

Análisis crítico de los esquemas de integración en América Latina y el Caribe

Critical analysis of the schemes of integration in Latin America and the Caribbean

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Resumen: El presente artículo aborda el comportamiento de los esquemas de integración experimentados en América Latina y el Caribe con el propósito de demostrar a través del análisis comparado las limitaciones de los mismos para enfrentar de manera sostenible el desarrollo y la erradicación gradual de la pobreza, tema al que se le debe prestar especial atención en la asignatura Derecho Internacional Público perteneciente a la carrera Derecho.

Palabras clave: Esquemas de integración; Cooperación internacional; Política internacional; Cooperación regional

Abstract: This article is about the behavior of the integration schemes in Latin America and the Caribbean; it makes a critical comparative analysis of them with the aim of determining their weaknesses to face in a sustainable way, the development and gradual eradication of poverty, an issue that should receive special attention to be taught as part of the subject International Public Law, of the Law syllabus.

Keywords: integration schemes; International cooperation; International politics; Regional cooperation.

Introduction

The term international cooperation refers to the set of actions that derive from the exchange flows that occur between different national societies in the search for shared benefits in the areas of economic development and social welfare, or that derive from the activities that they carry out both the international organizations that make up the United Nations System and those of a regional, intergovernmental or non-governmental nature, in compliance with particularly defined international interests. The international cooperation thus described is understood as the mobilization of financial, human, technical and technological resources to promote international development. (Méndez, 2011)

The knowledge of the Public International Law, constitutes a basic tool in the formation of the jurist, when becoming a necessity in the current international context, expression of the unipolarity and the neoliberal globalization of the current system of International Law.

Through its study, the student is given the necessary legal preparation to correctly analyze the norms, institutions and doctrines of contemporary international law.

In our country the teaching of Public International Law has a long tradition in Higher Education, and it is currently the defense of this Law a bulwark of our Revolution.

The inclusion of this subject in the syllabus of the subject aims to identify the general characteristics of Public International Law as a regulatory subsystem of the whole system of international relations, as well as the mastery of its methods of analysis. This sub-topic is included in topic III "International cooperation relations", for which it is established:

Skills system:

Critically analyze the mechanisms and institutions of Public International Law in such a way that it directs its activity in the defense of the principles of International Law.

Values system:

Contribute to the formation and consolidation of the jurist's ethical values, especially those related to responsibility, political and social commitment, anti-imperialism, patriotism, solidarity and honesty, respect for the norms and principles of international law, foreign law , as well as humanism.

The aspiration to unite the countries of Latin America has developed under the sign of different economic and commercial interests and the external pressures of the great powers. Emerging from a past of colonial exploitation and favored by the intimate connection of the peoples of the South of the United States and a long common history, Latin American unity has been formed over several centuries of struggle against foreign oppression.

In the Latin American region the existence of great differences among the countries is evident, therefore, any integration process that is experienced in the region must take into account the

existing disparities and work based on the reduction of them if they want to obtain relevant results.

Latin America, through its own efforts, has tried and sought integration mechanisms, although they have not always been adequate and the expected results have not been obtained. However, it is an attempt by the peoples to unite in pursuit of the satisfaction of their common interests.

Integration models such as CARICOM play an important role in this struggle. The Bolivarian Alternative for the peoples of the Americas (ALBA) is of great importance, of invaluable significance in this task, against the harmful integrationist models for Latin America such as the FTAA, in a state of total discredit, and the FTAs, initiatives of the United States.

The present article aims to demonstrate through comparative analysis the limitations of the integration schemes experienced in the Region to face in a sustainable way the development and the gradual eradication of poverty.

Development

In order to carry out a critical analysis of the integration processes, it is essential to study them from an open perspective, identifying both their strengths and weaknesses.

Obstacles in the integration process of Latin America and the Caribbean

The integration processes experienced in Latin America and the Caribbean today face several challenges, obstacles and even threats; some have their genesis in the historical evolution of the continent. They are of various kinds, but directly affect the successful development of integration processes.

The first obstacle is referred to structural factors, which are given by the design of economies, from the stage of colonization. The geographic area that today comprises Latin America and the Caribbean was first colonized by Spain and Portugal, later the territories that comprise the insular Caribbean that were occupied by other colonial powers such as Great Britain, Holland, France and the United States, were not left out of that deal.

In such a way the Latin American and Caribbean colonial system was structured in order to satisfy the enrichment needs of the Spanish, Portuguese aristocracy, as well as the aggressiveness

of other metropolises that, taking advantage of the opportunity, appropriated the remaining territories that were abandoned in a certain way by Spain and Portugal. A central element that could be indicated as an injury to the development of the region was the policy of Spain not to promote the exchange between their colonies, thus preventing them from trading or having any kind of economic contact, thus causing economic backwardness and social situation in the region.

The effects of colonization undoubtedly form a historical phenomenon that was felt through several centuries; this fact conditioned certain regionalist ideological tendencies, overcome and confronted by Bolívar and the heroes of that generation who were followed by others.

The visualization of integration as a mechanism to achieve greater investments and therefore higher rates of economic growth and greater employment opportunities for the labor force, has led to a widening of income differences between countries.

Another of the main problems of our Latin American identity is inconstancy, product of not having given the necessary continuity to the strategic thinking that our founders did, which was taken up by Fidel, Chávez and other left leaders and that today is being lacerated again.

Some negative factors to consider in the days that we live are the extraordinary and bulky foreign debt of the vast majority of the nations of Latin America and the Caribbean to which the creditors go constantly to bend the will of the governments according to their interests; Free Trade Agreements signed by some nations with the United States, impose on the people conditions onerous, or unfair, impeding them or limiting their negotiating capacity with nations of the rest of Latin America and the Caribbean.

Trends and significant features of the current Latin American

The Latin American and Caribbean region has a series of significant features that affect the processes that take place in the subcontinent, including integration. Among them, it is worth mentioning (Rojas Aravena F, 2007)

- a) It is an inequitable region that presents large masses of marginalized people.
- b) High heterogeneity: the region is diverse and heterogeneous.
- c) A region without effective regional conflict resolution mechanisms.

- d) High degree of reciprocal distrust: in the region the level of interpersonal trust is low, but more worrisome is the degree of distrust among the main political leaders, including the Heads of State.
- e) The integrating processes suffer from a lack of certainty regarding the application of adopted agreements.

What has been analyzed above shows that Latin America and the Caribbean requires special treatment in order to be able to successfully carry out an integration process in the region, since with the characteristics presented by any integrating process that is intended to be developed so that it yields results, it must be thought and structured. Based on limiting the existing difficulties that serve as a brake and that fits the true Latin American reality.

Main integration schemes experienced in the region. Critical analysis.

The integration of Latin America and the Caribbean has gone through history through two stages: the first covers the period from 1950 to 1960 and was called "closed Regionalism". In this first stage, integration was linked to the application of the Industrialization Strategy for Import Substitution (ISI) in the region, whose growth engine was located in domestic and regional markets, and sustained by strong protectionism and state investment. This strategy considers integration as another instrument of its economic policy and its main objective is protection against third parties.

The second stage goes from the mid-seventies to the present and is called Open Regionalism, which placed the emphasis on external markets with a neoliberal base. Open regionalism began a process of re-functioning of most of the integration schemes in the region, and even stimulated the emergence of new proposals.

Open regionalism has been functional to the erosion and reduction of the capacities of governments to deal with domestic problems and has been transformed as a concept since its emergence. This situation has generated a perverse interrelation between political interactions at various levels: national, subregional and global.

Starting from the philosophy of stimulating the signing of agreements of diverse nature, open regionalism has caused in the region the existence of what Fernando Rojas called an oversupply of proposals for integration. This multiplicity of offers of integration with different scopes and

depth has intensified the policy dilemmas between deepening North-South or South-South, regional or extra-regional integration.

Some integration schemes experienced in Latin America and the Caribbean after the Second World War and the creation of the UN

The process of forming integration schemes in Latin America and the Caribbean has reproduced the same trend that exists in all regions of the world, which appears as a result of the awareness of the need to unite to be stronger and more consistent in the face of challenges and threats to which people are subject, and above all to achieve, in better conditions, the goals and purposes of sustainable human development. In all regions of the world, regional and subregional integration schemes proliferated; Latin America and the Caribbean were not unaware of this trend.

The Caribbean Community (CARICOM)

CARICOM was created in 1973. When it was constituted, its fundamental objectives were aimed at stimulating economic cooperation within a common Caribbean market: closer political and economic relations among member states: Promote educational, cultural and industrial cooperation among the countries of the Community. (Santana Lescaille, F, 2009)

Common Market of the South (MERCOSUR)

After the signing of the Ouro Preto Protocol in Brazil on December 31, 1994, MERCOSUR was definitively structured. As its name indicates it is only a market mechanism, being the concept of integration much broader, it is necessary to keep in mind other edges; nevertheless it constitutes a great effort in the pursuit of integration.

Union of South American Nations (UNASUR)

Initially it was denominated South American Community of Nations (CSN in Spanish). In general, UNASUR is an expression of the diplomacy of the summits and shows an intergovernmental nature, which brings both strengths and weaknesses. It is based on three fundamental pillars: political (based on the need for international projection of foreign policy); economic (based on the CAN-MERCOSUR convergence); and the physical integration of energy and telecommunications. (Sanahuja, José Antonio, 2007).

Organization of American States (OAS)

The OAS emerged in 1948. The organization, dominated and manipulated by the United States from its own Charter can be seen to be based on demagogic foundations. The objectives set out in the letter contradict reality, since they intend to strengthen the peace and security of the continent when what is being witnessed is the opposite. (Menéndez Quintero M C, 2017)

Group of Rio (G-RIO)

The Rio Group is a flexible mechanism for dialogue and political coordination, in which framework topics of common interest for Latin America and the Caribbean are addressed. It has proved its usefulness as a forum for communication and personal contact between the Heads of State and the Ministers of Foreign Affairs of the region and has contributed to strengthening the region's presence and negotiation capacity before the international community.

ALBA

The objective is to transform Latin American societies, making them more just, educated, participatory and supportive and, therefore, conceived as an integral process aimed at ensuring the elimination of social inequalities, promoting quality of life and effective participation of the peoples in shaping their own destiny. (Chávez Frías, H. R. 2003; Santana Lescaille, F. 2009)

This project is governed by the following principles:

1. ALBA) is a proposal that focuses on the fight against poverty and social exclusion.
2. In the ALBA proposal, the human, labor and women's rights, the defense of the environment and physical integration are given a crucial importance.
3. In ALBA, the fight against protectionist policies and the ruinous subsidies of the industrialized countries cannot deny the right of poor countries to protect their peasants and agricultural producers.
4. For poor countries where agricultural activity is fundamental, the living conditions of millions of peasants and indigenous people would be irreversibly affected if a flood of imported agricultural goods occurs, even in cases where there is no subsidy.

5. Agricultural production is much more than the production of a commodity. It is the basis for preserving cultural options, it is a form of occupation of the territory, it defines modalities of relationship with nature, and it has to do directly with food security and self-sufficiency.

6. The ALBA has to attack the obstacles to integration from its root.

7. Facing the so-called State Reform that only led to brutal processes of deregulation, privatization and dismantling of public management capacities.

From the analysis of them, the solidarity essence of the project emerges as an essential feature of it.

Critical analysis of integration processes

The errors and weaknesses of the integration processes are settled in agreement with ECLAC, in the following fundamental areas:

- Absence and weakness of instances of dispute resolution.
- Agreed international standards do not become national laws.
- Lack of an effective community institutionality.
- Absence of macroeconomic coordination and treatment indicated to the asymmetries in the different integration schemes.

Of all these deficiencies that CELAC points out, from this investigation it is considered fundamental the one referred to the treatment indicated to the existing asymmetries among the countries.

Another aspect that needs to be mentioned in this analysis of integration processes is the preferential treatment that is given to economic aspects, without giving priority attention to other sectors of society. For example, in the Latin American Free Trade Association (ALCA) there was talk of trade liberalization; in the Andean Community there is an interest in achieving an accelerated economic development; CARICOM refers to the economic difficulties of the member countries; and MERCOSUR, as its name indicates, deals with market issues. In reality what we

want to call attention to is the fact that in each one of them the nucleus is the economic aspect, which although it is very important, social aspects must be attended with equal interest.

Generally these schemes, although they can be considered as efforts to achieve integration and even constitute integration schemes, are not ideal models for Latin America and the Caribbean. The reality is that the situation in the region makes it difficult, which does not mean impossible, the integrating process.

These schemes have shortcomings that undermine the development and fulfillment of their objectives, within these the fact of being blind children of the market, focusing their activities in pursuit of this, circumscribing essentially the commercial aspects.

Another negative factor that these schemes present is that they mostly count on the United States as the main trading partner, an element that further exacerbates the asymmetries existing in the region, since the best economic results go to the North American economy, sinking every time more in the chaos to the small Latin American and Caribbean economies.

However, there are schemes that deserve special recognition, as is the case of CARICOM, which shows a broad perspective of conceiving integration by including among its objectives aspects related to educational, cultural and industrial cooperation. Another important aspect that gives merit to CARICOM and that can serve as a guide to the integration process taking place in Latin America and the Caribbean is that it shows a complex institutional form in which political, legal, social and economic bodies appear. The legal sphere achieves a palpable degree of development and the influence on the internal legal order of the States participating in the scheme is evident.

For all these reasons, it is considered that of the integration schemes experienced in the region, CARICOM provides the greatest positive experiences, which although we do not claim that it is an ideal model, does have a positive influence on the integration process.

Behavior of integration in Latin America and the Caribbean as of 2000

In the period 2002-2008, the behavior of the integration processes in Latin America and the Caribbean is largely conditioned by the regional and even global socioeconomic situation. During the aforementioned period, the region maintained high per capita GDP growth rates for 6

consecutive years, with figures above 3% per year (ECLAC, 2008). This growth was based on the increase of internal and external demand and investments.

Between 2003 and 2006, the region benefited from a context of increasing global demand for basic products. The prices of the main export products showed growth rates of around 24% per year, associated with sectors such as minerals, metals, energy, and more recently, agricultural and livestock. This price increase is especially relevant if one takes into account that between 1980 and 2002, the prices of these products had registered negative growth rates (around -2%) (CELAC, 2008).

The favorable evolution of the external sector was added to the high levels of reserve accumulation in the period, accompanied by an improvement in the fiscal situation and in regional debt indicators. All these elements made of the period 2002-2007, a favorable socioeconomic scenario, which stimulated the integrationist efforts of the region, both regional and extra-regional.

Another interesting fact is that in the period 2005-2006, 40% of exports from Latin America and the Caribbean were regulated in the framework of a Free Trade Agreement (ECLAC, 2008). In the cases of countries such as Mexico, Chile, El Salvador and Honduras, this average was much higher than 50%.

The analysis of the integration processes experienced in the area denotes aspects such as:

- Latin American and Caribbean integration faces challenges (Medina Friman, A. 2006), threats and difficulties to face that have arisen throughout the historical evolution of the continent.
- The integration schemes experienced in the region have a markedly economic character, focusing on commercial and market aspects.
- The region has a high degree of heterogeneity; however it has contact points between its histories, which can be used in favor of integration.

Conclusions

The integration that is intended to be achieved among the countries south of the Rio Grande cannot be the blind daughter of the market if the payment of the social debt of our peoples is pursued.

To a large extent, the difficulties presented by the Latin American and Caribbean countries could find a solution through the creation and consolidation of economic and social development projects that really pay tribute to the development and better quality of life of the inhabitants of the region.

In the region, numerous integration models have been experimented, which generally present deficiencies that impede their suitability in current situations in Latin America and the Caribbean, such as, for example, the limited vision they have, since they usually cover aspects exclusively economic activities, breaking away from the other factors that must complement integration.

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