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Concertación (1) or Negotiation: More than a Semantic Difference: Some Reflections about Lessons from the Cases of MERCOSUR and EU

*(1) The word concertación has not an exact English translation. It implies the idea to agree upon, to bring together, to harmonize the interests of differents partners.*

**Abstract.** *The purpose of this essay is to present a comparative analysis on the birth and developments of the Mercosur and of the European Union, trying to identify the central key that may explain the different life and accomplishments of both regimes, beyond their formal similarities. In both cases founding nations were politically and strategically motivated, and established organized cooperation and integration, going further than free trade among them, on the basis of normative treaties. Negotiations were and are the operative idoneous way utilized by those regimes.*

*Moreover, European nations have chosen from the very begining concertación "to overcome their antagonisms" and to develop "a relative efficient and dynamic pattern of working together" and this prevail in the activities of the European Union until now. This crucial approach has to be taken as the main reason for the persistence of the regime and its success. On the other side Mercosur parties from the birth of the regime based their expectations on negotiations alone. The basic concertación in the European Union and the lack of it in Mercosur make the difference in the life and attainment of their respective purpose and goals.*

*Key words. Negotiation, concertación, common vision, common goals, integration purpose, complementarity of concertación and negotiation.*

My first reaction to the question "is there more than a semantic difference between concertación and negotiation?" was: "They are different concepts, different modalities of interaction bewteen nations".

As I organizaed my ideas for this presentation, I found more aspects that led me to an act of rebellion -that is to leave aside the original objective of my presentation that was to analyze the cases of Mercosur and FTAA-. The reason is simple: the FTAA has such uncertain future that it does not deserve to be the object of a comparative analysis with something that it's a reality beyond its limitations and defects.

So, I decided to make the comparison of Mercosur with the European Union - actually with the old European Community -. This should allow us to compare the founding moments of both processes. In my opinion it's in the foundational moments where we can better try to understand the origins of the working methods that are employed in any concrete economic integration process.

The central idea I want to develop is that, in the perspective of building a consensual integration space between sovereign and contiguous nations - as it's the case of both the European Union and Mercosur -, the concepts of concertación and negotiation are complementary. The eventual success or failure of a concrete process greatly depends on the ability of building institutions that could reflect this natural complementation between the concertación and the negotiation dimensions of the working together idea - in a systematic and permanent way - among two or more sovereign nations.

The processes of the European Union and Mercosur are very exotic from a historical point of view. They are recent. We know that what has been historically normal among neighbor countries or neighbors autonomous units of power is the predominance of the logic of conflict and, eventually, war. It has been said that the history of wars have been mainly that of civil wars - wars between neighbors -.

In the cases of the European Union and of Mercosur, the main elements that distinguish both integration processes, were the consensual character of the association, where nobody forces anybody to enter, as well as the vocation of permanence in the associative pact among sovereign nations that are not willing to stop being sovereign.

This is a central issue. In both cases, nations work together because they have reached the conclusion that it is in their benefit and they want to achieve mutual gains.

The sustentation of the original social pact - the foundational pact - is the reciprocity of national interests. From the point of view of each member country, rules are complied because it is in their national interest. Perhaps it could not be convenient for a country to comply with the rules in a particular case. However most probably it is convenient for that country to preserve the system because for instance it has firms with trade, fixed actives and investments all over the region. And so it will comply with the rules even in cases in which it could no be convenient to do so.

Integration processes such as EU and Mercosur, are different from more simple free trade agreements, for example, those between Chile and the United States, or Australia and the United States. In those cases - as it is the case of NAFTA - the rules of the game are set in the founding treaty. It's a kind of one shot agreement. There is nothing substantive to negotiate afterwards. Instead in the cases of the EU and of Mercosur, the original pact is a framework for further development of deep integration through highly complicated negotiations. That's the reason why they need to build institutions that allow them to put together their national interests in a dynamic way - within the framework of a common vision - during the

period of development of the integration process. And in both cases it is a period without a precise end.

Let's look to the initial process of the European integration, especially to the formation of the European Community of Coal and Steel (ECCS), which was born from the Schumann Plan in 1950. It created a snow ball effect that derived latter on today European Union. There is where we found the word "concertación" applied to this kind of phenomenon.

The word "concertación" derives from the French Plan experience. Jean Monnet was who developed this methodology of "pooling" of interests within a common vision. It is worthy to read his Memories. A fascinating man, son of a producer of Cognac, he has not studied in the university. Since he was young he started to practice his ideas through the organization of provision pools from the United States to Europe during the First and then the Second World War.

The methodology and spirit of the First French Plan is well told by Pierre Massé, also a former Commissaire du Plan, in his book "Le plan ou l' anti-hazard". Massé says that the spirit of the Plan was the concertación of the economic and social forces of the nation within the framework of common goals and visions. It was mainly about associating workers and businessmen in an economic pact that concerned them and to develop the feeling of participation founded in concrete facts.

This experience served as a precedent for the creation of the High Authority, which was a central organ of the European Community of Coal and Steel. The idea of concertación was in the center of the Monnet-Schumann 1950 Plan that originated the European integration process. The main idea of this Plan was to overcome the trend toward conflict and war among European nations. It was a political idea with an economic dimension. Perhaps that explains its strength.

The main original idea has been a real success. Most of it is explained through institutions that allowed member countries - even with an important degree of asymmetries in their relative power - to work together achieving a reasonable degree of equilibrium among their sometimes strongly different national interests. Within the framework of those institutions each country defended their national interests through hard negotiations. But at the same time they were able to put those interests within the framework of common goals and visions. They achieved a highly efficient pattern of concertación of those national interests.

I review these antecedents to focus on the Real Academia Dictionary's definition of the word "concertar" and the word "negotiate", and to analyze their eventual differences. One of the definitions of negotiate is to try through the diplomatic way, from state to state, an issue like a trade alliance treaty and so on. Another definition says to deal with public or private issues aiming to its best achievement. That is nearer the definitions of concertar: to make a pact, to compromise, to deal, to agree on a business. Very close to negotiate. But then there is another meaning of concertar: to bring into line different goals or objectives or intentions. It's interesting that "concertar" has not English translation. In some way, the concept is near to "harmonize".

In my opinion the European experience demonstrate us that there is a strong link between these two concepts when sovereign nations are trying to develop an economic integration process among them. What experience shows - and in the case of Mercosur was my own experience as Argentinean negotiator in the founding moment - is that in this kind of processes the key of success depends greatly in the capacity of its institutions to develop at the same time, negotiations among governments and concertación of their national interests.

Common institutions allow member countries to develop a common vision based in their concrete national interests. That implies to recognize a natural dialectic tension between both the national and regional dimension. In the case of the ECSC, this tension was not denied but on the contrary it was institutionalized through the decision making process and the prevalence of common rules. The common vision was assured by the High Authority. And the prevalence of the rule of law was the main task of the Luxemburg Court of Justice.

In the idea of "harmony" of the English translation of "concertación" we found the equivalent to an orchestra. The "concertador" would be the orchestra conductor. They all have a common script with fixed notes, mainly the agreed rules of the founding pact. That 's how during sixty years the European nations were able to overcome their antagonisms and instead, they developed a relative efficient and dynamic pattern of working together. They transformed a disruptive dialectic of national interest in a creative process of cooperation and integration. They did so through a strong political vision and will, but mainly trough an institutional framework allowing them to succeed, at least till now.

In the case of Mercosur we have also an integration process among sovereign nations. All of them want to preserve their sovereignty. As in the case of Europe the idea of a regional dimension is based in their capacity of achieving their national interests. This regional dimension is not the result of any kind of hypothetic supranational rationality. It is an integration process that is a result of a permanent pact, with common long term goals, immediate compromises and an embryonic institutional framework.

But the main problem with Mercosur is that as time passed by, what prevailed has been the idea of negotiation against the idea of "concertación". There has not been till now a clear idea of how to institutionalize the function of "concertar". In Europe, "concertación" would not have been possible without a "concertador". The "concertador" is not some body that imposes obligations. On the contrary, is some body that orchestrates, that helps to unveil the common interest. It is a go between mechanism.

How can we explain that this could not be achieved? I would say that there is a kind of open resistance from Brazil and Argentina to accept the idea of a "go between" among them. They have not accepted the idea of having a common organ - a "concertador" - that could develop the function of "concertación". In the case of Brazil that could be explained by its size. But that has been also the case of Argentina, even if in the recent years it has lost its relative economic importance.

History shows that bigger countries in this kind of processes try to keep their national interest and their freedom of action, leading to a precarious institutionalization and legality.

The concrete fact is that there has been a deaf resistance to the idea of any kind of institutionalization of Mercosur that may lead to a common vision within the region. That explains perhaps the strong resentment from Uruguay and Paraguay to the economic integration idea prevalent both in Argentina and Brazil.

In my opinion the main challenge for Mercosur is to develop institutions that allow member countries to defend their national interests through negotiations, but at the same time to put them together within common goals and a common vision. That is to obtain a relative capacity of concertación.

I conclude by saying that I visualize in this kind of consensual economic integration processes both functions - negotiation and concertación - as complementary. This implies to have institutions that assure a relative equilibrium between each function. Not understanding these would signify to give away the political advantages of this kind of process. This lesson from the European experience has not been yet fully understood in the Mercosur case.

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