
Regionalism and Political Representation in Comparative Perspective: The European Union and MERCOSUL*

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Introduction

An examination of the globalization context, of its intensification process and its consequences for the practice of a legitimate political power becomes necessary for a broader understanding of the reasons which drive states to seek collective solutions (multi-governmental) and cooperation in the quest for protection and development of their economies. In other words, any discussion about the contemporary international system, be it normative and conceptual, historical and theoretical, or even the more concrete aspects of the development of new institutions and international organizations, will need to incor-

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porate the consideration of the thin line that currently separates the interests of the nations and the external demands for the coordination of actions and strategies of cooperation among the states.

Besides cooperating among themselves, contemporary states interact through institutions and regimes, non-governmental players, international forums and economic blocs. Ultimately, despite considering the international population that reveals the historical accumulation of several types of players, forces of influence and coercion in the international interaction, the states continue to maintain the *locus* of sovereignty. Thus, democratic representation still depends on adequate voting rules and accountability mechanisms, the same way that the measuring of political legitimacy still goes through evaluations referring to authorization processes and popular recognition.

Religious powers, the global market, international capital, geographically dispersed industrial activities, international organizations, economic blocs, non-governmental entities and international institutions in general can currently establish additional limitations to the practical options available to the sovereignty of states (JOSEPH; FALK, 1992, p. 252-253), but they haven't replaced the democratic representative models on which the national citizens count, even when they require new extra-state representative entities.

The fact that new international players, governmental or not, have gained more importance in international relations has led to some claims that the Westphalian system could go into decline. Therefore, the traditional mechanisms of political representation and sovereignty could be replaced over time. Such an assumption is serious and historically questionable, since states have always operated within a global system of political interaction and, to an extent (according to the coercive and even technological resources of each period in history), always needed to coexist with other modes of power: supranational, sub-national and regional.

Gilpin (2001), Strange (1996) and Stopford et al. (1991) debate over the conditions and consequences of the relationship between the power of states and the globalization of the economy, concomitantly with the emergence of transnational institutions and companies. It is indisputable that the growth of interconnection and mutual influences in international relationships has gone beyond the economic sector, mainly in the last two decades, with the acceleration and facilitation of the access to communication technologies, thus reaching broad sectors of social life – which has been called “intensification of globalization”. The aim of this last expression is to emphasize the acceptance of the idea that the state system has always been globalized to some extent.

There has been a longstanding theoretical debate regarding globalization. McGrew (1997) presents a clarifying synthesis in which he distinguishes two great interpretative lines among the several theories on the subject. One of them recognizes *globalization as a continuation of the dominant logic* (capitalistic, technological, imperialistic, etc.), which means that, for various reasons, globalization *wouldn't bring any deep transformation* in the social structure and the more fundamental rules which are at stake in international relations. Regarding the impact of globalization, therefore, it is of interest to us a tendency towards regionalism which continues to respect the rules of a state-centric order and therefore seeks institutional organization mechanisms in accordance with international law and the rules of representative democracy.

Between continuity and institutional innovations we need to understand how the interests of member states and their citizens are protected in the new decision-making mechanisms of regional and international levels. In this context, there is much to learn from the experience of the European Union.

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Sovereignty between Independence and Survival

The main foundation for the international order that came to be known as the Westphalian system in the seventeenth century set the rule of mutual respect for the sovereign equality of modern states that would culminate with international peace after a long period of conflicts.¹ It is, however, a concept of legal equality within a varied realm of possibilities of political and religious organizations in the beginning of modern times.² Therefore, the treaties that caused the emergence of a system of states served as a landmark for the possibilities of cooperation and the limits of reciprocal external engagement, resulting in a new balance of power for the modern world.

From this new principle which rules international political relations prevailing to this day, small republics or kingdoms cannot be seen as “less sovereign” states than the more militarily or economically powerful ones. Thus, regarding the method of domestic policy management, as long as coercive instruments legitimately recognized are used, the independence and autonomy of states came to prevail and be respected by the other states.

In the domestic sphere, which marks the history of the establishment of democratic institutions, the decline of the absolutistic models, first in England (with the Glorious Revolution of 1688) and a century later in France (with the revolution of 1789) are marked by the invention of institutions capable of ensuring the decentralization of sovereignty functions.

After World War II, to some extent, and more intensely after the Cold War, we saw another benchmark of transformation in the power structures and the quest for political influence with the proliferation of new states and new international institutions. This growing trend towards international institutionalization, with the multiplication of governmental and non-governmental international organizations, as

well as the formation of economic blocs and processes of regional integration, starts to meet a new demand of potential conflicts and engagement of powers in the global reorganization scenario.

In this context, processes of political and economic integration emerge as strategic choices in the development of an increasingly globalized economy. When the states themselves interact through a network of institutions, new concepts of commercial borders appear, along with ambitions to broaden civil and social rights beyond the Westphalian model of national borders. This phenomenon is considered in this paper as a change of the *locus* of articulation of interests in international politics, which triggers a necessary reflection on the relation between political representation and the exercise of political power in an interconnected world and integrated States in regional processes.

In regards to globalization, many myths have been created, more or less optimistic visions on the scope of its consequences over the decades. However, what literature generally defines as the “globalization of the economy” refers to the relocation of increasingly larger capital flows from national spheres to the international sphere. Thus, previously independent domestic markets became more sensitive to one another, and the monetary and fiscal domestic policies came to be frequently influenced by the fluctuations in the international financial markets. Keohane and Nye Jr. (2001) approach such a phenomenon from the theory of interdependence, in which they deem necessary the reciprocity of effects in the politics and economy between states in the globalized world. Still, it was certainly the new technology in the fields of information and communications which led to the radical increase in the proximity of states, also highlighted by the authors, besides the mobility both in economic units (currencies, inventories, stocks etc.) and in people and information. The distances between markets, institutions, societies and cultures were shortened,

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and the possibilities of locomotion and transmission of audio-visual information increased, live and online (HELD, 1991).

Although it is important to emphasize that there is a debate on the complementarity or tension between globalization and regionalism (VIGEVANI, 1999; FAWCETT; HURRELL, 2003; VAYRYNEN, 2003, p. 32 ss), this paper is based upon the assumption that the processes of regional integration are in accordance with the economic globalization and, mostly, an understanding of the creation of regional institutions is of interest to the focus of the paper. Thus, the interdependence of the states would result in the appearance of international norms and regimes of governance, as well as in the pursuit of multi-governmental and transnational solutions to fight international crime, cooperation to fight corruption and tax evasion, minimum regulation on norms regarding health, trade, labor, protection of human rights and civil liberties etc. through regional organisms (EU, MERCOSUL, ASEAN, the Eurasian Union, for example) and international organizations (UN, WHO, WTO, ILO, for example). In this context, it is important to highlight that the international activities of forums and governmental and non-governmental organizations are new to international politics in terms of their intense activity, giving greater visibility, internationally and trans-nationally, to the positions of states and the result of their coordinated actions. Naturally, the phenomenon of interdependence is not only a link that makes the relations between national states more permeable with each other, but it also creates demands by those states to converge, seeking to regionally coordinate problems and solutions of markets, development, defense, etc.

Visions of contemporary regionalism

This scenario points out how much regional integration, which on one hand strives to meet demands or help to solve political and eco-

conomic problems of its member states, can, on the other hand, generate new designations of rights and duties, social accommodation and institutional constructions. Regarding this point, however, it is still necessary to clarify the shift in the regionalist trends perceived by specialists. Fawcett and Hurrell (2003), Gamble and Payne (1996), Bergstein (1997) and Palmer (1991), among others, have been engaged in detecting differences over time in the dynamics of regionalism. More specifically, the initiatives of regional integration which characterized the 1980s and 1990s are designated by literature as new processes of regionalism. This is explained through the broadening of multilateral trade in the region and the diminishing role of the state, in contrast with the increasing importance of foreign investments in the process of development.

Hurrell (1995) defines this “new regionalism”³ according to four fundamental characteristics: 1) the emergence of the new North-South axis, unlike the East-West axis which characterized the division of the world during the Cold War; 2) institutional innovation in the globalized world, unlike the basic model of the traditional international organizations; 3) the recognition of the intrinsic connection between economy and politics, typical of the evolution of the global economy; and finally, 4) the sharp increase in regional awareness (the idea of belonging to a sphere of coexistence that goes beyond the nation-state). Of the characteristics pointed out by the author, the most susceptible to rebuttal is undoubtedly the last. We haven’t clearly concluded that there is development of a social or cultural awareness beyond the nation-state towards the region surrounding the state. Despite the fact that even the European Union has always sought social legitimization, the obstacles encountered up to now have never meant that its integration process depended on the fulfillment of this stage to be deemed consolidated. In this case, MERCOSUL has been identified as a model of regional integration in the frame of the new regionalism, still far from also achieving a sense of regional belong-

ging, having adopted an intergovernmental structure in the institutional innovation phase.

According to Fawcett (2003), the new regionalism has led to an impulse of greater independence for the developing countries, especially because they would no longer be embarrassed by their alignment with the super powers, after the Cold War. At the same time, however, it has also meant greater fragility in the global context: “the fashioning of new or more effective regional organizations has been seen as one way of combating the dangerous situations in which many countries have found themselves” (FAWCETT, 2003, p. 22). Similarly, Hurrell (1995) emphasizes the importance of the configuration of the international power system and the dynamics of the competition for political power in the face of external challenges, since the tendency toward regionalism and the growth of regional blocs is also seen as a reaction to the appearance of new centers of powers in the 1980s and 1990s, such as East Asia and Japan (THUROW, 1992). The strengthening of regional ties would then mean the pursuit of a new regional or sub-regional balance of power, such as the case of the European Union or even MERCOSUL. Also, it can demonstrate an attempt to maintain the *status quo*, such as the case of the United States, by pursuing mechanisms of regional integration, through NAFTA (North American Free Trade Agreement) or through FTAA (Free Trade Area of the Americas).

Considering the arguments for and against the complementarity between globalism and regionalization, we can identify the important common point between the differing perspectives: the political and economic objectives do not have a clear line dividing them. Since the new regionalism is powered both by the end of great questions of strategic politics and by the evolution of technological, political and economic innovations in the globalized world.

Stages of Integration and National Impact of the Regional Institutions

Are domestic political institutions, which have a decisive role in the policy-making process, affected by the creation of new regional political institutions? Considering that one of the characteristics of contemporary regionalism is institutional innovation (HURRELL, 1995), the consolidation of regional institutions must be understood in light of its consequences for single states. In other words, there are political implications caused by the creation of new mechanisms for representation, redistribution of decisive powers and instances of influence at the regional level.

When we observe the stages of regional integration, it becomes evident that further integration requires political and legal adjustments by member states. These changes can impact the political aspirations in the region, the balance of power among national and regional legislative powers, and the participation of the societies involved.

Stages of regional integration

A regional economic integration is inaugurated by the establishment of preferential tariffs among member states as a way to prepare for the future elimination of all barriers to the movement of goods. This was the case of the creation of the European Coal and Steel Community (ESCS) in 1952, which marked the first step in European integration. The second stage is certainly a broadening of the range of assets and goods to be considered by the preferential tariffs agreement, in preparation towards the complete elimination of tariffs and the creation of a customs union. In the case of the European integration, the customs union was consolidated in 1969; and for Mercosul in 1991, with the Treaty of Asunción. Once the customs union is consolidated, it becomes feasible to mention the creation of a regional single

market, since this involves the scope of the free movement of goods, people, services and capital. Nevertheless, the customs union of the MERCOSUL is still considered imperfect due to the number of exceptions to the common external tariff (CET or CXT).⁴

Finally, despite the fact that MERCOSUL is not yet a common market, it is possible to consider, in parallel to the stages of economic integration, the possibility of developing political and representative institutions. With respect to the Union, it is always emblematic when it comes to the scope of more advanced stages of integration. Since 1979, the European Parliament has been directly elected by the votes of the citizens of its member states, although the common market effectively overcame its obstacles only with the Single European Act of 1986, which came into effect in 1987. Regarding regional institutional innovation, however, not just the European Parliament but also other European institutions are political innovations that establish an incomparable regional legislative force.

The EU has four supranational institutions: the European Parliament (EP), the Court of Justice of the European Union, the European Commission, and the Central Bank. The development of these institutions was the result of a mix between necessity and desire on the part the governments, and its consolidation ensured the development and the range of the objectives of the political and economic integration of the EU. Besides these supranational institutions, it is necessary to point out that the hybrid nature (supranational and intergovernmental) of the European model assured that its vigorous intergovernmental institution, the Council of Ministers of the EU, would have significant power. But it is worth mentioning that the EU Council has an important legislative power and it is ruled by the principle of “intergovernmentalism” (KEOHANE; HOFFMANN, 1991; WENNERSTRÖM, 2007; LINDBERG, 1963). Thus, the study of the policy-making process is one of the most important topics for understanding the emergence of the political innovations of the EU.⁵

Regional parliaments in perspective

A broad comparison between institutions of the EU and MERCOSUL is not the objective of this paper; rather, it is simply the examination of the experience in the creation of a regional parliament, as a point of reference for a study of the variables to be taken into account, the dilemmas and the challenges in establishing a parliament with representative characteristics and ambitions of legitimacy. In other words, even if the EU and the MERCOSUL are not broadly comparable as models of integration, the path taken by the European Union (EU) institutions, especially the EP, is important for measuring potential problems of representation in a regional environment.

If there is something in common between the EP and the PARLASUL, it is that both are regional parliaments, with the first being supranational and the latter intergovernmental. But then, what are their differences and, henceforth, what consequences will they bring?

A regional parliament, firstly, is not considered here to be the same as the parliamentary assemblies of international organizations, such as the NATO parliamentary assembly or the Inter-parliamentary Consultative Council of the countries that constitute Benelux (Belgium, Netherlands and Luxembourg); or even the assembly of the Baltic countries; or the Parliamentary Conference of the Central-European countries, as some authors consider in their intellectual contributions that take different directions than this paper (MALAMUD; SOUZA, 2005). Regional parliaments, here, are considered the parliaments effectively invested with decision-making power for the development of a regional policy, with some degree of autonomous institutional structure and are directly elected with permanent members. Inter-parliamentary cooperation and intergovernmental councils continue to be strategies for the articulation of interests in intergovernmental institutions, whose representatives still keep their political ties linked

to national or sub-national constituencies, and not multistate or regional.

Does it mean that intergovernmental political representation always results in a conflict of interests? Or it is possible to imagine a juxtaposition of functions and preferences where the common goal of the construction of a regional forum to coordinate policies and norms can exist? From a regional parliament, even if it has an intergovernmental feature, one expects that its representatives are provided with responsibility and interest focused on the construction of an effective regional political forum. The constitution of its own structure, with permanent representation, can only be justified by the purpose of differentiating a regional parliament from a parliamentary assembly. To make this difference clearer it is necessary to reflect on the construction of the universe of political representation. What is the representative universe, and how is it constructed?

Certainly, in the case of regional political representation, one expects more than simple intergovernmental negotiations. Even though PARLASUL is not a supranational parliament, unlike the parliamentary assemblies of international organizations, there is in its origin a shared intention by member states to become an institution that represents extra-national interests of its citizens. For this reason, it may be understood that, whether successful or not, PARLASUL is important to the reflection on the topic of popular representation, beyond the gathering of representatives from different governments. PARLASUL already has a specific list of powers in the Constitutive Protocol, namely: (1) to assist in the harmonization of norms among member states and; (2) to propose draft standards to the higher body of the MERCOSUL, the Common Market Council (CMC).

There is still little information on the consequences of such a project, if it is to be successful over time, but the initiatives taken already require consideration on what is expected of this institution.

Representation and Sovereignty: The European Union and MERCOSUL

Despite the fact that Brazilian civil society is little informed, the first step to accelerate the empowerment of PARLASUL has already taken place. Like any parliament, the outlines of the legislative power of PARLASUL should be well known by their electors. Transparency, direct elections and autonomy of members are mentioned, but little is understood regarding the political model which is intended to be implemented, which will depend on the electoral system to be adopted as well as the *internal politics*. How will ideological groups articulate which mechanisms of external control, popular participation, transparency or *checks and balances* are intended to be implemented?

The comprehension of the development of the institutions and the governmental powers of the EU is more important than in the past, since it has been a mirror for comparison, but without being critical or necessarily careful about the complexity of its political architecture. From the identification of the procedures that resulted in the empowerment of EU institutions and the expansion of the political power of the EU government, a better prospective can be created for the institutionalization of MERCOSUL, which is also faced with a complexity of critical arguments of this process.

As a consequence of progressive reforms and the successive events which were generated, both anticipated and unanticipated effects by the founding treaties of the EU, its institutions exercise a central political power in Europe today. Currently, these institutions are involved in the production of national public policies, in the law, in the legislative power of the member states and, consequently, in the distribution of political power in the domestic sphere of member states. As a consequence of the EU legislative process, a significant part of the legis-

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lative power, which was previously attributed to the national parliaments, was transferred to decision makers of the executive function (EU Commission and Council of Ministers) (WIDGRÉN, 2009). Alongside, European institutions operate as new regional participants that act in the process of “communitarization” of politics and law. This has made the line between domestic and regional policy increasingly thinner and/or more porous among member states of the Union. In respect to MERCOSUL, little has been critically discussed about consequences of institutionalization on the political consequences of its member states. Even keeping an intergovernmental feature, wouldn't PARLASUL be an institutional innovation capable of acting to balance partisan coalitions, the interests of economic groups, new sources of lobbying, etc.?

Origin and development of regional parliaments

To understand the origin of the European Parliament, it is necessary to recognize its development from the parliamentary assembly of the ECSC, created in 1952. Initially without decision-making power, but like any parliamentary assembly of an international organization, it exercised only advisory power. It wasn't until 1973 that the original parliamentary assembly of the ECSC was renamed the European Parliament, and the first direct elections of 1979 made it operative, but still without significant legislative power. Due to the political development and the institutional consolidation of the EU, the EP started to emerge as an institution from which some measure of supranational representation was expected by the societies of member states when exercising decision-making power in the legislative process. In short, along with the development process of European integration, the EP gained new functions and the power of a true parliament until the last mark of institutional reform, with the Treaty of Lisbon of 2009, where the EP reaches its empowerment peak.

Created on December 9, 2005 and established in 2007 to substitute the Joint Parliamentary Committee, the MERCOSUL parliament, PARLASUL, was established in Montevideo with the objective of accelerating the integration process and serving as a representative and legislative regional body. A resolution was approved in May 2011 (Resolution 1/11 of the National Congress) which foresees the adoption of a “fast track” for decisions taken by the decision-making bodies of the Mercosul. Thus in the Brazilian case, once PARLASUL is in session before deals among the countries of the bloc are signed, those deals will be considered by the Brazilian Representation and by the Plenary Chamber and Senate, without going through the committees of each House.⁶ The committees have legislative and supervisory functions, as defined in the Federal Constitution and its bylaws. In complying with these two basic functions, of law making and of monitoring administrative actions within the Executive Branch, the Committees also promote debates and discussions with the participation of society in general, in all topics or subjects of its interest. The extent of the impact of the adoption of the “fast track” removes, therefore, the committees’ ability to be heard on a wide range of policies which affect domestic governance and levels of accountability.

Democratic deficit in regional parliaments

The relationship between democratic legitimacy of institutions and their acceptance reflects directly on their efficiency. According to American sociologist Seymour Martin Lipset, upon analyzing the social bases of politics, he identifies a variety of assessments according to parties and social issues, that have in common the fact that legitimacy involves “the capacity of a political system to engender and maintain the *belief* that existing political institutions are the most appropriate and proper ones for the society” (LIPSET, 1983, p. 64). From which we conclude that not much has changed since Locke

(2005) affirmed, in the seventeenth century, that the legitimacy of civil government should be the measure of *consent* attributed to it by the people. In the case of measuring the democratic legitimacy of regional parliaments, as built from intergovernmental initiatives, literature has recognized the possibility of its verification *post factum*. In this sense, European public attitude becomes fundamental in an integration framework without direct popular participation (GABEL, 1998; 2003; GABEL; WHITTEN, 1997; INGLEHART, 1970), besides revealing the possibility of success of the functioning and enforcement of EU law, which lacks efficient instruments of applicability (CALDEIRA; GIBSON, 1995; Gibson; Caldeira 1995; GABEL, 2003; FRANKLIN et al., 1994; FRANKLIN et al., 1995).

Still on the relation of support and legitimacy among the European public and the institutions of the EU, there is an important and lively debate among some of the most renowned scholars on European integration about whether there is a “democratic deficit” in the EU. Different views reveal possibilities of interpretation, which can also be considered in other cases of the constitution of regional parliaments and institutions. For this reason, it is interesting to present some of the mainly disputed views.

The debate about limited powers of the EP is as old as its creation. EU's structure means that policy-making at the European level is dominated by executive players: national ministers in the EU Council of Ministers, and government appointees to the EU Commission. This, in itself, should not be a problem, though the actions of these executive agents at the European level are beyond the control of national parliaments (FOLLESDAL; HIX, 2006). Successive reforms adopted by the EU treaties increased powers of the EP. Nevertheless, scholars claim that the EP is weak compared to national parliaments and executive representatives in the EU Council of Ministers. Most defenders of the “democratic deficit” argue that the EP is too weak in

EU decision making (WEILER et al., 1995; FOLLESDAL; HIX, 2006; MAJONE, 1998).⁷

Other criticisms still refer to the representation model to the historic demand by the EP for more involvement in the decision-making process. It is a fact that only the EP is directly elected, although it happens with low voter turnout and little information about its powers is known by the European public. There is, therefore, a distance between institutional construction and participation and knowledge of national societies on the powers and the policies of the Union. Public opinion polls, widely publicized by the Eurobarometer,⁸ show the detachment of the European public and the process of empowerment of European institutions (INGLEHART et al., 1991).

An interesting criticism which pertains to the comparison of the EP with PARLASUL is that its members are not elected as representatives of the regional interest, as should be the case, but both voters and parliamentary representatives keep their interests oriented by national and local policies by voting for the EP. Authors such as Follesdal and Hix (2006) still consider that the content of the policies defined on regional level are of an economic nature, neoliberal, without commitment to the interest of the “regional public interest”, such as the reduction of inequality in the region, minimum social protection, etc.

Structure, functions and roles of the regional parliaments

Every parliamentary institution has a complex organizational structure, with internal rules and diverse roles to fulfill. However, many times the representative function is considered a priority, forgetting that on it relies a structure with procedures and operating rules, in addition to the clear definition of its purpose, its reason for existence. Thus, we propose to study regional parliaments based on the identification of the variables: the *representative role* (what/who is represen-

ted); the *internal politics* (how it works based on its organization and internal procedures); and the *legislative work* (the decision-making powers). While in the case of the EP the *representative role* is supranational, the PARLASUL must have an intergovernmental feature, especially because there is no single market with the absolute movement of people, assets, services and capital to characterize a zone for actions and commitments that go beyond intergovernmental initiatives.

In the case of the EP, its *internal politics* are multinational and multilingual, and it operates from a system of committees called *comitology*. That is, there is previous preparation of work by committees which possess specific powers (foreign relations, development, trade, budget, budget control, economic and monetary relations, etc.).

In Brazil's case, current members of the PARLASUL are congressmen in the MERCOSUL Commission, also known as the Brazilian Representation in PARLASUL, who must hold such office until the parliamentary members to be directly elected to represent Brazil in Montevideo take office as exclusive and permanent representatives of the new regional legislative body. It is up to the current representation of the member states of PARLASUL to build the bridge between this and their respective national parliaments.⁹ However, the brief details of the EP show signs of the importance and impact of the internal organization of the parliament for its operation, because political directions can be determined according to the political strength of the committees and the existing partisan majorities.

The way of building the overall parliamentary powers of the EP is properly systematized by Medeiros et al. (2012), when they identify the deliberative, budgetary and regulatory powers, which in this paper we designate as *legislative work*. However, regarding the content of the main legislative powers of the EP, especially the deliberative power, although there is a noted increase in parliamentary powers,

the EP still has a high degree of dependency on the EU Commission, which is an executive power, to approve its proposed amendments. It still has no power of legislative initiative as of the present moment and the final deliberative power of the regulatory approval of a EU law still lies in the hands of the EU Council of Ministers.

In the end, considering *legislative work*, the EP has legislative power which is still considered limited (CORBETT et al., 1995; TSEBELIS, 1994; 1995; 1996; 1997; 1999; among others). We can say that while that is perfectly true, the EP has significantly increased its political power in the EU over time. Especially after the Treaty of Lisbon, the EP gained a bigger role in setting budgets as the old distinction between “compulsory” and “non-compulsory” expenditure was abolished. The Treaty also enlarged the fields of the EU legislation, but it did not change the role of the EP in the policy-making process. We should consider, however, that new routines of political bargain and interaction between political parties represent an important change in legislative representation of different ideologies and preferences.

Thus, we follow the critical view that considers the weakness of the EP when compared to the legislative powers of the EU Council of Ministers or to national parliaments. In this case it is puzzling to compare the EP to what PARLASUL should be. What about its budget? How could society control the output of policies in order to verify their compatibility with the national and social expectations about the construction of a regional integration?

In the case of the PARLASUL, besides being able to express opinions on all topics of interest to the regional bloc which may be submitted to the National Congress, the Committee of Commerce of MERCOSUL¹⁰ can conduct public hearings with organizations of civil society, as well as examine draft bills to be submitted by PARLASUL. These draft bills can become laws in each member sta-

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te with the objective of harmonizing legislation on specific issues in the member states of MERCOSUL. Little has been discussed with any precision about how the *internal politics* or the *legislative work* will be done in PARLASUL, especially because a permanent representation tends to demand empowerment over time, as occurred with the EP. Although it is expected that the PARLASUL should have typical legislative power over matters pertaining to the customs union, there is no clear decision about the ways to control the parliamentarians, and if there will be any committees, any mechanism of *checks and balances*, or the participation of the civil society.

Conclusions

In spite of the “fragility” of MERCOSUL as a result of its low level of institutionalization, what can be expected from a high level of institutionalization in the development of regional integration in South America? Can't the increase in representation spaces mean suppression of participation and accountability? When we look at the European experience, the complexity of regional representation becomes evident. Therefore, despite MERCOSUL's initiative to act as a stabilizing factor in the region, the constitution of a regional parliament is a political variable that impacts the balance of power in the region as well as among the national institutions that operate in the policy-making process. A regional integration seeks to generate a chain of interests, economic and political relations that can further build links, not only among countries, but also, over time, among different national societies. However, the convergence of interests is neither an immediate nor a necessary consequence of the regional institutionalization.

Since 2003, MERCOSUL and its supporters have managed to improve its normative-institutional structure in a context of open regionalism. That is, besides increasing the trade flow among its members, it stimulated commercial exchange with third parties. However, it is

not enough to acknowledge the efforts of institutionalization in the region without a critical perception of its objectives and risks. This is because every process of regional integration is modeled by the opposite movement to devolution, which requires the distribution of representative powers and increases the instances of participation and accountability. Henceforth, from a movement of integration of states, one can expect a higher concentration of decision-making power over a region, with a portion of that power taken from the hands of their member states and therefore from their societies. For this reason, the concept of classic sovereignty of the state, which associates the absolute lack of interference from external sources as well as the concept of legitimate representation, which refers to the Lockean *consent* or to Lipset's conception of *belief*, could be questioned if it is applicable in this case.

Just as there is innovation in the constitution of regional parliaments, it is important to better comprehend the extent of this innovation in relation to alternative representative mechanisms as bureaucratic functions and national decision-making relocate to the regional *locus*. In other words, there is little information on the institutional model of PARLASUL and this paper intended to point out that the mode of operation, articulation, control and distribution of decision-making powers within an institution make a difference.

Notes

1. The *order of Westphalia* was a product of several treaties negotiated over three years, by Protestant and Catholic representatives in Europe, started in 1644. It ended with the Thirty Years' War (1618-1648), which economically devastated Germany and the power of the Habsburgs. The signing of the Peace of Westphalia guaranteed the religious freedom of the national modern states and founded the system of equally sovereign and autonomous states.

- 2.** In reality, such concept of equality among states was only introduced in international law by Vattel (“Le Droit des Gens”, first published in 1758). Inspired by the notion of a *state of nature* in which men are equal, the author concluded that the states are also free and equal within the framework of international coexistence.
- 3.** “New regionalism” is said in contrast to the “old regionalism” which characterized the 1950s and 1960s regional initiatives of integration (VAYRYNEN, 2003).
- 4.** In the case of MERCOSUL, it was predicted in the directives of the Treaty of Asunción of 1991 that the single market would take place on January 1, 1995, when the member states of MERCOSUL would adopt the Common External Tariff (CET) for each of their export items.
- 5.** Policy-making is a complex subject that reveals the limits and advances of legislative powers of the EP and the relation between the executive bodies of the EU and the EP. On the topic cf. for example: Tsebelis et al. (2001), Garrett et al. (2001), Rittberger (2000) and Scully (1997).
- 6.** For this “fast track” to become a reality, however, the other member states of the bloc will still have to conduct these agreements according to their respective Legislative Powers. Cf. Available at: <<http://www.senado.gov.br/noticias/Especiais/mercosul20anos/Aprovado-novo-mandato-da-Representacao-Brasileira-no-Parlasul.htm>>. Accessed on: February 2nd, 2013.
- 7.** Moravcsik (2002) and Majone (1998; 2001) are two important representatives of the rejection of the thesis that the lack of information and awareness of the political and social consequences of the political union in Europe negatively impacts the democratic legitimacy of the integration process.
- 8.** Cf. Eurobarometer surveys available at: <http://ec.europa.eu/public_opinion/index_en.htm>. Accessed on: February 2nd, 2013.
- 9.** Currently, Brazil has 37 principal representatives appointed by party leaders, with 27 appointments from leaders in the House of Representatives and 10 appointments from leaders in the Federal Senate. However, the number of seats for the Brazilian Representation will be 75, considering the population of 190,732,694 inhabitants (IBGE, 2010 Census). This calculation is planned according to the Citizen Representation criterion, through the population indices of each country. (Cf. data available at: <<http://www.camara.gov.br/representacaomercosul>>; <http://twitter.com/repbr_mercosul>. Accessed on: February 7th, 2013).
- 10.** The decision-making body on policies for MERCOSUL.

References

BERGSTEIN, C. F. Open Regionalism. **The World Economy**, v. 5, n. 20, p. 545-565, Aug. 1997.

CALDEIRA, Gregory; GIBSON, James. The Legitimacy of the Court of Justice in the European Union: Models of Institutional Support. **American Political Science Review**, v. 89, p. 356-376, 1995.

CORBETT, Richard; JACOBS, Francis; SHACKLETON, Michael. **The European Parliament**. London: John Harper Publishing, 2007.

DRI, Clarissa. Funcionalidade parlamentar nas experiências europeia e andina: quais perspectivas para o MERCOSUL? **Novos Estudos Jurídicos**, v. 14, n. 1, p. 169-184, 2009.

_____. Limits of the Institutional: Mimesis of the European Union: The Case of the MERCOSUL Parliament. **Latin American Policy**, v. 1, n. 1, p. 52-74, 2010.

FAWCETT, Louise. Regionalism in Historical Perspective. In: ____; HURRELL, A. (Ed.). **Regionalism in World Politics**. Regional Organization and International Order. Oxford: Oxford University Press, 2003. p. 9-36.

____; HURRELL, Andrew (Ed.). **Regionalism in World Politics**. Regional Organization and International Order. Oxford: Oxford University Press, 2003.

FOLLESDAL, Andreas; HIX, Simon. Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. **Journal of Common Market Studies**, v. 44, n. 3, p. 533-562, 2006.

FRANKLIN, Mark; EIJK, Cees Van der; MARSH, Michael. Referendum Outcomes and Trust in Government: Public Support For Europe in The Wake of Maastricht. **Western European Politics**, v. 18, p. 101-107, 1995.

FRANKLIN, Mark; MARSH, Michael; WLEZIEN, Christopher. Attitudes toward Europe and Referendum Votes: A Response to Siune and Svensson. **Electoral Studies**, v. 13, p. 117-121, 1994.

GABEL, M. Public Support for European Integration: An Empirical Test of Five Theories. **The Journal of Politics**, v. 60, n. 2, p. 333-354, 1998.

Ana Paula Tostes

———. Public Support for the European Parliament. **Journal of Common Market Studies**, v. 41, n. 2, p. 289-308, 2003.

———; WHITTEN, Guy D. Economic Conditions, Economic Perceptions, and Public Support for European Integration. **Political Behavior**, v. 19, n. 1, 1997.

GAMBLE, A.; PAYNE, A. (Ed.). **Regionalism and World Order**. Malaysia: MacMillan Press, 1996.

GARRETT, Geoffrey; TSEBELIS, George; CORBETT, Richard. The EU Legislative Process : Academics vs. Practitioners – Round 2. **European Union Politics**, v. 2, n. 3, p. 353-366, 2001.

GIBSON, James; CALDEIRA, Gregory. The Legitimacy of Transnational Legal Institutions. **American Journal of Political Science**, v. 39, p. 459-489, 1995.

GILPIN, Robert. **Global Political Economy** – Understanding the International Economic Order. Princeton: Princeton University Press, 2001.

HELD, David. A Democracia, o Estado-Nação e o Sistema Global. **Lua Nova**, n. 23, p. 145-194, mar. 1991.

HURRELL, Andrew. O Ressurgimento do Regionalismo na Política Mundial. **Contexto Internacional**, v. 17, n. 1, p. 23-59, 1995.

INGLEHART, Ronald. Public Opinion and Regional Integration. **International Organization**, v. 24, n. 4, p. 764-795, 1970.

———; RABIER, Jacques-Rene; REIF, Karlheinz. The Evolution of Public Attitudes toward European Integration: 1970-86. In: REIF, K.; INGLEHART, R. **Eurobarometer: The Dynamics of European Public Opinion**. London: Macmillan, 1991.

JACOBS, Francis G. **The Sovereignty of Law**. The European Way. Cambridge: Cambridge University Press, 2007.

JOSEPH, A. Camilleri; FALK, Jim. **The End of Sovereignty?** The Politics of a Shrinking and Fragmenting World. Aldershot: Edward Elgar Publishing Limited, 1992.

KEOHANE, Robert O.; HOFFMANN, Stanley. **The New European Community: Decisionmaking and Institutional Change**. Boulder, CO: Westview, 1991.

**Regionalism and Political Representation in
Comparative Perspective: The European...**

KEOHANE, Robert O.; NYE JR., Joseph S. **Power and Interdependence**. London: Longman, 2001.

LINDBERG, Leon N. **The Political Dynamics of European Integration**. Stanford: Stanford University Press, 1963.

LIPSET, Seymour Martin. **Political Man: The Social Bases of Politics**. London: Heinemann, 1983.

LOCKE, John. **Dois tratados sobre o governo**. Trad. Julio Fischer. São Paulo: Martins Fontes, 2005.

MAJONE, G. Europe's Democratic Déficit: The Question of Standards. **European Law Journal**, Oxford, v. 4, n. 1, p. 5-28, 1998.

———. Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance. **European Union Politics**, London, v. 2, n. 1, p. 103-122, 2001.

MALAMUD, A.; SOUZA, L. Paramentos supranacionais na Europa e na América Latina: entre o fortalecimento e a irrelevância. **Contexto Internacional**, v. 27, n. 2, p. 369-409, 2005.

MATTLI, Walter. **The Logic of Regional Integration**. Europe and Beyond. Cambridge: Cambridge University Press, 1999.

MEDEIROS, M. de A.; PAIVA, M. E.; LAMENHA, M. Legitimidade, representação e tomada de decisão: o Parlamento Europeu e o Parlasul em perspectiva comparada. **Revista Brasileira de Política Internacional**, v. 55, n. 1, p. 154-173, 2012.

MCGREW, Anthony. Globalization and Territorial Democracy: An Introduction. In: MCGREW, A. (Ed.). **The Transformation of Democracy? Globalization and Territorial Democracy**. Cambridge: Polity Press, 1997. p. 1-24.

MORAVCSIK, Andrew. In defense of the "Democratic Deficit": Reassessing the Legitimacy of the European Union. **Journal of Common Market Studies**, v. 40, n. 4, 2002. p. 603-34.

PALMER, D. **The New Regionalism in Asia and the Pacific**. Lexington, Mass.: Lexington Books, 1991.

RITTBERGER, Berthold. Impatient Legislators and New Issue-Dimensions: A Critique of the Garrett-Tsebelis Standard Version of Legislative Politics. **Journal of European Public Policy**, v. 7, n. 4, p. 554-575, 2000. j

Ana Paula Tostes

_____. Institutionalizing Representative Democracy in the European Union: The Case of the European Parliament. **Journal of Common Market Studies**, v. 50, n. S1, p. 18-37, 2012.

SCHMITTER, Philippe C. A Revised Theory of Regional Integration. **International Organization**, v. 24, n. 4, p. 836-868, 1970.

SCULLY, Roger M. The European Parliament and the Co-Decision Procedure: A Reassessment. **The Journal of Legislative Studies**, v. 3, n. 3, p. 58-73, 1997.

STOPFORD, John M.; STRANGE, Susan; HENLEY, John S. **Rival States, Rival Firms: Competitions for World Market Shares**. Cambridge: Cambridge University Press, 1991.

STRANGE, Susan. **The Retreat of the State: The Diffusion of Power in the World Economy**. Cambridge: Cambridge University Press, 1996.

THUROW, Lester. **Head to Head**. The Coming Economic Battle among Japan, Europe, and America. New York: Morrow, 1992.

TSEBELIS, George. The Power of the European Parliament as a Conditional Agenda Setter. **The American Political Science Review**, v. 88, n. 1, p. 128-142, 1994.

_____. Conditional Agenda-Setting and Decision-Making Inside the European Parliament. **The Journal of Legislative Studies**, v. 1, n. 1, p. 65-93, 1995.

_____. More on the European Parliament as a Conditional Agenda Setter: Response to the Moser. **The American Political Science Review**, v. 90, n. 4, p. 839-844, 1996.

_____. More on the Co-Decision Endgame. **The Journal of Legislative Studies**, v. 3, n. 4, p. 139-143, 1997.

_____. Veto Players and Law Production in Parliamentary Democracies: An Empirical Analysis. **The American Political Science Review**, v. 93, n. 3, p. 591-608, 1999.

TSEBELIS, George; JENSEN, Christian B.; KALANDRAKIS, Anastassios; KREPPPEL, Amie. Legislative Procedures in the European Union: An Empirical Analysis. **British Journal of Political Science**, v. 31, p. 573-599, 2001.

VAYRYNEN, Raimo. Regionalism: Old and New. **International Studies Review**, v. 3, p. 25-51, 2003.

**Regionalism and Political Representation in
Comparative Perspective: The European...**

VIGEVANI, Tullo. Ciclos longos e cenários contemporâneos da sociedade internacional. **Lua Nova**, n. 46, 1999.

WEILER, J. H. H.; HALTERN, U. R.; MAYER, F. European Democracy and its Critique. West. **European Politics**, v. 18, n. 3, p. 4-39, 1995.

WENNERSTRÖM, Erik O. **The Rule of Law and the European Union**. Uppsala: Iustus Förlag, 2007.

WIDGRÉN, Mika. The Impact of Council Voting Rules on EU Decision-Making. **Economic Studies**, v. 55, n. 1, p. 30-56, 2009.

Abstract

**Regionalism and Political
Representation in Comparative
Perspective: The European Union
and MERCOSUL**

This paper aims to explore the consequences of institutionalization in regional integration processes. More specifically, it explores the creation of representative regional institutions which strengthen integration, while at the same time affecting the distribution of sovereign and representative powers among the players involved in the policy-making process within member states. The premise is that institutionalization at a regional level brings gains in strategic actions and more efficient mechanisms of collective international action, on one hand, but on the other, it can have a democratic cost, in terms of a society's participation and control over collective decisions which impact the national decision-making process. In the case of the Latin American integration process, the initiative of setting up a regional parliament for MERCOSUL, the PARLASUL, must be understood within the problematic context of the effects of regional representation on national sovereignty. Thus, although with some limitations, the European experience serves as a parallel to the initiatives of establishing regional parliaments.

The paper is divided into three sections: the first is historical and theoretical; it covers the origin and transformations of the modern sovereign state system, along with the changes that have occurred over time from regional integration events and their differences. Some concepts and

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classic theoretical approaches on the topic are reference sources, such as the contributions of Schmitter (1970), Mattli (1999) and Fawcett and Hurrell (2003), for example. In the second section, one of the characteristics of the new regionalism is explored: institutional innovation (HURRELL, 1995). In this case, the aim is to further verify the impact of regional integration on national politics, the role of the regional parliaments and the purpose of extra-state representation, its different models and its consequences for national sovereignty of states involved in the integration process. The dialogue with different points of view will be fundamental, especially in order to draft analytical dimensions of the impact of the changes that occurred with the emergence of a new form of regional representation (FAWCETT; HURRELL, 2003; MALAMUD; SOUZA, 2005; DRI, 2009; 2010; LINDBERG, 1963). Could an extra form of representation come at a cost of the suppression of less opportunity for participation? In the third section, the relation between representation and sovereignty is evaluated, as well as the role of representative institutions in policy making (KEOHANE; HOFFMANN, 1991; RITTBERGER, 2012; JACOB, 2007). In this section, the experience of the European Parliament will shed light on the analysis of the constitution of a representative institution on a regional level, such as the one expected by the PARLASUL. Finally, the article traces a few conclusions on representation in the context of regional integration processes and the importance of information and social awareness of such processes as a measure of democratic legitimacy.

Keywords: Regional Parliaments – Integration – Sovereignty – Representation