

## **MERCOSUR Parliament: Institutional weakness and political stalemate. Analysis six years after its formation**

**Juan José Lucci**  
Universidad Torcuato Di Tella  
E-mail: [jjlucci@cries.org](mailto:jjlucci@cries.org)

### **ABSTRACT**

*The MERCOSUR Parliament was created in order to facilitate the integration process of this organization and provide a balanced institutional framework to ensure a climate of greater certainty and predictability. However, these objectives have not been fulfilled for the most part given that the work produced by the Parliament, the commissions and its observatory bodies has been insignificant. Many of these problems will continue until Member Parliaments are no longer elected by direct vote and Parlasur becomes known by most of the citizens it represents.*

**Key words:** MERCOSUR, Parlasur, MERCOSUR Parliament.

### **Introduction**

Argentina, Brazil, Paraguay and Uruguay began a process of integration on March 26, 1991 when they signed the Treaty of Asunción and established the Southern Common Market, or MERCOSUR (for its Spanish acronym). The main objectives of this treaty were to facilitate the free movement of goods, services and factors of production between member states, establish a common external tariff and coordinate macroeconomic and sectoral policies<sup>1</sup>. To implement these goals a Common Market Council (CMC), an administrative secretary and a Joint Parliamentary Committee (JPC) were created. The latter was formed in order to involve the legislature in the integration process and also to create a common space between the executive and the legislative branches of the member states.

In order to facilitate the integration process as well as the institutional environment of inter-parliamentary cooperation, it became evident that greater involvement on the part of national parliaments was needed. In 2004, the CMC approved the JPC's intent to draft the Protocol of the MERCOSUR Parliament. Throughout 2006, the national parliaments of the member states approved this protocol, and on December 14, the regional parliament was established in Brasilia. The MERCOSUR Parliament, better known as Parlasur, was formally inaugurated in Montevideo, Uruguay on May 7, 2007. In this system, each country selected 18 elected representatives from their respective national parliaments.

This article aims to analyze the functioning of the MERCOSUR Parliament during the period 2007-2012 and to summarize its legislative activity. While this work is largely descriptive, it also intends to provide an explanation for these results. Although the focus of the article is to examine the legislative output of Parlasur, we will first examine the roles and functions assigned to the parliament. Second, we will analyze its legislative output and thirdly, we will focus on recent reforms to the body. Finally, we present the conclusions of this work.

### **Functions of Parliament**

The capacities of Parlasur are varied and include representative functions, budgetary control and integration process duties. The parliament is able to issue statements, recommendations and reports on issues related to the development of the integration process. However, unlike traditional legislative bodies, these resolutions are not mandatory for member states.

---

<sup>1</sup> Art 1 Treaty of Asunción, 1991.

MERCOSUR Parliament also has the power to produce draft bills and studies related to the integration process for presentation to the local executive powers<sup>2</sup>. Parlasur cannot force a national or supranational body to carry out any given project, but if the proposal is met with approval, national parliaments should discuss it within 180 days. The parliament is in turn able to request reports or other opinions about the integration process from the other organs of MERCOSUR. These requests must also be answered within 180 days.

The Pro Tempore Presidency of MERCOSUR, granted to each member state for one year, should report its objectives, priorities and main activities in each legislative period to Parlasur. Parlasur can also invite, through the President Pro Tempore of the CMC, representatives of the MERCOSUR bodies to inform and evaluate the progress on the integration process.

Parlasur also ensures the preservation of the democratic order in the member states under the Ushuaia Protocol. In turn, the parliament must submit an annual report on the human rights situation in all member states, taking into account the principles and norms of MERCOSUR<sup>3</sup>.

Four different types of decision-making majorities<sup>4</sup> were designed for different issues of varying complexities or interests

- **Simple:** more than half of the present members of parliament (MPs).
- **Absolute:** more than half of all MPs.
- **Special:** two thirds of all the MPs which furthermore should include the votes of MPs from all member states
- **Qualifying:** more than half of the votes of all the MPs in each block of countries

MERCOSUR Parliament deals with different topics in ten commissions. For example: Legal and Institutional Affairs, Economic Affairs, Finance, Business, Fiscal and Monetary Affairs, International Affairs, Inter and Strategic Planning, Education, Culture, Science, Technology and Sports, Labor, Employment Policies, Social Security and Social Economy, Sustainable Regional Development, Land Use, Housing, Health, Environment and Tourism, Citizenship and Human Rights Affairs, Security and Defence, Infrastructure, Transport, Energy, Agriculture, Livestock and Fisheries, and Budget and Internal Affairs<sup>5</sup>.

The protocol states that Parlasur must perform at least one regular meeting each month<sup>6</sup>. Special meetings may be called by both the CMC and by the MPs themselves when deemed necessary. The protocol also provides for the possibility of virtual sessions.

Finally, Parlasur possesses the core competencies of all such parliamentary bodies, including the approval of its own budget. The CMC and the MERCOSUR Secretariat should also report on budget implementation to the parliament in the first half of each year.

### **Legislative production**

Since the inaugural meeting in May 2007, there have been six regular sessions of Parlasur. As shown in Table N<sup>o</sup> 1, legislative outputs have varied throughout this period. In 2007, the first 5 sessions were devoted to establishing the operation of parliament through the creation of regulations, commissions, and designated authorities. The fourth, fifth and sixth sessions were spent approving two resolutions, 6 statements and various internal provisions. They also approved the recommendation of parliament's budget for 2008, totalling U.S. \$1,026,936<sup>7</sup>.

---

<sup>2</sup> Art 4, inc. 12 Protocol of the MERCOSUR Parliament.

<sup>3</sup> Art 4, inc. 3 Protocol of the MERCOSUR Parliament.

<sup>4</sup> Art 15 Protocol of the MERCOSUR Parliament.

<sup>5</sup> Official Site of the MERCOSUR Parliament. [www.parlamentodelmercosur.org](http://www.parlamentodelmercosur.org)

<sup>6</sup> Art. 17, Inc. 1 Protocol of the MERCOSUR Parliament.

<sup>7</sup> Recommendation 1/2007 Parliament of MERCOSUR.

Table 1: Legislative production of the MERCOSUR Parliament, 2007-2012.

Year	Number of sessions per year	Statements	Recommendations	Draft norms	Informes	Provisions	Draft bills	Orders Report
2007	9	6	1	0	0	10	0	0
2008	10	26	12	0	0	48	0	2
2009	9	14	25	2	2	28	4	1
2010	6	25	17	0	0	19	2	0
2011	1	2	1	0	0	0	0	0
2012	0	0	0	0	0	0	0	0
<b>Total</b>	<b>35</b>	<b>73</b>	<b>56</b>	<b>2</b>	<b>2</b>	<b>105</b>	<b>6</b>	<b>1</b>

Source: Based on data from [www.diputadosdelmercosur.gov.ar](http://www.diputadosdelmercosur.gov.ar)

2008 was the year with the most legislative sessions to date. 26 statements, 12 recommendations and 48 provisions were approved. Among the most important statements made were for the provision of free visas for students and teachers of member states, the condemnation of the "Fourth Fleet," appreciation for the actions of the Rio Group and the OAS in the conflict between Colombia and Ecuador and the defence of migrants' human rights. Approval for MERCOSUR's participation at the Doha round, solidarity with Cuban detainees in the U.S. and a declaration to promote the energy integration process was also discussed.

Also approved were recommendations for the CMC to design a policy protecting the Guaraní aquifer system, requests for information regarding the status of MERCOSUR's customs procedures, and reports on institutional meetings. During this same period, the Democracy Observatory of the MERCOSUR Parliament was created through provision N° 26/2008.

2009 marked the most productive legislative year: 14 statements, 25 recommendations, 2 operating principles, 2 reports, 28 provisions, 4 draft bills and 1 request for information were approved. The approved operating principles established a statute for trans boundary cooperation and a program aimed at strengthening cultural activities in the member states. Among the most important recommendations was the declaration of the Guaraní as an official language of MERCOSUR and the constitution of the Statistical Institute of MERCOSUR.

In this period, Parlasur also voiced concerns about the global economic crisis, praised Venezuela's electoral process, supported Argentina's claim for sovereignty over the Malvinas Islands and condemned the coup in Honduras.

One of the most important rulings was 7/2009, which approved the principles, objectives, appointment of members, and functions of the Democracy Observatory of the MERCOSUR Parliament. This also defined the work of the Electoral Observer Corps of the MERCOSUR Parliament and stated that the Observatory must submit a quarterly report of its activities, though this requirement has not yet been met.

In the same period, the MERCOSUR Energy Observatory was established through provision 25/2009 under the Committee of Infrastructure, Transport, Energy, Agriculture, Livestock and Fisheries. However, this body has not produced any reports to date. A special commission to monitor existing laws against human trafficking and coordinate strategies among member states was also created, but has yet to produce any results.

In 2008, the Commission for Citizenship and Human Rights began a round of public hearings to draft reports on the human rights situation in each of the four MERCOSUR member states. In 2009, Parlasur approved the report detailing findings from the hearings, but due to differences in methodology no more hearings were held in the following years.

In 2010, parliamentary activity decreased compared to previous years: there were only 6 sessions in which 25 statements, 17 recommendations, 19 laws and two operating principles were approved. The parliament declared support for a resolution from the UN Human Rights Council rejecting Israel's actions in Palestine, repudiated Iran's decision to appoint an interior minister accused of involvement in the AMIA bombing, rejected the UK's oil exploration plan in the Malvinas Islands, condemned the sentencing of a woman in Iran to death by stoning,

welcomed the agreement between Uruguay and Argentina regarding the monitoring of the Uruguay River and designated Chaco as the MERCOSUR capital of sculptures.

Approved measures included a resolution to control hunting, fishing, logging and the introduction of livestock in neighbouring protected areas as well a request for environmental preservation in the border shared by Brazil, Argentina, and Paraguay. The Parliamentary Forum of MERCOSUR was also established and will meet at least once a year with the goals of sharing Parliament's activities and synthesizing national laws.

The most recent Parlasur budget, which still stands today, was approved in 2010. The total budget is U.S. \$1,573,019, broken down as follows: Argentina: \$337,524.56, Brazil: \$692,128.36, Paraguay and Uruguay: \$251,683.04.

Unlike previous years, the 2011 period was hardly active: only one session took place in which two statements and one recommendation were passed. This was mainly due to the fact that the Brazilian delegation did not elect its representatives until September and the Argentine delegation was absent due to national general elections in October.

The only recommendation approved sustains that MERCOSUR countries should consider the question of the Malvinas Islands when signing treaties and/or agreements. The parliament also rejected Nicolas Sarkozy's reference to Uruguay as a tax haven.

No Parlasur sessions were conducted in 2012. The commencement of the sessions was initially postponed because Argentina could not select its Parlasur deputies and senators. In addition, Paraguay was suspended from MERCOSUR following the impeachment of former President Lugo for not respecting due process laws and instead carrying out an institutional coup<sup>8</sup>.

On August 12, Venezuela officially acquired member status in MERCOSUR and now possesses all the rights and obligations of the other countries<sup>9</sup>. Venezuela's entry was previously blocked by the Paraguayan legislature, but after its dismissal, the governments of Argentina, Brazil and Uruguay decided to include Venezuela as a full member.

An attempt to hold a legislative session took place on July 12, but it was suspended when the Paraguayan parliament, only thus far elected by popular vote, decided to attend. The Argentinean representatives avoided giving a quorum at the opening of the session out of disapproval for Paraguay's attendance. Thus, the Venezuelan MPs could not be officially recognized.

### **Latest reforms**

#### **Modifying the number of MPs**

On October 18, 2010, the foreign ministers of MERCOSUR approved the proportional representation of Parlasur, wherein Brazil will have 75 members, Argentina 43, and Paraguay and Uruguay 18 each. This change is being implemented gradually. In 2011, Brazil had 37 MPs and Argentina 26, a figure that will increase regularly until 2015. In June 2012, Venezuela was incorporated into MERCOSUR, with a total of 20 MPs. During the Plenary Session, the 4 foreign ministers of the bloc, Héctor Timerman of Argentina, Celso Amorim of Brazil, Héctor Lacognata of Paraguay, and Luis Almagro of Uruguay, approved the political agreement that Parlasur sent to the CMC stating that special majorities will be required for most of the important decisions. This statute was put into effect in order to prevent the larger countries (Argentina and Brazil) from taking control of the legislative body<sup>10</sup>.

---

<sup>8</sup> "Suspenden sesión del Parlasur en medio de tensión por ausencia argentina" 4th July 2012. Available in: <http://www.noticias24.com/internacionales/noticia/39902/suspenden-sesion-del-parlasur-en-medio-de-tension-por-ausencia-argentina/>

<sup>9</sup> *Ibid.*

<sup>10</sup> Article available at the Official site of the Mercosur Parliament: [www.parlamentodelmercosur.org](http://www.parlamentodelmercosur.org)

### Parlasur Budget

In December 2010, Parlasur approved a recommendation from the CMC asking for the modification of the percentage contribution of each member state to the functioning of parliament. According to this ruling, the costs would be distributed as follows: 24% Argentina, 44% Brazil, 16% and 16% Uruguay Paraguay. In 2011, the foreign ministers of the member states agreed that the costs would be distributed in the manner recommended by Parlasur.

### Direct election of MPs

In order to give legitimacy to the new body, the Parliament of MERCOSUR Protocol states that members should be elected by universal and secret direct popular vote<sup>11</sup> and that each country should decide its own election system independently. Progress on this point has varied among member countries. Paraguay was the first country to approve an electoral law and the first MERCOSUR member to celebrate the democratic process. The chosen electoral system was adopted through closed lists with proportional representation using the d'Hondt system. The Electoral Supreme Court of Paraguay was put in charge of conducting the 2008 elections, where five political parties obtained representation in parliament. These were the National Republican Association (NRA), Authentic Radical Liberal Party (PLRA), National Union of Ethical Citizens (UNACE), Beloved Fatherland Movement and Tekojoja Popular Movement<sup>12</sup>.

In Argentina, various bills were discussed but never passed. The proposal presented by former MP and MERCOSUR deputy Mariano West proposed a mixed electoral system wherein each province elects an MP and the remaining 19 deputies by proportional representation in a national district. Another proposal presented an electoral system with proportional representation in a single national district with a threshold of 5%. Despite the presentation of various plans each year, to date none of them has passed. In 2012, no discussion of any submitted electoral proposals took place in either of the two chambers.

In Brazil, the Foreign Relations Committee of the House of Representatives unanimously approved Workers' Party legislator Carlos Zarattini's proposal that sets the rules for the election of Parlasur deputies. The bill states that MPs must be elected by proportional representation using pre-ordered lists of candidates through registered political parties. Each group may register a list of candidates not exceeding twice the number of spots to fill. Furthermore, the bill provides that in the 45 days prior to the election, radio and television stations must reserve 10 minutes per day from Monday to Friday for free electoral campaigning for MPs. It was also agreed upon that candidates are ineligible to seek another elected office position. Despite initial consensus, the Chamber of Deputies has not yet approved this proposal.

In Uruguay, criticisms of MERCOSUR and Parlasur are especially strong. In fact, former President Lacalle called for a withdrawal from Parlasur, stating that the body violates the fundamental purpose of MERCOSUR: economic integration. Uruguay also argues that MERCOSUR is not beneficial to the nation and furthermore that Parlasur generates large costs<sup>13</sup>. Currently there are no bills regulating the election of MPs in the Uruguayan congress.

### Conclusions

The MERCOSUR Parliament was created in order to facilitate the integration process of the bloc and provide a balanced institutional framework ensuring a climate of greater certainty and predictability. However, as we have seen throughout this article, the organization's objectives for the most part have not been fulfilled given that the legislative body could not hold a session for more than one month in any given year and the work produced by the observatory bodies has been insignificant. Important developments stemming from the approval of certain bills have also been scarce. The bloc has also not been able to produce an annual report on the state of human rights in each member state as outlined in the establishing Protocol.

The legislative paralysis of 2011 and 2012 highlights the institutional weakness of the parliament. The causes for

<sup>11</sup> Art. 6, Inc 2 Protocol of the MERCOSUR Parliament.

<sup>12</sup> Based on data from Justicia Electoral de Paraguay. [<http://www.tsje.gov.py>]

<sup>13</sup> "Lacalle pronosticó muerte del Parlasur" 15<sup>th</sup> November 2009. [<http://www.elpais.com.uy/091114/ultmo-454339/ultimomomento/lacalle-pronostico-muerte-del-parlasur/>]

this paralysis were Brazil and Argentina's inability to select their MPs and the repercussions of Paraguay's suspension from MERCOSUR. This event also prompted several questions about the role that the parliament should have played at the time.

Another cause of low legislative production was that Parlasur representatives, except in the case of Paraguay, are also legislators in their respective countries, making it difficult for them to commit to the time required by an organization in its early stages of formation. Many of these problems will continue until MPs are no longer elected by direct vote and Parlasur becomes known by most of the citizens it represents. Progress in this respect seems to be stalled for the time being, given that only Paraguay that has been able to elect its MPs by direct popular vote.

Finally, the stagnation of Parlasur also reflects a deep crisis within MERCOSUR, which in recent years has been criticized by its own member states regarding the incompatibility of economic interests with the integration process. Many scholars and experts argue that these differences will shift the focus of integration from the economic to the political. In this context, Parlasur represents a designated space for the continual strengthening of MERCOSUR in areas beyond trade such as culture, energy, technology, social relations and the environment.

### **Bibliography**

Borraz, Fernando, Máximo Rossi and Daniel Ferrés. "*Distributive Effects of Regional Trade Agreements on the 'Small Trading Partners', Mercosur and the Case of Uruguay and Paraguay*", 2012.

Caetano, Gerardo, et al. "*Hacia un Parlamento del MERCOSUR. La encrucijada política del Mercosur, Parlamentos y nueva institucionalidad*", Centro Latinoamericano de Economía Humana y Unidad para la Promoción de la Democracia de la Organización de los Estados Americanos, 305-322, 2003

Dreyzin de Klor, Adriana, "*La proporcionalidad en la composición del Parlamento del Mercosur y los desafíos de las legislaciones electorales nacionales*", Revista Brasileira de Derecho Constitucional N° 15, 2010.

Hirst, Mónica. "*La dimensión política del Mercosur: actores, politización e ideología*", *Estudios Avanzados* 10.27, 217-250, 1996.

Malamud, Carlos. "*La crisis de la integración se juega en casa*", *Nueva sociedad* 219, 97-112, 2009.

Official website of the Argentinean delegation at the MERCOSUR Parliament. [www.diputadosmercosur.gov.ar](http://www.diputadosmercosur.gov.ar)

Official website of MERCOSUR. [www.mercosur.org](http://www.mercosur.org)

Official website of the Parliament of MERCOSUR. [www.parlamentodelmercosur.org](http://www.parlamentodelmercosur.org)

Prates, Carlos Mata. "*La constitución del Parlamento de Mercosur Un enfoque desde la gobernanza política*" *Cuadernos de Integración Europea* (47-60), 2006.

Vázquez, Mariana. "*De la Asamblea Parlamentaria de la CECA al Parlamento del MERCOSUR*", Agenda Internacional, Visión desde el Sur, Buenos Aires, 2005.

Ventura, Deisy de Freitas Lima, and Alejandro Daniel Perotti. "*El proceso legislativo del Mercosur*", Comisión Parlamentaria Conjunta del Mercosur, 2004.