REGIONAL COOPERATION IN PUBLIC SECURITY: ASSESSMENT OF UNASUR'S NORMATIVE FRAMEWORK

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Introduction

The study on international security has been the subject of intense discussions in the political and academic environment in the last decades as a consequence of the systemic transformations that took place in the international arena, which effectively started in the 1970s and was consolidated with the end of the Cold War. In particular, the debates sought to understand how to adapt the theoretical-methodological instrument of the discipline to the nature of the new security phenomena that emerged as threats in a world increasingly interconnected in its domestic activities, intensifying the porosity of national boundaries and, consequently, questioning the meaning and characteristics of interstate warfare in the context of this new configuration of power.

Thinking about public safety in a coordinated and common way at the regional level is behind the initiative to build regional public policies in other areas, especially in the social, health and education area. Many other areas flirt, with more or less assertiveness, with regional experiences, although it seems appropriate to state that all are still in relatively early stages.

Contemporary academic debates in International Relations leave two thought-provoking aspects open associated with a concern for regional public security. The first concerns the systematic introduction of the regional scope as a level of analysis of international security studies. From the perspective of the Regional Security Complexes (Buzan and Waever 2003) and the Security Communities (Adler and Barnett 1998), the regional dimension assumes a

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priority role in defining the security status of most of the countries of the world, with the few exceptions of the great world powers, whose interests are potentially also affected by regional and global issues. The security of States, and their populations, are closely related to regional dynamics. When one considers the nature of the contemporary threat phenomena faced by South American countries, however, the contours attributed to the concept of security seem insufficient. Traditionally, the object of study of international security has as reference the security of the State - its functions, population, territory and diverse resources. Therefore, understanding the (in)security motivated by regional instabilities as an aspect of international security, without violating the frontier of internal and external action in the use of force, implied in accepting the need for securitization of regional security issues - in the terms proposed by Buzan , Waever and de Wilde (1997): raising the issues of the political agenda to the threat level through discursive practice, authorizing the use of extraordinary measures to solve them. Indeed, this concern, both with the limits of the use of force and the relevance of the regional scope for State security, has motivated, to a certain extent, the militarization, or securitization, of themes on the regional agenda, especially drug trafficking. What these conceptual frameworks do not contemplate is precisely how to deal with the impact of regional (in)security dynamics on the structures of domestic (in)security beyond the construction of a discourse that implies a threat to the survival of the State and/or the violation frontiers.

The second point in the debate deserving attention is the prominence of discussions and processes on regional integration. The revitalization of the processes of regionalization of political, economic and commercial relations, driven by the dissolution of the structuring pillars of relations between states characteristic of the Cold War, accompanied the intensification of the debate about the relevance of the regional dimension in the different parts of the globe. It was no different in South America. With a long history of building initiatives aimed at promoting regional integration, the 1990s witnessed the flourishing of a number of new cooperative arrangements. Special emphasis is given to the subregional arrangements of Mercosur and the Andean Community of Nations (CAN). In the 2000s, the Union of South American Nations (UNASUR) and, with less prominence and more recent in its creation, the Community of Latin American and Caribbean States (CELAC) stand out. Although the strategic relevance and operational reach of these organizations vary from one government to another, it can be said that these projects serve the shared interests of the countries of the region to create mechanisms that facilitate cooperation between states in different thematic areas, influence positively in the redefinition of the terms of the global projection of these

countries and give a greater degree of autonomy in the conduct of regional affairs. Disparities in resources, structures and foreign and national policy objectives between the various States in the region certainly impose different meanings and functions for these arrangements in the particular context of each of the agents that make up these blocs, which means that these statements are identified by each of the South American countries with equally different assertiveness.

Because of their diversity and quantity, multilateral cooperative arrangements in South America present a series of functional and thematic overlaps. In itself, these convergences do not have positive or negative meaning for coordinated action among regional actors; in cases, reinforce or complement each other (Perrotta 2016, Hartlapp 2016). In terms of scope and ambition of purpose, UNASUR places itself as the most important actor in the processes of cooperation among South America countries as a whole. In addition, it establishes among the normative precepts of its Constitutive Treaty the intention to create the bases for the construction of a common regional citizenship and, in this sense, to foment the emergence of mechanisms able to guarantee the set of obligations of rights and duties duties associated to it.

Specifically, in the case of security and defense, until the creation of the South American Defense Council (CDS) of UNASUR in December 2008, the main political coordination body of the area at the regional level consisted in the Conference of Defense Ministers of the Americas, a body attached to the Committee on Hemispheric Security of the Organization of American States, created in 1995. With bi-annual meetings and constrained in defining common objectives for the South American region by the presence of the United States, this Council nevertheless began a history of building mutual confidence measures among its member countries, in parallel to bilateral initiatives that were taking place in the same direction among the States of the region. The CDS, as in general to the institution to which it is linked, UNASUR, proposes to lay the foundations for a more far-reaching integration. In addition to encouraging the strengthening of measures of mutual trust between countries, it seeks to facilitate the exchange and cooperation of the defense industry, reduce asymmetries between the defense systems of the region, create a common defense identity and a shared vision between the countries of the region on the subject - it is worth mentioning, as a normative proposal (UNASUR 2008b).

Regardless of the advances towards the objectives and general principles established in its statute, the CDS has been one of the most active and central organs of UNASUR's activities. Discussions within the Council have generated some important institutional developments, such as the creation of

the South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime. If we cannot state here that such Council was born exclusively of the concerns raised in the CDS, it is safe to say that the South American Defense Council's perception of the need to establish a clear conceptual and institutional distinction between security and defense contributed for this unfolding. The preliminary study commissioned by the CDS to the Center for Strategic Defense Studies, published in 2012, offers a conceptual distinction between defense and security, highlighting, on the one hand, the CDS as an inappropriate locus for thinking about public security issues, and the need to think about transnational issues, such as drug trafficking, from the perspective of public security with regional coordination, in which the Council on Citizen Security works (UNASUR 2012b).

The goal of this article is to evaluate the normative framework of cooperation in the area of regional security, with special emphasis on the activities carried out by the South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime (CSS-CJDOT), institution of UNASUR that focuses efforts on this issue. The first section of the text discusses the differences and approximations between the conceptions of cooperation and public policies, grounding the debate in the production on regional public policies, with greater diffusion in the social area. The second part of this paper is devoted to analyzing the documents produced by the South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime. The third section, as final remarks, offers a diagnosis of the limitations, obstacles and opportunities identified from the analysis of the documents with respect to the construction of public policies of regional security.

Discussion on regional public policies

Accompanying the phenomenon itself, analysis of regional public policies are quite recent. In part, the incipience of this literary body results from the contemporary historical development of such policies, which arise with the maturation, or perhaps more accurately, of the adjustment of the integration processes in adapting the demands of States and societies impacted by the transformations unleashed by the dynamics of globalization and the inefficiency of democratic regimes in offering satisfactory answers to a set of them. On the other hand, the State still shapes itself as the privileged locus of policymaking. The shifting of decision-making power, even in a small proportion, to the external arena comes up against the difficulties of building consensus and/or institutionalized mechanisms of negotiation when referring

to instances of intergovernmental composition, or repositioning of citizen loyalties, backed by acceptable criteria that give decision-making legitimacy to supranational bodies. Therefore, the advance and deepening of the production of regional public policies depends on the composition of a series of factors that can combine with different forces, forms and orders: political will of government officials and government bureaucracy, involvement of non-governmental actors, governmental and intergovernmental interagency coordination, and the existence of a minimally established institutional structure.

Of course, regional public policy, although new in the more traditional sense of the term 'public policy', finds convergence with international cooperation practices. Broadly speaking, international cooperation also demands a high degree of political commitment and coordination. What is expected is that practices classified as public policies reach a greater degree of institutionalization, considering intergovernmental cooperation as a milder form of political activity (Yeates 2014). In this sense, it is important to understand how regional institutions "contribute to the regulation and provision of public policies" (Bianculli and Hoffmann, 2016, 1). In the case of social policies, for example, Yeates (2014) suggests that the activities of the exercise of public policy be categorized in redistribution, regulation and provision of rights at the regional level, which would go beyond the purposes of cooperation.

Several definitions of public policies have been formulated since the creation of this field of study. Souza (2007) briefly suggests that some perspectives favor the problem-solving role of public policies, while critics of this overly rationalized reading of the issue emphasize the dynamics of conflict between ideas and interests, and of cooperation and commitment between governments and other governmental and non-governmental organizations. In any case, it suggests that "public policy definitions, even minimalist ones, guide our gaze to the locus where clashes around interests, preferences, and ideas develop, that is, government. The definitions of public policy generally assume a holistic view of the subject, a view that the whole is more important than the sum of the parts and that individuals, institutions, interactions, ideologies, and interests even when there are differences in the relative importance of these factors (Souza 2007, Chapter 2, heading 1135).

Evidently, although it is possible to draw parallels between conflicts of interest and ideologies between governmental and intergovernmental actors, these are very different arenas in terms of decision-making dynamics, ability to act based on programs and projects derived from designed policy proposals, and limitations imposed to actors involved. It is still undoubtedly a game in two spheres, which may or may not be articulated simultaneously. Therefore, what we apparently have in several areas, public security still in

its early stages in South America and a little more widespread in the area of social policies, are intermediate attempts between international cooperation and public policy. However, regional organizations have an important role to play as an additional, potential or effective, instance of contestation and political conflict, and provide a more permanent coordination space between governmental and non-governmental actors.

A more restrictive and operational definition of regional public policy in the case of intergovernmental organizations was elaborated by Perrotta (2016, 187):

> "Regional public policies [are] the political actions and decisions taken by regional government bodies to achieve goals motivated by the exercise of political power. Such political powers are both nation-states that have signed regional integration agreements, as well as regional governance institutions, which may or may not have decision-making authority, but have been self-executing. Regional policies are the result of the complex interaction of various actors positioned at different levels and scales of action and who have different resources, interests, ideals and values."

For this reason, an important dimension of the analysis of regional public policies rests on the processes of diffusion of these policies from the regional level to their adoption at the governmental level (Bianculli and Hoffmann 2016), together with the determinants for the adoption of such policies. With respect to supranational institutions, as in the European case, Radaelli (2003) states that public policies are initially defined and consolidated within the European Union, and then absorbed by the participating States. Moreover, it would not be a one-way street: that is to say, in their constitution process, preferences are exposed in complex negotiation processes within the European Union, and States also select, from a wide range of options, the policies to be adopted at the national level. The experiences in South America, whether in Mercosur or UNASUR, suggest less space for negotiation and political options for the construction of common policies. In part because the greater involvement of the regional level in national policies accompanies the increasing allocation of competences in the bodies of the European Union (Hartlapp 2016). In the case of the South American institutions, although there is some equivalence if we consider the constraints imposed by legal norms produced at the regional level, the distribution of competences of these organisms is extremely limited. The very structure of intergovernmental organizations, in this sense, stands as an obstacle in that they are heavily influenced by the executive of the participating governments, with little autonomy of the parlia-

ment when it exists, as in the case of Mercosur[2].

However, the institutional development of these organizations, with the creation of specialized bodies in thematic areas, of greater or lesser scope, appear as an important evolution in the construction of public policies, or at least for the institution of common norms within the sectors of politics, in Mercosur and UNASUR. This was the case, for example, of the dissemination of the Accreditation and Quality Assurance policies of higher education through the Mercosur Education Sector (Perrotta 2016), the institution of the Mercosur Social Institute, the Commission for the Coordination of Ministers and Social Authorities of the Mercosur High Representative, responsible for the Social Participation Unit, the Mercosur Institute for Public Policies for Human Rights and the Citizenship Statute, which, coordinated, allowed the creation of the Guide for Action to Incorporate the Perspective in Mercosur policies (Espino 2016). This in itself is not a policy, but an important reference framework for the development of labor policies in the region, which, although generally as a rule, must take into account the minimum standards of regulation stipulated in the Mercosur: "prohibition of night work by children, [prohibition] of forced labor [and] introduction of safety nets [for workers] in all Member States" (Hartlapp 2016, 96).

This was also the case with the case of public security in the context of UNASUR[3]. Although Mercosur has anticipated inserting the issue of security as a topic of common interest in the region, initially through the "Framework Agreement on Cooperation in Regional Security between Mercosur States Parties, the Republic of Bolivia, the Republic of Chile, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Bolivarian Republic of Venezuela"[4], emphasizing the need for increased interaction and coordination of actions to deal with the transnational character of the crimes that afflict the countries of the region[5], it was in the context of UNASUR that a specific

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2 For more details, see the discussion presented by Perrotta (2016, 188).

3 In the case of Mercosur, no specific body has been established for the treatment of public security policy issues, although some cooperation agreements of this nature have been signed, such as the creation of joint investigation teams in the fight against organized crime under the Agreement Cooperation Framework between the States Parties of Mercosur and Associated States, of August 2010.

4 This agreement replaces the previous "Framework Agreement on Cooperation in Regional Security between MERCOSUR States Parties" and "Framework Agreement on Cooperation in Regional Security between the MERCOSUR States Parties, the Republic of Bolivia and the Republic of Chile", of 2004.

5 The document states: "Aware that the growing transnational dimension of criminal activity entails new challenges that require simultaneous, coordinated and / or complementary action throughout the region with the common aim of minimizing the negative impact of these

body was created to address the issue, in addition to explicitly addressing the issue of public security[6]. Likewise, UNASUR recognizes the common challenges imposed by transnational threats. Although its constitutional treaty neglects to explicitly mention the issue in terms of public safety, the specific objective (q) makes clear the intention to treat security matters without the concern of distinguishing them between security or defense purposes[7]. The one responsible for clarifying the need to establish a clear distinction between purposes and definitions of matters relating to public security and defense was the South American Defense Council, through a report commissioned to the Center for Strategic Defense Studies of the same in 2012 "The diverse and varied impacts of cross-border crime and the increase in organized crime have generated a strong social demand at the regional level for better levels of public security" and "does not correspond to the South American Defense Council the treatment of public security matters, "and" there is a need to make progress in the study of a possible mechanism for regional cooperation in the area of public security "(UNASUR 2012). The South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime was created in 2012 with the mission of addressing regional policy coordination issues related to public security.

In addition to sectoral institutionalization, the process by which a policy is incorporated by all the members of an organization also plays an important role in understanding the development of regional public policies. This process of diffusion from the regional to the national, in a more sophisticated reading, can be exerted by direct mechanisms (coercion, manipulation of calculations of utility, socialization and persuasion) and indirect (competition, learning and normative imitation, all by who absorbs these policies) (Biancul-

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crimes on the people and on the consolidation of democracy in MERCOSUR and Associated States "(MERCOSUR 2006, 3), and in its Article 1 - Purpose: The objective of this agreement is to optimize the security levels of the region by promoting the widest cooperation and mutual assistance in (MERCOSUR 2006, 4) and in its Article 2 - Scope: The cooperation and assistance mentioned in the previous article will be provided, through the competent bodies of the Parties that formulate and implement policies or participate in the maintenance of public safety and security of persons and their property, in order to make every day more efficient the tasks of prevention and repression of illicit activities in all its forms "(MERCOSUR 2006, 4)

6 The next section will deal in more detail with the content of UNASUR documents on the subject.

7 Specific objective (q): "Coordination among the specialized agencies of the member states, taking into account international standards, to strengthen the fight against terrorism, corruption, the world drug problem, trafficking in small arms and light weapons, transnational organized crime and other threats, as well as promoting disarmament, non-proliferation of nuclear weapons and mass destruction and demining". Also, specific objective (t): "cooperation for the strengthening of citizen security" (UNASUR 2008a, 4).

li and Hoffmann 2016, 10). The definition of diffusion adopted by Bianculli and Hoffmann (2016, 9), in which it is a "process by which particular ideas and practices, institutions, rules and regulations diffuse over time and space" despite recognizing interdependence in the process, accepts differences of results in the final practices of States (ibid.). This certainly provides greater flexibility to study a phenomenon as incipient as the production of regional public policies, allowing the identification of very specific, small-scale mechanisms and approaches such as innovations and regional influence. Its implementation, the actors involved, the resources available and the expected results may vary, although they derive from the same approach to the policy area. This is an important issue on policy design, a central aspect of public policy, but opens the door to understanding how the regional perspective can influence the convergence of public policy objectives among the governments involved.

For intergovernmental bodies which do not have supranational authority and therefore have a reduced power of formal coercion over the Member States, dissemination therefore becomes an essential aspect of the possibility of building policies that can be considered regional. It is not a body that concentrates decision-making and implementation at the regional level, but rather a set of common policies that ideally share normative and informative instruments and cooperate operationally to achieve a common purpose, built on ideological, interests and power struggles in these institutions set up at the regional level[8].

A key element in the process of policy diffusion is the existence of an agreed normative basis, capable of providing a common goal, purpose, objective and / or operative mechanism for addressing the issue addressed by public policy. Treaties, protocols, resolutions, declarations and/or decisions elaborated at the regional level are necessary conditions for the construction of regional public policies, in parallel with a committed leadership, clarity regarding definitions and approach of the problem and articulation of the policy, in its objectives and implementation, with other agencies and regional arrangements (Van Langehove and Kingah 2016)[9]. The next section is devot-

8 In the case of the Education Policy for Accreditation and Quality Assurance of Teaching in Mercosur, for example, incorporated in different degrees by the member countries, the regional debate was dominated by Argentina, a country that is more advanced in terms of academic culture and regulatory framework, structural asymmetries (Perrotta 2016).

9 These observations were made on the basis of regional social policies, but it seems reasonable to consider them generally as a minimum framework for the construction of regional public policies if it is accepted that public policies, whether they result from a rationalist reading or from a dispute, serve to a purpose from certain conceptual and material determinations and limitations.

ed to analyzing the normative documents elaborated by the South American Council on Citizen Security, Justice and Coordination of Actions against Organized Crime, seeking to offer subsidies to think about the advances and limitations for the construction of regional public security policies.

Normative provisions of the South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime of UNASUR

Directly related to issues of a transnational nature in the field of security, two UNASUR bodies should be mentioned. The first is the South American Council on Citizen Security, Justice and Coordination of Actions against Organized Crime (CSSCJDOT), and the second refers to the South American Council on the World Drug Problem (CPMD). As will be discussed below, the CSSCJDOT becomes a protagonist in public security policy issues, with the CPMD addressing the problem of drugs from a more multidisciplinary perspective, which includes, but is not limited to, public security issues.

The CSSCJDOT was created in 2012 and, in 2013, prepared a 5-year Action Plan, expected to end in 2017. It is a permanent body for consultation of UNASUR and the discussion held in that part of the article was supported by the normative documents available in the UNASUR's Digital Repository[10], using 'security' as a search term. A significant volume of documents found consists of Minutes of meetings - of the Working Groups, the Executive Body and the Meetings of Ministers, supplemented by Resolutions, Declarations and Reports. The Council's discussions were divided into working groups - one for Citizen Security, one for Justice and a third for Transnational Organized Crime. The deliberations of these groups were subsequently forwarded to the Executive Body of the Council and, when appropriate, to the Council of Ministers.

In its Statute of Creation, it establishes as principles "(d) [the] promotion of social inclusion, citizen participation and gender equity, taking into account citizens' right to security and the State's obligation to provide it" and "(F) [the] full coordination in the planning and execution of actions against Transnational Organized Crime" (UNASUR 2012a). In its general objectives, it proposes to "(c) promote relations of friendship, trust and dialogue among the member states through regional, integral and coordinated cooperation between the respective specialized institutions in order to elaborate joint crim-

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10 Available at http://docs.unasursg.org/latest-documents, accessed November 24, 2017.

inal policy strategies, cooperation and exchange of information on citizens' security, justice and transnational organized crime "(ibid.). All these actions, the Statute affirms, do not obviate the sovereign autonomy of countries to define their priorities in matters, "as well as to define policies and adequate measures to face these challenges" (ibid.).

The scope of the issues addressed by the CSSCJDOT is reflected in the Action Plan prepared for its first years of operation (2013-2017). In all, it comprises a framework with 11 thematic axes, 32 strategic challenges and 137 lines of action / objectives. In general terms, the thematic axes seek to strengthen the institutional capacities of the national bodies involved in the themes of citizen security, justice and transnational organized crime, as well as creating opportunities to improve citizen participation and attention to human rights principles in security and justice public policies. They seek to address, in accordance with the strategic challenges identified in the scope of institutional capacity building, training of professionals working in the area, technological modernization of crime and violence prevention mechanisms, systematization of intelligence data and intelligence, equal access to international cooperation and strengthen specific policies for prevention, control, investigation and sanctions of transnational organized crime, with a focus on cooperation and information sharing (UNASUR 2013c).

In terms of encouraging greater citizen participation and appreciation of human rights, the strategic challenges are broadly focused on promoting citizen participation in programs and policies to prevent crime and violence, strengthen institutions responsible for human rights, promotion of policies of the same nature, effective responses to serious violations of human rights, encouragement of a culture of non-violence, as well as a careful look at penitentiary policies and the reintegration and rehabilitation of persons deprived of their liberty, adults and young people. In addition, there is a particular interest in the citizen security of border populations, for which the document suggests strengthening the bodies responsible for citizen security and encouraging "citizen participation and collaboration in the design, implementation and evaluation of prevention plans, programs and projects against "organized transnational delinquency of border area populations (UNASUR 2013b, 20).

With the purpose of thinking about what kind of support the normative framework developed by the CSSCJDOT provides for political cooperation and the development of regional public security policies, it is worth highlighting the strategic challenges whose language suggests the construction of convergent mechanisms to deal with situations, especially involving the transnational organized crime. The strategic challenges 1.4 ("Promotion of the creation of mechanisms for the exchange of information and intelligence

referred to DOT, in accordance with the Principles of Reciprocity and Confidentiality of the information exchanged") are highlighted; ("Promotion of Mechanisms for Border and Transnational Coordination and Cooperation") and 2.2 ("Promotion of a South American Mechanism for Police Cooperation to Facilitate Joint Action and Coordination of Transnational Organized Crime Actions") of the Coordination Actions against Transnational Organized Crime. (UNASUR 2013c, 20).

The lines of action/objectives of these selected challenges also open opportunities for regional management of operational issues and dissemination of information related to transnational organized crime. Thus, they propose, among other points, "to generate a South American system of information exchange and criminal intelligence to map routes, modus operandi, financial structures and trends of DOT, among other aspects" (ibid., 18); "To develop integrated procedures for action against DOT in general and in border areas in particular, including: (a) common operational and investigative actions; b) action guides for the early detection of delinquent situations in border areas; c) technical assistance activities; d) to adopt reciprocal cooperation agreements to be taken against DOT "(ibid., 19) and" to promote the formation of a South American police cooperation body that coordinates the joint action against DOT at a strategic and operational level "(ibid., 20).

The centers responsible for Citizen Security and Justice also formulated objectives with the potential to be transformed into public policies of regional security. With regard to the first, it is proposed to develop common principles to strengthen institutional policies for the promotion and protection of human rights and to give priority attention to cases of violence against women, against LGBT populations, intrafamily violence and against people with physical or mental disability (ibid., 7-8). The Justice Working Group, in turn, foresees the elaboration of a guide for the implementation of legal aid services (1.1.1), build tools for democratization to legal knowledge (1.2.2), establish minimum standards of legal advice to citizens of Member States who are prosecuted or sentenced in other Member States (1.4.3) and to transfer them if so requested (1.4.4), to promote the implementation of memory policies as a means of redress and promote the culture of non-violence (3.2.3), promote the implementation of policies to protect groups in vulnerable situations (3.3.1), share and implement experiences of new models of penitentiary management (4.1.1.), identify common principles for the compilation of records of torture or cruel, inhuman or degrading treatment or punishment (4.1.5) (ibid., 10-15).

These proposals, however, are exceptions in this set of 137 lines of action objectives elaborated in the Council's Plan of Action. In general, the

activities are aimed at exchanging experiences and information, professional training seminars, elaborate national diagnoses on matters of interest and promote cooperation and technical assistance actions. There is, of course, merit in these actions, especially due to the potential for socialization and imitation that the exchange of experiences and information offers. None of these dynamics, however, guarantees the incorporation, adequacy or alteration of the policy of other countries; this process depends on the combination of a set of factors, as suggested in the previous section. Certainly, most of the actions are directed towards the strengthening and improvement of the functioning national institutions and their professionals.

The attempt to standardize indicators and practices reflects the complicated reality of the scarcity of systematized information in the area of public safety in particular and the diversity of methodologies adopted to categorize the data of the areas in question. In any case, it is undoubtedly a necessary first step for (future) attempts to adopt policies aimed at common purposes to be achieved. And, in fact, perhaps the most relevant achievement of the CSC-JDOT in the period studied here was the approval of the UNASUR Network against Transnational Organized Crime on November 24, 2016. This network consists of "a mechanism for coordinating and exchanging information for (UNASUR 2016a, Article 1), and although it has been approved by the Council of Ministers, it still lacks implementation.

Most of the proposed actions, however, were considered to be fulfilled by the Council. These are timid actions, in their great majority of punctual activities, that do not enjoy continuity in the approach of the content. Almost all activities are originally offered by the responsible Member State to its nationals, and open space for the participation of one or two members of the other States of UNASUR. A single action also contemplates a series of lines of action in several occasions, which reduces even more the number of activities directed to answer a certain question. Interpreted in the minimum limit suggested by the words, in fact the actions performed fulfill the objectives outlined, but the terms "foster", "strengthen" and "promote" require more continuous and structured actions around the themes. The language used suggests that the Member States have produced a pragmatic Action Plan, effectively considering how much time and resources they could have in these actions, and the recognition of the difficulty of agreeing on assertive priorities in the areas of public security and justice among the members of UNASUR.

Again, it should be emphasized that this is a first step towards the socialization and exchange of information and experience that is so necessary for any model of more ambitious joint policy response, either through the implementation of policies with a common focus at national level, or from

some type of regional coordination. The UNASUR Network against DOT is a promising proposal as it may eventually lead to the formation of shared procedures by the agencies involved, above all the police force, to meet established standards for collecting and recording information. Its developing stage still raises many doubts about its operation and potential results, but its normative proposal demonstrates interesting possibilities in the deepening of the cooperation and, possibly, deepening of common policies.

An obstacle to a better understanding of the opportunities offered by the normative framework created under the CSCJDOT is limited access to substantive content information of actions. The instruments used to diagnose and collect information on crimes and violence, for example, were included in the original documents as annexes, not available to the public[11]. The annex would be only the project of activity, or the proposal of a questionnaire in its original, that, although it was of much greater analytical value if the access to the answers were publicized, in itself, exclusively the choices about the subjects to be treated in the questionnaires and content of the workshops and workshops offered would significantly contribute to understanding the possibly preferred priorities in terms of themes and treatment of public safety matters in the regional context. Access to the answers would identify the degree of convergence among countries in terms of procedures, policy design and strategic priorities for the area. Perhaps this reflects the very immaturity of the political systems of the South American countries in the construction and transparency of their activities and decisions involving the public safety area coordinated at the federal level.

Associated with the lack of transparency about the content that was appreciated in the discussions and instruments used by the CSSCJDOT, another little democratizing facet of the Board processes is the participation of the actors in the debates and meetings. Two characteristics can be verified: the first one, regarding the absence of participation of the civil society; the second concerning the disparity of decision-making authorities in the meetings. In none of the meetings in which the participants were disclosed during this period of 2013-2017 non-governmental actors were present (UNASUL 2014d). Curious, since several of the initiatives at the level of lines of action / objectives and strategic challenges are aimed at strengthening or promoting greater citizen participation in policies and programs to combat crime and violence. Not only this reinforces the previous hypothesis that openness to the debate for society still lacks institutional and political incentives in the

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11 These are the first, second and third meetings of each of the thematic groups, all of which were held in 2016, where the Council was divided up: the Coordination Group for Action against Transnational Organized Crime, the Justice Working Group and the Group of Citizen Security. Available at http://docs.unasursg.org/all-documents, accessed November 24, 2017.

area of security, as it inhibits a mechanism that has proved relevant for the dissemination and incorporation of regional policies in the national arena: of civil society groups as agents of interest, who pressure and influence local authorities to discuss and define public policies.

The second question, referring to the governmental actors indicated to participate in the meetings, has two dimensions. First of all, it is worth mentioning the diversity of the institutional origin of the actors participating in the meetings of the Executive Body. The Brazilian Ministry of Justice and Public Security, the Ministry of Defense, the Ministry of Foreign Affairs, the Federal Police, the Ministry of Planning, the State Attorney General's Office, the Ministry of Human Rights and the Brazilian Intelligence Agency UNASUR 2013a, 2013b, 2013c). It is therefore a complex context of coordination by the number of agencies involved at the intragovernmental and intergovernmental level. In addition, the positions held by the participants in each of these institutions differ greatly. Some Member States - which vary from meeting to meeting - send representatives with greater authority to the meetings, while other representatives occupy lower positions on the hierarchical scale, making the decision-making process and procedure time and procedures more time-consuming. Another fact is that not always the same institutions of the same country participate in the meetings. There is less that there is consistent interagency communication, there is a good chance there will be a lack of knowledge about the development of the activities carried out within the Council.

However, it should be noted that the number of documents that the participants of the meetings are disclosed, both in relation to the working groups and the Executive Body, is very low.. After 2014, none of the documents available in the UNASUR digital repository has annexes, a space in which the name and position held by the representatives were listed in the documents up to that year. For the working groups, only two documents are available with the mentioned information between 2013-2017; for the Executive Body, only three. They are, therefore, inferences based on considerably limited information.

Although the Plan of Action contains significant activities to be developed and has been developed over a period of 5 years, meetings of both the working group and the Executive Committee are relatively scarce. According to the documents available to date, the Executive Body met on eleven occasions. The Working Groups varied greatly from year to year. In 2014, for example, the Justice Working Group produced three minutes of meetings, the same for 2016; the Working Groups dedicated to Citizen Security and DOT produced one each for the year 2014 and three for the year 2016. There

is no doubt that meetings have occurred without any registration. The year 2015 is exceptional because there is only one meeting record: the III Meeting of Ministers of the CSSCJDOT. The document addresses three proposals for coordination and adoption of common policy practices; only one of them was approved according to the available documents: the UNASUR Network against DOT[12] (UNASUR 2015).

The reduced number of meetings and the diversity of actors and agencies participating in the meetings suggests, at a first glance, a low priority for the organization and the States in the treatment of regional cooperation in the area of public security. This contributes to the fact that several of the questionnaires sent, mainly related to the diagnosis of local policies that would allow a deepening of the dialogue, were not answered by all States when requested, often on more than one occasion formally. As mentioned previously, none of the requested questionnaires is in the public domain, but considering the diversity and scope of the topics covered (for example, Regional Diagnostic Questionnaire 1.1.1 Status of the DOT: State mechanisms for prevention, investigation and sanction; 1.4.1 Questionnaire on the South American Criminal Intelligence Information Exchange System; Questionnaire on the Guidelines for the Preventive Detention of Persons in Border Areas, among others (UNASUR 2016b),"obtaining adequate information on the subject should not be in fact an easy task since it requires a considerable number of actors, good inter-agency coordination, available systematized data on the issue, and these would be bureaucratic obstacles, even if there is political will.

Before we move on to the next section, two final aspects should be mentioned with regard to the performance and construction of the normative framework of CSSCJDOT. The first concerns the attempt to articulate initiatives aimed at dealing with transnational organized crime with the South American Council on the World Drug Problem. The overlapping of functions and interests is evident, and the CSSJDOT since its initial discussions pointed to the need to establish coordinated action with this body, by determination of the Council of Chiefs and Heads of State and Government of UNASUR when 2012[13]. A meeting between the Pro-Tempore Presidents of the two Councils

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12 The other two proposals are the creation of UNASUR Minimum Rules on Access to Justice and the creation of the Center for Strategic Studies against Transnational Organized Crime (UNASUR 2015).

13 The common thematic areas defined were 1) "[r]eduction of the supply of drugs, including trafficking, cultivation, marketing, distribution, production and manufacture of illicit drugs that affect citizen security or are manifestations of Organized Delinquency Transnational; (2) Actions against related offenses and activities linked to the world drug problem such as the diversion of precursors and chemical inputs and money laundering that affect public safety or are manifestations of Transnational Organized Crime "(UNASUR 2013c, annex V).

was held in July 2014, in which it was agreed on the creation of *ad hoc* groups to carry out actions according to their singularities, in order to guarantee the complementarity of efforts in the themes coincident of interest and made explicit in the specific objectives of each of the Councils. They revolve around the promotion of judicial, police and financial intelligence units, promote the exchange of experiences and good practices, contribute to the strengthening of the institutional capacity of the relevant bodies and the training and capacity building of actors involved (UNASUR 2014c). There was no further mention of joint actions between these two bodies. The other suggestion of institutional approximation was with bodies of similar function of the European Union (UNASUR 2015), also without further indications about its progress.

The last issue to be discussed here refers to the definition of concepts, rather, the absence of a clear definition of the concepts that support the delimitation of the Council´s field of action and interest. At no time, neither in its statute nor in the other documents produced in the last five years, the Council presents a definition of what "Citizen Security" or "Transnational Organized Crime" mean. Based on the indications of the reasons for the creation of the CSSCJDOT and the Council positions on drugs as independent and autonomous instances, one can infer that these concepts are supported in the formulations adopted by the United Nations, that defined the mentioned terms, and considered prudent to create distinct agencies to deal with the drug and DOT problems.

In general terms, the activities of the Council can be summarized as relatively pragmatic, as it establishes lines of action/objectives that may be, in their most minimalist interpretation, attended by activities already developed at the national level, without demanding excessive resources , human capital and changes in institutional or national policy design; diffuse because it covers an excessive number of themes, the scope of which makes its realization, satisfactorily on all fronts, virtually unreachable within the stipulated time period; and as a consequence of these last two points, an action with little memorable advances, except, perhaps, the decision to create the UNASUR Network against Transnational Organized Crime. It is worth remembering, however, that the specifications of the operation of the network are still open, as well as the amount of resources to be allocated for its maintenance.

Final Remarks: perspectives and scenarios for regional cooperation in the area of public security in South America

To what direction does the normative framework built within the

framework of the CSSCJDOT indicate the possibility of political cooperation in the area of regional public security, in the first instance, and the construction of common public policies, coordinated regionally or nationally, for the same theme? We would like to speculate in three directions.

The first point refers to the substantive content of the policies and actions suggested by CSSJDOT. As we have seen in the section above, these are propositional actions that focus on strengthening institutions, promoting programs and projects and training professionals from national governments, with few initiatives that are really focused on initiatives that require political and institutional adjustments to meet conceptual precepts established in the region. The maintenance of this standard of action will allow, on the one hand, the continuity of the institution with a minimum of relevance in the regional context, offering opportunities, although apparently very limited, of socialization and transfer of knowledge on the issues at hand. The possible continuation of this institutionalized and permanent contact may allow specific points of convergence to arise between a smaller number of Member States, which may enter into coordination agreements and definitions of common political designs independently of UNASUR. In fact, the large number of actors involved, with considerable structural asymmetries, may hinder cooperation at a deeper level.

On the other hand, it must be acknowledged that, as far as public safety hazards are concerned, there is considerable convergence between the countries in the region. A growing increase in the number of homicides in most of them, allegations of excessive use of force by the police, little involvement of civil society in public security processes and decisions, significant portions of the population in vulnerable situations, the impacts of transnational organized crime in social violence, bankruptcy of the criminal justice system; in other words, a dynamic with a strong structural component (Cerqueira, Lobão and Carvalho 2005). Clearly defining the concepts involved in the elaboration of public security policies, and their attempt to make them compatible, appears as a necessary condition for any consistent and significant progress at the national and regional levels. Thus, the effort to contextualize the definition of "Transnational Organized Crime" and "Citizen Security" is a very important step in the process.

No doubt this is a very challenging task. In fact, before the very creation of CSSCJDOT, in 2011, there was an initiative to discuss and define conceptually the terms Regional Security and Defense, as well as to create a Protocol of Peace, Security and Cooperation in UNASUR. (UNASUR 2011a, 2011b, 2011c). The venture was not successful and discussions have not advanced - at least there is no public record that they have continued. But addressing the

issue is essential. If it is not possible to determine holistic conceptual definitions of security, subitems and specific topics can be the subject of discussion and consensus, allowing some of the various areas covered by CSSCJDOT to contribute to better conceptions of joint and / or common action. It seems unpromising to deepen regional relations for public security if the CSSCDOT chooses not to engage in such a dialogue, as it has apparently done so far.

This is reflected in the fact that central issues in the discussion of public policies at the regional level have been left out or treated at least marginally by the thematic axes, strategic challenges and lines of action / objectives of the Council. Irrespective of the possibilities (or impossibility) of establishing ambitious lines of action, difficult to achieve, these themes could be included in the proposals for the exchange of experiences and good practices, seminars or activities to promote knowledge of the same nature. Two call attention. The first is the theme of police reform; the second, "an integrated management approach, based on scientific planning, focused on the prevention and treatment of the causes that lead to crime" (Cerqueira, Lobão and Carvalho 2005, 13). In addition, a third issue, central to the discussion of transnational security threats, can be mentioned: the particularities of the relationship between the homicide rate and Transnational Organized Crime. In this way, there is a mismatch between the concerns of public security policies at the local level, in addition to the national level. But undeniably, the local sphere, as suggested by the Council's own concern for participation, cannot be neglected, especially if it is to identify the real impact of DOT on citizen security.

Regarding the last one, the CSSCJDOT, at the October 2013 Ministerial Meeting, determined the crime of money laundering (UNASUR 2013c) as the thematic priority[14]. However, the documents did not show any differentiated treatment for the issue, either with regard to actions or discussions about particular procedures and/or dynamics.

The second perspective to be considered is the evolution of the information exchange system, which is very promising in the project of the UNASUR Network against DOT. The systematization of information and the standardization of data collection is now a hindrance to more accurate assessments of the characteristics and status of public security in Brazil, for example (Cerqueira, Lobão and Carvalho 2005). If there are differences due to the autonomy enjoyed by the federal units in determining their criteria and procedures for registering crimes and crimes of violence, the discrepancies between the countries promise to be considerable. The CSSCJDOT recogniz-

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14 See also: http://www.justica.gov.br/sua-protecao/cooperacao-internacional/atuacao-internacional-2/foros-internacionais/uniao-das-nacoes-sulamericanas-unasul, accessed December 4, 2017.

es this to a large extent by instigating the development of a set of diagnoses on local realities associated with citizen security, justice and transnational organized crime. If there is investment in this type of practice, the possibilities of standardization for more effective exchange of information sounds very promising. Successful initiatives in this direction will require collective efforts within national governments and, therefore, the political will to bring them about. But they can contribute so much to the creation of policies aimed at common ends among the countries of the region, as well as to identify new explanations for crimes of transnational nature, their impact on the domestic security of the South American countries and models of violence prevention in these circumstances. New methodologies for data collection and storage for prevention, as suggested by the international literature on public safety (Cerqueira, Lobão and Carvalho 2005), however, tend to benefit from citizen participation in the various stages of the policy management and definition process public policies. It is not clear whether the Network will be an instrument of public access, at least in part of its information, but would be an important element for the effectiveness of standardized information exchange activities. Civil society functions as an instrument for the legitimation of processes, as the holder of specialized knowledge and proximity to the demands of society, at least on behalf of society[15]. As argued throughout the text, CSS-CJDOT's history in publicizing the disputed content of discussions between members participating in the meetings is restricted. This may be due to bureaucratic deficiencies, but in some cases, as in the case of the preparation of the Primer on Good Practices in Social Reintegration of Persons Deprived of Liberty and Penitentiary Policies, deliberately defined as an activity without public dissemination by the Executive Body of the Council (UNASUR 2014b).

Finally, the third perspective to be discussed refers to the regional institutionality around public security, that is, it deals more broadly with the institutionality of the processes of regionalization itself. Historically, in South America, the incorporation of themes other than trade in integration processes had its greatest impulse with the wave of left-wing or center-left governments that took power in the countries of the region. Although other themes have been subject to appreciation in the past, as in the case of Mercosur, it was in fact with this movement that the institutionalization of the region was intensified. The creation of UNASUR in 2008 is perhaps the most evident example of this acceptance and recognition of the relevance of the regional

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15 It is not intended here to suggest the absence of disputes about political perceptions among the various actors of civil society, nor to disregard disagreements about the concept of civil society and the plurality of its manifestations. Only to raise the point about a kind of institutionalized representation of societal interests.

dimension as a legitimate sphere for the treatment of matters previously less likely to be on the agenda of the external world. The future of more committed engagement with regional cooperation in the area of public security and possibly with the construction of regional public security policies and the way in which these policies will take place therefore appear to be somehow linked to the direction and broader characteristics printed by the governments to the processes of regionalization.

The analysis of normative instruments sheds light on a very modest part of the process of regional public security cooperation. As discussed in the second section of this text, a large universe of variables is combined in complex arrangements to explain the results of interactions permeated by disputes of interests, ideas, resources and actors that may lead to the formulation of a public policy or a cooperation agreement with common purposes. However, the normative framework within which these actors establish their struggles - itself the subject of disputes - is the starting point for understanding the limits and possibilities offered by circumstances. The future of regional public security is uncertain, but the disappointing numbers of increased crime and violence in the region's countries over the last decade leave hope that regionalization is an efficient alternative to starting to address the problem.

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ABSTRACT

This paper considers the normative framework that support regional cooperative practices in public security based on the activities carried out by UNASUR's South American Council on Citizen Security, Justice and Coordination of Actions against Transnational Organized Crime. The article discusses differences and similarities between the conceptions of cooperation and public policies, analyzes the documents produced within the Council and presents limitations, obstacles and opportunities identified from the reading of these documents with regard to regional cooperation in public security.

KEYWORDS

Regional Cooperation, Regional Security, UNASUR.

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