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Clarissa Dri Franzoi

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# Building the Mercosur Parliament: integration on European patterns?

Clarissa Dri <sup>1</sup>

*Keywords: Mercosur, institutional mimesis, regionalism, integration.*

## ABSTRACT:

*The presidents of Mercosur member states signed in December 2005 the Constitutive Protocol of the Mercosur Parliament (Parlasur). The new assembly was officially installed in December 2006 and began its work sessions in May 2007. Although the Parliament's functions and competences are not large in comparison to national chambers, it will be formed through directly elected representatives, its composition relatively proportional to the population of each member state and the organization of the parliamentary work should rely on political groups rather than on nationality. Where do these features come from? How should one interpret the creation of a parliamentary assembly within an organization that aims to constitute no more than a common market? This paper underlines the role of European regionalism in the rise of the Mercosur Parliament. Considering the frequent and close contacts established between parliamentarians from European Union (EU) and Mercosur, it is analyzed how the EU worked as a model to Parlasur builders.*

*This argument is based on the ideational approach to political analysis proposed by Goldstein and Keohane (1993). Although it presents some risks and limits, neglecting the role of ideas in political actions would miss an important component of the political world (Hall, 1989:362). In moments of institutional change, the availability of certain ideas may be crucial to the final political outcome. Ideas seem also to have a particular significance in mimetic mechanisms, for they include not only exportation but also importation policies. If the process of reproducing political institutions requires both an active promotion by the model producers and a demand from the importers, its understanding may require the combination of interests and institutional adaptation with received or incrustated ideas.*

*The article proceeds as follows. The first section provides the theoretical bases for the analysis through a brief literature review regarding the role of ideas in politics. The second section applies these criteria to the historical development of Parlasur, trying to identify moments and features which define the influence of the European ideal. It is based mainly on newspaper reports and public minutes of meetings containing relevant political declarations of the actors involved in the Parlasur project. The last section presents some reflections on the use of the European model in Mercosur. Does it fit the needs of this particular region? The analysis of the role of Parlasur in the last political crises which Mercosur has gone through provides insightful elements in this regard.*

## THE ROLE OF IDEAS IN POLITICAL MIMESIS

Institutional mimicry can be defined as a form of social engineering distinguished by the importation of external institutional technologies which are rebuilt by exporters and importers and constantly reinterpreted through competing political strategies

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<sup>1</sup> Clarissa Dri is a Ph.D. candidate at SPIRIT, Science Politique Relations Internationales Territoire, Sciences Po Bordeaux, University of Bordeaux, France.

(Darbon, 1993 : 119-120). Three main elements emerge from this conception. First, institutional mimesis is almost always an affair of elites, who have material possibilities to get in touch with foreign practices. These exchanges are facilitated by informal networks of experts, scholars and policy-makers from different continents who share similar references and values (Mény, 1993 : 20-22). Second, the envisaged model is often an ideal one, engendered by the representation held by importers. The difficulties and limitations of the institution in its original environment are frequently neglected (Darbon, 1993 : 120). Finally, the mechanism of mimesis implies transformation and adjustment to the new context. Local needs and previous experiences will define the process of institutional appropriation and reinvention (Mény, 1993 : 10). “Like a graft, the imported technology is progressively rejected or assimilated by the organism. If there is no reaction regarding the strange body, it becomes ineffective after a process of deviation or escapism” (Darbon, 1993 : 120).

This notion comes from the fact that every political system tends to search for inspiration in existent models. If institutions rise and change in a world already full of them, the conditioning by previous frameworks is inevitable (Hall and Taylor, 1997 : 490). Institutional mimesis can thus occur among systems either with similar or different political standards and levels of industrialization. The latter was verified, for instance, during the processes of decolonization: in general, ex-colonies fashioned their new regimes with the features of colonizer countries. This context of unequal rapports revealed antagonisms between modernity and “lack of civilization”, cultural refinement and “uncultivated” usages. Institutional mimicry allowed the construction of legitimizing ideologies which opposed dominant models and imperfect copies (Darbon, 1993 : 114). Contemporary, in spite of the proclaimed respect to cultural diversity, the occidental state still claims a universalistic vocation which produces cultural dependency and defines the current “international order” (Badie, 1992).

The classical work of DiMaggio and Powell (1983) identify the mechanisms through which institutional isomorphic change occurs. *Coercitive isomorphism* results from both formal and informal pressures exerted on organizations by other organizations upon which they are dependent and by cultural expectations in the society within which organizations function. *Mimetic isomorphism* takes place when organizational technologies are poorly understood, when goals are ambiguous or when the environment creates symbolic uncertainty. In these cases, organizations may model themselves on other organizations. *Normative isomorphism* is related to professionalization, understood as the collective struggle of members of an occupation to define the conditions and methods of their work, to control the production of producers and to establish a cognitive base and legitimation for their occupational autonomy. According to them, institutional mimesis is thus a response to uncertainty. However, it is argued here that the reproduction of a model may also result from the causes that engender coercitive and normative isomorphisms. When this is the case, the role of ideas is determinant. External pressures or professionalization can lead an organization to copy another one, if there is a well-known model that allows the economy of human action and represents a clear solution.

Several researches conducted mainly from the nineties on (Goldstein, 1988; Hall, 1989; Sikkink, 1991; Risse-Kappen, 1994; Vennesson, 2004; Madrid, 2005; Thomas, 2005) show that ideas, defined as beliefs shared by individuals, have an influence over policy-making (Goldstein and Keohane, 1993 : 3). When studying the European integration, authors point out, for instance, the role of the “united Europe”

ideal in the communitarian construction (Garrett and Weingast, 1993 : 205); the significance of political leaders' beliefs about macroeconomic strategy in the evolution of the monetary cooperation (McNamarra, 1998); the weight of the "democratic ideology" in the progressive reinforcement of European Parliaments' powers (Costa and Magnette, 2003) and, more specifically, the use of ideas by European deputies during the European Convention debates (Costa, 2008). These recent studies reconsider the ideational approach in the analysis of institutional change, where it had been neglected to some extent. Indeed, the three traditionally recognized new institutionalisms in political science – rational, historical and sociological (Hall and Taylor, 1997) do not leave much space for ideas. They consist of a vague concept, difficult to measure and to be proved, which is therefore often considered to be surpassed by interests, path dependency and other explaining factors. But as it happens, some political outcomes cannot be sufficiently explained by these traditional elements: they have actually shown to be more efficient at explaining continuity than change (Schmidt, 2010 : 2). It is true that ideas often become politically efficacious when in conjunction with other changes, either in material interests or in power relationships (Goldstein and Keohane, 1993 : 25), or, to put it in a different way, when there is a policy window (Costa, 2008 : 38). If they are there at the right moment, they may have a decisive weight in political decisions, for they lay behind, as normative orientations, of many strategies employed by actors.

Goldstein and Keohane consider three types of beliefs: world views, principled beliefs and causal beliefs (1993 : 8-11). As *world views*, ideas correspond to broad cultural or political options and define the universe of possibilities for action, having their broadest impact on human action. *Principled beliefs* consist of normative ideas that specify criteria for distinguishing right from wrong and just from unjust. *Causal beliefs* determine cause-effect relationships which derive authority from the shared consensus of recognized elites and thus provide guides for individuals on how to achieve their objectives. In practice, these three aspects of ideas are linked: "causal beliefs imply strategies for the attainment of goals, themselves valued because of shared principled beliefs, and understandable only within the context of broader world views" (Goldstein and Keohane, 1993 : 10). Also, changes in causal beliefs happen more often and faster than changes in principled beliefs and world views. Besides establishing which kind of ideas matter, the authors point out their possible links with political outcomes (Goldstein and Keohane, 1993 : 11-24). First, ideas may serve as *road maps*: causal ideas help determine which of many means will be used to reach desired goals and therefore help to provide actors with strategies with which to further their objectives; embodied in institutions, they shape the solution for problems. As *focal points*, ideas help to alleviate coordination problems arising from the absence of unique solutions, which may happen when actors must choose between sets of outcomes without having objective criteria on to base their choice. Lastly, ideas can also influence policy-making when they *become institutionalized*. Once ideas have influenced institutional design, their impact may be prolonged for a long time. In this case, it is interesting to understand how one set of ideas rather than another comes to be institutionalized.

This paper assumes that ideas constitute active ingredients in the organization of experience and in the interplay of political positions and are thus closely implicated in political argument, understanding and action (Foley, 1994 : 1). It argues therefore that the European ideal is among the factors that explain the creation of Parlasur, the so-called parliament of Mercosur. Because of a special conjuncture, this idea came to be "performative", as a shared belief that ended up provoking a particular outcome. The objective here is not to over-determine the role of ideas; on the

contrary, it is asserted that the conditions that allow the play of ideas are highly dependent on an array of enabling circumstances related to issues of power, institutional arrangements, place, timing, history, economics and culture (Risse-Kappen, 1994 : 187; Ikenberry, 1993 : 85; Garrett, 1993 : 203; Hall, 1989 : 362; Weir, 1989 : 56-59). The following section tries to establish the positioning of ideas within the special scenario that allowed the rise of a parliament in Mercosur.

## **THE EUROPEAN IDEAL BEHIND THE CONSTRUCTION OF PARLASUR**

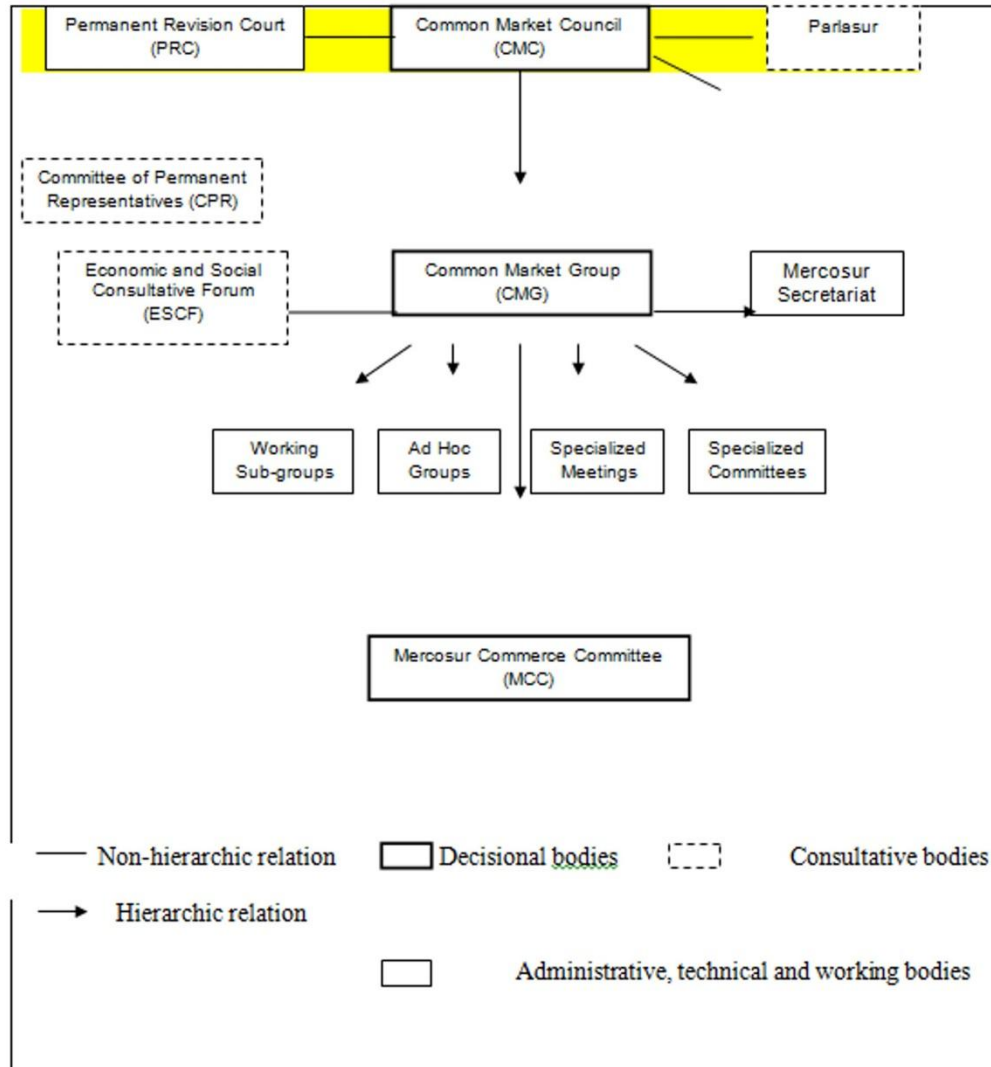
Since the 1960s, its constructors and theoreticians started to consider European integration as a model with a potential for being exported to other continents. Paradoxically, the critique of the ambiguities and the debilities of the European example of integration has always been accompanied by a strong optimism about its potential virtues to other regions of the world (Costa and Foret, 2005 : 507-508). Therefore, Community institutions progressively developed an exportation policy of their conceptions and mechanisms, due to technical and financial support from the states desiring to embark on the regional venture. Fostering regional cooperation was thus one of the first initiatives of the European Community in the international field (Smith, 2008 : 76). In South America, after the Andean experience European delegates turned themselves to Mercosur, which is a product of commercial negotiations carried out by Latin American Integration Association (LAIA) members. LAIA was created in 1980 with the general objective to promote trade liberalization among Latin American countries. Its relatively complex institutional design and stable Secretariat contributed to increased connections among its members. The Asunción Treaty, constitutive of Mercosur, was signed in this context in March 1991.

Links with Europe were developed since these very initial moments: a month after its creation, ministers of foreign affairs of Mercosur countries visited the European Commission to express their interest for closer relations with the European Community. In 1992, during the Portuguese presidency, the first informal ministerial meeting took place between the Community and Mercosur. In the same year, the Inter-Institutional Agreement between the EC and Mercosur was signed, as well as more detailed bilateral cooperation agreements between EC and the four members of Mercosur. These events are related to a renewal in Community policies towards Latin America, stimulated by the implementation of the common market in Europe and by the bilateral arrangements resulting from the World Trade Organization's Uruguay Round (Ventura, 2003 : 381). The commercial cooperation was expanded to broad economic and political issues, a fact that was made clear in the Interregional Framework Cooperation Agreement between EU and Mercosur, reached in December 1995 during the Spanish presidency. It covered three main areas: politics, cooperation and economics, including technical assistance and inter-institutional aid to foster integration in the new bloc and a formalized political dialogue between the parties. Negotiations concerning the creation of an interregional free trade area were launched in 1999, as part of the project for an association agreement. This series of events contributed to introduce the regionalism built in Europe as a sort of world view among Mercosur political elite. Other mechanisms to deal with the globalized economy arose, but the European way softly made itself visible and inter-twined with conceptions held by some actors of South American integration.

Originally, Mercosur builders searched for a soft and agile structure and expressly avoided a complex institutional design, opting for WTO's patterns rather than those of the EU (Ventura, 2003 : 104). However, the reinforced relations of the

following years have eventually conducted to a relatively successful mimetic process of some instruments of European integration (Medeiros, 2000 : 343-8). This combination resulted in the current institutional structure:

**Figure 1. Simplified Institutional Structure of Mercosur<sup>2</sup>**



The CMC is responsible for the main political decisions and is constituted by the ministers of foreign affairs and economy of the member states. CMG and MCC are the executive branches, formed by diplomats and officials from ministries and central banks. The latter assists the former in policy-making regarding commercial issues. CMG's structure includes a large number of thematic committees and workgroups. The ESCF represents the economic and social sectors of Mercosur. It is formed by an equal number of representatives of each member state, usually from labor unions, business syndicates and productive sector associations. It can present recommendations to CMG. The CPR, meanwhile, is an organ led by a political personality who may follow the integration process and offer advice to Mercosur authorities. The Permanent Revision Court seats in Asunción. It is made up of five arbitrators who can be requested at any time to review Ad Hoc Court judgments or

<sup>2</sup> Source: Adapted by the authors from Malamud, 2003: 55.

directly decide on conflicts among member states. The Mercosur Secretariat, placed in Montevideo, is the organ of the CMG's structure that accomplishes the main administrative and technical responsibilities.

The Mercosur Parliament replaced from 2007 on, the Joint Parliamentary Committee (JPC), which represented national parliaments and had consultative functions. It was formed by sixteen deputies from each national congress who used to meet twice a year. One of its statutory attributions was to develop the required actions to the installation of the Mercosur Parliament. JPC inherited the format of the parliamentary committee created by the Treaty for Cooperation, Development and Integration signed by Brazil and Argentina in 1988. Its purpose was to allow the following of negotiations by a delegation of parliamentarians that would afterwards supposedly facilitate the ratification of the agreements in national chambers. In a moment of democratization after decades of authoritarian regimes in Mercosur countries, new governments could not keep ignoring the role of parliaments.

The fact that the objective of creating a regional parliament dates back to the birth of Mercosur has made both projects suffer from similar difficulties and benefits. By the end of the 1990's, the creation of the Free Trade Area of the Americas (FTAA) was considered a sort of threat to Mercosur. The negotiations with the United States were progressing and were frequently mentioned in national debates related to Mercosur. The Brazilian government's sympathy to the idea was well-known, as well as the incompatibility of FTAA with a stronger Mercosur or with the agreement Mercosur-EU<sup>3</sup>. Additionally, popular mobilization in Brazil was substantial: social movements and left-wing parties have organized periodic demonstrations and even an informal national plebiscite which rejected the agreement with the United States. But to some politicians, the only way to reverse the tendency was a new government. It happened in 2002 with the election of Luiz Inácio Lula da Silva (Partido dos Trabalhadores). At the same time, historical opposition forces arrived at the government in Argentina and Uruguay, respectively with Néstor Kirchner (Partido Justicialista) in 2003 and Tabaré Vázquez (Frente Amplio) in 2004. These governments were considered "convergent in the promotion of social questions, like the fight against hunger, poverty and inequality. They do not think only about economic growth, but also in distributing resources"<sup>4</sup>.

Among the team in charge of the foreign policy of his government, Lula has nominated diplomats and politicians who have supported the non-participation of Brazil in FTAA and who have kept close contacts with other left-wing South American parties. In an open meeting organized in the Chamber of Deputies in 2001, the current secretary-general of the Ministry of Foreign Affairs compared the FTAA and UE models and concluded Mercosur would be the best option if it envisages economic union, free movement of workers, structural funds, supranational institutions and other European features. In other new governments of the region, Mercosur also became a priority<sup>5</sup>. In 2005, during the forth Summit of the Americas,

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<sup>3</sup> Samuel Pinheiro Guimarães and José Botafogo Gonçalves (diplomats) and Confucio Moura (deputy - Partido do Movimento Democrático Brasileiro), open meeting about FTAA and Mercosur, Brasília, September 9<sup>th</sup> 2001; Dr. Rosinha (Partido dos Trabalhadores), *Cartilha Mercosul – um ABC*, 2007.

<sup>4</sup> Luiz Inácio Lula da Silva, "Tengo mi conciencia tranquila", *El País*, Montevideo, October 1<sup>st</sup> 2006.

<sup>5</sup> Néstor Kirchner, "Kirchner assume e faz duro discurso", *Época*, Rio de Janeiro, May 26<sup>th</sup> 2003; "Gobierno electo y partidos acuerdan la política exterior", *El País*, Montevideo, February 4<sup>th</sup> 2005; "Canciller afirma que Uruguay priorizará el Mercosur y la Comunidad Sudamericana", *La República*, March 1<sup>st</sup> 2005; Dr. Rosinha (deputy - Partido dos

the bloc decided to suspend negotiations for the Free Trade Area of the Americas, refusing to conclude a deal that did not include limitations to US subsidies to agricultural industry. The acceptance of Venezuela to Mercosur after the reelection of Hugo Chávez (Movimiento V República/Partido Socialista Unido da Venezuela) in 2006 and the election of Fernando Lugo (Alianza Patriótica para el Cambio) in Paraguay in 2008 have contributed to enlarge the distance of the bloc from the FTAA.

Meanwhile, parliamentary relations between Europe and Mercosur were going strong. Since its beginning, JPC searched for closer relations with the European Parliament (EP), which actively corresponded to the contacts. From 1991 to 2006, more than 30 meetings between parliamentarians from Mercosur and from the EU were organized (Dri, 2010), resulting in declarations on cooperation and on the creation of a parliamentary assembly in Mercosur. No other international or national assembly developed such systematic and rigorous contacts with the South American bloc. The EP was not a major actor in the EU's foreign policy field, but its competences have been increasing due to strong mobilization of its members. By using parliamentary diplomacy means and alternative powers, such as deliberative, accountability and budgetary, the EP has progressively made itself more listened by the Commission and the Council in international relations matters (Costa and Dri, 2010). The international legislative network (Slaughter 2004 : 104) formed by EP and JPC representatives influenced Commission's policies towards the support for Mercosur institutionalization and allowed JPC's members to apprehend the history, the functions and the daily activities of the European Parliament. The parliamentary dimension of the European Union was thus known by the actors of the Mercosur Parliamentary Committee since its early moments. In this context, the approximation with the European Union appeared as an alternative to the North American influence through the reinforcement of integration (Santander, 2008 : 138-139; Telò, 2005 : 185). Mercosur governments seem to have concurred to the causal belief according to which following European Union's steps and reaching a bi-regional agreement "had a strategic importance to the project of strengthening Mercosur"<sup>6</sup>. This idea was thus used as a road map by actors willing to reinforce Mercosur in order to face FTAA: a Parliament was missing in Mercosur, it would represent an important symbolic institutional achievement and did not directly imply hard concessions as the sharing of sovereignty. Regional integration may be driven by the convergence of interests (Malamud and Schmitter, 2007 : 9), but in this case a particular belief pointed out where to aim for.

The year of 2003 was decisive in the conformation of Parlasur. It was when deputies rejected the proposal of a "merely decorative Parliament"<sup>7</sup> and "presidents said" a more ambitious idea was possible<sup>8</sup>. But the consolidation of the project was

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Trabalhadores), ordinary meeting of the Brazilian section of JPC, Brasília, April 28<sup>th</sup> 2005; Tabaré Vazquez, "Presidente uruguayo invita a países árabes a aumentar su comercio con la región", *La República*, Montevideo, May 11<sup>th</sup> 2005; Tabaré Vazquez, "Presidente de Uruguay pide mayor voz para su país y Paraguay en el Mercosur", *El País*, Montevideo, May 13<sup>th</sup> 2005; Marco Aurélio Garcia (special assistant of the Brazilian presidency for foreign affairs), "Asesor del presidente brasileño reconoce reclamos del Uruguay por asimetrías", *La República*, Montevideo, March 2<sup>nd</sup> 2007.

<sup>6</sup> Danilo Astori (Uruguayan minister of economy), "Uruguay propuso que el Mercosur instrumente armonización tributaria", *El País*, Montevideo, June 19<sup>th</sup> 2005.

<sup>7</sup> Roberto Conde (Uruguayan senator – Frente Amplia), "Nace el Parlamento del Mercosur: 'Estamos ante a un cambio de época'", *La República*, Montevideo, May 6<sup>th</sup> 2007.

<sup>8</sup> Alfredo Atanasof (Argentinean deputy – Partido Justicialista), verbatim report of the III Plenary Session of Parlasur, Montevideo, June 25<sup>th</sup> 2007.



postponed to 2005, when, besides Lula and Kirchner, Tabaré was in the presidency. Here the similar broad ideological perspective shared by these governments was framed by their geopolitical and economic interests. If a deeper regional integration process was always desired by Paraguay and Uruguay, the smaller and less industrialized countries of Mercosur, Argentina and Brazil had been more reluctant. Their weight in the international arena had been increasing, as well as the possibilities to see their demands listened in bilateral or multilateral commercial negotiations. They wanted Mercosur insofar as they can at times put it aside to protect their economy or to maximize their individual international pretensions. For instance, at the time of Parlasur's creation, Brazil was sending troops to Haiti to coordinate the humanitarian mission of United Nations and fostering the debate about a permanent seat in the Security Council, which raised assumptions about its leadership intentions in South America. Argentina had publicly disapproved the Uruguayan government's decision to install cellulose industries close to the Uruguay River, and border Argentinean citizens started to block bridges linking both countries in order to obstruct the way of people and goods into Uruguay. Among other bilateral arrangements, Brazil and Argentina signed, out of the Mercosur ambit, the Mechanism for Competitive Adaptation, which allows the taxation of certain commodities if national productive sectors are in risk. This behavior was clearly disliked by Paraguay and Uruguay, which entailed negotiations for bilateral free trade agreements with the United States showing the same disregard for Mercosur treaties as the bigger partners. In this conflictive scenario, the plan concerning the Parliament rose as a focal point, an option that reached the assent of all parts despite their different motivations. Indeed, Brazil and Argentina found in the idea a way to demonstrate they were still interested in Mercosur without deepening the economic integration<sup>9</sup>; Uruguay and Paraguay expected the assembly to be able to compel their neighbors to invest more in the regional project (Caetano, 2006). A first achievement for the smaller countries was the creation of structural funds in the same year the Parlasur Protocol was signed, which was an ancient demand of smaller countries to balance economic asymmetries in the bloc.

In a different register, the example of the European Parliament motivated civil servants and deputies who had been involved for years in the parliamentary dimension of Mercosur. Officials from JPC or national parliaments working with integration issues had an interest in the reinforcement of their positions. The general knowledge about the European Parliament's role in pushing forward the European integration, in controlling the executive organs and in calling the attention of citizens supported a belief about a cause-effect relationship between the Mercosur Parliament and the strengthening of the bloc as a whole<sup>10</sup>. This causal belief stimulated the use of the EP model as a road map which offered a strategy to guide the action. For some Mercosur deputies, investing in integration with a political prospect consisted of a more desirable alternative than constituting a simple free trade zone. This ideologically-orientated reasoning flourished once left-wing forces arrived to elect a considerable number of representatives together with the new governments. In this case, the European ideal worked as well as a principled belief: European regionalism offered parameters judged as better than the North American ones.

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<sup>9</sup> Régis Arslanian (Brazilian ambassador to ALADI and Mercosur), "Banco del Sur podría ser el primer paso para una moneda común en el Mercosur", *La República*, Montevideo, May 28<sup>th</sup> 2007; Samuel Pinheiro Guimarães (secretary-general of the Brazilian ministry of foreign affairs), Opinión – "¿Cómo se define el Mercosur actual?", *El País*, Montevideo, December 10<sup>th</sup> 2007; Sérgio Abreu (ex-minister of foreign affairs of Uruguay), Opinión – "¿Cómo se define el Mercosur actual?", *El País*, Montevideo, December 10<sup>th</sup> 2007.

<sup>10</sup> Oscar Casal (former secretary of JPC), "Parlamento del Mercosur: sin levantar vuelo", *Mercosur ABC*, Buenos Aires, May 9<sup>th</sup> 2008.

Therefore, the influence of the EU over the institutional development of Mercosur is also felt in the case of the Parliament. EU may shadow other examples because it is certainly the most significant and far-reaching attempt at regionalism (Malamud and Schmitter, 2007 : 4). In fact, “European integration” is an off-cited term of political discourse in occidental countries. “States, governments, political leaders, parties and private agents have had to determine their attitude towards European integration and the development of the European Community as an economic space and a political arena” (Laffan, 1994 : 111). Consequently, the European model has always been more or less present in the imaginary of elites who conduct Mercosur. Ideas related to this single experience were thus available at the moment of conceiving a parliament (Weir, 1989 : 54). This explains why models from Andean Community, Central American integration, Africa or Asia were not used: they were simply not presented to Parlasur builders. The European Parliament example was not chosen, it was perceived as unavoidable in this field.

The shared belief regarding European integration has led Mercosur towards a process of reproducing the institutional framework of the European Union regarding parliamentary issues. This isomorphism was stimulated as a response to uncertainty, as new governments were facing conflictive situations and looking for means to promote Mercosur instead of the FTAA. Institutional convergence can contribute efficiently and in a cheap manner to the achievement of results similar to the ones of the model (Mény, 1993 : 17-18). Additionally, the dependence on the support from a single institution and the reduced number of available institutional models may also explain isomorphism in this case (DiMaggio and Powell, 1983 : 155). The fact that the EU had been an important financial and technical supplier to JPC since its beginning is closely related to this institutional mimesis (Dri, 2010). But the choices made in decisive moments relied exclusively on Mercosur institutions and actors, which limits the weight of EU’s particular transfer policies and support the ideational approach proposed by this paper. The activities carried out by the European Commission and the European Parliament contributed to progressively give substance to the general knowledge on the European Union detained by Mercosur actors, which was then processed and used in a policy window as a productive idea.

### **POLITICAL CRISES IN MERCOSUR: IS EUROPE THE GOOD MODEL?**

In spite of the influence of the European model in the construction of Parlasur, the South American assembly does not display the same characteristics in terms of organization, actors and powers of its European counterpart. The example of the European Parliament served as a motivation for Parlasur builders, and both assemblies do have similarities concerning elections, proportional composition and ideological organization, which represent important innovations in the Mercosur context. Nonetheless, most of its operational details were defined according to national parliamentary experience, which does not plead for strong legislatures if one considers the presidential systems in which they are immersed. In addition, the current functioning of the assembly is framed by the logic of Mercosur, which is an intergovernmental organization. As governments chose not to transfer sovereignty to the regional level, there is no sectorial supranationality and all decisions are taken by consensus. Regional law does not take primacy over national rules nor can be applied to individuals or states without internalization in the national juridical systems, for which its binding character is precarious. As a product of these broad structure, Parlasur was born with no legislative or accountability powers, and is constantly constrained by Executive’s actions in the national or regional ambits. In order to infer to what extent a more rigorous application of the European

parliamentary experience would be useful in the case of Mercosur, the paper analyzes two conflictive situations that properly reflect the scenario of political struggle in the region.

The first case is related to the construction of two cellulose-processing plants next to the Uruguay River. The Uruguayan government, interested in enriching the economy, authorized in 2005 the installation of the industries without consulting Argentina, and, therefore, infringing the Uruguay River Statute signed by both countries in 1975. Some Argentinean politicians, considering the episode as an electoral opportunity, stimulated a public debate based on the fear of the potential environmental damages caused by the industries. By the end of 2005, massive protests raged along the Uruguayan-Argentine border. Bridges linking frontier cities were blocked, adding a trade variable to an environmental conflict. During 2006, several means within different regulatory arrangements were adopted by both countries in order to solve the dispute. After the insufficiency of diplomatic negotiations, Uruguay required the manifestation of the Organization of American States to assure the freedom of movement over the obstructed bridges. Argentina decided thus to refer the case to the International Court of Justice, alleging the disrespect of the rules concerning the Uruguay River and the potential contamination of the water. Meanwhile, within the Mercosur dispute settlement system, the ad hoc court decided that Argentina should adopt measures in order to prevent particular actions that could damage other states, which was not accomplished by Argentinean authorities.

In 2007, when the King of Spain was called in to mediate the conflict, the issue was raised in the Mercosur Parliament. By this time, judicial decisions had not been of much help and both countries turned back to bilateral diplomatic efforts. Since the beginning of the conflict, Uruguay tried to deal with it in the Mercosur political ambit. Argentina has never agreed with this position and has successfully avoided the discussion by using its right of veto in the agenda-making of the bloc, besides counting on Brazil's omissive support (Ventura, 2006). In the end of the 4<sup>th</sup> Plenary Session (August 7 2007), a Uruguayan deputy managed to include this point on the agenda. Some deputies considered that "the Parlasur is the best institution to deal with, to debate, to analyze and mainly to try to minimize the effects of this conflict"<sup>11</sup>, considering that "this Parliament has representatives from four states which have sufficient independence from the Executives"<sup>12</sup>. But the majority of Argentinean, Uruguayan and Brazilian parliamentarians argued "this issue is being considered in another ambit that counts on all the pertinent studies, with the participation of Executives. It is not competence of this Parliament to analyze the question"<sup>13</sup>. A Brazilian senator left things even more explicit by asking "why are we going to complicate ourselves in an issue we cannot solve?", considering "internal problems" should not be discussed in the Parlasur since representatives are not supposed to defend there their party's interests<sup>14</sup>.

Combined with a long procedural discussion on the newly approved Rules of Procedure, the *papeleras* conflict was once more raised during the 5<sup>th</sup> Plenary Session (September 3 2007). Again, the debate was polarized. On the one side, a group of parliamentarians affirmed "the Parlasur, with representatives from four member states, cannot continue to pretend there is no conflict between Argentina and Uruguay, [...] cannot continue to ignore the violation of the freedom of movement

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<sup>11</sup> Germán Cardoso, Partido Colorado, Uruguay. Extracts from the minutes of the meetings.

<sup>12</sup> Gustavo Borsari, Partido Nacional, Uruguay.

<sup>13</sup> Graciela Bar, Partido Justicialista, Argentina.

<sup>14</sup> Pedro Simon, Partido do Movimento Democrático Brasileiro, Brazil.

stated by the first article of the Asunción Treaty. Why have we created this supranational parliament? To improve the commercial and cultural relationship, but also to solve conflicts between member states. Otherwise, there is no reason for this Parliament to exist”<sup>15</sup>. They required a parliamentary dialogue arguing “the ministries have failed, ministerial diplomacy has failed, the task was not well performed”<sup>16</sup>. Pro-government parliamentarians, on the other side, reiterated negotiations were developing between the Executives<sup>17</sup>. The Uruguayan ministry of foreign affairs came to the Parliament this day in order to present the planning of the Mercosur temporary presidency and did not mention the dispute, neither received any questions from the members of the Parliament. By this time, the factories had opened and protests continued in a less troubling degree.

If debate was avoided in the cellulose plants case, the same behavior was not observed in another conflict situation, this time involving Brazil and Paraguay: the Itaipu Binacional. The hydroelectric power plant was constructed during the seventies in the Paraná River, which divides both countries. In 1973 Brazil and Paraguay signed the Itaipu Treaty to regulate the exploitation of the plant, which belongs equally to both countries and supplies nowadays 90% of the energy needs of Paraguay and 20% of Brazil. According to the document, 50% of the produced energy belongs to each of the partners, which can sell to each other the non-used amount: that is the case of Paraguay. Paraguayan authorities have been advocating, with more emphasis during the presidential campaign of 2007, a revision of the Treaty. They argue the conditions are not fair to the country, considering that it was signed during the dictatorship period. The main requests are more transparency over the financial administration, the co-management, the beginning of the supplementary works established by the Treaty, an increase on the tariffs of the energy sold to Brazil, an audit on the Paraguayan debt related to the construction of the plant and the possibility to trade energy with other countries.

This issue has been raised in the Parlasur by the Paraguayan delegation since its very beginning. Differently from the cellulose plants case, in this one the subject came up in almost every plenary session and deputies did not refuse discussing it. By the end of 2007, two parliamentarians from Brazil and Paraguay presented a formal request of an open meeting to discuss the hydroelectric plant. In the same period all the members of the committee of infrastructure and energy sources of Parlasur visited the plant. In mid-2008, the recently elected Paraguayan delegation submitted to the Parliament a project of declaration on Itaipu, which has not yet been appreciated by the plenary. By this time, the Brazilian Executive agreed to constitute a negotiation committee. The Parlasur decided thus to establish a working group to follow negotiations, with three representatives from Brazil and three from Paraguay. A few months later the open meeting was celebrated in Montevideo, with the participation of the directors of the plant and Mercosur parliamentarians. In May 2009, president Fernando Lugo visited his Brazilian homologue but they did not reach an agreement. Finally, in July 2009, during the Mercosur summit in Asunción, both governments signed a joint declaration that establishes an increase on the price Brazil pays for the Paraguayan energy and allows Paraguay to sell the supplementary energy in the Brazilian free-market and, from 2023 on, to commercialize the energy with other countries. More Brazilian investments in the neighbor state are also part of the deal.

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<sup>15</sup> Gustavo Borsari, Partido Nacional, Uruguay.

<sup>16</sup> Adriana Peña, Partido Nacional, Uruguay.

<sup>17</sup> Alfredo Atanasof, Partido Justicialista, Argentina.

During the Parlasur open meeting, there was a consensus on the importance of the parliamentary debate in the Mercosur ambit. "I have not heard here voices saying this is a bilateral problem; I have found a positive and open attitude from both countries. [...] Problems of Mercosur member states are not only related to the single countries involved, but consist on problems for the whole bloc" . In comparison to the papeleras case, in this one parliamentarians have shown a desire to organize their own ways to deal with the conflict. Another important difference is that in the Itaipu conflict members of the Mercosur Parliament had a prominent actuation in the national ambit. For they are constantly in touch with regional issues and with their Paraguayan colleagues in Montevideo, Brazilian deputies in Parlasur understood that reaching a agreement regarding Itaipu would be crucial to regional integration. Consequently, they acted in order to diffuse this message to their national counterparts, receiving Paraguayan diplomats and deputies to discuss the revision of the Treaty and also voting a favorable report on the bill that establish the increase of the tariffs Brazil pays to Paraguay . But the autonomy from national governments was once more limited, considering the positions of deputies were coincident with the perspective of their respective Executives. In the words of a Brazilian deputy, "the Parliament was very important in the Itaipu issue. Our ambassador to Mercosur used to pass us Brazil's positions in order us to have the counter argumentation when Paraguayan deputies would argue. So, it functions as well as a tension absorber" .

The comparison of both situations reveals that a stronger model of parliament could have been useful in the first case, while the current configuration of Parlasur efficiently contributed to an easier solution to the second one. In the cellulose plants case, the Parliament assumed a retiring position, opting, despite a few contrary voices, not to interfere in an important regional conflict whose effects are still felt in diplomatic relations between Argentina and Uruguay. Here the adoption of European Parliament's guidelines would have served a more emphatic role of Parlasur, especially in what comes to majority voting in the agenda-setting process and binding decisions. In the Itaipu case, the Parliament chose to be involved in the debate even it did not have any guarantees of the effect of its actions. As it happened, the parliamentary debate on the regional sphere contributed to smooth the way for an agreement between Brazil and Paraguay on the power plant issue. Nevertheless, if Parlasur had more important accountability powers over the Mercosur structure, it could have contributed to socially enlarge the debate and democratically organize political, social and economic interests converging on the case. Here the European model was perhaps not crucial, but could have contributed to enhancing social legitimacy of regional integration.

However, the reproduction of the EP's characteristics in Mercosur is not only hardly feasible but also relatively desirable. As the consociational approach reveals, the European integration is characterized by multiple layers of conflicting interests and a great variety of actors which implies its reproduction involves more than institutional engineering and cooperation among elites (Costa and Foret, 2005 : 502-503). In fact, it would require similar historical and cultural conditions which underpinned the project of a unified Europe. Additionally, the lack of relations between the two regions since the World War II produced a sort of idealization of the European example. A segment of the political elite within Mercosur, willing to neutralize North American influence, turned to Europe's "humane governance model" as an alternative to the US dominant paradigm (Grugel, 2004). But the European supranational political system still presents relevant limitations that rely on the gap between "the failing model of the nation state - which it cannot duplicate -

and a logic of international organization which lacks any real popular legitimacy” (Costa and Foret, 2005 : 513).

## CONCLUSION

“The Mercosur Parliament gets up on the wrong side of the bed”. These are the words used by the Uruguayan newspaper *El Observador* to refer to the first plenary session of the new assembly<sup>18</sup>. The headline is due to the position of political sectors in Uruguay which petitioned the Supreme Court regarding the unconstitutionality of Parlasur. They argued that direct elections for this organ are against the Uruguayan Constitution, underlining that a political association with bigger countries do not correspond to the interests of Uruguay. But more than a legal conflict, the situation issued from a political dissonance between the left-winged majority and the opposition parties. In the same report, the former president Luis Lacalle (Partido Nacional) affirmed the conformation of this organ as related to circumstantial political motivations, in an explicit reference to ideological affinities existent among Mercosur governments in mid-2000s. As this paper has shown, this point of view reflects a clear-sighted appraisal of the political struggle in the region, but it is not sufficient to understand the rise of Parlasur for the place of ideas in this process of institutional change is non-negligible. It has been argued that the European ideal of integration affected the rise of Parlasur, which was enabled by a series of historical, political and institutional elements. Further research is required to evaluate more in depth the relations between EP and Parlasur and to identify additional external and internal factors that converged to the building of the latter. This article has offered indications of how certain beliefs derived from the European integration became concrete in the development of the parliamentary dimension of Mercosur.

The paper also addressed the consequences of this mimetic process. As the European model is hardly exportable, the transplant of single institutions born in the European Union into Mercosur encloses at least a double risk. First, copying an institution out of its context will probably produce effects different from the ones verified in the original case. Second, the expected effects may derive from an idealization of the model due to the ignorance of its real conditions. It may be the case of Parlasur, where procedural asymmetries regarding the EP do not tend to produce similar political effects. The organization of both assemblies and the behavior of the members are slightly different, which is occasioned by historical, economic and political differences between European Union and Mercosur. In spite of a general inspiration in the rules of procedure of the European Parliament, the organization of Parlasur committees is closer to national parliaments than to the EP; during plenary sessions, deputies sit according to nationality, not according ideological affinity; transnational political groups still do not have much influence; bureaucratic work in the secretariat is marked by national differences; the bureau changes every six months, according to the temporal presidency of Mercosur; and parliamentary powers are not being explored.

The European Parliament remains for now more an abstract model rather than a daily source of inspiration. It influenced the creation of Parlasur, but so far the process of its institutionalization has corresponded with Mercosur practices (national divisions) combined with national chambers traditions (legislative power as secondary). Nevertheless the European experience could at least provide insightful guidelines on how to reinforce the parliamentary dimension of South American regionalism.

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<sup>18</sup> “El Parlamento nació con el pié izquierdo”, *El Observador*, Montevideo, May 7<sup>th</sup> 2007. Available in [www.observa.com.uy](http://www.observa.com.uy).

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