caused by the reluctance of countries to reach agreement. Some countries and their people see the FTAA

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<sup>102</sup>Kagan Robert, *Of Paradise and Power: America and Europe in the New World Order*, Knopf Publishing House, New York, 2003, p. 65

<sup>103</sup>OAC Economics Seminars: *The FTAA and its effects on its Member Countries*, <http://frankynng.latest-info.com>

<sup>104</sup>Free Trade Area of the Americas Eighth Ministerial Meeting, Ministerial Declaration, Miami, November 2003, [http://www.ftaa-alca.org/ministerials/miami/Miami\\_e.asp](http://www.ftaa-alca.org/ministerials/miami/Miami_e.asp)

critically and skeptically after taking into consideration their history with the United States, and the negative impacts of NAFTA. One of the main critics is Venezuelan president Hugo Chavez, who has described it as an „annexation plan” and a “tool of imperialism”<sup>105</sup>. The skepticism flows from the results being seen in NAFTA. The NAFTA experience shows that the citizens have been badly affected. The problem is that the nations of Latin America are in a more vulnerable position as poverty remains a major issue. Moreover, governmental authority is under threat as its ability to protect the environment, agriculture, services and its own people will be reduced.

The effects on labor are expected to be dramatic, not so much for the country itself but for the people, the workers. FTAA is profitable for the businesses as low cost labor ensures low prices for consumers and therefore more sales. What FTAA provides is an entrance to business and not a powerful economy and better living standards, as gaps will remain between the Latin America countries and the USA. Another issue being discussed is the environmental impact. The investment policy does not take into account for environmental and social costs, as it promotes energy consumption, over-use of national resources and the pollution of land and water<sup>106</sup>. Usually international trade agreements overrule domestic laws designed to protect the environment and civil society.

On the other hand, the business community expects a lot from such an agreement. The lobbies will play an important role during negotiations. Some of them want to enter the other countries’ economies and get better deals for their products. Some others wish to press for protective measures that will secure them at a national level. Consulting groups have been created in order to advise companies on the state of the economy in every country, so that they can acquire benefits from them. Some companies want the agreement because they think that they will get rid of the protectionist policies<sup>107</sup>.

The negotiations for Free Trade Area of the Americas consist of a mixture of

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<sup>105</sup>Hornbeck John F., *Mercosur: Evolution and Implications for U.S. Trade Policy*, CRS Report for Congress, 2009, p. 11

<sup>106</sup>Anastasios, op. cit., p. 54

<sup>107</sup>Idem, p. 16-17

commercial and political agendas. Mercosur countries negotiate as a group while the NAFTA countries negotiate as individuals. The different agendas of the US and Brazil pose an obstacle to the negotiations. The US has offensive interests in eight of nine negotiating areas and defensive interests in two: anti-dumping and agriculture. These issues are the main offensive interests of Mercosur<sup>108</sup>. The defensive agenda clashes with US agenda regarding intellectual property, investments, services and government procurement.

These two main organizations are different – NAFTA is a trade agreement and Mercosur is intending to become a common market. However, “they have similar accords, as both entail extensive liberalization of trade and investment regimes. Both treat foreign investors from member countries as local investors, and have serious negative implications for member countries”<sup>109</sup>.

The US has seen the FTAA as an extension of NAFTA and an opportunity to export. Moreover, for the US, it means a reduction of unemployment and poverty. The Mercosur countries want a FTAA in which all blocs would have a vocal role so that it would be the center in South America and could balance the north bloc. Trading interests and shifts on US restrictions on sugar and citrus products are part of the Mercosur agenda. The US strategy is based on bilateral talks with the purpose of dividing the Mercosur countries and reducing their power, especially the influence of Brazil in the region. On the contrary, Brazil insists on one single underlying principle and prefers to group the preferences of the rest of countries under one umbrella.

#### **4. EU – NAFTA BI-REGIONAL CONNECTIONS**

The European Union is the patron saint of interregionalism in international economic relations. It has pursued interregional strategies in one form or another toward regional groupings in South America, East Asia, the Southern Mediterranean, Eastern Europe, and a variety of least-developed countries.

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<sup>108</sup>Gistelinck Myriam Martins, *The Influence of Brazil's Developmental Projects on its Positioning in the Negotiation of Regional and Bi-regional Trade Agreements*, IIEB Working Paper 19, October 2005

<sup>109</sup>Valvis, op. cit. p. 53

However, the case of EU relations with North America (the United States, Canada, and Mexico) shows the limits of this doctrine. During the 1990s, the foundations for a transatlantic interregional relationship emerged. The EU institutionalized cooperative economic relations with the United States and Canada within separate but similar bilateral frameworks, and completed a free trade agreement (FTA) with Mexico<sup>110</sup>.

Despite the creation of NAFTA in 1994, the EU has studiously maintained separate bilateral tracks for managing its commercial relations with the three countries of North America. Describing the relationship between the EU and NAFTA is not a straightforward task, for the simple reason that it does not officially exist. However, it is possible to consider some aspects of NAFTA relevant to a prospective interregional relationship.

The main hindrance to EU-North American commerce is non-tariff barriers such as subsidies and product standards. The primacy that technical issues such as NTBs now take in EU-North American trade relations underscores how deeply integrated the two side's economies already are. The EU accounts for 35% of NAFTA's exports and 25% of its imports, and thus is NAFTA's most important trading partner. Together, the EU and NAFTA account for 35% of world exports and over 40% of world imports, making the transatlantic link not only central to each side's economies, but to the international economy as a whole<sup>111</sup>.

The future of EU-North American interregionalism may be broadly constrained by two aspects of NAFTA's organizational form: its institutionalization and its asymmetry. While NAFTA is highly institutionalized -featuring a clear set of rules governing trade and investment, provisions to ensure the integrity of labor and environmental standards, and a dispute settlement mechanism for managing conflict - it is minimally integrationist. Born of the convergence of pragmatic selfinterest among its members, NAFTA is unlikely to develop into an economic union or customs union in the absence of a major shift in the international political

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<sup>110</sup> Aggarwal Vinod, *The limits of interregionalism: the EU and North America*, Forthcoming in Journal of European Integration, Vol. 27, No. 3, University of California, 2005, p. 12

<sup>111</sup> Idem, p. 23

and economic climate<sup>112</sup>.

The overwhelmingly dominant position of the United States within NAFTA and the consistent skepticism of the U.S. Congress to most types of international economic integration constitute a hard ceiling to NAFTA's evolution. Unlike Europe, where a fairly even distribution of power among the largest member states has fostered a political environment of multilateralism and consensus, the hegemony of the United States and deep, asymmetrical dependence of Canada and Mexico on the U.S. economy place the fate of NAFTA essentially in the relationship between the U.S. administration and the Congress<sup>113</sup>.

NAFTA may be a transitional arrangement, intended more as a building block toward hemispheric free trade than an end in itself. This potentially transitional character of NAFTA means that it is unlikely to take on any greater integrationist elements among current and/or future members; negotiations among all the countries of the hemisphere toward anything but a straight free trade area would be far too difficult.

Compared to its relations with other regional groupings around the world, the EU has shown little inclination to engage NAFTA collectively as a means to promote a regionalist model of economic organization. But even if the EU did want to promote greater internal coherence in NAFTA, significant obstacles stand in the way. As Alberta Sbragia<sup>114</sup> has indicated, the EU and NAFTA are not „institutionally compatible entities” - the EU being an economic/monetary union, NAFTA a mere trade/investment union - and thus NAFTA does not have any executive with the external negotiating authority similar to the Commission.

Even if interregional negotiations were to begin, a transatlantic free trade area would be a discussion between Brussels and Washington. As one British parliamentarian has remarked, “When politicians in Europe talk about

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<sup>112</sup> Aggarwal Vinod and Fogarty Edward, “Between Regionalism and Globalism: European Union Interregional Trade Strategies” in Aggarwal and Fogarty (eds), *EU Trade Strategies: Between Regionalism and Globalism*, Palgrave Publishing House, New York, 2004, p. 76-77

<sup>113</sup> Idem, p. 79

<sup>114</sup> Sbragia Alberta, „European Union and NAFTA” in Telò Mario, ed., *European Union and New Regionalism: Regional Actors and Global Governance in a Post-hegemonic Era*, Ashgate Publishing House, Aldershot, 2007, p. 154-155.

*transatlantic*, they really mean the United States of America. This is an extremely important point that Canadians and Mexicans need to appreciate”<sup>115</sup>.

NAFTA’s limitations do not explain the absence of an EU strategy toward North America. To explain this the scholars consider three hypotheses as potential explanations for the absence of this interregional strategy: interest group preferences, great power politics, and EU identity-building processes.

The first reason focuses on the role of **interest groups**. In this pluralis view, European Union commercial policy results from the capture of the EU policymaking apparatus by societal interests (for example firms, industry associations, environmental groups, etc.) that promote policies reflecting their particular preferences. What concerns us most here, as opposed to the question of group mobilization, is the nature of interest group preferences: which European groups and/or sectors would support an interregional strategy and why?<sup>116</sup>

Some European sectors - such as financial services, environmental technologies, and knowledge-based industries - are well-disposed toward free trade in general due to their relative competitiveness in international markets. Many of these same industries are particularly interested in maintaining free access to North American markets because their interests there are intrafirm. The acceleration in mergers and acquisitions activity has created a set of multinational enterprises such as Daimler-Chrysler and the Virgin Group that form a truly transatlantic constituency and which would have much to lose if any sort of trade war were to break out.

A formal EU-NAFTA economic partnership would certainly be a forum to remove various obstacles and facilitate European producers’ access to all of North America. Against this set of pro-free-trade groups and their liberalizing incentives are a number of politically influential sectors that are more skeptical about any moves toward trade liberalization with North America. Some of these sectors - such

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<sup>115</sup>Council of Europe, „Prospects for a new transatlantic trade relationship”, Report of the Committee on Economic Affairs and Development to the Parliamentary Assembly, June 2007

<sup>116</sup>Björn Hettne, „Interregionalism and World Order: The diverging EU and US Models” in Telò, Mario (ed.), *European Union and New Regionalism: Regional Actors and Global Governance in a Post-hegemonic Era*, Ashgate Publishing House, Aldershot, 2007, p. 252

as textiles, steel, and, of course, agriculture - were mollified in the context of the EU-Mexico free trade agreement because it gave them generous adjustment periods<sup>117</sup>.

Given the relative parity among European free-trade groups and their more skeptical counterparts, and the relative acceptability of the *status quo* for all involved, there has not been, and seems to be little prospect of, an interest group-led groundswell for a an interregional strategy toward North America. On balance, an interregional agreement might be a moderate improvement on the *status quo*, but the limited gains of such an agreement compare unfavorably with the costs of a broad-based business mobilization for such an outcome - especially because individual industries seem more interested in sector-specific agreements than in broader ones in which their goals might get negotiated away.

Our second lens focuses on the role of **international power politics**. From this „realist” perspective, the EU uses its foreign economic policy to promote European political and economic influence and security within the international system. Indeed, as long as Europe remains primarily a „civilian power”<sup>118</sup>, commercial policy is its most effective means of exercising international influence.

In this context, a general interregional commercial strategy could extend European influence via a series of “hegemon-centered” commercial agreements with regions that may or may not have significant ties amongst themselves. In most region-to-region relationships, the European Union would be the dominant side, and thus could largely dictate the terms of these institutionalized relationships. However, this condition does not apply in the case of North America, which is home to the EU’s main commercial rival, the United States.

European policymakers understand that trade is not zero-sum and that a trade war with the United States would leave both worse off. Thus an EU trade strategy toward North America that engaged the United States in an agreement - whether multilateral, interregional, or bilateral - whose terms reflected the

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<sup>117</sup> Idem, p. 252

<sup>118</sup> Lombaerd Philippe, Pietrangeli Giulia and Schulz Michael, *EU Support to Latin American Regionalism* in Franck Christian, Defraigne Jean-Christophe and Moriamé Virginie, *L’Union européenne et la montée du régionalisme: exemplarité et partenariats*, Academia Bruylant Publishing House, Louvain-la-Neuve 2009, p. 145

interests of Europe more than those of the United States would provide relative gains. Such a strategy seems evident in the European approach to the Americas and East Asia. The EU's interregional negotiations with Mercosur have been driven in large part by the specter of a future FTAA. That is, deals with Latin America are not only part of a proactive strategy to maximize Europe's influence and market access, but rather a reaction to similar American initiatives in the region<sup>119</sup>.

Perhaps paradoxically, a central assumption underpinning this sort of „geoeconomic” thinking is the continued stability of the transatlantic relationship itself. But what if this assumption were false - what if the vitality of EU-U.S. political and economic relationship were fundamentally challenged by either internal dissention, or if a credible external threat to Western civilization were to arise<sup>120</sup>? In any of these scenarios might we expect EU (and U.S.) policymakers to reaffirm and strengthen the transatlantic link through formal commercial integration?

The answer probably remains no, because doing so could generate powerful fears that the West was turning its back on the rest of the world, a decision that European and American policymakers would have difficulty contemplating even under the most dire circumstances given its wide-ranging implications<sup>121</sup>. Even during the darkest days of the cold war, when it actually seemed possible that the West might stand alone against a hostile world, no serious steps toward formal transatlantic economic integration were taken. Such steps seem even less likely in the post-9/11 world, despite the fact that the West as a whole is a target of global terrorist networks.

The third argument focuses on the role of **European identity-building** in explaining the absence of interregionalism in EU commercial policy toward North America. In this view, European elites promote commercial strategies that might help generate notions of pan-European interests and identity among the peoples of Europe. While hardly central to Europeans' everyday lives in the same way as, for example, the introduction of the euro, an interregional commercial strategy would

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<sup>119</sup> Franck, Defraigne and Moriamé (eds), op. cit., p. 157

<sup>120</sup> Lombaerd, Pietrangeli and Schulz, op. cit. p. 150

<sup>121</sup> Idem, p. 152

be a subtle way for EU policymakers to prod them to view themselves as part of a cohesive economic, political, and social unit that interacts with other like-units around the world<sup>122</sup>.

The identity-related implications of interregionalism toward North America would be different from those of EU relations with other regions. The United States and Canada are uniquely similar societies to Europe, and thus this relationship involves association with a *peer* region rather than one that has a clearly distinct set of cultural values and traditions and level of development. This inherent cultural closeness binds EU leaders' perceptions of commercial relations with North America to their view of the EU's place within *the West*<sup>123</sup>. Hence while some EU policymakers might see the EU's place as the natural counterpart to North America within a vibrant Western civilization, others might see the ties of the West as a constraint on the establishment of a distinct European polity. What follows is that, given the cultural content of trade and investment, the perceived utility of an interregional commercial strategy<sup>124</sup> toward North America is a function of whether European policymakers believe such a strategy promotes their vision of what the European Union is and should be.

Thus to EU policymakers seeking a common European identity, embracing an interregional strategy toward a U.S. dominated North America would mean forgoing the gains of identifying the United States in particular as a useful „other“. As such, leaders most committed to European unity and autonomy may find it expedient to unite Europe by trumpeting European values as superior to their American counterparts<sup>125</sup>. However, this approach clearly has its limits. European policymakers as a whole are careful to reiterate their support for the transatlantic relationship, and would presumably consider irreparable transatlantic estrangement far too high a price to pay for unclear gains in European identification.

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<sup>122</sup>Aggarwal and Fogarty, op. cit., p. 28

<sup>123</sup>McGuire Steven and Smith Michael, *The European Union and the United States: Convergence and Competition in the Global Arena*, Palgrave Macmillan Publishing House, Basingstoke, 2008, p. 67-68

<sup>124</sup>Valladao Alfredo, *Le triangle atlantique: l'émergence de l'Amérique latine dans les relations Europe-Etats-Unis*, Les notes de l'Ifri, No. 6, Institut Français de Relations Internationales, Paris, 1999.

<sup>125</sup>Ibidem

Perhaps less problematically, EU policymakers transatlantic strategies also reflect their ongoing construction of the EU's „international identity”—and how that international identity stands in contrast to that of the United States. As Robert Kagan described the contrast between the two, the EU, born of cooperative multilateralism, seeks a “self-contained world of laws and rules based on transnational negotiation and cooperation<sup>126</sup>”, while the United States believes that “international laws and rules are unreliable” and “true security and the promotion of a liberal order still depend on the possession and use of military might”. The Europeans legalistic approach to international relations seems to have emerged from the EU's own internal evolution, and can be seen, for example, in Europeans' approach to the international criminal court (pooling sovereignty) and its preference for hard targets in the Kyoto protocol.

This approach finds a strong contrast in the longstanding American preference for flexibility and freedom of maneuver in international politics, a preference that is particularly strong in the current U.S. administration. While Kagan's argument is, by his own admission, a vast simplification, his ideas about Europe's self-perceived role in the world do identify a clear and substantive point of difference with the United States, and thus suggest a further reason why EU policymakers are disinclined to pursue transatlantic interregionalism<sup>127</sup>.

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<sup>126</sup>Kagan, op. cit., p. 3

<sup>127</sup>Valladao, op. cit, p. 7-8

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***The Pacific Alliance – a successful model of Open Regionalism?***

**Bianca-Monica Mina<sup>128</sup>**

The integration process in Latin America has been always subject to interesting dynamics, due to the contrasts between very ambitious projects and the difficulty to make them sustainable, between pragmatism and ideology, between some states searching to assert themselves as leaders, and others with a sense of belonging to a group with similar interests.

According to analysts, Latin America is tributary to a “permanent trilemma: first, the defense of the nation-state and national sovereignty; second, its traditional ambitions for unionism and regional integration; and third, the search for greater autonomy at the international level<sup>129</sup>.

The “trilemma” is linked directly to the relation between Latin America and the United States, which has been always there, influencing the integration initiatives in the region. “The rise of the Pan-American Movement and the Washington Conference in 1889-90 was the initial milestone in the formation of the normative and institutional framework of the so-called Inter American system. On one hand, this was an instrument of US hegemony in the region; however, at the same time, it also was the scenario where Latin America and its nation-States set themselves up as international actors, formed their international identity, and defined a particular vision and praxis of foreign policy”<sup>130</sup>.

From the “Old Regionalism” that was functioning during the Cold War in a subordinate relation with the US, Latin American states gradually changed their approach in the 90’s, shifting towards “new regionalism” - defined as a strategy for widening autonomy at international level and improving their internal governance. A further step, which emerged as an answer to requests of economic regionalization and globalization, was the “Open Regionalism”, which focused on

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<sup>129</sup> Sanahuja, José António, *Post-liberal regionalism in Latin America: the case of UNASUR*, Robert Schumann Centre for Advanced Studies, European University Institute, RSCAS 2012/05, p. 1.

<sup>130</sup> Ibidem, p. 2.

enhancing economic and commercial integration, based on regional trade agreements with low external tariffs.

Not surprisingly, the Open Regionalism was rejected by the leftist governments and embraced by those countries wanting to develop their market-friendly model of commerce, shifting towards new markets, in order to avoid the economic crisis that was affecting their traditional partners, the US and the EU.

“Open Regionalism has had one of its main expressions in the political-economic dialogue with the Asian Pacific basin, where initiatives like the Latin American Pacific Arch Forum and the Pacific Alliance become an important referent to research the most recent dynamics in regional cooperation and integration”<sup>131</sup>.

The Pacific Alliance is a sub regional mechanism of economic co-operation established between four like-minded Pacific rim open economies: Chile, Columbia, Mexico and Peru. An initiative of the former President of the Republic of Peru, Alan Garcia Perez, the organization has been functioning since April 2011, and was formally launched on the occasion of its fourth Summit, on 6 June 2012, in Chile's Parañal Observatory.

The idea to create such a commercial bloc is not that new, it appeared for the first time in 2006, being discussed within the Peruvian government during the CAN crisis (due to Venezuela’s decision to withdraw from the organization). It took the form of the Latin American Pacific Arch (Arco del Pacífico Latino-American), which included Colombia, Costa Rica, Chile, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru. The purpose of Arch was to increase commercial integration among its members and to enhance trade and investment with Asian Pacific economies. The initiative was seen as challenging from the very beginning, being criticized for lacking consensus in commercial policies. Part of the initial members abandoned the project (some of them, such as Ecuador and Nicaragua, preferred to integrate ALBA), and only four countries remained committed to a more open commercial model: Chile, Columbia, Peru and Mexico.

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<sup>131</sup> Cepeda Ladino, Júlio César, *Cooperation and Integration in Latin America: the Latin American Pacific Arch Forum and the Pacific Alliance*, [www.academia.edu](http://www.academia.edu), 2012.

The Pacific Alliance has been built on the coherence of the centre-right commercial policies promoted by the governments of its four members. The main objective of the organization as stated in the Lima Declaration (April, 2011), is “to deepen the integration of the economies on the basis of the existing commercial agreements, to develop a mechanism of political dialogue and cooperation with Asia-Pacific” and to “move gradually toward the goal of free movement of goods, services, capital and people between the four countries”<sup>132</sup>.

A political dimension of the Pacific Alliance was also established at the Lima Summit, by creating an informal instance of political dialogue. It was further consolidated by the fact that all the final Declarations of ministerial meetings were stating the commitment for democracy and the rule of law, as well as the necessity to consolidate social cohesion and the wellbeing of citizens.<sup>133</sup>

Until now, six summits of the Pacific Alliance took place: in Lima (28 April 2011), Merida (4 December 2011), the Virtual Summit (5 March 2012), Cadiz (17 November 2012, on the occasion of the Ibero-American High Level Meeting), Antofagasta (6 June 2012), Santiago de Chile (27 January 2013, on the occasion of the EU-CELAC High Level Meeting). The next Summit will be organized in Cali (Columbia), on 23 May 2013.

The Pacific Alliance is the fastest growing bloc in the region, being equivalent to the ninth largest economy in the world. It has a total population of 207m (36 per cent of the Latin American population), GDP of \$2.9tn (40 per cent of the region’s GDP) and a per capita GDP close to \$14,000<sup>134</sup>. According to IMF estimations for 2013, Peru is expected to have the highest GDP growth (6,3%), followed by Chile (4,9%), Columbia (4,1%) and Mexico (3,4%)<sup>135</sup>.

A report produced in February 2013 by the Economist Intelligence Unit (EIU) and commissioned by the Multilateral Investment Fund (MIF) shows that the

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<sup>132</sup> Declaración de Lima sobre la Alianza del Pacífico, [http://es.wikipedia.org/wiki/Alianza\\_del\\_Pacífico](http://es.wikipedia.org/wiki/Alianza_del_Pacífico).

<sup>133</sup> Ruiz, José Briceño, *La Iniciativa del Arco del Pacífico Latinoamericano*, in Nueva Sociedad, July-August 2010, p.54.

<sup>134</sup> Rosenblut, Jorge, *The Pacific Alliance and why it matters*, in Financial Times, April 8, 2013.

<sup>135</sup> International Monetary Fund, *World Economic Outlook April 2013, Hopes, Realities, Risks*, p. 60.

four Pacific Alliance members are the countries in Latin America and the Caribbean “most able to carry out sustainable public-private partnerships (PPPs) to develop infrastructure and increase access to basic services”. They are part of a “cluster of countries that have improved their capacity and readiness for PPP investments and have accelerated regulatory change and capacity building”<sup>136</sup>.

The World Bank is placing Chile, Peru, Colombia, and Mexico among the 40 economies worldwide that have done the most to improve their regulatory environments for entrepreneurs. The report “Doing business in a more Transparent World”, indicates Chile as the regional leader in the ease of doing business, ranking 37th globally. Peru is ranking 43rd, Colombia 45<sup>th</sup>, and Mexico 48th<sup>137</sup>.

As one of the promoters of open regionalism, the Pacific Alliance is cooperating with other organizations such as NAFTA and APEC, and includes as observers: Australia, Canada, Costa Rica, Guatemala, Japan, New Zealand, Panama, Spain and Uruguay. Furthermore, Costa Rica and Panama are official candidates for joining. Chile and Mexico have signed the maximum number Free Trade Agreements with other countries around the world. Peru and Colombia are following their examples. All four of them have FTA partnerships with US<sup>138</sup>.

Although the Columbian and Peruvian presidents publicly declared that the Pacific Alliance is meant to complement other Latin American regional organizations and does not represent an alternative, the bloc is perceived as the main competitor for the Brazil-led MERCOSUR (to become more and more ideologically divided with Venezuela and Bolivia’s admission), as well as a counter-weight to the growing influence of leftist governments in Latin America

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<sup>136</sup> Multilateral Investment Fund, Member of the Inter-American Development Bank Group, <http://infrascope.fomin.org>

<sup>137</sup> *Doing Business*, <http://www.doingbusiness.org/rankings>

<sup>138</sup> ES R. Viswanathan, former ambassador of India to Argentina, Uruguay and Paraguay, *The Pacific Alliance, yet another bloc in Latin America*, 12 June 2012, <http://en.mercopress.com/2012/06/12/the-pacific-alliance-yet-another-bloc-in-latin-america>

(supporters of the “anti-systemic and anti-imperialist integration model”<sup>139</sup> promoted by ALBA).

Although the US are not so visibly interested in the Latin America as they were in the past, there are voices saying North Americans are actually “the hidden hand behind the formation of the Pacific Alliance to divide the region, hobble the growing Latin American autonomy and counter the rising leadership profile of Brazil”.<sup>140</sup>

Unlike MERCOSUR’s agenda, that of the Pacific Alliance is less focused on the social, cultural and educational dimensions. But due to their commitment to open markets, the Pacific Alliance nations “have set an example for a new kind of economic integration in the region”<sup>141</sup>.

Juan Manuel Santos, Colombia’s president, described the Pacific Alliance as “the most important process in Latin American history, not only because of the importance of its members but because of what they have already achieved.”<sup>142</sup>

Speaking of achievements, despite the competition that exists between its members in many fields, the four members managed to reach consensus on important steps. For instance, visa requirements have been abolished so that member citizens can now travel freely between countries. Another important measure was to integrate capital markets by linking their exchanges through the Mercado Integrado Latinoamericano – Mila. Furthermore, at the Cali Summit in May 2013, the four members will sign an agreement to abolish tariffs on 90% of goods traded between them, which represents a significant move towards a common market.

What makes the Pacific Alliance so different from other Latin American organizations is not only its effectiveness and capacity of co-ordination, which have been undoubtedly proved by now, but also the fact that it is the first group of Latin American states having thought of an articulated position towards Asia, in order to

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<sup>139</sup> Ruiz, José Briceño, *La Iniciativa del Arco del Pacífico Latinoamericano*, in Nueva Sociedad, July-August 2010, p.49.

<sup>140</sup> ES R. Viswanathan, former ambassador of India to Argentina, Uruguay and Paraguay, *The Pacific Alliance, yet another bloc in Latin America*, 12 June 2012, <http://en.mercopress.com/2012/06/12/the-pacific-alliance-yet-another-bloc-in-latin-america>

<sup>141</sup> Rosenblut, Jorge, chairman of the board of Endesa Chile and former Under Secretary of the Presidency of Chile, *The Pacific Alliance and why it matters*, in Financial Times, April 8, 2013.

<sup>142</sup> Idem.

take the most out of the co-operation with the region's vibrant economies. Peru and Chile are mining countries and food exporters, they complement each other, which makes them interesting to Asia<sup>143</sup>.

The Alliance is planning to sign a FTA with ASEAN and also extended an invitation for acquiring observer status to the organization on the occasion of the ASEAN Latin American Forum in July 2012. On that occasion, Indonesia's trade minister said that was "the next logical step" in the relationship.

Chile and Peru have signed FTAs with China, Japan and Korea, while Colombia and Mexico are negotiating FTAs with China, Korea and Japan. Also, the Pacific Alliance intends to begin talks for signing a last generation free trade agreement with the Trans-Pacific Partnership (TPP). Chile is already a member, while Peru is still negotiating with. The very active profile of the Pacific Alliance is situating it in the middle of the political debate, and it is becoming more and more interesting for other potential partners.

The European Union, for instance, is beginning to take a closer look at the newly created bloc. It already has special relationships in place with the founding members (Strategic Partnership with Mexico, Association Agreement with Chile, FTAs with Peru and Columbia), and shares with them common values (respect for democracy and the rule of law, human rights protection), as well as a growing interest towards Asia.

On the occasion of the EU-CELAC Summit held in Santiago de Chile in January 2013, following a meeting with the Presidents of Columbia and Peru, the President of the European Council, Herman Von Rompuy, declared: "We follow with interest the fast development of the Pacific Alliance initiative. We see this as a very promising initiative that brings together countries which share the EU's views on open markets and modern economic policies, and which aims at creating an economic space similar to our own, based on the four freedoms of circulation of goods, capital, services, and persons"<sup>144</sup>.

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<sup>143</sup> [www.andina.com](http://www.andina.com)

<sup>144</sup> *Remarks by President of the European Council Herman Van Rompuy, after his meeting with President of Colombia Juan Manuel Santos and President of Peru Ollanta Humala, Santiago de*

The President of Chile, Sebastian Piñera, has also spoken about the idea of developing co-operation between the Pacific Alliance and the EU: "The Pacific Alliance may become a great platform for Europe to project itself towards the Asia-Pacific region"<sup>145</sup>.

There are solid grounds for establishing a form of co-operation between the two organizations, which would benefit both of them. The EU could acquire the status of observer upon application submitted to the Pacific Alliance, or could just attend meetings as a special guest.

It certainly depends on EU member states' capacity to reach a common position on this matter, and although the Pacific Alliance has already expressed its interest, the Union is still in the early stages of analyzing the opportunity of such a step.

Co-operating with the Pacific Alliance will open more gates for the EU in Asia and could lead to a form of trilateral co-operation between the regions. Also, the fact that the newly created bloc would become a privileged interlocutor of the Union in Latin America could be an incentive for unlocking negotiations between EU and MERCOSUR, which is seen as the main competitor of the Pacific Alliance. The fact that apparently the Pacific Alliance has rejected the idea of MERCOSUR becoming an observer is relevant in this respect. It initially induced the wrong perception that organizations in general are not allowed to become observers to the Pacific Alliance, the confusion arising also from the fact that the possibility is not clearly mentioned as such in the statutes of the organization.

Although it was largely criticized for trying to act as the voice of Latin America in Asia without including Brazil and Argentina in the game, the Pacific Alliance remains a coherent and effective initiative of economic integration in Latin America. It is a new model of open regionalism and a successful one, relatively small (in number of members), but very pragmatic in its goals and in line with the current global economic trends. At the beginning it seemed unrealistically

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Chile, 27 January 2013.

<sup>145</sup> Rosenblut, Jorge, chairman of the board of Endesa Chile and former Under Secretary of the Presidency of Chile, *The Pacific Alliance and why it matters*, in Financial Times, April 8, 2013.

ambitious in its purposes, raising a lot of skepticism, but in just two years it has made considerable progress.

It is not an exclusivist club, however, but an organization in the making. The political commitment of its leaders has remained intact, the interest of actors from other parts of the world is growing, and it is likely to generate interesting developments in the years to come.

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## ¿LA UNASUR – ¿el próximo reto para América del Sur?

Adina Năstase

El presente trabajo pretende explorar los rasgos principales de la UNASUR, las novedades que conllevan su modelo y el potencial que podría desplegar en los próximos años esta forma de integración regional. Asimismo, a través de las aspiraciones políticas, económicas estratégicas y de desarrollo de sus doce estados miembros, este proyecto se acerca a la Unión Europea, respondiendo de manera eficaz a las cambios y desafíos que supone la globalización. No obstante, su evolución a lo largo de las siguientes décadas estará influida principalmente por las diferentes asimetrías internas y las ambiciones de poder de los países dominantes.

A lo largo de las últimas décadas, los esfuerzos de integrar las naciones sudamericanas en un sólo mercado o único bloque comercial han sido acogidos con escepticismo por los países-observadores. A pesar de esto, la nueva organización emergió y pretendió concentrar sus esfuerzos principalmente en cuestiones de seguridad, política exterior y gobernanza.

### 1. El imaginario de la “patria grande”<sup>146</sup> y la identidad latino-americana

Hoy en día, América del Sur representa el continente más dinámico y está ahora del lado de las regiones que forman parte de la solución, teniendo en cuenta la incertidumbre que rodea a los mercados y economías mundiales —donde los esfuerzos conjuntos se convierten en la forma “más sensata de avanzar y mantenerse lejos del peligro.”<sup>147</sup>

El regionalismo presente en América Latina tiene sus orígenes en las valores y la identidad que habían caracterizado desde la independencia la política de la región. De hecho, “el unionismo y la integración han constituido piezas claves en la política exterior de la región y (...) a pesar de su fracaso, los proyectos unionistas de

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<sup>146</sup> Término usado para hablar de los proyectos de unificación regional sudamericana concebidos por Simón Bolívar y José de San Martín [ para más información se puede consultar:[http://es.wikipedia.org/wiki/Patria\\_grande](http://es.wikipedia.org/wiki/Patria_grande) ]

<sup>147</sup> <http://blogs.worldbank.org/latinamerica/es/hacer-que-la-d-cada-de-am-rica-latina-se-convierta-en-realidad>

Bolívar y Morazán siguen simbolizando elementos fundamentales para la identidad, los valores y la cultura política latino-americana.<sup>148</sup> De hecho, Simón Bolívar en la "Carta de Jamaica"<sup>149</sup>, habla de la "idea grandiosa de formar una sola nación con todas las partes del Nuevo Mundo que comparten origen, lengua, costumbres y religión".

La "Iniciativa de la América" era seguramente el proyecto más ambicioso de cuantos se han propuesto, que propugnaba, entre otras cosas: ciudadanía común, alianza federal y comercial, abolición de aduanas, un mismo sistema educativo, una misma política territorial, una Universidad americana, un plan político de reformas en materia de contribuciones y descentralización, un Tribunal para dirimir contenciosos, y un Congreso representante de todas las Repúblicas ante el mundo. Sin duda, el nacionalismo representó el discurso fundacional de las nuevas élites post-coloniales para "legitimar la creación de los nuevos estados en los cuales estas mismas élites podrían dominar los indígenas y las poblaciones afro-descendentes."<sup>150</sup>

La segunda mitad del siglo XX se ha caracterizado - en cuanto al viejo ideal de unión alimentado desde la independencia- por la potenciación de organismos de carácter económico más o menos exitosas, tales como la ALALC (Asociación Latinoamericana de Libre Comercio), el SELA (Sistema Económico Latinoamericano), el Mercado Común Centroamericano, el Pacto Andino o el Mercosur. Una posible explicación del fracaso de muchos de estos proyectos sería – además del surgimiento de la crisis económica de 1980 – la influencia de factores políticos e ideológicos como el nacionalismo y la defensa de la soberanía, utilizados en la política interna y exterior de los estados.

En el período posterior a la Guerra Fría, las dimensiones económicas y de seguridad "fueron trasladadas hacia diferentes organizaciones, resultando de esta

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<sup>148</sup> Sanahuja, José Antonio, *Post-liberal regionalism in South America: the case of UNASUR*, European University Institute, RSCAS 2012/05, ISSN: 1028-3625

<sup>149</sup> Diccionario Crítico de Ciencias Sociales. Terminología Científico-Social, Ed. Plaza y Valdés, Madrid-Méjico 2009 [<http://pendiente demigracion.ucm.es/info/eurotheo/diccionario/U/unionismo.htm> ]

<sup>150</sup> Sanahuja, José Antonio, *Post-liberal regionalism in South America: the case of UNASUR*, European University Institute, RSCAS 2012/05, ISSN: 1028-3625

manera en una relación de subordinación con los Estados Unidos.”<sup>151</sup> En una contradicción aparente con el fenómeno de la globalización, se puede notar en la última década una tendencia ascendente de que los estados busquen y se unan a fórmulas regionales, como una respuesta a las presiones y necesidades de operar en un mercado global. No obstante, el regionalismo emerge también como un fenómeno distinto, que sirve a diferentes metas y toma varias formas, según las zonas que ocupa.

Un marco intergubernamental sería eficaz si estuviera presente desde el principio un acuerdo referente a la coordinación de las políticas, pero la prioridad la suele ocupar la agenda interna, con las propias prioridades e intereses. Además, la existencia de varios órganos de decisión e distintas instituciones contribuye gradualmente a la erosión de la legitimidad y de la credibilidad de las instituciones regionales.

La presencia de UNASUR en el escenario internacional es una confirmación del hecho de que se produce un cambio y se destacan nuevas formas de repensar las relaciones extranjeras y las políticas de desarrollo, que se centran menos y menos en la liberalización económica y el comercio. En gran parte, esto es un resultado esperado desde la re-aparición de gobiernos de izquierda, con discursos nacionalistas y con los intentos tanto de Brasil, como de Venezuela, de imponer su liderazgo en la región. Igualmente, esta nueva agenda de desarrollo se inscribe en el marco más largo posterior del Consenso de Washington. Esto supone un papel creciente atribuido a los actores estatales, en visible contraste con el protagonismo de actores privados y fuerzas del mercado. De esta manera, se establece una nueva agenda en cuestiones de paz, seguridad y defensa, gestión de crisis y la coordinación de la política exterior.

## **2. El surgimiento de la UNASUR: un proyecto geopolítico brasileño**

La Unión de Naciones Sudamericanas es un órgano intergubernamental moldeado desde el principio según la Unión Europea y creado en 2008 como

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<sup>151</sup> Farrell, Mary / Hettne, Bjorn /Langenhove, Luke, *Global Politics of regionalism: theory and practice*, Pluto Press, 2005, p.68

impulso a la integración regional en materia de energía, educación, salud, ambiente, infraestructura, seguridad y democracia. Sus esfuerzos están encaminados a “profundizar la unión entre las naciones suramericanas, bajo el reconocimiento de sus objetivos regionales, fortalezas sociales y recursos energéticos.”<sup>152</sup>

Conocido en el escenario internacional como UNASUR, el grupo actúa por un lado como un fórum de interacción entre los líderes de los estados miembros y representa por otro una plataforma para la promoción del comercio interregional. De hecho, según los datos del informe<sup>153</sup> World Bank del 2012, el PIB total de los doce países que forman parte del bloque regional totaliza más de \$4.1 billones<sup>154</sup>. Aún más, repensando esto en el cuadro global, se puede notar que la UNASUR se ha convertido en el cuarto poder económico del mundo, después de los Estados Unidos, China y Japón.

Según las provisiones del Tratado Constitutivo<sup>155</sup> firmado en 2008, todas las acciones de la UNASUR se dirigen a la “construcción de una identidad regional, apoyada en una historia compartida y bajo los principios del multilateralismo, vigencia del derecho en las relaciones internacionales y el absoluto respeto de los derechos humanos y los procesos democráticos.”<sup>156</sup> Actualmente, de la UNASUR forman parte Argentina, Bolivia, Brasil, Colombia, Chile, Ecuador, Guyana Paraguay, Perú Suriname, la República Oriental del Uruguay y la República Bolivariana de Venezuela, mientras que Panamá y México permanecen como observadores.

Visto desde el lado geopolítico, se nota fácilmente que la iniciativa de Brasil de crear esta nueva organización ha respondido a su deseo principal de convertirse en un poder regional y global. En este escenario, el único competidor significante sería México, que permanece estrechamente ligado a la zona geopolítica Norte-Americana e implícitamente, a los Estados Unidos. Por lo tanto, con la creación de este nuevo marco sudamericano y la redefinición del regionalismo Latino-Americano, México se veía desplazado de su posición de competidor con Brasil.

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<sup>152</sup> <http://www.unasursg.org/inicio/organizacion/historia>

<sup>153</sup> Ibidem 7

<sup>154</sup> Según los datos de <http://databank.worldbank.org/data/download/GDP.pdf>

<sup>155</sup> <http://www.unasursg.org/uploads/f8/74/f874c8c194f76a8bbd9b2ca6f23a5af7/Tratado-constitutivo-UNASUR.pdf>

<sup>156</sup> Ibidem 10

El evento que abrió el camino definitivo a la constitución de la UNASUR fue la creación de la Comunidad Suramericana de Naciones (CSN) durante la tercera Reunión de Presidentes de América del Sur, que había tenido lugar en 2004 en Cuzco, Perú. La CSN nació para unir dos grandes fuerzas regionales: el grupo de naciones miembros del Mercado Común del Sur, Mercosur, y el bloque oeste conformado por la Comunidad Andina (CAN). La Unión de Naciones Sudamericanas impulsa una serie de proyectos a largo plazo que “integrarán a Suramérica en forma y fondo: la construcción de una carretera interoceánica que abrirá el paso de Brasil hacia el Océano Pacífico, el establecimiento del libre comercio y en un futuro, probablemente una moneda única.”<sup>157</sup>

La visión de la UNASUR es el desarrollo regional sostenido por la unión de sus partes soberanas: naciones en paz, prósperas, con sentido de pertenencia y ciudadanía sudamericana.

### **3. UNASUR – trabajo en progreso**

En Noviembre de 2012, el presidente peruano Ollanta Humala presidió la VI-a Reunión Ordinaria del Cuerpo de Jefes de Estado de la UNASUR. Las discusiones trataron, entre otras, el avance del proceso integrador regional, la democracia y la inclusión social y el Protocolo de Paz, Seguridad y Cooperación- que busca crear condiciones de confianza recíproca entre las naciones.

Desde su fase inicial de desarrollo, la organización había demostrado su eficacia, aminorando la inquietud política presente en Bolivia, en Septiembre 2008<sup>158</sup>, persuadiendo la FARC de empezar el diálogo pacífico con el gobierno colombiano o presionando Paraguay de organizar elecciones limpias después del golpe de estado. Se puede decir que hasta el momento, UNASUR ha apoyado la resolución diplomática. El grupo había mediado la crisis fronteriza andina, una tensa disputa diplomática entre Colombia y sus vecinos Ecuador y Venezuela en

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<sup>157</sup> <http://www.eclac.cl/publicaciones/xml/1/46131/2012-19-UNASUR-Infrastructure.pdf>

<sup>158</sup> <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA501218>

2008 que surgió años después del ataque<sup>159</sup> de las fuerzas colombianas sobre un campamento de las FARC en territorio ecuatoriano. También en 2010, los países miembros de UNASUR firmaron un adición al documento constitutivo que pretende fortalecer el grupo y pone el énfasis en la preservación y protección de las instituciones democráticas en los países miembros. El protocolo establece que "en el caso de una ruptura o amenaza de ruptura del orden democrático dentro de cualquier país miembro de la UNASUR", los comités de alto nivel de UNASUR tienen derecho a "suspender el derecho de participación en los órganos de UNASUR del miembro respectivo"<sup>160</sup>. En varias ocasiones UNASUR ha actuado para condenar lo que los miembros consideran como movimientos no-democráticos en los países de América Latina: el golpe de Estado de 2009 en Honduras y la impugnación controversial del presidente paraguayo Fernando Lugo en 2012.

Además, la capacidad del grupo para conseguir una cooperación bilateral se ve afectada por el tamaño desproporcionado de la economía de Brasil, que representa alrededor del 60 por ciento de la producción económica total de la UNASUR. El Banco Mundial muestra que Brasil, el país con el mercado interno más fuerte en América Latina también es la economía menos dependiente del comercio en UNASUR. En 2011, las exportaciones de Brasil representaban menos del 12 por ciento del PIB, menos de la mitad de la tasa media de los países Español-hablantes de América del Sur.

Aun así, aunque UNASUR ha jugado el papel significante de foro para el diálogo y ha apoyado a los países miembros a resolver pacíficamente una serie de disputas diplomáticas, el grupo ha tenido menos éxito en la construcción de instituciones multinacionales de estilo europeo.

La ausencia de la presidenta brasileña Dilma Rousseff de la Reunión UNASUR de Noviembre 2012 podría servir como indicador del nivel de importancia que Brasil asigna al fórum cooperativo. Brasil también había renunciado a la financiación del Banco de Desarrollo de América del Sur, pero "financió con

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<sup>159</sup> Para más información sobre el conflicto, se puede consultar: <http://www.as-coa.org/articles/explainer-what-unasur>

<sup>160</sup> Ibidem 14

entusiasmo la construcción de la Carretera Interoceánica, una autopista que une Brasil con puertos de la costa del Pacífico en Perú.”<sup>161</sup> Brasil no se ha convertido en un defensor vocal de la financiación colectiva de proyectos de infraestructura regional que pretenden fomentar aún más los lazos comerciales entre los países miembros de UNASUR.

Otro punto débil sería el hecho de que la UNASUR ha tenido menos éxito en la coordinación de la acción colectiva regional para financiar proyectos de infraestructura. Al momento actual, Brasil se centra principalmente en la creación de su propio mercado interno y en ampliar sus exportaciones hacia el continente asiático. Por eso, se puede notar que las oportunidades para la cooperación económica en el resto de los países de América del Sur parecen limitarse para Brasil solamente. Con estas previsiones, parecen aún más claros tanto el hecho de que la institucionalización de la UNASUR será muy lenta y gradual, como la certeza de que el grupo fortalecerá su papel de foro eficaz para el diálogo y las relaciones internacionales sudamericanas.

Por otro lado, los intereses y expectativas de los demás países sudamericanos también convergen en la UNASUR. Por ejemplo, para Chile la UNASUR podría representar un instrumento para disminuir la potencial inestabilidad y conflicto con Bolivia, para facilitar la compleja relación bilateral con Argentina y ayudar a encontrar una resolución a las necesidades relativas a la seguridad energética, trabajando en un contexto regional.

Asimismo, Perú también reforzaría su papel y aspiraciones en relación con sus puertos del Pacífico y su estrategia económica acerca de sus objetivos internacionales de desarrollo económico. Por otra parte, la integración energética a través de UNASUR crearía un importante mercado para las exportaciones de los campos peruanos de gas Camisea. Aún Colombia podría diversificar su política exterior, que es al momento actual muy dependiente de los Estados Unidos, mientras que al mismo tiempo intentaría de mejorar las relaciones bilaterales con Venezuela mediante el marco regional. Durante el gobierno de Chávez, Caracas

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<sup>161</sup> <http://www.forbes.com/sites/nathanielparishflannery/2012/11/30/can-south-america-become-the-new-european-union/>

había percibido a la UNASUR como una oportunidad para llevar a cabo la estrategia energética hacia América del Sur y promover su proyecto “Bolivariano” de integración regional.

Ecuador, Uruguay y Paraguay consolidarían también sus posiciones en el escenario internacional y regional como miembros de esta organización y se reequilibrarían de esta forma las asimetrías de poder que pasan en Mercosur. No por último, UNASUR podría mejorar la estabilidad y la gobernanza democrática (como Mercosur hizo con algunos de sus miembros) y proporcionar un nuevo proyecto y un nuevo programa de integración y cooperación.

#### **4. Conclusiones**

Siguiendo el ejemplo positivo de unas formas anteriores de integración – como sería el Mercosur o la Región Andina, una de las fórmulas sería ganar confianza gradualmente y luego fortalecerla, sin provocar polémicas políticas o estratégicas y logrando simplificar de esta manera el proceso. La cooperación se realiza empezando por las capas inferiores, juntar en un mosaico menos y menos heterogéneo las normas legales, las regulaciones y los modelos previstos. Asimismo, la política exterior de la comunidad – como la de la Unión Europea – puede ser independiente o autónoma y aún ser eficiente al nivel regional o internacional, con la condición de que no interfiera con los intereses estratégicos de los Estados Unidos.

Otro aspecto significativo que puede influir a largo plazo la evolución de la UNASUR sería la forma en que los estados importantes de la comunidad seguirán sus intereses estratégicos. Por ejemplo, Brasil aspira de jugar un papel dominante en la organización, como lo ha hecho a nivel regional desde el principio del siglo XX. Además, otro actor importante es Chile, que en las últimas décadas se ha convertido en un modelo para América Latina gracias al respeto mostrado por los valores humanos y la virtudes de la gobernanza democrática – a veces referidas como el “soft power”; por consiguiente, Chile se ha asegurado un papel de liderazgo en la Organización de los Estados Americanos (OAS) y en la ONU, a pesar de su dimensión geográfica o su importancia económica más reducida.

Por un lado, el nacionalismo y la defensa de la soberanía nacional –

presentes en el discurso y la práctica de la política interna y externa – han constituido obstáculos en la construcción de unas organizaciones regionales en que exista un equilibrio del poder y una soberanía compartida; por otro lado, esta misma defensa de la soberanía representa uno de los factores movilizadores contra el imperialismo y la dominación extranjera. De tal forma, llegamos a una situación paradójica, dado que esta manera de pensar ha sido desde la independencia una fuente importante de la ambición latino-americana hacia una mayor autonomía regional.

Hace unos años cuando fue creada, la UNASUR estaba vista como un acontecimiento político importante para la región, pero con el surgimiento de los primeros “grietas” en la arquitectura de la Unión Europea, las expectativas para el futuro parecen ya bastante sombrías.

En 2010 el Secretario General de entonces, Néstor Kirchner, había expresado su deseo de que el bloque regional “se convierta en el complemento político que le hace falta a Mercosur”<sup>162</sup>, pero sólo el tiempo decidirá si eso suceda. A fin de cabo, “la esperanza es una cosa buena. Quizás la mejor de todas. Y las cosas buenas nunca mueren.”<sup>163</sup>

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<sup>162</sup> <http://en.mercopress.com/2010/07/07/unasur-will-be-the-political-complement-which-is-missing-with-mercosur>

<sup>163</sup> Cita de Stephen King, la novela “Rita Hayworth and the Shawshank Redemption”

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## Governance in Mercosur: A note on RSCT

Oana Padurariu

### Introduction

This paper explores the evolution of regional security consensuses in Mercosur and argues that to a certain extent it is possible to talk about the emergence of regional security governance as a result of these consensuses. It argues that since the mid-1980s, when the Mercosur project was envisaged, three major clusters of issues have been successively securitized at the regional level, and as a consequence have formed the center of regional security policy coordination. The first cluster revolves around democracy and development. A second set of issues focus on a more traditional – military – account of security. Finally, the so-called new threats have gained prominence, and a regional institutional structure has begun to emerge around them.

While regions should not be substituted for regional institutions, the existence, design, and performance of regional institutions can tell us much about the conditions and prospects of regional order, including protection of sovereignty and prospects for conflict management and rule-governed behavior among states. While there are a number of key multilateral structures impacting security governance in South America such as Union of South American Nations (UNASUR), the Rio Group impacts security and the Organization of American States (OAS), this article will focus mainly on Mercosur.

The thesis of this paper is that, to better explain the security dynamics in South America, one must focus on the impact that regional institutions (in this case Mercosur) has on security issues more than the theory developed by Barry Buzan and Ole Wæver in their 2003 book *Regions and Powers* allows. I argue that Regional Security Complex Theory (RSCT) is still largely based on neorealist assumptions and that, by using the securitization part of the theory to highlight the emergence of some degree of consensus in the region with respect to some important security issues, we can better explain why, despite the recent troubled

history in the region, South America is enjoying an unexpected degree of security. Thus what follows should be seen as a complementary note on the theory developed by Barry Buzan by putting more emphasis on the securitization element of the theory so as to accord more importance and causal power to the influence that Mercosur had on how South America came to be a relatively peaceful region.

In the first part, I will briefly present the RSCT and show why it is still in large part dominated by neorealist assumptions, and thus the constructivist side of the theory receives less attention than deserved. In the second part I present the evolution of consensus in South America by focusing mainly on the way Mercosur has been able to securitize and desecuritize the region so as to arrive at some governance structure.

### **Buzan and the Regional Security Complex Theory (RSCT)**

A Regional Security Complex (RSC) is “a set of units whose major processes of securitisation, desecuritisation, or both are so interlinked that their security problems cannot reasonably be analysed or resolved apart from one another”<sup>164</sup> In order to be considered as an RSC, a group of states must have a degree of security interdependence such as to establish them as a linked set and to differentiate them from surrounding security regions.<sup>165</sup> RSCT studies the security discourses and security practices of actors, not primarily their regional(ist) discourses and practices. According to RSCT theory ‘security’ is what actors make of it.<sup>166</sup> Thus, the concept of securitisation represents the process whereby a securitizing actor defines a particular issue or actor as an ‘existential threat’ to a particular referent object and this move is accepted by a relevant audience.<sup>167</sup> Desecuritisation, on the

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<sup>164</sup> Buzan, Barry, Ole Wæver, et. al.: *Security: A New Framework for Analysis*, Lynne Rienner 1998, p. 201 cited in Barry Buzan and Ole Wæver, *Regions and Powers The Structure of International Security*, Cambridge University Press, 2003, p. 44.

<sup>165</sup> *Ibidem*, pp. 47, 48.

<sup>166</sup> *Ibidem*, p. 48.

<sup>167</sup> Matt McDonald, “Constructivism” in Paul D. Williams (ed), *Security Studies: An Introduction*, Routledge, 2008, p. 70.

other hand is the reverse process, whereby particular issues or actors are removed from the security realm and (re-)enter the realm of 'normal politics'.<sup>168</sup>

Barry Buzan takes a regionalist approach to studying international phenomena relating to security studies. This view is based on two important assumptions. First, that with the demise of the Soviet Union, the "penetrative quality of global power interest" in the rest of the world is significantly reduced.<sup>169</sup> This is more a matter of degree than a strict delineation. During the Cold war, the regional perspective to studying security still existed but was much more under the shadow of the influence of the two great powers. And second, that the great powers in the post-Cold War international system are pulled away from strategic competition and military engagement in the "hot" spots of the world by their own domestic issues, thus leaving those states and societies to resolve their military-political relations on their own.<sup>170</sup> The central idea that results from these assumptions is that when analyzing security affairs, one should start with regions, "since most threats travel more easily over short distances than over long ones, security interdependence is normally patterned into regionally based clusters: security complexes"<sup>171</sup> Buzan and Waever define regions "specifically in functional terms of security;" "territorially coherent subsystems (which are) defined by interlocking patterns of securitization."<sup>172</sup> The regional level is a result of the interplay between the national level and the global level and where most of the action takes place.

Each RSC is made up of the fears and aspirations of the separate units (which in turn partly derive from domestic features and fractures). Both the security of the separate units and the process of global power interaction can be understood only through understanding the regional security dynamics.<sup>173</sup>

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<sup>168</sup> *Ibidem*.

<sup>169</sup> Barry Buzan and Ole Waever, *Regions and Powers The Structure of International Security*, Cambridge University Press, 2003, p. 10.

<sup>170</sup> *Ibidem*, p. 481.

<sup>171</sup> *Ibidem*, 4.

<sup>172</sup> *Ibidem*, 43, 462.

<sup>173</sup> *Ibidem*, p. 43.

The RSCT has elements of both neorealism and neoliberalism, but places more emphasis on a lower level, the regional level. As Buzan and Waever notes, the theory's "emphasis on the regional level is compatible with, and we think complementary to, neorealism's structural scheme, but it contradicts the tendency of most neorealist analysis to concentrate heavily on the global level structure."<sup>174</sup> The materialist side of the theory also includes the neorealist notions of bounded territoriality and distribution of power.

Some constructivist ideas can also be found in the theory, because Buzan defines regional security complexes as "socially constructed by their members, whether consciously or (more often) unconsciously".<sup>175</sup> This is somehow mixed with securitization theory, which is centered on political "speech acts" with which a "security issue is posited (by a securitizing actor) as a threat to the survival of some referent object (nation, state, the liberal international economic order, the rain forests), which is claimed to have a right to survive".<sup>176</sup>

Thus, in understanding regional security after the Cold War, Buzan uses a mixture of neorealist, globalist, and regionalist perspectives. However, it seems that the underlying assumptions remain predominantly based on neorealist assumptions, which is made clearly when he suggests that there are "significant opportunities for analytical synergy between RSCT and neorealism".<sup>177</sup> The constructivist part of the theory is substantially less significant in practice, and the neorealist side seems to dominate. Or, to put it in a more structured way, the foundation of the RSCT is clearly neorealist at its core and the constructivist appearance is more like a flavor. Geography and geopolitics still rule. Although regions change,<sup>178</sup> they in fact cannot change too much. In very few instances would it be possible for an RSC to go from being anarchic (conflict formation) to becoming

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<sup>174</sup> *Ibidem*, p. 4.

<sup>175</sup> *Ibidem*, p. 48.

<sup>176</sup> *Ibidem*, 71.

<sup>177</sup> *Ibidem*, p. 481.

<sup>178</sup> Security complexes may merge to become "supercomplexes" or may split. They may become conflict prone or peaceful through securitization and desecuritization

a security community.<sup>179</sup> This neorealist base of the theory can hardly account for the transformations in Europe and to a lesser extent in South-East Asia and even in the Southern Cone. The RSCT does not have a place for norms.

While regions should not be substituted for regional institutions, the existence, design, and performance of regional institutions can illuminate some important aspects of regional security dynamics that RSCT does not account for, including protection of sovereignty and prospects for conflict management and rule-governed behavior among states. The extent to which regional institutions can be thought of as agents of transformation receives less attention in RSCT than it deserves. As such, the distinctiveness of RSCT with respect to neorealism is blurred. It goes as far as to make RSCT the "fourth tier" of neorealism, provided that "we ignore the more meta-theoretical differences between constructivist RSCT and materialist neorealism. it should, ... in principle be possible for a neorealist to accept the importance of the regional level and its distinct shaping effects, parallel to those of the global system."<sup>180</sup>

Because my analysis of the impact of regional institutions (specifically Mercosur) is meant to be complementary to the theory developed by Barry Buzan and Ole Wæver, I shall briefly present to important foundations of the theory, the variables and the levels.

#### *a. Variables*

Within the structure of anarchy, the essential structure and character of RSCs are defined by two kinds of relations, power relations and patterns of amity and enmity.<sup>181</sup> The idea that power operates on a regional scale is well known from the concept of a regional balance of power, in which powers that are not directly linked to each other still take part in the same network of relations.<sup>182</sup> Thus RSCs, like the international system of which they are substructures, can be analyzed in

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<sup>179</sup> Barry Buzan and Ole Waever, *Regions and Powers*, *op. cit.* p. 480.

<sup>180</sup> *Ibidem*, 482.

<sup>181</sup> *Ibidem*, p. 49

<sup>182</sup> *Ibidem*.

terms of polarity, ranging from unipolar, through bi- and tri-polar, to multipolar. This is why it is essential to distinguish regional powers from global level ones. Because RSCs are durable substructures with a crucial geographical component, they have both internal structures and external boundaries. To qualify as a RSC, Buzan determines 4 variables.

First, boundary, which differentiates the RSC from its neighbors. Second, the anarchic structure, which means that the RSC must be composed of two or more autonomous units. However, it is possible that intrusion from great powers takes place, but it is not mandatory. This intrusion (penetration) still allows for regional dynamics to have a great deal of autonomy from the influences that come from global powers. Third, polarity, which covers the distribution of power among the units (ranging from unipolar, through bi- and tri-polar, to multipolar, just like polarity at the global level.) Forth, social construction, which covers the patterns of amity and enmity among the units, and are determined by power projection.<sup>183</sup>

Regional security complexes are "traditional, state-based military-political complexes" that are qualified and delimited by these new variables,<sup>184</sup> or, more concisely "anarchy, plus the distance effect, plus geographical diversity"<sup>185</sup> Geographic density creates interdependence. Security interaction, the dynamics of threats and/or friendship is more intensely felt locally. Over time, patterns of amity and enmity arise from these regular interactions. History and geography are subjects used to understand these patterns, in this case (RSCT) viewed through the lens of constructivism to characterize the security dilemma states face locally.

#### *b. Levels*

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<sup>183</sup> *Ibidem*, 53.

<sup>184</sup> Barry Buzan, "The Logic of Regional Security in the Post-Cold War World" in Bjorn Hettne, Andras Inotai, et. al. (eds) *The New Regionalism and the Future of Security and Development*, St. Martin's Press, 2000, p 19, cited in Robert Kelly, "Security Theory in the "New Regionalism""", *International Studies Review*, Vol. 9, No. 2, 2007, p. 207.

<sup>185</sup> Buzan, *op. cit.* p. 46.

In order to study empirically a regional security, using RSCT, we should look at specific things at four levels of analysis.<sup>186</sup>

First, domestically in the states of the region, their domestically generated vulnerabilities. The specific vulnerability of a state defines the kind of security fears it has and can potentially make another state or group of states a structural threat even if it or they have no hostile intentions.

Second, state-to-state relations (which gives rise to the region as such);

Third the region's interaction with neighboring regions (this is supposed to be *relatively* limited given that the complex is defined by interaction internally being more important. But if major changes in the patterns of security interdependence that define complexes are underway, this level can become significant, and in situations of gross asymmetries a complex without global powers that neighbors one with a global power can have strong interregional links in one direction); Fourth, the role of global powers in the region (the interplay between the global and regional security structures).

### **Mercosur and security governance**

Mercosur was created in 1991 through the Treaty of Asunción by Argentina, Brazil, Paraguay and Uruguay. These four founding members have remained the only full members of Mercosur until 2012 when Venezuela became a full member also. Chile, Colombia, Ecuador and Peru are associate members, while Bolivia became accessing member in 2012. Mexico and New Zealand have observer status. This means that Mercosur covers almost the whole of South America.<sup>187</sup> At the heart of Mercosur were two important principles: the idea of open regionalism; and the political significance of Mercosur as 'a joint proposal for the shared development of the nations in South America.'

Regional security governance is defined as a "regional security architecture made up of a complex structure of states and formal and informal regional and sub-

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<sup>186</sup> *Ibidem*, p. 51.

<sup>187</sup> Surinam, Guyana and French Guiana being the only exceptions.

regional arrangements”<sup>188</sup>, which are “in turn structured by discourse and norms, and purposefully directed toward particular policy outcomes”<sup>189</sup>. The notion of governance is important because it explains how societies are regulated by mechanisms other than, or in addition to government, and as such governance and government are two distinct phenomena. The relevance of governance can be especially tested at the international and regional level, where normally the state is the sole actor and enforcer. According to the governance model though, a multiplicity of actors at various levels and distributed among multiple centers of power achieve some degree of policy convergence and coordination.<sup>190</sup> Within a model of regional governance, the state is but one of many actors, which include civil society, supranational and transnational institutions, among others. This model has not been applied to security dynamics and as I mentioned is not fully integrated in RSCT. When the notion of governance is applied to the study of regional security, the analysis concentrates on how a region regulates and manages its security according to the shared consensuses of governments and other relevant regional actors. With respect to Mercosur, there has been increasing convergence around some threat-clusters, which led to the establishment of regional and sub-regional bilateral and multilateral arrangements for policy cooperation and regulation.

However, applying the governance model to Mercosur is not very easy because the organization is made up of intergovernmental organs whose decisions require unanimity and deliberative forums. Still the governance approach adds value to the security analysis, because it draws attention to the idea that underlying consensuses among multiple actors at multiple levels guide regional security policymaking and outcomes through a structure of formal and informal institutions.<sup>191</sup> Thus, this approach is best seen as complementary to the other two

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<sup>188</sup> Andrea Oelsner, “Consensus and Governance in Mercosur: The Evolution of the South American Security Agenda”, *Security Dialogue* vol. 40, no. 2, 2009.

<sup>189</sup> Mark Webber, Croft Stuart, et. al., “The Governance of European Security”, *Review of International Studies*, Vol. 30, No. 1, 2004.

<sup>190</sup> *Ibidem*, p. 5.

<sup>191</sup> Andrea Oelsner, “Consensus and Governance...”, *op. cit.*, p. 194.

approaches that deal with regional security, namely the security community approach and the RSCT. As I argued the RSCT is still very much focused on states, and thus leaves out the regional institutional architecture.

In the Mercosur area, the processes of securitization can be observed. By observing these processes we can understand the development of a system of security governance in Mercosur. Though there are still traditional security concerns, there are also some who are part of a broader definition of security. Though many of the regional security concerns can still be labeled as traditional, Mercosur states have also perceived their security threats in line with a broader definition of security. Three such security clusters can be identified.

a. *Democracy and Development at the Core of Security*

At the bilateral level, between 1985 and the early 1990s, security was defined broadly to include issues other than just territorial integrity. Raúl Alfonsín (President of Argentina) and José Sarney (President of Brazil), identified the common and most pressing challenge faced by their two countries as being that of making democracy last. Far from being just another political goal, democracy became a security matter. This emphasis on democracy created an increased ability to act predictably internationally, and has thereby increased the chances of regional cooperation<sup>192</sup>. From past experiences, it was clear that as long as the armed forces retained key prerogatives and the power and influence to destabilize civilian rule, democratic transitions would remain fragile<sup>193</sup>. Overcoming views of neighboring states as potential enemies which was the predominating mutual view throughout the history of these two countries coupled with a strengthening of bilateral ties were (in terms of securitization), emergency measures needed in order to preserve democracy.<sup>194</sup>

A second common challenge facing the two democracies focused around the

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<sup>192</sup> Buzan, *op. cit.*, p. 320

<sup>193</sup> Military rule in Argentina and Brazil ended in 1983 and 1985 respectively.

<sup>194</sup> Andrea Oelsner, “Consensus and Governance...”, *op. cit.*, p. 199.

need to stabilize their respective economies and bring them into the world economy. Rather than being considered low politics (the realist view), development was at the top of the security agenda. Thus, economic integration and liberalization was seen as a strategy to strengthen the democratic transition in these countries by resolving economic challenges. Between 1985 and 1988, Argentina and Brazil signed three documents on economic cooperation: the 1985 Iguazú Declaration, in which they agreed to revive the project of Latin American cooperation and integration; the 1986 Programme for Economic Integration and Cooperation; and the 1988 Treaty on Integration, Cooperation and Development. These agreements were the foundation for Mercosur.

At the regional level, the spread of democracy also became a priority for Argentina and Brazil. In order to advance its promotion and consolidation, both governments resorted to a strategy of multilevel diplomacy. The Argentine embassy in Santiago de Chile, for example, served as the platform for political campaign meetings of the coalition that would win the 1989 Chilean elections.<sup>195</sup> A more formalized initiative to promote democratization as the key to peace and security was the establishment of the Contadora Support Group (also known as the Lima Group) by Argentina, Brazil, Peru and Uruguay. The Support Group ‘formally involved the major South American democracies in the peace process in Central America, thereby lending substantial diplomatic weight to the Contadora countries, especially in their dealings with Washington<sup>196</sup>.

In short, as democracy began to spread throughout the Southern Cone, the leaders spoke of its success in terms of security, not only politics. This view was externalized to create a favorable regional environment in which a “democratic zone” could enlarge and flourish in the whole of Latin America, and so making a reversal of democratic development in individual countries less likely. Rivalries were put aside and competition was transformed into cooperation and policy

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<sup>195</sup> *Ibidem*, . p. 200.

<sup>196</sup> William M. LeoGrande, “Rollback or Containment? The United States, Nicaragua, and the Search for Peace in Central America”, *International Security*, Vol. 11, No. 2 1986, p. 122.

coordination so as to make political and economic stability a real priority. The securitization of democracy and development, and the implemented strategy of enhanced cooperation, became the basis for Mercosur, a regional governance institution that would take on security issues.

b. *Cooperation in Traditional Security Areas*

Once democracy became stable throughout the region, it ceased to be seen as threatened, and a process of desecuritization took shape. Democracy was gradually removed from the regional security agenda and “transferred” to the regular political process.. This does not mean that democracy was completely secured as the events and reactions related to the attempted coup d'état in Paraguay in 1996 demonstrate; but it does mean that the institutional structure was more robust as the governments of the Mercosur states sent envoys to the capital Asunción, warning Paraguay that it would be isolated from the bloc should there be an interruption in the country's constitutional rule. In the same year the Mercosur countries signed an agreement called the Declaration of the Democratic Agreement, establishing that any member state that did not adhere to the democratic norm could be expelled from the organization<sup>197</sup>. The Ushuaia Protocol (part of Mercosur Treaty of Asunción) of 1998 established that membership rights may be suspended if there is a breakdown of democratic institutions.

As the 1990s progressed, the political atmosphere of the region changed. Democracy was consolidated, Mercosur constituted itself into a regional trade bloc, and along with these two transformations, the Argentine- Brazilian ‘strategic alliance’ deepened.<sup>198</sup> The close relation between Argentina and Brazil that began in the 1980s is central to understanding the regional security dynamics because these countries represent the two pillars that made possible the emergence of Mercosur.<sup>199</sup> During this stage a regional consensus emerged around the positive

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<sup>197</sup> Monica Herz, “Concepts of Security in South America”, *International Peacekeeping*, Vol.17, No. 5, 2010, p. 607.

<sup>198</sup> Andrea Oelsner, “Consensus and Governance...”, *op. cit.*, pp. 203,204.

<sup>199</sup> Michael Mecham, “ Mercosur: A Failing Development Project?” *International Affairs*, Vol. 79, No. 2, 2003.

security goals of establishing confidence and security-building measures (CSBMs), which guarantee the transparency of military procedures and the mutual availability of information. This consensus was later incorporated into Mercosur normativity through the declaration of Mercosur, Bolivia and Chile as a zone of peace free of weapons of mass destruction at the same meeting as that at which the democratic clause was adopted. This new normativity represented a further indicator in the regional governance architecture, and signaled the dramatic changes that the region had undergone from previous decades when tension and disputes were common<sup>200</sup>.

Regionally, the Southern Cone's armed forces have met regularly for joint operations, which included all three regular branches of the armed forces. More importantly, there are the Cruz del Sur manoeuvres involving the full members of Mercosur. These exercises brought the armies of the respective countries together for the first time since the War of the Triple Alliance against Paraguay (1865–70).

These examples point to converging regional views regarding the importance of sustaining peace via military transparency and dialogue. Moreover, from a democratic peace theory view, they can be seen (as a causal mechanism) as resulting from the previous phase of democratic transition and consolidation.

### *c. The Transnationalization of Regional Security*

In more recent years a new security consensus has emerged in the region. Other issues have been successfully securitized, thus replacing older ones in the security agenda. However, not all the matters from earlier periods have completely vanished: the potential for their re-securitization still remains. After the attacks in Argentina (car bombs outside the Israeli embassy in 1992 and the Jewish Community Centre AMIA in 1994 in Buenos Aires), Mercosur as an institution took a series of initiatives. It has developed several practical mechanisms to prevent and contain transnational threats on the ground. The starting point of multilateral police and intelligence collaboration can be seen in the establishment of the

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<sup>200</sup> Andrea Oelsner, “Consensus and Governance...”, *op. cit.*, p 204.

Trilateral Federal Police Command (Comando Tripartito de la Triple Frontera) at the border triangle between Argentina, Brazil and Paraguay in 1996. Further coordinated action is demonstrated by the Mercosur Coordination Center for Police Training, the Agreement on Operative Police Cooperation, and the Mercosur Security Data Network (SISME)<sup>201</sup>. In 2001 MERCOSUR's home secretaries signed an agreement on operative police cooperation in Buenos Aires. The agreement enhances cooperation between the member states, particularly their federal police services in the border areas, and on efforts to fight the illegal trade in drugs and arms, terrorism and money laundering, as well as environmental crimes and bio-piracy.<sup>202</sup> In order to facilitate a more efficient control of the trade in the pharmaceutical products and chemical substances that are potentially used for the production of drugs, the Mercosur nations have committed to informing each other regarding the export of these products<sup>203</sup>.

Thus, this third period has marked the emergence of a renewed convergence of regional views on what the current security agenda should and does include. Furthermore, a security governance structure made up of a vast number of regional institutions (in this case Mercosur) has been set up as a product of this security consensus. However, as Daniel Flemes points out, there have been a number of shortcomings that have made the implementation of efficient cooperation in transnational crime issues in general, and on terrorism in particular, difficult to achieve. For example, many Mercosur states lack clear distinctions between military and police security forces: some federal police services are housed at defense ministries, and armed forces and military intelligence services are often legally assigned to repress organized crime. Also, the relationships between these security forces are sometimes marked by considerable rivalry, which hinders collaboration even at the national level. In addition to the overcoming of these

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<sup>201</sup> Daniel Flemes and Michael Radseck, "Creating Multilevel Security Governance in South America", *GIGA Institute of Latin American Studies*, Working Papers, No 117, 2009, p. 27.

<sup>202</sup> *Ibidem*.

<sup>203</sup> *Ibidem*.

shortcomings of the national security sectors, legal harmonization at the regional level is vital for operative police cooperation<sup>204</sup>. Governments have frequently perceived the extent of the threats posed by organized crime and terrorism differently. In addition, the domestic legal competence of the armed forces and the police varies from state to state, making coordination sometimes difficult. In this sense, the gap between formal agreements and intentions, on the one hand, and effective adoption and implementation of policy, on the other, is sometimes wider than it might first appear<sup>205</sup>.

## **Conclusion**

The paper argued that there has been an evolution of a regional security consensus since the project of Mercosur was first envisaged in the mid-1980s, and that Mercosur had an important role to play in building this consensus. This is explained by using the securitization theory which leads to the emergence of a security governance in Mercosur, which is an important player in the security dynamics of South America. However such governance is rather limited because of the intergovernmental nature of Mercosur. So while there is cooperation and coordination, it seems that states, (particularly Brazil) are reluctant to limit their influence. While a purely security governance model is weak in explaining regional security within Mercosur and thus to a certain extent in the whole region, a couple of strong points such as increasing levels of mutual trust and the of joint regional initiatives must be noticed. This particular point, if added to the model developed by Buzan and Ole Wæver will better explain the security and relatively peaceful relations that South America enjoys.

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<sup>205</sup> Andrea Oelsner, “Consensus and Governance...”, *op. cit.*, p. 209.

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