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TOWARDS A EURO-LATIN AMERICAN CHARTER FOR PEACE AND SECURITY

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STUDY

TOWARDS A EURO-LATIN AMERICAN CHARTER FOR PEACE AND SECURITY

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Europe and Latin America have developed the most sophisticated bi-regional structure for the management of their sub regional and bilateral relationships. This reflects not only the maturity of the dialogue but also the necessity to respond to different expectations and capacities of the actors in the regions on both sides of the Atlantic. Over decades the European Parliament and the Latin American Parliament have been in the forefront of all political initiatives to promote and perfect this political, economic and cooperation relationship, including some elements of what today would be called "security relationship". The proposal to create a Euro-Latin American Charter for Peace and Security launched by the European Parliament, supported by the Latin American Parliament and taken up by the European-Latin American Assembly can, indeed, be considered as a timely effort to build the missing pillar in the strategic partnership.

It is easily forgotten that the European foreign policy activities towards Latin America began with security related diplomatic efforts. The role of Europe in the Central American conflict and the I San José Conference in 1984 reflected very clearly the European interest and preoccupations about peace and security in Latin America¹ and the strongly felt conviction of many European politicians about the interdependence of security related developments in this region with those affecting Europe. Given the slow and rather cumbersome European experience in creating a Common Foreign and Security Policy (CFSP), it is hardly surprising that in constructing the bi-regional relationship with Latin America the issues of peace and security were not on the top of the agenda. Reasons for that abound, since for many years Latin America seemed not to be seriously interested in establishing a formal security dialogue with the European Union (EU), in part because of the possible reaction by the Unites States (US), a concern which was shared at the time by quite a number of European governments. However, the globalization process as such, the rise of the EU as a global actor, and the effects of 9/11 have contributed to increase the importance of security issues in and for both regions and have revealed the need of constructing multilateral instruments to meet those new challenges to the forefront.

Within the political dialogue between the two regions quite a number of initiatives concerning security and peace issues have already been expressed. Since the beginning of the institutionalized dialogue between the European Community and the Rio Group in 1990 in Rom the issue of arms reduction and non proliferation appeared constantly on the agenda of the Foreign Ministers meetings as well as the bioregional support for conflict resolution measures by the United Nations (UN) and the growing preoccupation of both partners with transnational threats like terrorism and drug trafficking. On a more specialized level of the political dialogue with the Rio Group, the issue of confidence building measures was promoted in various seminars between parliamentarians, diplomats, military officers and experts of both regions in the nineties.² In many respects, therefore, the issues of peace and security were ever present in the bi-regional dialogue and certainly even more in the periodic EU-Latin America Inter-Parliamentary Conferences – what was missing was the framework necessary to advance biregional positions and policies. The conviction among European and Latin American actors that the increasing - even though widely different - manifestations of insecurity in both regions are of similar origin and nature and cannot be dealt with on a national level any more led to the initiative to create the Euro-Latin American Charter for Peace and Security as a first step towards full security and defense cooperation.³

1. Multiplicity of Concepts of Security and Manifestations of Insecurity.

The interplay of governance, defense and development agendas in Latin America⁴ has produced, and continues producing, different concepts of security demonstrating the increasing vulnerability of persons, communities, national institutions, states and regional institutions. The interests of domestic vs. external actors tend to complicate the formulation of clear definitions of security, especially since the interaction between personal, local, national and regional security has been increasing constantly as a side effect of growing globalization. There can be little doubt that the feeling of insecurity by all actors involved is of a very subjective nature. Perceptions of felt or envisioned threats, from real or assumed enemies, play a central role in the concepts and definitions of security. For the Euro-Latin American Charter for Peace and Security it will be paramount to address the need of bi-regional cooperation in meeting the challenges of public, state and regional security with distinct measures, instruments and policies.

Security as a concept has expanded considerably since the acceleration of the process of globalization and it concentrates now less on the state as the primary subject of security and more on the person or community as the center of security preoccupations. At the same time, the interdependence of public, state and regional security issues are characterizing the multiple influences of societal, national and international actors. The questions asked on all levels are: what are the threats?; what are the levels they need to be addressed?; what are the perspectives of existing institutions in dealing effectively with such threats?; what are the regional or biregional approaches most appropriate for meeting such threats?; how such approaches can be institutionalized?; and what national or regional obstacles have to be overcome in doing so?. The Euro-Latin American Charter for Peace and Security seems to be the appropriate starting point for pursuing a framework that provides the necessary answers.

1.1. Public Security.

Due to a variety of factors, which reflect developmental status and governance conditions in various countries, public security in Latin America has deteriorated considerably over the last two decades as it has been demonstrated recently by the OAS.⁵ For many experts the reduced role and financial capacity of the state has, obviously, contributed to this development. Transnational crime in the form of drug production and trafficking human and arms trafficking as well as money laundering have put under great stress the public security systems in many Latin American and some European countries. While the necessary reforms are of a long term nature and will take time to be implemented, the population demands rapid reactions and solutions from their governments to respond to the increasing number of homicides and kidnappings. In some countries the feeling of insecurity has become the most important issue mentioned in representative polls. The need for more private and local security has replaced in many states the traditional attention on national security while, at the same time, public opinion has not been fully aware of the direct implications of transnational crime, not only for public security but equally for state and regional security.

The widely perceived lack of public security in the modern world has also led to the development of the concept of human security, where the individual and the community are the center of the security concept. Primarily Canada and Chile have promoted such a redefinition of security which in many respects stresses the security of the individual and its human rights as a direct result of the lasting impact of the infamous "doctrine of national security" that in the past was the source of a widespread and continuous violation of human rights in many Latin

American countries. It is in this historical context where the new concepts of security in Latin America have to be considered. The specific perception of the role of the military and the police in some Latin American countries needs to be taken into account in any effort to improve public security on a national or concerted international level. Many suggestions from outside of the region about how to improve public security through the reorganization and/or militarization of the police forces or the use of military forces against organized crime, seem not to have taken into consideration the very limited political acceptability of such reforms in many Latin American countries due to the collective memory of former abuses during military dictatorships. The Euro-Latin American Charter for Peace and Security will have to consider carefully such differences in the perceptions not only with regard to the threats of public security but also with regard to the acceptability of possible remedies.

The increasing importance of the capacity of the state to guarantee personal security as the basis for democratic stability reaches much beyond the technical discussions about the necessary reform of public security measures. While the economic impact of the lack of public and, consequently, personal security is common knowledge in the region and has been expressed often in disturbingly high percentages of GDP, the political impact is widely underestimated and could easily lead to either undemocratic developments and/or further decline of governance. A failed state is obviously a state incapable of guaranteeing a minimal degree of security for its population.

1.2. State Security.

Without doubt the state remains the most important actor with regard to security related issues, but more and more it needs to cooperate with multiple forces in the society to guarantee the rule of law in its territory and, at the same time, it must enlist the support of likeminded states and international organizations to ensure a peaceful international context. While its first obligation can hardly be considered accomplished in many countries of region the Latin American states have in general been capable to preserve peaceful interstate relations in spite of considerable conflict potential. Therefore, state security is now seen by many practitioners and experts in Latin America much more as a concept dealing with internal challenges than with its international dimensions. Historically that has been also the case during the Cold War, when in many military regimes state security was considered "National Security" and mainly concentrated upon real or imagined internal enemies. Now, with the possible exception of Colombia, the enemy within has generally a transnational character and therefore can not be exclusively dealt with inside national borders. This dangerous situation calls for multilateral initiatives, followed by concerted efforts among various countries in and outside of the region and, above all, requires a different understanding of what are real "internal matters" of a country and which are not. The internationalization of crime has so far not lead to sufficient internationalization of crime fighting on all necessary levels. National resistance to cross border cooperation in police and justice matters is not only a problem in Latin America but also in Europe. For that reason now the danger for state security is, at the same time, internal and external, in the sense that only sufficient regional or even global, multilateral coordination can ensure successful internal policies for public and state security. An additional risk in a limited number of countries in both regions consist in the combination of criminal elements with former members of the security apparatus who attempt to create a "parallel state" undermining the rule of law and provoking not only widespread corruption but also political instability.

1.3 Regional Security

The concept of regional security is fairly easy to define in the European context but it is much more difficult in Latin America. Depending on historical impact of the type of relations to the US that a country or a government in power has experienced, there exists a wide range of national concepts of regional security. Where the "region" is defined as the "Western Hemisphere", which is certainly valid for all Inter-American institutions like the Organization of American States (OAS), the Inter-American Development Bank (IDB) and many others, the concept of regional security is often considered by many Latin Americans of greater benefit for the US than for the countries concerned. Multilateral peacekeeping measures were, therefore, often seen as instruments of the hegemonic power and regional security as the equivalent for the "Pax Americana" during the Cold War period. Since 1983 the regional security concept received a different interpretation in the context of the Central American conflict and especially because of the first Latin American successful cooperation effort in regional security by the "Contadora Group (Colombia, Mexico, Panama and Venezuela). Ever since, the regional security concept has been applied mainly on a sub-regional level. A good example is the Central American Security Treaty, which has functioned since 1996 as a coordination instrument for the Central American Republics restraining some of the recurrent bilateral border conflicts as well as harmonizing the responses to various security challenges. The Eastern Caribbean Regional Security System has concentrated principally on the coordination of management of natural disasters and the collaboration in national anti drugs efforts. The Mercosur has not created a special treaty for regional security but has served as in integrated space for bilateral security cooperation, not only among its original four members but also with its associated member Chile.

Given such a variety of different concepts for regional security, the OAS convened in 2003 in Mexico a Special Conference on Security after inviting all its member states to define their own preoccupations and interests related to threat perceptions and security demands. The adopted Declaration on Security in the Americas⁷ lists 36 commitments to meet the challenges caused by terrorism, extreme poverty and climate change, as well as all other possible menaces in between. To harmonize such a multitude of different security concerns the OAS adopted the broad concept of multidimensional security for the Americas, being promptly blamed for "securitizing" all possible harmful issues in intra- and interstate affairs.

A new interpretation of regional security in the region came about with the willingness to assume Latin American leadership in the "humanitarian intervention" in Haiti. In accepting the "responsibility to protect", Chile and Brazil, in charge of the civilian and the military leadership of Minustah under the guidance of the UN, in 2004, gave to this stabilization mission for Haiti a certain Latin American touch. Over the years of enlargement, Minustah could count on the participation of 9 Latin American countries. Regular meetings of the Foreign and Defense Ministers – the so called 2x9 consultations – 9 facilitated a new security dialogue in the region much beyond the military coordination of the troops on the ground in Haiti. These experiences, in combination with the chilling effects of a number of serious security turbulences in the Andean countries in the first part of 2008, have culminated in the Brazilian initiative to create a South American Defense Council, which comprises all 10 South American countries, in the context of Union of South American Countries (Unasur). Brazil has invested a great deal of diplomatic effort, as well as a signed number of useful bilateral defense cooperation agreements with almost all South American states, in facilitating this new regional security project. Its institutionalization might entail that the concept of regional security, in the sense of creating a regional security community in a not to distant future, has arrived in South America, implying a

see change for the role of the OAS and an promising opportunity for the cooperation with Europe in the context of the Euro-Latin American Charter for Peace and Security.

This triad of concepts of public, state and regional or, labeled differently, human, national and international security will have to be addressed by the Euro-Latin American Charter for Peace and Security. Of course, there will be no need of harmonization and coordination between the two regions on all three levels, considering the existence of multiple variety of factors quite different not only between but also within the two regions. The main objective of bi-regional security cooperation should focus on those challenges where a common approach, or a concerted action, will produce mutual benefits. In a globalized world there are, at any rate, limits to what can be achieved in the bi-regional context, but any bi-regional consensus about the best way to deal with local, national and regional security threats would certainly contribute to the establishment of multilateral measures and, thereby, to the reduction of insecurity.

2. Common Security Perceptions and Distinct Security Traditions.

The establishment of a common bi-regional framework for security cooperation requires creating awareness among all actors about the security perceptions which are shared in both regions as well as about the distinct security traditions in one region compared to the other. Even though some of these perceptions are more of a symbolic nature, the influence upon the security related thinking among political and military leadership should not be underestimated. A brief characteristic of the main common perceptions with regard to peace and security should serve as a reminder for the future process of security coordination and cooperation.

- Both regions have shared in recent decades a certain irrelevance in the context of the global strategic map and consequently have felt no need to arm themselves against an identifiable external thread.
- Both regions share the conviction about the need to fight against the use of weapons of
 massive destruction. Latin America has succeeded in being free of any threats of that
 nature.
- Both regions share vulnerability in the international system with regard to other military powers even though that perception of extreme vulnerability has declined since the end of the Cold War.
- Both regions play the role of a junior partner in different security alliances with the US, even though the impact of the North Atlantic Treaty Organization (NATO) upon the security concept of the Europeans is quite different from the impact of the *Tratado Interamericano de Asistencia Recíproca* (TIAR) upon the Latin Americans.
- The common experience as junior partners with a dominating extra-regional partner has led in Europe and in Latin America to initiatives to create a regional security system and to emphasize regional autonomy in defense procurement and to support regional defense industries.
- Both regions have been very active in creating and supporting multilateral instruments for conflict reduction and have participated in a large number of UN peace missions.

- There has also been a common interest in arms control and arms reduction policies, even though arms producing and exporting countries diverge in their interests from those importing.
- In both regions the normalization of civil-military relations, implying plain democratic control of the security apparatus, has been pursued, achieved and institutionalized on a national level in almost all countries.

Aside of those common security perceptions exists still a number of distinct security traditions which should not be overlooked.

- In Latin America the role of the armed forces within the society and, in some cases, in the national legal context remains in many cases still of a very especial nature and is not comparable to the status of other public functionaries. Besides, the self estimation of the military establishment as a separate power factor seems to be still widely accepted in Latin American public opinion.
- The problem of sovereignty has not only been the mayor stumbling block in the Latin American integration process but also a continuous obstacle for regional security cooperation. The Latin American experiences over many decades with US interventions open or covered in some countries are the most likely explanation for this attitude of constant political distrust against any outside actors.
- A direct outcome of these experiences f is the invariable position on the principle of "non intervention" within the overvalued concept of sovereignty in the region. This predisposition is likely to create problems not only with regard to the increasing number of crises which call for humanitarian intervention but also with regard to any collective security initiatives.
- Another important line of reasoning in Latin America, with direct relevance to any
 security cooperation, results from its negative experiences with regional conflict
 reduction in the Inter-American System. In absence of a functional Latin American
 conflict solving mechanism, the region has tried to involve the UN or other non
 regional actors in the *ad hoc* processes of conflict management since the Central
 American conflict and thereby rather globalizing and not regionalizing the efforts for
 conflict resolution.

3. Common Threats for Peace and Security.

The typology of conflicts¹¹ which endanger peace and security in both regions has remained fairly constant over the years but the occurrence of such conflicts has increased noticeable during the globalization process. None of the conflict type described below occurs usually in its pure form but, on the contrary, in most cases the conflict on the ground falls at least into two categories. As a result, it is extremely difficult to develop conflict reduction mechanisms without a variety of multilateral cooperation instruments which have to be directed not only to lower the conflict intensity itself but also to address the origins of the crisis and to stress the necessity to accept a reform process, which will contribute to reduce the conflict constellation.

• The **system conflicts**, which were characteristic for the situation in Europe during the Cold War, seem to re-emerge recently in Latin America. The profound differences

between development models and policy stiles, currently detectable in countries like Bolivia, Cuba, Ecuador or Venezuela compared to those in Brazil, Chile, Colombia, México and Peru, make any regional consensus building difficult and, therefore, complicate any bi-regional security cooperation. The system conflicts are usually interpreted as resulting from ideological differences between certain Latin American governments and the US. Additionally, because of the impact upon intra-Latin America consensus building, they also seem to be an obstacle for the bi-regional security dialogue.

- The **territorial conflicts** have been reduced considerably in Europe as well as in Latin America. When they still occur, like in the recent case of Colombia and Ecuador, they are more an expression of spreading internal conflicts to neighboring countries or bilateral confrontations involving access to resources, as in the case of Chile and Peru.
- The **resource conflicts** are nowadays principally energy related and seem to have a growth potential in both regions. The ongoing discussions on national, regional and international level about "energy security" seem to be a good indicator of the inherent conflict potential. Future resource conflicts are likely to include food and water supply. In all these cases Latin America could find itself in a privileged position once it would integrate the essential supply lines. Its resources of oil, gas and water in addition to agricultural products make it regionally not only extremely competitive but also almost self sufficient.
- The **transnational conflicts** have increased rapidly due to the liberation of markets and the modernization of communications. It is here were both regions need to cooperate more closely since none of these various severe threats for peace and security can be reduced by national policies alone. The majority of these conflicts will have to be dealt with on a global level, implying long term reform efforts, not only with regard to governance but also with regard to developmental efforts. The present three mayor transnational conflicts, climate change, terrorism and organized crime, involve all aspects of public, state and regional security. With regard to organized crime, drug and human trafficking are of special importance for any bi-regional cooperation, given that the existing mechanisms have proved to be insufficient and the proclaimed concept of "co-responsibility" has not been fully implemented.

4. New instruments for bi-regional security co-operation.

Given the general agreement between both regions on the necessity to promote security and defense as public goods – which are subjected to the principles of efficiency, transparency and accountability –, it might be useful to enumerate the instruments available, some in place and some new ones, that might be included in the framework of the Euro-Latin American Charter for Peace and Security. The suggestions listed below – some of which can also be found in the working document of Véronique De Keyser, ¹² as well as in the "Lima Protocol: A Latin American Agenda for Security Cooperation with the European Union" ¹³ – are grouped here according to public security, state security and regional security, even though some of these measures, instruments or programs are overlapping between the different security headings.

4.1 Public Security.

- Governance of public security systems need a great deal of improvement in the most Latin American and EU countries since the cooperation between political, police and justice authorities, at local and national level, seems not only lacking efficiency but also be deficient in respect for the rule of law. Training programs in human rights and law enforcement for members of the police and justice systems would be of equal importance as sharing the best practices in internal conflict resolution and experiences in reforms of the penitentiary systems.
- Organized crime has to be fought with a clear system of laws, requiring an international legal framework, harmonized and implemented in both regions, including cooperation in intelligence gathering, inter-agency coordination, and reform of the legal system where necessary. In Latin America it would be advisable to establish a corresponding trans-border police system similar to Europol as would be in the future the application of Schengen like agreements for improving security and police cooperation on sub-regional level.
- **Drug trafficking** has been the security area in which the bi-regional cooperation has been institutionalized since the establishment of the High-Level Specialized Dialogue on Drugs between the EU and the Community of Andean Nations (CAN) in 1995 and the Foreign Ministers meeting with the Rio Group in 1996. As the primary responsibility for dealing with drugs problems lies not with the EU but with its member states, the bi-regional counter drug policies still offer a wide margin for improvement, especially with regard to necessity of control of hazardous chemical substances and the assistance for improving eradication and interdiction capacity.
- Money laundering has severe and extensive national and international implications but so far bi-regional efforts to reduce its impact on public security and democratic governance have not been very successful. The progressive corruption accompanying the money laundering process is highly visible in both regions and better regulations on money transfers, by fiscal cross border cooperation and banking oversight, should be put in place as soon as possible.

4.2. State Security.

- **Governance** problems characterize state security and defense in a number of Latin American countries. Cooperation for the building and upgrading of civilian capacities and the respective training programs on defense issues for civilians and military personnel should be enhanced and an extensive support for the ongoing reform process of the military institutions should be forthcoming to institutionalize a democratic security architecture.
- **Human trafficking** has so far not been sufficiently addressed in bi-regional cooperation. Legal assistance to the victims and enforcement of international agreements has to be implemented and improved on the national level. As the recent bi-regional turbulence caused by EU migration directive has demonstrated, the consultation and cooperation between the two regions in all maters related to the human mobility should be greatly improved and any legal measures should be based on a clear bi-regional consensus.

- Arms trafficking are one of the issues complicating the bi-regional cooperation because of the economical importance of EU legal arms exports to Latin America and the intraregional tensions that these arms transfers tend to provoke. At any rate, the enforcement of the European agreement on the sale and export of arms would help to achieve greater transparency and should be extended to any cooperation effort to harmonize the restrictions on the sale and trade of arms. The high level of violence in some Latin American countries is directly related to the trafficking of small arms and explosives. Cooperation in the control of private possession and sales of arms and explosives seems to be also urgently needed.
- **Terrorism** as an international phenomenon has been less present in Latin America than in Europe and the "war against terror" doctrine of the Bush administration has meet with certain resistance in the region. Bi-regional cooperation in intelligence gathering to avoid terrorist acts in both regions can certainly be improved. Besides, a better coordination of antiterrorist legislation could contribute to a clear understanding and general acceptance that the fight against terrorism should not be used for criminalization and securitization of legitimate social protest.

4.3 Regional Security.

- Conflict prevention has not only been a fundamental part of the European integration process and still constitutes a major element in the EU global role but also has been a significant component of Latin American integration and coordination efforts. For that reason, bi-regional cooperation in conflict prevention can be agreed upon by both sides without problems and the installation of a "Bi-regional Center for Conflict Prevention" – as proposed by the European Parliament¹⁶ and envisioned in the Euro-Latin American Charter for Peace and Security – could be the expression of such shared consensus. An important additional element for conflict reduction would be the multilateralization of existing bilateral confidence building measures in Latin America. The example of the Helsinki process and its institutionalization in the Organization for Security and Cooperation in Europe (OSCE) could serve as model for such a regionalization of the confidence building measures. The Brazilian initiative to create a South American Defense Council in the context of Unasur could be considered an institutional framework for such a development. Other forms of conflict prevention should include cross border cooperation in the clearance of anti-person mines and continuous exchange of military and civilian personnel in the respective defense related institutions.
- Arms reduction and non proliferation have been very successful policies in Latin America as it is not only a nuclear free zone since the Tlatelolco Treaty but also the region with the lowest *per capita* spending on arms. Here can be found another area for rewarding bi-regional cooperation which should consist of a monitory process for fulfillment of non proliferation commitments; a new regulating framework for the imports/exports of hazardous materials and dual use technology; and a permanent dialogue about the transfer of armament and arms reduction policies.
- **Peace operations** have politically and technically also been embraced by both regions and offer a wide range of possibilities for additional bi-regional cooperation. A bi-regional training center for civilian and military personnel and the development of a

binding code of conduct for civil-military relations in peace operations should certainly be on the common agenda.

5. Essential Steps towards a Bi-regional Security Partnership.

Once the political will to establish a bi-regional security partnership has been secured, the principal question will be how to achieve the interregional interest harmonization. The experience in other fields of the EU-Latin America strategic partnership has not necessarily been very satisfactory. It has to be confirmed if the weight of the common security preoccupations will facilitate the consensus building. Without any doubt the role of the regional integration Parliaments will be most important in preparing the ground for the necessary decisions in the forthcoming bi-regional summit.

5.1. Conceptual Cooperation.

Since Latin America expectations and EU willingness to cooperate seem to diverge frequently, it might be useful for the preparation of the Charter to look at the conceptual and material differences with regard to the readiness for cooperation on both sides. On the Latin American side the conceptual expectations are centered upon the cooperation resulting from EU experiences in the integration of the military in the democratic society through its professionalisation, reduction and involvement in international cooperation; the establishment of civil control mechanisms for military procurement; the reform of the internal security sector; the building of a regional security architecture and the organization and expansion of peace missions. On the EU side, the conceptual offers are embedded in the general form of North-South security cooperation, implying emphasis upon improving civil-military relations through all forms of political education; the promotion of confidence building measures, based upon the OSCE experiences; and the support of wide-ranging security sector reform.¹⁷

5.2. Material Cooperation.

Looking at the material expectations on the Latin American side, there is increasing interest in armament and training cooperation – where there will be the necessity of taking into account the interest of neighboring countries – , as well as support for measures to reduce the availability of small arms and the collaboration in the clearance of anti-person mines. The material offers from the EU are almost congruent with these expectations from Latin American. In the case of mine clearing there has been already a considerable activity on the bilateral level between European and Latin American countries. The same can be said with regard to the private and public arms sales. The training element has been less frequent regarding military personnel but more intensive in the case of police training in the context of the cooperation against drug trafficking.

To reach a bi-regional security partnership implies a hard look at the alliance capacity of each region. The lack of intraregional consensus in security issues complicates any bi-regional agreement. So far the solution encountered has been a concentration on bilateral security cooperation, which obviously has been less transparent and more in line with the type of US-Latin American security cooperation. Any long term improvement of the relations between the two regions towards an interregional alliance will demand the inclusion of the security cooperation in the bi-regional institutional structure, because such a development will be, in itself, a major confidence building measure.

Footnotes:

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