
When good intentions do not go too well: assessing the role of the Latin American Parliament in the achievement of socio- economic development in Latin America

*Buenas intenciones, pero no demasiado: evaluación de la función
del Parlamento Latinoamericano en el logro del desarrollo socio-
económico en América Latina*

RECIBIDO EL 19 DE JUNIO 2014 / ACEPTADO EL 10 DE SEPTIEMBRE 2014

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Abstract: Formally conceived as a permanent organization that benefits from its own juridical status and corresponding privileges and immunities according to its establishing treaty, the Latin American Parliament ('Parlatino') represents an ambitious project for the enhancement of regional integration and cooperation in the Latin America and Caribbean region ('LAC'). Parlatino's numerous failures and modest successes have resulted from its intergovernmental nature and reflect the circumstance that the organization constitutes a process for cooperation, rather than a real institution with definite powers and the means for enforcing them. The author traces the origins and history of Parlatino, follows developments through the operation of its internal bodies –in particular the Permanent Commissions and the Board of Directors– and assesses Parlatino's accomplishments especially in the areas of socio-economic cooperation. The author concludes, in view of the diverse interests of its members, that Parlatino's enduring focus on a relatively limited number of countries from the Latin-American region will continue to deprive this institution of a chance of real success in this region, especially in the field of socio-economic cooperation.

Keywords: Latin America and Caribbean region; Parlatino; Civil Society; Fundamental Rights and Freedoms; Socio-economic cooperation.

Resumen: Concebida formalmente como una organización permanente que se beneficia de sus propios privilegios e inmunidades de acuerdo con su tratado constitutivo, el Parlamento Latinoamericano ('Parlatino') representa un ambicioso proyecto para la mejora de la integración y la cooperación regional en la región de América Latina y el Caribe. Numerosos fracasos y éxitos modestos han resultado de su naturaleza intergubernamental que reflejan que esta organización constituye un proceso de cooperación, en lugar de una verdadera institución con poderes definidos y medios para hacer cumplir sus funciones. El autor traza los orígenes y la historia del Parlatino, sigue la evolución a través del funcionamiento de sus órganos internos –en particular, las Comisiones Permanentes y el Consejo de Administración– y evalúa los logros del Parlatino sobre todo en los ámbitos de la cooperación socio-económica. El autor llega a la conclusión, a la vista de los diversos intereses de sus miembros, que el Parlatino reconocido en número relativamente limitado de países de la región latinoamericana continuará privando a esta institución de una posibilidad de éxito real en la región, especialmente en el ámbito de la cooperación socio-económica.

Palabras clave: Región de Latinoamérica y el Caribe (LAC), Parlatino, Sociedad civil, derechos fundamentales y libertades, cooperación socio-económica.

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1. INTRODUCTION

The countries of Southern and Central America, namely Argentina, Uruguay, Chile, Paraguay, Bolivia, Brazil, Peru, Paraguay, Ecuador, Colombia, Suriname, Venezuela and Aruba, are located in the economically dynamic and fastest growing Latin America and Caribbean region ('LAC')¹.

In recent years this region has been one of the most dynamic parts of the world economy. Brazil, Mexico, Peru, Paraguay and Chile have emerged as economic leaders². The developing countries of South and Central America have dramatically increased their share of world trade and income³. Chile has launched fundamental economic reforms that could one day make it one of the world's largest economies⁴. Mexico, Brazil (and now Venezuela) on the one hand, and Argentina and Chile on the other, have entered into innovative free trade arrangements that may be models for future global pacts⁵.

The Latin America and Caribbean region holds much promise, despite the financial crisis in 2009 that caused economic and political turmoil among its members. Prior to 2009 the developing countries of South and Central America were some of the brightest spots in the growth picture. They have maintained high growth rates through a combination of rising economic demand and intra-regional trade. Back then, because of their rising incomes,

¹ For a good overview of the progresses and developments in this region see recently Brian W. Blouet, Olwyn M. Blouet, «Introducing Latin America», in W. Blouet, Olwyn M. Blouet (eds.), *Latin America and the Caribbean: A Systematic and Regional Survey* (J. Wiley & Sons: New York, 2011), p. 3 ff; Andres Malamud, Luis de Sousa, 'Regional Parliaments in Europe and Latin America: Between Empowerment and Irrelevance', in Andrea Ribeiro Hoffmann, Anna Van Der Vleuten (eds.), *Closing Or Widening the Gap?: Legitimacy and Democracy in Regional Integration Organizations* (Abingdon: Ashgate, 1998), p. 85 ff.

² See Marlene Lorizio, 'Il nuovo scacchiere internazionale e le economie BRIC', in Antonia Rosa Gurrieri, Marlene Lorizio, Criseide Novi (eds.), *L'ascesa delle economie emergenti. Implicazioni economiche e giuridiche* (Franco Angeli, Milano, 2010), 15 ff; Loris Zanatta, *Storia dell'America Latina contemporanea* (Bari, Laterza, 2010), p. 233 ff.

³ See, amongst others, Laria Alejandra Molina, Carlo Pietrobelli, 'Le determinanti delle capacità tecnologiche in Argentina, Brasile e Cile: un'analisi econometrica', in Antonia Rosa Gurrieri, Marlene Lorizio, Criseide Novi (a cura di), *op. ult. cit.*, p. 1 ff.

⁴ See Ignacio Walker, *Chile and Latin America in a Globalized World* (Chapel Hill: University of North Carolina Press, 2006), p. 20 ff; PENNETTA, P., *Integración e integraciones*, Bogotá Planeta, 2011, p. 263 ff.

⁵ See Thomas Andrew O'Keefe, *Latin American and Caribbean Trade Agreements: Keys to a Prosperous Community of the Americas* (The Hague, Martinus Nijhoff Publishers, 2009), p. 37 ff.

these developing South and Central American countries constituted the most highly coveted markets for investment for the indefinite future and, consequently, the most fertile ground for the establishment of trade relations.

The Organization for Economic Cooperation and Development ('OECD') has estimated that: 'After nearly a decade of continuous expansion, interrupted only in 2009, the most recent projections indicate growth of 3.2% in 2012 and 4.0% in 2013'⁶. Chile, Colombia and Bolivia are growing at five to six percent annually, while western economies lag behind at three percent or lower. At its current rate of growth, Latin America is likely to continue to grow at least twice as fast as the developed world for the next three to five years according to Luis Moreno, the President of the Inter-American Development Bank⁷. The LAC region today is one of the «richest markets in the world», having an impressive combined GDP of \$5 trillion⁸.

The Parlatino forum was born of the need to harness, enhance and develop the burgeoning economic growth and increasing markets in the LAC region. Currently composed of 22 member parliaments, Parlatino is formally like any other regional grouping. It has a formal agreement or treaty binding upon its members. However, it has no rule-making, interpretative, enforcement or adjudicative powers; and it has no unambiguous source of leadership.

Parlatino members are diverse in almost all aspects of economic development, political system and social background. This diversity keeps Parlatino from developing into a more structured or formalized grouping. While the members agree upon a common goal – of promoting open regionalism – they disagree on the means of achieving that goal.

This paper analyzes the role of Parlatino in the achievement of regional cooperation and integration in the Latin America and Caribbean region. After an outline of the relevant international relations (IRs) and regional integration theories, paragraph 2 will trace the beginnings and history of Parlatino,

⁶ OECD, Latin American Economic Outlook 2013 SME Policies for Structural Change, [http://www.latameconomy.org/fileadmin/uploads/laeo/Documents/EN%20LEO2013_%20Pocket%20Edition.pdf] [accessed on 15 May 2013].

⁷ As reported by Lucy Jay-Kennedy, Latin America, an Economic Success, Must Now Focus on Education and Social Inclusion, available at: [<http://www.weforum.org/news/latin-america-economic-success-must-now-focus-education-and-social-inclusion>] [accessed on 15 May 2013].

⁸ See Nesotor A. Toro, 'Latin America's Emerging Trade Empire', The Real Truth: A Magazine Restoring Plain Understanding, 2012, available: [<http://realtruth.org/articles/120625-003.html>] [accessed on 4 May 2013].

following the developments of Parlatino through the work of its internal bodies. Nearly 50 years after its foundation paragraph 3 will assess Parlatino's achievements in the areas of socio-economic cooperation. Paragraph 4 will firstly will endeavor to assess Parlatino's effectiveness in the achievement of its goals and, where possible, will discuss the latest developments in Parlatino. Finally, paragraph 5 will conclude with a summary and the thesis of this paper.

2. INTERNATIONAL PARLIAMENTARY INSTITUTIONS (IPIs) AND REGIONAL COOPERATION AND INTEGRATION: NOTIONS AND APPRAISALS

Conceptualizing International Parliamentary Institutions (IPIs), of which Parlatino is an example⁹ helps to analyze the inherent (and often strong) tensions behind their foundation and functioning. This paragraph focuses on the rationales behind their foundation, the ways in which they are established, the tasks they fulfill and the criteria usually utilized to assess their successes or failures in the light of the social constructivism and liberalist approach to IPIs. Likewise, the functionalist integration schemes will be briefly referred to here since they are also of special significance to the Latin American agenda. An interdisciplinary approach to the general principles will therefore be useful to spot the successes and challenges of Latin American's cooperation and integration processes. Liberalists assert that countries establish international institutions mainly based upon their economic advantages and political calculations¹⁰. The constructivist approach, on the other hand, stresses the significance of common values, rules and knowledge for having institutionalized international cooperation and integration¹¹.

⁹ See Claudia Kissling, *The Legal and Political Status of International Parliamentary Institutions* (Committee for a Democratic UN, Berlin, 2001), p. 15 ff.

¹⁰ See A. Hasenclever, P. Mayer and V. Rittberger, *Theories of International Regimes* (Cambridge University Press, Cambridge, 1997), 23; A. Moravcsik, 'The New Liberalism', in C. Reus-Smit and D. Snidal (eds.), *The Oxford Handbook of International Relations* (Cambridge University Press, Oxford, 2008); R. Keohane, 'International Institutions: Two Approaches' (1988) 32 *International Studies Quarterly* 379.

¹¹ See Diego Sánchez-Ancochea, Kenneth C. Shadlen, *The Political Economy of Hemispheric Integration: Responding to Globalization in the Americas* (Abingdon, Ashgate, 2008), p. 220. See also R. Keohane, 'International Institutions: Two Approaches' (1988) 32 *International Studies Quarterly* 379). Nevertheless, the overall reason behind institutions can be 'interest-based and knowledge-based,' the application of which can vary from region-to-region. A. Hurrell,

Whatever the reason for IPIs, the approaches for assessing the successes (and failures of international institutions, including IPIs, are also criticized. For some authors the compliance with the general principles of an international institution by contracting states is the leading criterion for assessing its effectiveness, but others reject the compliance-centric approach with the argument that international institutions can still exert influence even when there are breaches of norms, thus shaping the conduct of states (including of those who breach their terms)¹².

Issues of enforcing rules and principles are also covered by the discussion. The inherent difficulties of an international institution to produce compliance without being backed by sanctions are the main concerns of the enforcement-centric attitude of realists¹³. This view is rebuffed by neo-liberals who regard sanctions as inappropriate tools for promoting compliance and advocate a cooperative problem-solving system as an alternative to the disciplinary attitude to compliance¹⁴. Remarkably, the constructivists share the refusal of sanctions as pivotal to compliance since they believe that: ‘... conceptions of self-interests held by states...’ must be the essential tool for measuring (and enhancing) compliance.

These approaches can also apply to regional integration and cooperation processes. However, States can also undertake alternative approaches to regional cooperation and integration¹⁵. For instance, they can embrace a federalist approach. By following such an approach, they can establish a ‘supranational authority’ that operates as an active player in political affairs and domestic economy (the so-called federalist approach). Moreover, States can alternatively take a constructivist approach to regional cooperation and integration. This occurs when, at the same time, States reject the emphasis upon

‘The Regional Dimension in International Relations Theory’, in M. Farrell, B. Hettne and L. Langenhove (eds.), *Global Politics of Regionalism: Theories and Practice* (Pluto Press, London, 2005), p. 49.

¹² Amplus A. Hurrell, *op. ult. cit.*, p. 47.

¹³ References are found in O. Okafor, *The African Human Rights System: Activist Forces and International Institutions* (Cambridge University Press, Cambridge, 2007), p. 16 ff.

¹⁴ See George W. Downs, Andrea Trento, ‘Conceptual Issues Surrounding the Compliance Gap’, in Michael W. Doyle, Edward C. Luck (eds.), *International Law and Organization: Closing the Compliance Gap* (Rowman & Littlefield Publishers, Oxford, 2004), p. 19 ff. See also See O. Okafor, *op. ult. cit.*, p. 19, 21.

¹⁵ See ex multis Yomi Akinyeye, *Nation-states and the Challenges of Regional Integration in West Africa: The Case of Nigeria* (Karthala, Abuja, 2010), p. 33 ff.

domestic players in the foundation and effectiveness of institutions and conceive the international institutions as tools for altering fundamentally a State's conceptions of rational action' through the elaboration and dissemination of ideas, values and precepts that cover state interests¹⁶.

The practical meaning of these approaches to regional integration processes cannot be understood wholly in abstract terms. The subsequent paragraphs will thus critically assess and evaluate the institutional and normative framework of Parlatino in the light of the inherent tensions shown by the opposing approaches of constructivism and liberalism.

2.1. *What is Parlatino?*

In a world that is inexorably turning global, where borderlessness is the pattern rather than the anomaly, the multiplication of regional and subregional groupings to enhance socio-economic cooperation is both indispensable and inevitable. The aftermath of the colonial experience saw the appearance in the 1960s of a new concept of Latin America 'associated with a search for a region's role in the world and its political, social and cultural constitution beyond the dominance of the United States'. The ideas developed within the Economic Commission for Latin America and the Caribbean ('ECLAC') regarding the structural restrictions of development on the outer boundary of capitalism were an essential ingredient of this process.

Indeed, import substitution industrialization was the overall approach enacted at the time and a regional base was conceived as essential to this project. It is in this post-colonial environment that Parlatino was born, in 1964.

2.1.1. History of Parlatino

The birth and development of Parlatino can be attributed to three inter-related factors.

First, the increase in intra-regional trade and investment in the LAC region in the 1960s and the corresponding gradual emergence of South and Central American economies such as Argentina, Brazil, Chile, Mexico and

¹⁶ See Finn Laursen (ed.), *Comparative Regional Integration: Theoretical Perspectives* (Aldershot, Ashgate, 2003), ch. 7.

Peru required the establishment of a regional grouping that would maintain and enhance this new phenomenon. Integration and cooperation were advantageous because of the great level of economic interdependence and complementarity of the Latin American countries.

Second, the original member states of Parlatino were interested in creating an international trading system that would be a competitor or alternative to the Free Trade Area of the Americas ('FTAA') which was supported by the United States¹⁷. The belief was that a new approach to trade development in Latin America was vital to contrast all imperialism and fight all forms of colonialism¹⁸. Indeed, the original member states of Parlatino feared that the emergence of regional trading blocs elsewhere, such as the NAFTA and the European Community (now the European Union), would become inward-looking and protectionist and have an exclusionary effect upon the Latin American economies. Parlatino was therefore considered by its original members a fundamental tool to counterbalance these existing regional trading blocs. The original Parlatino member states were also concerned that the GATT Uruguay Round would fail, therefore ruining the –at that time emerging– Latin American economies¹⁹.

Finally, the idea of setting up the Latin American Community of Nations dominated the attention of Parlatino's original members. And Parlatino did accomplish that undertaking. In fact not only did it put the idea forward, but it submitted a number of proposals such as the constituent act of the Latin American Community of Nations in 1995, and made progress in the following years²⁰.

Indeed, Parlatino is the result of clear recognition of the significance of socio-economic cooperation and consultation in the region to sustain its dynamic economic development. Regional socio-economic cooperation in the

¹⁷ Amplius Martin Redrado, Hernan Lacunza, A new approach to trade development in Latin America (Intal ITD Occasional Paper, 2004), pp. 7-59.

¹⁸ *Ibid.*, pp. 7-59.

¹⁹ Indirect evidence of this can be found in that only four of the Latin American Free Trade Association ('LAFTA') countries (Brazil, Chile, Peru and Uruguay) were initially GATT members. See on this issue Oliver M. Libbelink, 'Institutional Aspects of Regional Economic Integration: Latin America' (1991) Hague Yearbook of International Law, p. 92-105; Nathalie Aminian, K. C. Fung, Francis Ng (eds.), *Integration of Markets Vs. Integration by Agreements* (Washington: The World Bank Development Research Group, 2008), p. 2 ff; Katherine Fedelina Mossman, *Regional Economic Integration in Latin America* (PhD thesis, Harvard University, 1997).

²⁰ See below para. 3.

LAC came to the fore when Parlatino, the first interparliamentary institution on the American continent, received its formal constitution (the so called Institutionalization treaty of the Latin American Parliament) in Lima in 1964²¹. In December 1964 a substantial group of heads of government proposed the need for more effective socio-economic cooperation and integration in the LAC. This led to a major Ministerial meeting in the city of Lima in December of 1964 which established the Latin American Parliament. According to one of the paragraphs of the Statement of Lima, signed on that occasion, Parlatino is a permanent democratic institution conveying all political trends existing in the legislative organs of its member states; it is in charge of boosting, harmonizing and channeling the movement towards integration. However, it was only in 1987, when membership stood at nineteen Latin American states, that Parlatino turned into the international institution as we know it today.

2.1.2. The aims of Parlatino

Cooperation within Parlatino is founded on the general principle of mutual benefit and a commitment to open dialogue and consensus building²². In conformity therefore with the Treaty of Institutionalization, namely the constituent charter of the organization, the Latin American Parliament Regulation provides that Parlatino will operate through a process of consultation and exchange of views among representatives of Latin American and Caribbean economies²³, drawing upon analysis and policy ideas contributed by participating economies and other relevant international institutions and actors including the Organization of American States ('OAS'), the Latin American Integration Association ('ALADI'), the Pan American Health Organization ('PAHO') and the International Labour Organization ('ILO')²⁴. Recognizing the fundamental contribution of the private sector to the dynamism of Latin

²¹ For the text of this treaty see the Parlatino's official webpage at: [<http://www.parlatino.org>] [accessed on 3 May 2013].

²² See e.g. Art. II (e) of the Institutionalization treaty of the Latin American Parliament.

²³ See e.g. Art. 7 of the Latin American Parliament Regulation which states that: 'The Latin American Parliament bodies and members shall divulge the principles that inspire the Parliament's performance, as set forth in article 3 of the Statute'.

²⁴ Parlatino has entered into formal agreements with the International Labour Organization ('ILO'), Latin American Integration Association ('ALADI') and Pan American Health Organization ('PAHO'). The texts of these and other international cooperation agreements are available at: [<http://www.parlatino.org/es/convenios-de-cooperacion.html>].

American economies, Parlatino welcomes and advances active private sector participation in appropriate initiatives and activities²⁵.

The rationale behind creating any regional integration effort is to obtain progress in issues which are strictly linked to the economies of the member states. The members are generally searching for developmental goals to be achieved as a result of regional integration efforts. Accordingly, such goals must be decoded into formal acts to pursue the desired objectives. The Latin American Parliament is no exception. The member states of the Parlatino are aiming to achieve this developmental progress through their attempts at socio-economic cooperation and integration. These objectives are indicated in the Treaty of Institutionalization, as well as in several internal acts such as the Latin American Parliament Regulation and the Código de Conducta del Parlamento Latinoamericano.

The main aims of Parlatino, embodied in its establishing act, are as follows:

(a) to inspire the full economic and social development of Latin America and to push forward for it to reach, at the earliest time possible, the entire economic, political and cultural integration of its people;

(b) to defend current freedom, social justice and economic independence and to accomplish representative democracy, adhering strictly to the Principle of non-intervention and free self-determination of its nations;

(c) to be vigilant for the strict respect of fundamental Human Rights, and for them not to be affected in any Latin American State in any way which demeans human dignity;

(d) using all available means, to fight for the empowerment of the Latin American Parliaments to guarantee the constitutional and democratic life of the States as well as to encourage, with the means at hand and without affecting the principle of non-intervention, the re-establishment of those parliaments which have been dissolved; and

(e) to contribute to the preservation of peace, security, and juridical order, and to struggle for world disarmament, denouncing and contesting the arms race and the aggression of those who support the force policy, which is

²⁵ See Gavin O' Toole, *Politics Latin America* (Edinburgh, Person Education Limited, 2007), p. 285 ff.

a policy incompatible with the economic, social, cultural and technological development that is a right of Latin American countries²⁶.

Since the early Parlatino meetings, participants duly stressed that: 'institutional designs available since the 1960s for the region did not express the view developed within the ECLAS (and enacted by the Parlatino original member states) regarding the structural limitations of development on the periphery of capitalism'²⁷ and rejected the traditional focus on the special relationship between the United States and Latin America. All of the participating countries also agreed that the underlying principle of the new institution would be to push forward for it to reach, at the earliest time possible, the entire political, economic and cultural integration of its people²⁸.

2.1.3. The main organizations

The most noteworthy feature of Parlatino from a juridical perspective is that it has a derived and partial international personality *sui generis*. This is the outcome of an increasing mixture of domestic and foreign policy and the wider involvement of Parlatino in Latin American politics and affairs. However, as a result of the long-lasting dichotomy between government and parliament in foreign policy, this international personality remains more restricted to its own inter-parliamentary field of action. It can be maintained that national parliaments as a component of State authority feel that the people are represented regionally by Parlatino, even though it is not always considered as an international subject by governments. This is so despite the fact that this is suggested both by the manner in which Parlatino was established (an international governmental treaty) and also by the Headquarters Agreement of 2007 with Panama.

The Parlatino, which in conformity with international law benefits from its own juridical status²⁹ and corresponding privileges and immunities accord-

²⁶ Art. 3 of the Institutionalization Treaty of the Latin American Parliament

²⁷ (Emphasis added). See also M Nica Herz, *The Organization of American States* (Oas): *Global Governance Away from the Media* (Abingdon: Routledge, 2012), p. 78 ff

²⁸ *Ibidem*.

²⁹ Parlatino has been granted observer status by the United Nations, the Organisation of American States, and the European Union, where it works with the European Parliament. On this issue, see recently Mario Osava, 'POLITICS-LATAM: Community of Nations Remains Goal of

ing to Art. 6 of its establishing treaty³⁰, has always consisted of four main bodies: the Assembly; the Board of Directors; the Permanent Commissions; and the Secretary General. This is since neither the Treaty of Institutionalization, nor the Latin American Parliament Regulation, grant to these bodies the power to establish any sub-agencies even if necessary. According to Art. 13 of the Latin American Parliament Regulation, the: 'Latin American Parliament shall be structured based on a strict relationship between those bodies mentioned in article 10 of the Statute'. This paragraph discusses a brief overview of the functions of these internal bodies and their role in the Latin American Parliament.

Starting with the Assembly, this is comprised of the delegates of each member state and is chaired by the President of the Assembly³¹. It is considered to be the highest authority of Parlatino. The Assembly may hold regular or special meetings, which should normally be at the Permanent Head Office³². Sessions shall be public, except those the Latin American Parliament resolves, by majority, to transform into secret session³³. The validity of any of the Assembly meetings is dependent upon the attendance of one third of the total votes, and the presence of over half of the Members of Parliament³⁴. Article 5 of the Treaty of Institutionalization lays down the functions of the Assembly. The Assembly sets forth the general and major guidelines of the Latin American Parliament³⁵; decides, by two thirds of the votes present, requests for the admission or entry of National Parliaments in the Latin Amer-

Parlatino', available at: [<http://ipsnews2.wpengine.com/2000/03/politics-latam-community-of-nations-remains-goal-of-parlatino/>] [accessed on 13 May 2013].

³⁰ See also Art. 44, para. 2 which states that: 'Such immunities and privileges are extended to delegates, members and employees of the Latin American Parliament while they are performing their duties, as per articles 13, 14, 16 and 18 of Chapters III and IV of said «Head Office Agreement»'.

³¹ Art. 28, para. 1, lett. b) of the Latin American Parliament Statute, [<http://www.parlatino.org/archivo/conteudo.php?id=111&lg=en>] [accessed on 3 May 2013].

³² However Art. 14 of the Latin American Parliament Regulation provides that: 'In exceptional cases, and when the circumstances so determine, the Assembly, the Board of Directors or the Presiding Board of the Latin American Parliament may gather at special meetings at the place and time to be previously established'. It also provides that: 'In the specific case of Permanent Commissions, these may gather outside the Permanent Head Office in a number not exceeding 50% of the total of its annual meetings'.

³³ Art. 15 of the Latin American Parliament Regulation (accessed on 3 May 2013).

³⁴ Art. 20 of the Latin American Parliament Regulation.

³⁵ Art. 19, para. 1, lett. b) of the Latin American Parliament Statute.

ican Parliament, which have been submitted for consideration and resolution through the Board of Directors³⁶; adopts, in agreement with this treaty, the Statutes of the Parliament in which everything is referring to the composition, responsibilities and functions of its bodies. The Assembly also has the power to suspend a member of Parliament, as such, when established points in this treaty are not executed. Furthermore, the Assembly decides where the Parliament's headquarters shall be³⁷.

Articles 15 to 24 of the Latin American Parliament Regulation address the voting system within the Assembly. Each member of the Assembly has one vote³⁸. No member state may represent another member state or vote on its behalf³⁹. The Board of Directors decides whether or not a particular resolution is to be adopted by the Assembly⁴⁰. The Latin American Parliament Regulation, that is the Rules of Procedure of the Parlatino, provides that prior to the beginning of each Assembly meeting, the Board of Directors of the Latin American Parliament shall gather at a special session with the purpose of forming the Commission of Powers of the Assembly, which shall be composed of five parliamentarians selected by lot⁴¹. The Commission determinations must be approved by the majority of votes and its resolutions may be objected to by appeal to the Assembly⁴². Additionally, it is stated in the Parlatino Regulation that in the event that any remark is made and the Board of Directors does not accept it, the next Assembly shall be in charge of deciding on the issue⁴³.

The Board of Directors is composed of one Chairperson, one Deputy Chairperson, one Secretary General, one Deputy Secretary General, one

³⁶ *Ibidem*.

³⁷ Art. 8 of the Treaty of Institutionalization.

³⁸ An indirect confirmation is to be found in Art. 21, para. 1 of the Latin Parliament Regulation which states that: «At the beginning of each Assembly session, the Secretary General, without the need to call nominally the names present in the list, shall take note of the parliamentarians present and inform the President of the quorum...».

³⁹ *Ibidem*.

⁴⁰ Art. 17 of the Latin American Parliament Regulation states that: 'The Board of Directors shall make the call to each regular period of Assembly sessions in writing sixty days prior to instatement thereof, and at such session, the place and time for holding it, as well as subjects, themes or projects proposed to consideration thereof shall be named'.

⁴¹ Art. 18 of the Latin American Parliament Regulation.

⁴² Art. 19 of the Latin American Parliament Regulation.

⁴³ Art. 24 of the Latin American Parliament Regulation.

Secretary of Commissions, one Secretary of Inter-parliamentary Relations and one Secretary of Inter-institutional Relations elected by the Assembly; it comprises also the delegate President and as many Vice Chairpersons as the accredited member congresses⁴⁴. The Board of Directors convenes regular meetings every year⁴⁵, but it can also convene extraordinary meetings based on an invitation by request of at least one third of its members.⁴⁶ Unlike the Assembly, the Board of Directors' meetings are considered valid if attended by at least half plus one of its members⁴⁷. However, the Board of Directors' agreements, recommendations or resolutions shall be approved by a simple majority of votes present thereat⁴⁸. Art. 26 of the Latin American Parliament Statute states the functions of the Board of Directors, which include: (1) promoting the approximation and incorporation of national Parliaments of the Latin American States that are not part of the Organization; (2) deciding, at a referendum of the next Assembly Meeting, requests for admission or entry received from national Parliaments of the Latin American States; (3) informing the Assembly of well-grounded requests for suspension by five or more member Parliaments against another Parliament that does not possess the requisites required in the present Statute, or that has acted or voiced itself contrarily to the principles and purposes of the Latin American Parliament. In this procedure, the interested person shall be granted the right to a hearing pursuant to the terms set forth by the Regulation; (4) inviting observers and special guests to take part in the Assembly sessions and in works of any other Entity body, and they will be limited to having the floor according to the form and terms set forth by the Regulation; (5) preparing documents on works concerning the agenda subjects so that they are distributed in a timely manner and used as a basis for developing the works of the Assembly, Board of Directors or Commissions; (6) expediting and maintaining relations with legislative, government, regional or sub-regional bodies, as well as with all agencies, bodies

⁴⁴ Art. 22 of the Latin American Parliament Statute.

⁴⁵ See also Art. 17 of the Latin American Parliament Regulation which states that: 'The Board of Directors shall make the call to each regular period of Assembly sessions in writing sixty days prior to instatement thereof, and at such session, the place and time for holding it, as well as subjects, themes or projects proposed to consideration thereof shall be named'.

⁴⁶ Art. 24, para. 1 of the Latin American Parliament Statute.

⁴⁷ Art. 24, para. 2 of the Latin American Parliament Statute. See also Art. 27 of the Latin American Parliament Regulation.

⁴⁸ Art. 24, para. 2 of the Latin American Parliament Statute.

and international organizations with which the Latin American Parliament expresses its intention to establish links. It is therefore evident that the Board of Directors plays a vital role in the organization of Parlatino.

Articles 32 to 44 of the Latin American Parliament Regulation constitute its third chapter and contain the provisions relating to the structure and functioning of the Permanent Commissions. These Commissions are defined in the Parliament Regulation as the Latin American Parliament's specialized body with the duty of analyzing, studying and researching political, social, economical, cultural, legal, labor, fundamental rights, health, environment, agricultural, cattle raising, utilities and corruption issues, in addition to subjects related to women, childhood, youth, elderly people, ethnic groups and all themes that are of interest to Latin America⁴⁹. Art. 34, para. 1 of the Regulation specifically deals with their composition and reads as follows: 'Member Parliaments will integrate Commissions in which they wish to take part in with two representatives, providing prior notice and accreditation at the Secretary of Commissions' Office'. Voting in the Permanent Commissions is also addressed in detail in the Latin American Regulation. The Regulation indicates that conclusions made by the Permanent Commissions are normally adopted by consensus⁵⁰. It provides, in fact, that: 'if such conclusions are not adopted by consensus, a detailed report of the voting with the counting thereof, if any, will be attached to the report'⁵¹. According to Art. 41, para. 3 of the Regulation: 'In its turn, the Board of Directors will, if considering relevant to do so, submit to the Assembly the themes addressed by the Commissions in the form of agreements, statements or resolutions'. In fulfilling their roles, the Permanent Commissions 'comprising different matters' such as the Environment and Tourism Commission, the Labor, Social Security and Legal Affairs Commission and the Indigenous Peoples and Ethnical Groups Commission can institute: 'a sub commission... with a specific name in order not to convene the entire commission'⁵². Decisions taken by such

⁴⁹ Art. 33 of the Latin American Parliament Statute.

⁵⁰ Art. 41 of the Latin American Parliament Regulation.

⁵¹ *Ibid.* See also Art. 42 of the Regulation which states that a: 'Member of a Commission may abstain from voting, making a record at the end of each document or in an attached writing, whenever he/she has taken part in the deliberations and voting. In case she/he has not taken part in such voting, he/she may prepare a notice later'.

⁵² Art. 38 of the Latin American Parliament Regulation. See also Art. 36 of the Regulation which provides that: 'The Board of each Commission may create the sub-commissions it deems expedient, upon prior consultation with the Secretary of Commissions' Office'.

sub commissions will be fully valid, without need of being ratified by the corresponding commission' according to Art. 38 of the Latin American Parliament Statute. So in accomplishing their tasks, the Permanent Commissions have very wide latitude as to the subjects they may discuss. But this has not always been so. The powers of the Permanent Commissions –like those of the Assembly– are thus extensive in scope but limited in effect. The principal function remains that of making recommendations to the Board of Directors and Assembly and thus indirectly to the member states⁵³. Indeed, this can also be interpreted as including the power to adopt recommendations to restricted groups of states and to other international institutions. The efforts of the Permanent Commissions to increase their influence in spite of their limited powers constitute an important element in the evolution of the Latin American Parliament. The Permanent Commissions are already recognised as a mouthpiece of Latin American public opinion and also as an important factor in its formulation.

Moving on to the Secretariat-General's Office, this is composed of a Secretary-General and other necessary assistants (one Deputy Secretary General⁵⁴ and one Executive Secretary)⁵⁵. In the words of Art. 35 of the Latin American Parliament Statute, the Secretary-General 'is an entity responsible for the permanent articulation, coordination and supervision of the Latin American Parliament' and is appointed 'for a period of the time necessary and indispensable for the perfect compliance with their duties'⁵⁶. The functions of the Secretariat-General are explained in Art. 45 of the Latin American Regulation. The Secretariat-General should *inter alia*: (a) attend all meetings of the Assembly and Board of Directors, as well as those of its Presiding Board, to draft the respective minutes, reproducing them and making them circulate to receive approval or suggestions from parliamentarians or participant members; (b) collaborate on the regular development of activities or works of bodies

⁵³ See e.g. Art. 39 of the Latin American Parliament Regulation which states that: 'Parlatino members, observing their national laws, will conduct the acts necessary to include agreements and resolutions approved by Parlatino in the agendas of their Parliaments. At meetings of each of the Commissions where they act, they will inform of the conducts taken for compliance with such obligation'.

⁵⁴ Art. 46 of the Latin American Parliament Regulation states that: 'The Deputy Secretary General, under article 46 of the Statute, shall replace the Secretary General in case of vacancy or temporary absence'.

⁵⁵ Art. 45 of the Latin American Parliament Regulation. On the role of the Executive Secretary, see Art. 39 of the Latin American Parliament Statute.

⁵⁶ Art. 37 of the Latin American Parliament Statute.

and of the Advisory Board; (c) comply with other determinations approved by the Assembly, by the Board of Directors or the Presiding Board; (d) propose to the Presiding Board, upon prior communication to the interested person, the application of measures in view of the unjustified absence from meetings convened by chairpersons, vice chairpersons and secretaries that are members of commissions; and (e) propose to the Presiding Board, upon prior communication to the interested person, application of disciplinary or administrative measures in view of the unjustified absence of one or more Congresses from meetings convened by Parlatino bodies or of the notorious delay in payment of their annual maintenance fees. The Secretariat-General plays a vital role in the organization of the Parlatino.

3. ACHIEVEMENTS OF PARLATINO

The ambiguity surrounding the qualification of Parlatino as the ‘Parliament’ of the community of Latin American and Caribbean states, in the absence of any real normative powers of this organization and despite its independent status since its very inception⁵⁷, has not totally undermined its achievements. Even the lack of decisive leadership among its member states has not hindered it from achieving a relative degree of success.

In general, Parlatino has been successful in encouraging contacts with other parliaments and it is clearly oriented towards the quest for social justice, freedom and democracy, upholding fundamental rights and the full participation of people in the processes of modernization. Furthermore, it has also been successful in enhancing socio-economic cooperation among its member states by supplying a geopolitical forum for diplomacy, dialogue and confidence-building. For instance, Parlatino was recently able to maintain high level contacts between its member states and Brazil and China in particular, contacts which it would otherwise have been more complex to manage⁵⁸.

⁵⁷ On the independent status of the Parlatino, see Andrés Malamud and Luís de Sousa, ‘Regional Parliaments in Europe and Latin America: Between Empowerment and Irrelevance’, in Andrea Ribeiro Hoffmann and Anna van der Vleuten (eds.), *supra*, n. 1, p. 92, also stressing that: ‘Unlike other regional assemblies such as the Parliamentary Assembly of the Council of Europe, though, Parlatino is not the representative, deliberative or decisional body of any regional organization’ (emphasis added).

⁵⁸ Sjna English, ‘Top legislator, Latin American Parliament chief meet on ties, politics’, available at: [http://english.gov.cn/2006-09/02/content_376031.htm] [accessed on 3 May 2013].

In particular, Parlatino has succeeded in establishing agreements on co-operation and joint action with numerous and influential international governmental and non-governmental organisations⁵⁹. Indeed, the promotion of international agreements on cooperation and joint action is the quickest means of enhancing economic growth in the LAC. Consequently, forty years after its founding Parlatino seeks to achieve a Latin American community of nations and peoples not detached from the international community as a whole.

In addition, as part of the close cooperation with the project that supports the Hunger-Free Latin America and the Caribbean Initiative ('IALCSH') and FAO Legal Office, the Parlatino has provided technical support for the preparation of the 'Framework Law on the Right to Food, Food Security and Sovereignty', which is the first legislative framework to recognize the Right to Food from the supranational sphere⁶⁰.

Finally, in the financial economic area, Parlatino has given its support to Ecuador's audit of its foreign debt in 2008⁶¹. Since various Parlatino member states are currently suffering because of the global financial crisis, the development of a Latin American strategy to have the foreign debt of all of the Parlatino member states made more transparent is a goal worth achieving. However, its achievement would depend on developing this strategy to include a mechanism for modifying a system that has turned into a factor for economic submission and social exclusion⁶².

4. PROSPECTS FOR THE FUTURE OF PARLATINO

In the final analysis, the Parlatino's enduring lack of decisional powers fifty years after its foundation shows that this is more of a process than an institution. Thus far the Latin American Parliament has kept its institutional

⁵⁹ See Mario Osava, *supra*, n. 19.

⁶⁰ See INCAP Websites, 'The Right to Food as officially recognized by the Latin American Food and Nutrition Surveillance Law', available at: [<http://www.incap.int/index.php/en/2012-04-10-19-01-58/strategic-actions/636-the-right-to-food-as-officially-recognized-by-the-latin-american-food-and-nutrition-surveillance-law>] [accessed on 10 May 2013].

⁶¹ ALC, 'Latin American Parliament gives important support to the audit of Ecuador's foreign debt', available at: [<http://www.alcnoticias.net/interior.php?lang=688&codigo=13054&PHPSESSID=917acda7198ffdf3b7369520331ad3a2>] [accessed on 3 May 2013].

⁶² *Ibidem*.

mechanisms to a minimum. Parlatino member states consider the substance, rather than form, as more relevant to its activities and identity.

However, despite its age Parlatino is still at a relatively early stage of evolution, and only time will indicate the direction in which it can progress. It is worthwhile considering these possible scenarios in the evolution and development of Parlatino.

Logically speaking, the first possible scenario is the maintenance of the existing state of affairs. In other words, Parlatino member states will continue to enhance their cooperative socio-economic programs and carry on integrating their political systems and economies, largely through their own internal initiatives but partly as a result of Parlatino's activities and process. Political and economic integration in the LAC is likely to be the final outcome of market and political driving forces rather than Parlatino initiatives. Indeed the maintenance of the existing state of affairs will probably require some degree of institutional development. Thus, while holding to its commitment to open regionalism and the current consensual decision-making process, Parlatino may need to strengthen its institutional architecture. Clearly, one way of obtaining this is to move towards a more hierarchical and power-driven institutional model.

Parlatino might develop toward the model of the EU Parliament that has law making powers. This idea has already been suggested in early legal writings⁶³ and recently it has also been enhanced in some of Parlatino's official comunicués⁶⁴.

Nevertheless, this scenario is unlikely since it runs counter to Parlatino's general *modus operandi* that is the promotion of legal harmonization through the development of model laws⁶⁵. Furthermore, for political reasons a Latin American Parliament that holds law making powers would be unfeasible. First, it presupposes the existence of a 'Latin-American community of nations and peoples' that it is hard to achieve at present⁶⁶. Second, it presupposes a

⁶³ See e.g. B. Paredes, 'El parlantino y la integración latinoamericana' (2000) 8 Revista del Senado de la República, pp. 13-17.

⁶⁴ See 'Day of the Latin American and Caribbean Unity' (2012) Bulletin on the Integration of Latin America and the Caribbean, available at: [http://www.sela.org/attach/258/default/Boletin_175_INGLES.pdf] [accessed on 20 May 2013].

⁶⁵ Art. 4 (e) of the Latin American Parliament Statute.

⁶⁶ Amplus Jonathan R. Barton, *A Political Geography of Latin America* (Abingdon: Routledge, 1997), 14 ff.

better-defined set of competences and objectives and thus a far too complex and time-consuming revision of the Treaty of Institutionalization and its accompanying acts and instruments. Thirdly, it presupposes the better functioning of Parlatino in practice. The Board of Director quorum is half plus one of its members, and often it is not achieved. Fourth and lastly, it presupposes a membership enlarged to include Haiti (the only independent French-speaking country of the Americas), the French overseas departments (French Guyana, Guadeloupe and Martinique) and the three Dutch-speaking members (Suriname, Aruba and the Netherlands Antille)⁶⁷.

Obviously, the final option could be stagnation and disintegration. Parlatino could stagnate due to disagreement among its member states as to the pace and scope of political and economic integration in the LAC. In the absence of any meaningful momentum on at least some of the areas of Parlatino's agenda, it may prove hard to maintain political leaders' attention.

Parlatino might also fall apart and radically change if a recession in the Latin American and Caribbean region were to lead Parlatino member states' interests so far apart as to destroy complementarity and consensus altogether.

5. APPROACHES TO THE FUTURE PROGRESS OF PARLATINO

Due to the coexistence of both Latin American and Caribbean member states in Parlatino, there are two separate approaches to Parlatino's possible progress: the 'Latin American' approach and the 'Caribbean' approach⁶⁸.

The traditional and long-standing approach of Latin American countries embodies an institutional view that stresses legalistic structures and operates under great expectations⁶⁹. In this perspective member states must cede some of their sovereignty to Parlatino, supporting efforts towards its transformation

⁶⁷ References are in Andrea Ribeiro Hoffmann, Anna van der Vleuten (eds.), *Closing or Widening the Gap?: Legitimacy and Democracy in Regional Integration Organizations* (Abingdon, Ashgate, 2007), p. 91 ff.

⁶⁸ For a thorough discussion on the similarities and differences of the Caribbean and Latin American approaches to socio-economic integration see amongst others José Briceño-Ruiz, 'The Caribbean: Regional Unity in a Context of Diversity', in Andrés Rivarola Puntigliano, José Briceño-Ruiz (eds.), *Resilience of Regionalism in Latin America and the Caribbean: Development and Autonomy* (London: Palgrave Macmillan, 2013), ch. 3.

⁶⁹ See Jeffrey W. Cason, *The Political Economy of Integration: The Experience of Mercosur* (Abingdon: Routledge, 2011), p. 28 ff.

into a mandatory multilateral decision-making organization⁷⁰. Emblematic of this approach are the continuous references by Palatino official members and bodies to political and economic integration in the LAC as the main goal of the institution⁷¹. Moreover, equally emblematic of this view is also the invocation of real powers for Parlatino⁷². In brief, the «Latin American» view espouses institutionalization, which is the evolution of the Parlatino from simply ‘another international parliamentary assembly’ into a unique supra-national parliament with real decisional power. Applying the Latin American approach, the EU Parliament would possibly become a feasible model for the Parlatino⁷³.

The ‘Caribbean’ approach, on the other hand, is more conservative and cautious, resting upon peer pressure⁷⁴. While the process is admittedly slower, advocates of the «Caribbean» approach argue that this is the only one that can foster confidence and nurture reciprocity and voluntary concession-making, considering the degree of development and the interests of Parlatino member states of such diversity⁷⁵. Adherents of the «Caribbean» approach believe that it is the only way by which the Parlatino –like other international regional organizations– may grow⁷⁶.

To achieve a reasonable compromise between these two conflicting approaches, it is necessary to blend the two views. Without real normative powers in the Assembly and/or the Board of Directors, no one in Parlatino can mandate the implementation of either approach. Nevertheless, in the interest of socio-economic cooperation in the LAC, member states must come to an agreement concerning the amalgamation of both approaches.

⁷⁰ See B. Paredes, *supra*, n. 63, p. 13 ff.

⁷¹ See the Parlatino’s official website at: [www.parlatino.org/archivo/conteudo.php?id=34&lg=en?]

⁷² See Mario Osava, *supra*, n. 19.

⁷³ *Ibidem*.

⁷⁴ Amplius Ian Boxill, *Ideology And Caribbean Integration* (Toronto: Univ of West Indies Pr., 1997), p. 7 ff.

⁷⁵ See D. E. Lewis, ‘The Latin Caribbean and Regional Cooperation: A Survey of Challenges and Opportunities’ (1995) 4 *Interamerican Studies*, p. 25 ff.

⁷⁶ See e.g. J. M. Briceno Gurrero, ‘El Caribe: la Integración incompleta’, in José Briceno Ruiz, Ana Marleny Bustamente (eds.), *La integración latinoamericana: entre el regionalismo abierto y la globalización* (Mérida, Venezuela: Universidad de Los Andes, Consejo de Publicaciones, 2002), p. 225 ff; Carlos Alzugaray Treto, ‘La Integración de la Cuenca del Caribe desde la perspectiva de la construcción de regiones como fenómeno político actual: barreras y actores’ (2008-2009) 7 *An. Integr. Reg.*, p. 235 ff.

6. FINAL REMARKS

The Parlatino can be viewed more or less harshly. Its critics point out that a regional parliament must be the final outcome of successful integration and not an instrument for its pursuit. More benevolent appraisals regard the Parlatino as an encouraging step forward and see the signs of its possibly central role for the future. Once established, institutions tend to generate effects that are autonomous from the member states that formed them. Therefore, the Parlatino, not very differently from the European Parliament and the Andean Parliament, has the potential to turn itself into a booster of cooperation and integration and take on wider powers with time.

However, more than anything else, Parlatino is a reflection of Latin American values, culture and contradictions. Indeed this is not surprising, since the majority of its member states are Latin American rather than Caribbean. That Parlatino endorses the 'Latin American' approach illustrated above is manifested in its statutory objectives that are Latin American integration, self-determination of nations and defence of democracy. However, as mentioned earlier, this is partially contradicted by its mode of action. Indeed Parlatino is heavy on process and light on institutions. In other words, Parlatino works on the basis of consensus, rather than contract.

The future of Parlatino is still uncertain fifty years after its inception, making it a lively issue for discussion⁷⁷. Nevertheless, several writers on the matter conjecture that Parlatino will maintain its fundamental principles of openness and political and ideological plurality as foundations of a democratically organized Latin American community⁷⁸. In brief, it will most likely keep its approach to its statutory issues politically prudent, since Member States have fairly tepid commitments to Latin American integration processes. In other words, Parlatino will most likely keep its present status quo with additional institutional developments⁷⁹.

⁷⁷ See Francisco Gutiérrez, *Construyamos la integración Centroamericana* (Heredia, Costa Rica: Editorialpec, 1998), p. 25 ff; Ana Elena Townsend (ed.), *Un mundo sin pobreza ni exclusión: el cumplimiento de las metas del milenio y el papel de los Parlamentos en América Latina* (Lima, Congreso del Perú, 2006), pp. 50-70.

⁷⁸ See amongst others Augusto Diego Lafferriere, *Rol del Parlamento en la Política Exterior Nacional* (Buenos Aires, 2007), p. 87 ff; José María Vidal Beltrán y Joan Prats Catalá (eds.), *Gobernanza: diálogo euro-iberoamericano sobre el buen gobierno* (Madrid, Colex; Instituto Nacional de Administración Pública, 2005), p. 163 ff.

⁷⁹ Indeed this is indirectly confirmed by the absence of proposals for reforming Parlatino submitted as yet to its assembly.

To the extent that Parlatino is predominantly Latin American, it is a tool for regional cooperation among its Latin American members. To the extent that Parlatino is founded on openness, it is a model for future regional institutions all over the LAC.

The recent political and financial crises in Latin America have tested the strength of Parlatino members' idea of Parlatino's meagre effectiveness. The outcome has been an unsatisfactory level of support for Parlatino. Indeed, the result is the product of an institution that greatly lacks credibility and decisional powers.

Regional cooperation in the LAC may at last be falling into place. The socio-economic cooperation that Parlatino laboriously tries to enhance may finally be the answer to the Caribbean's suffering economies. At the same time, regional cooperation is also the answer to Latin America's stronger economies' search for markets and much needed labor force. The symbiotic relationship between Latin America and the Caribbean countries is alive in Parlatino.

Regional cooperation brings forth economic wealth⁸⁰. Wealth engenders strength. Therefore, the results of regional cooperation in the LAC through Parlatino could lead to greater strength in this region, making it a force to be reckoned with in the forthcoming future⁸¹. However, this will only be possible if a radical reform of the institution, providing it with real decisional powers and clearer, better defined competences, is finally undertaken⁸².

⁸⁰ See amongst others Stephen Woolcock, 'Regional Economic Diplomacy: The European Union', in Nicholas Bayne, Stephen Woolcock (eds.), *The New Economic Diplomacy: Decision-Making and Negotiation in International Economic Relations* (Aldershot: Ashgate, 2007), p. 221 ff.

⁸¹ On economic integration in the LAC, see recently: 'The past twenty years of trade policy: what we have learned so far and what are the lessons for Latin America?', in Michael Hart, Joseph A. MacKinney, H. Stephen Gardner (eds.), *Economic integration in the Americas* (Abingdon, Routledge, 2008), p. 13 ff.

⁸² See also José Viñals, 'What Lessons for Latin America from European Institutional and Economic Integration?', *idem* (ed.), *Regional integration in Europe and Latin America: monetary and financial aspects* (Aldershot: Ashgate, 2003), p. 204 ff.