



LATIN AMERICAN COOPERATION AS A PORT POLICY IN MERCOSUR

COOPERAÇÃO LATINO-AMERICANA COMO UMA POLÍTICA PORTUÁRIA NO MERCOSUL

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Como citar: VAGUETTI, Vitoria Gualberto; WINTER, Luís Alexandre Carta. Latin american cooperation as a port policy in mercosur. *Scientia Iuris*, Londrina, v. 29, n. 2, p. 54-65, jul. 2025. DOI: 10.5433/2178-8189.2025v29n2.p54-65. ISSN: 2178-8189.

Abstract: Port policies in MERCOSUR are essential to determine how and to what level the member countries contribute to the global GDP. Since the 19th century, these countries have applied open port policies. After the end of the monopoly exerted by the colonial metropolis, more ports were opened in order to increase their share in global trade. Argentina, Brazil and Uruguay have similar export and import characteristics concerning product type, so they share analogous problems of logistics and of road-focused development. As customs regulation is responsible for organizing their countries' port policies, port legislation is essentially a domestic matter. Since 1991, MERCOSUR has established common goals to improve regional infrastructure and economy, bringing the discussion of port planning to the multilateral perspective. Paraguay and Bolivia, however, do not have access to the ocean and have always depended upon bilateral deals in order to create special customs regulations. Answering the question of what the importance of Latin American cooperation for recent port policies in MERCOSUR is, this article will observe how port policies work in MERCOSUR, considering three common aspects of customs regulation in the five countries: the importance of Latin American cooperation to reducing port costs, new strategies to avoid logistic constraints at coastal ports and the impact of extra-regional political changes on MERCOSUR policies. The deductive method of analysis and the comparative method of procedure will be applied so as to explain what the juridical bibliography discerns about this topic. Based on this research, it will be easier for academics and politicians to observe MERCOSUR's role as an instrument for customs law harmonization among members. When it comes to port policies in MERCOSUR, it is expected that the members will coordinate together with other Latin American countries given that they share similar negative and positive aspects.

Keywords: globalization; development; MERCOSUR; port policies; regional integration.

Resumo: Políticas portuárias no MERCOSUL são essenciais para determinar como e em que nível esses países participam no PIB global. Desde o século XIX, esses países aplicaram políticas de portos abertos. Após o fim do monopólio perpetrado pela metrópole colonial, mais portos foram abertos com o objetivo de aumentar a participação do país no comércio global. Argentina, Brasil e Uruguai têm características de exportação e importação semelhantes em relação ao tipo de produtos, por isso compartilham problemas análogos de logística e de desenvolvimento voltado para rodovias. Como a regulamentação aduaneira é responsável pela organização das políticas portuárias desses países, a legislação portuária é essencialmente uma questão doméstica. Desde 1991, o MERCOSUL estabeleceu objetivos comuns para melhorar a infraestrutura e a economia regional, trazendo a discussão sobre o planejamento portuário para uma perspectiva multilateral. Paraguai e Bolívia, no entanto, não têm acesso ao oceano e sempre dependeram de acordos bilaterais para criar regulamentos aduaneiros especiais. Este artigo observará como funcionam as políticas portuárias especiais no MERCOSUL, considerando três aspectos comuns da regulamentação aduaneira nos cinco países: a importância da cooperação latino-americana para reduzir os custos portuários, novas estratégias para evitar restrições logísticas nos portos costeiros e o impacto de mudanças políticas extra-regionais nas políticas do MERCOSUL. O método dedutivo de análise e o método comparativo de procedimento serão aplicados para explicar o que a bibliografia jurídica discerne sobre este tema. Com base nesta pesquisa, será mais fácil para acadêmicos e políticos observarem o papel do MERCOSUL como um instrumento para a harmonização do direito aduaneiro entre os membros. No que diz respeito às políticas portuárias no MERCOSUL, espera-se que os membros coordenem em conjunto com outros países latino-americanos, uma vez que compartilham aspectos negativos e positivos semelhantes.

Palavras-chave: globalização; desenvolvimento; MERCOSUL; políticas portuárias; integração regional.



INTRODUCTION

Port policies regulate the entry into and the exit of products from a country. As MERCOSUR countries share similar problems and expectations concerning import and export infrastructure, this article focuses on how these members organize their port regulation.

The port administration is part of a three-segment customs legislation. Customs law regulates the flow of people, of products and of services into the country. This public legislation observes pivotal articles about the operation of ports, airports and border offices. Generally, port policies monitor the circulation of products between different countries. They are commonly related to maritime export and import, but port administration is related to general customs control, which may happen inside an industrial plant or a farm.

Based on the flow of products in MERCOSUR, the Brazilian customs legislation will be analyzed to compare MERCOSUR countries' port policies. Argentina, Bolivia, Brazil, Paraguay and Uruguay have similar customs control, but due to political perspectives, economic strategies and geographical reasons each has different strategies when it comes to port policies.

They all have a similar background of colonial control of international trade. In 1808, the Portuguese monarch Dom João VI opened the colonial ports to friendly nations, which was a symbol of the Independence process later achieved in 1822. Moreover, at the beginning of the 19th century, the "cabildos abiertos", striving for political independence from Spain, were the breaking point for an open port regime for other Latin American countries. The continuity of economic dependence, for some centuries, especially from England and later the United States of America, is still relevant in determining some changes in customs law. Latin America is a part of a global supply chain, and is therefore influenced by it.

In spite of the Latin American effort for cooperation in the 1960s and the 1980s, it was only in 1991 that there was a clear negotiation towards juridical harmonization on the continent. MERCOSUR was founded mainly for economic integration between Argentina, Brazil, Paraguay and Uruguay. However, in the 2000s, it began to expand the horizon of topics negotiated by its members to social, environmental and political perspectives.

Customs cooperation is now seen as a pivotal pillar for regional development, especially port regimes, because it is where the greatest amount of regional income flows out. This study analyzes what the importance of Latin American cooperation is for recent port policies in MERCOSUR.

The deductive method of analysis and the comparative method of procedure were applied to guide the authors towards the three central sectors of the article: reducing port costs, creating solutions for port slowness and adapting international trends to domestic needs. These sections embrace the central importance of Latin American cooperation to reorganize port policies in MERCOSUR countries.

Created in 1991, MERCOSUR policies cannot be entirely disconnected from other Latin American governments. As their policies are aligned towards liberalization, without disregarding some regional particularities, development becomes a reality. In the 19th century, Brazil had already tried to adapt its port policies in the port of Santos. In the 1990s, progressive changes were even more needed as globalization expanded.

Just after the Asunción Treaty, the presidents signed a declaration for modernization of their ports. It took some years for all MERCOSUR governments to implement the public-private system. This was an emblematic declaration, but only brought these countries closer to other Latin American countries that had already applied those policies. Considering that the three most robust export figures are for countries outside the continent, seaports are at the center of customs policies in the region.



Recently, MERCOSUR's institutions and other Latin American ones have been completely committed to improving port infrastructure on the continent. This partnership cannot be disassociated. One pivotal institution is the Initiative for the Integration of Regional Infrastructure in South America (IIRSA), because it is responsible for connecting scattered ideas into one South American project for development.

Moreover, the IIRSA can perfectly symbolize the regional effort to facilitate trade. The construction and revitalization of strategic ports for reducing shipping prices and the customs process are objectives of MERCOSUR countries, but they mostly happen due to MERCOSUR's fund (FOCEM) and the IIRSA. This explains why Brazil's largest dry port, recently opened, is the one on the border with Argentina and Paraguay, in Foz do Iguaçu, and also why there are plans to export to China through Chilean ports.

MERCOSUR-Latin America cooperation is also important for standing up for these countries' perspectives on international trade. As a relevant part of the regional GDP comes from the export of commodities, they have relied on international patterns without the possibility of discussion. Although national customs laws are based on the exclusive power of the government's autonomy, they can hardly disagree with high-cost requirements coming from the importers. Multilateral meetings are a possible solution for some of those demands. MERCOSUR voting with Latin American countries has a stronger diplomatic voice in international institutions.

The improvement of port infrastructure in MERCOSUR countries cannot be achieved without cooperation among Latin American countries. These nations have similar difficulties. The more aligned their administrative policies are, the more fluid their trade markets.

1 INTEGRATION WITH LATIN AMERICAN COUNTRIES FOR LOWER COSTS

Renewing port infrastructure is a key point in facilitating regional and global trade for MERCOSUR countries. It is a project not restricted to MERCOSUR, but a Latin American initiative. A more connected infrastructure in Latin America can only collaborate to improve port efficiency for MERCOSUR countries.

The structure of ports is being reshaped by the emergence of specific trade dynamics. The efficiency and dynamism of a port depend on the surrounding environment: productive activities that utilize its services (Monié, 2006, p. 976). Globalization is changing the dynamics of the world port system. Ports are not merely technical interceptors within the production chain; they serve the broader development project (Monié, 2006, p. 977).

Since the Industrial Revolution, throughout the 19th century, increased circulation of goods, international trade, and shifts in the International Division of Labor (IDL) have demanded changes in maritime transport, such as improved ship capacity and the influence of freight costs on products. Still in the 19th century, Brazil modernized the ports of Santos and Rio de Janeiro, alongside other neighbors (Monié, 2006, p. 979).

In the early 20th century, however, international conflicts slowed the process. Governments imposed restrictions on the movement of people and goods because of international conflicts. Following the next flow of trade liberalization, the productive processes and the industrialization incentives of the 1960s and 1970s were essential for the significance of certain ports, like Santos, which was tied to the industrialization of the ABC Paulista region and the Baixada Santista in Brazil (Monié, 2006, p. 980).

The strong trade liberalization of the 1990s and productive restructuring were caused by the expansion of companies overseas, which is known as outsourcing. This reallocation of industrial production was essential to increase consumption niches in emerging countries and their importance in global supply chains, now consolidated (Monié, 2006, p. 981).



In the 1980s and 1990s, maritime trade and new informational and container technologies became critically important. Port modernization emerged as a way to facilitate and liberalize trade, in line with international trends, along with encouragement of exports from the internal productive base (Monié, 2006, p. 983).

A country's customs law and port policy are part of this legal network to maintain its sovereignty. Charging import taxes or enforcing sanitary regulations, for instance, are supposed to protect domestic production (Monié, 2006, p. 979).

Notwithstanding the responsibility of governments in planning this type of public policy, port policies are strongly influenced by international affairs and trade regulations. When it comes to alternatives for reorganizing port regimes in Latin American, the MERCOSUR countries have not questioned the nature of ports. However, these governments have tried to reorganize the industrial-era ports. The modernization of infrastructure, of port equipment and of institutional engineering has been done in order to reduce costs, to make operations more flexible and to make it less negative for the environment (Monié, 2006, p. 984).

Port policy in MERCOSUR is relevant to this study, as the entire volume of goods exported to its most important partners -- China, the United States of America and the European Union -- use maritime transport (Mercosul, 2022). Even though MERCOSUR is at the center of trade facilitation discussions in Latin America, it is a result of at least thirty years of Latin American economic cooperation.

In 1960, the negotiations began in order to promote economic integration in Latin America. It was the year when the Montevideo Treaty was signed and the Latin American Association of Free Trade (ALALC) established. This regional initiative had already promoted the creation of a common market, embracing the idea of a customs union (Funag, 2012, p. 106).

In 1980, the ALALC ended and the Latin American Integration Association (ALADI) began, which is the main institution regulating the process of integration and free trade in the region through the partial scope agreements (Funag, 2012, p. 108). MERCOSUR's treaty was based on these negotiations, and its members are still very active in ALADI. Working for the Economic Commission for Latin America and the Caribbean (CEPAL), Celso Furtado¹ and Raúl Prebisch² were vocal about the importance of economic integration in the region for the development of those countries (Funag, 2010, p. 9).

Especially when it comes to ports and hydrographic infrastructure, the Treaty of the River Plate Basin (1969) sealed the cooperation among South American Secretaries of State from Argentina, Brazil, Bolivia, Paraguay and Uruguay for the construction of multinational projects. They aimed to create harmonious development in the River Plate Basin, along with environmental protection (Vilella, 1984).

Since 2008, port modernization projects have taken place within the Integration of Regional Infrastructure in South America (IIRSA), inside the South American Council for Infrastructure and Planning (COSIPLAN) of the Union of South American Nations (UNASUR), mainly on the Paraguay-Paraná waterway. Along this route, Argentina, Paraguay, Brazil, Bolivia, and Uruguay have both public and private ports (Bezerra, 2020, p. 377).

Since 1992, the discussion on maritime transport modernization within MERCOSUR has been happening in working groups of the Common Market Group (GMC) and the Common Market Council (CMC) (Bezerra, 2020, p. 379). In 1994, the MERCOSUR Customs Code was signed for legal harmonization as regards processing the export and import of products in regional ports (Basaldua, 2010, p. 115).

1 Celso Monteiro Furtado was a Brazilian economist and one of the country's most prominent intellectuals in the 20th century. His ideas on economic development and underdevelopment emphasized the role of the state in the economy, advocating for an economic development model with a pre-Keynesian approach. He worked at the Economic Commission for Latin America (ECLA) from 1949 to 1957 as the Director of the Economic Development Division. Furtado was one of the main advocates of ECLA's ideas in Brazil, emphasizing the central role of the state in development.

2 Raúl Prebisch was an Argentine economist and the most prominent intellectual of ECLA, having initiated the structuralist line of economic thought. Prebisch held the top position at ECLA until 1963, when he left the institution at the request of UN Secretary-General U Thant to take on the role of Secretary-General of UNCTAD (United Nations Conference on Trade and Development, based in Geneva), which had been established in January 1963 by the UN Economic and Social Council.



It was clear for the governments of those countries that port modernization was extremely important. In the 1990s there was a regional initiative in MERCOSUR for complementing changes to their customs laws (Bezerra, 2020, p. 367).

This is managed by customs units within the Federal Revenue structure. Established in 1530, The Brazilian Customs Service is the country's oldest public institution, with a long tradition of uniting foreign trade control and tax collection (Caparroz, 2022, p. 687).

Although there are international and private repercussions for port policies, Customs Law is exclusively regulated by the federal governments. Customs Policy is a broader category that includes port policy, involving public intervention in international goods exchange and establishing a control and limitation system for public purposes (Carlucci, 1996, p. 25).

The processing of import and export operations occurs at ports, airports, and customs border points. Only these locations are authorized to conduct customs clearance activities granted by Brazil's Federal Revenue Service, meaning they handle vehicle transit between countries, traveler processing abroad, and the movement of goods and international postal shipments (Caparroz, 2022, p. 705).

These locations are where the National Civil Aviation Agency (ANAC), the National Agency for Waterway Transport (ANTAQ), and the National Land Transport Agency (ANTT) operate. Airports (which took longer to privatize, starting around the 2014 World Cup), border points (land borders), and ports (direct exploitation or concession by the Union) are organized by the current customs law in Brazil, n. 12.815/2013 (Caparroz, 2022, p. 706).

In Brazil, there was a reorganization of port legislation in 1993. Law 8.630/93 modernized Brazilian port operations in accordance with the Presidents of MERCOSUR member states' Joint Communiqué, issued in December 1991. By 2019, the country had 39 public ports, 175 private terminals, and 34 cargo transshipment stations, considering international goods transit (Bezerra, 2020, p. 367).

In the other founding countries, the 1990s were also a turning point for the enactment of laws aimed at port modernization. In Argentina, for example, after Law 24.093 of 1992, the Port of Buenos Aires became managed by a private institution. Ports could even be managed, through delegation of national authority, by provinces or municipalities (Bezerra, 2020, p. 368).

Paraguay and Bolivia were considered Countries with Less Relative Economic Development (PMDER) in ALADI. Even though there is no such classification in MERCOSUR, these countries mainly rely on bilateral treaties in order to have access to the ocean. These two countries have special customs regimes in which their customs laws are taken into account outside their territory (Caparroz, 2022, p. 245).

In the 1990s, before signing its entry in MERCOSUR, Bolivia had established some trade treaties facilitating its commercial flows with this institution in 1996 (ACE-36) and in 2003, alone and as a member of the Andean Community (Caparroz, 2022, p. 255).

As a result of these measures in the 1990s, commercial traffic was facilitated and free competition was encouraged, as private management of ports allowed the diversification of infrastructure and of service schedules. The existing negative points are related to the delay in docking and operations, which remain very high. In the Port of Paranaguá, in Brazil, for example, the customs progress reached 191.1 hours in 2019 (Bezerra, 2020, p. 375).

Partly, these results also appear as the first positive signs of the most recent negotiations at MERCOSUR. In 2010, a new customs code was signed by MERCOSUR members. These countries are still in the process of implementing the norms, but this legal harmonization is likely to facilitate and promote regional trade inside and outside of MERCOSUR (CNI, 2019, p. 6).



The search for allocative efficiency has brought the port infrastructure of MERCOSUR countries closer to productive and commercial areas in order to deconcentrate the customs process of the maritime ports. Shipping price and administrative slowness can only get higher with the long line of containers waiting liberalization or with more distance between exporters and importers.

2 TRADE FACILITATION AND SPECIFIC STRATEGIES IN MOST PRODUCTIVE AREAS

Expanding port accessibility beyond the traditional coastal structures is essential to improve maritime logistics for MERCOSUR countries. The globalized world is constantly changing. Port policies cannot continue to be rigid, bureaucratic and concentrated in the seaports.

The Inter-American Commission on Ports (CIP) recently celebrated its 25th anniversary, focusing on the development of competitive, secure, sustainable, and inclusive ports in the Americas, with participation from the private sector (Galarza, 2022, p. 29). The infrastructure projects of the MERCOSUR Structural Convergence Fund (FOCEM) are a form of cooperation to enhance the capacity of the countries in the region to implement the WTO Trade Facilitation Agreement (TFA), through research and development of logistics and infrastructure projects (Negro; Vieira, 2021, p. 35).

In 2010, after MERCOSUR's Customs Code (CAM) was signed, some changes were expected as regards trade facilitation in Latin America. Some of their objectives were to harmonize national legislation, to eliminate the double charging of the Common External Tariff (TEC), to reduce income inequality and to deepen integration among the States. An authority was created just for the implementation of what was discussed, and the Customs Code Committee has to guarantee that the port policies of the countries are respecting the requirements of transparency, predictability, risk management and customs cooperation (CNI, 2019, p. 25-51).

The only difference between the two agreements is that the TFA has many articles arguing about penalties for customs violation, whereas the CAM does not provide any information about the topic. It is an important subject to be discussed by MERCOSUR members, without which there is the possibility of not implementing some of the CAM objectives (CNI, 2019, p. 54).

Moreover, the Inter-American Development Bank's (IDB) and MERCOSUR's negotiations are ongoing for the implementation of the Inter-American Network of Single Windows for International Trade. Paraguay began implementing it in 2003, Uruguay started its operations in 2013, Brazil launched the Single Foreign Trade Portal Program in 2014, and Argentina established a single window in 2016 (Galarza, 2022, p. 26-30). MERCOSUR and its trade facilitation projects include collaborations with the Pacific Alliance, as these are complementary projects for Latin American integration, together representing 90% of the regional GDP (Galarza, 2022, p. 11).

Other customs projects implemented within the bloc include the Intra-MERCOSUR Pilot Program for Customs Security in the Goods Supply Chain and the Program for Strengthening Customs Risk Management. There is also international collaboration on the topic, through efforts to implement the Customs International Transit Computerization System (SINTIA) and the Data Model Harmonization Project, under the proposal of the World Customs Organization (WCO) (Galarza, 2022, p. 25).

Even though there is much to be discussed by the Latin American countries so as to assure free trade in the region, there are some recent hot topics concerning trade facilitation. There is a trend toward the interiorization of customs procedures with the construction of dry ports and lake ports. It is not an advantage to concentrate ports along the Atlantic coast because this increases the time of customs procedures. Therefore, the construction of ports close to producers is a strategy to reduce economic and logistical costs (Caparroz, 2022, p. 700).

As a project discussed at the IIRSA, the countries from the Amazon Axis -- which involves initiatives with Colombia, Peru, and, towards the Pacific, with



Ecuador -- aim to establish an intermodal and multimodal transport system linking Pacific seaports to river ports in the Amazon basin (Araujo, 2009, p. 6). It is in Amazonas state, Brazil, where there is the largest non-coastal port, which is the Port of Manaus (a floating port), which will be part of the integration plans (Caparroz, 2022, p. 863).

These initiatives bring Paraguay and Bolivia, countries without an ocean coast, closer to the deliberations on port policies. In Brazil, Paraguay has a special customs regime, “*depósito franco*”, in which its sovereignty and national security are preserved despite the goods being exported and imported through the Brazilian ports of Paranaguá and Santos. Prioritizing in MERCOSUR the construction of lake ports and dry ports may facilitate Paraguay’s customs process, as it will be closer to its territory (Caparroz, 2022, p. 899).

Since the 19th century, logistical problems have always been discussed by the new independent nations. As a background to Bolivia’s port policies, it is worth mentioning the reshuffle in Bolivia’s only ever wet port, Cobija. The Bolivian politicians had to choose between protecting the national port of Cobija or accepting the lower-cost Peruvian alternative in the port of Arica, before they were conquered by Chile in the Pacific War (1879-1884). Foreign interests had a heavy influence on this decision, but Cobija also had problems of connectivity with the countryside from where the raw materials exported came (Colàs, 2021, p. 4).

The Peruvian port of Arica had a better infrastructural connection with the Bolivian producers, and its use had significantly increased during the Peruvian-Bolivian Confederation (1836-1839). Despite the protectionism of Bolivia’s politicians, Bolivia today relies on its neighbors to export because of these historical events (Colàs, 2021, p. 21).

Moreover, it is necessary to mention the importance of using the customs administration against transnational crime organizations, which is another cost for Port systems. Sustainable development, free trade and the labor market depend upon public policy and technology to avoid those actions. On Peru’s border with Bolivia, Puno is a region of high risks concerning the lack of public control and smuggling. The customs authority and the National Forces of those two countries are responsible for controlling the circulation of goods (Salgado, 2017, p. 14).

The Peruvian Customs Offense Law prescribes in article 46 the collaboration between the customs administration, Peru’s National Police (PNP) and the National Forces as three authorities in charge of border control. In Latin America, governments rely on the works of the National Forces in order to guarantee citizen security and to end drug trafficking, especially because of the scarcity of financial resources and the absence of enforcement at the Customs Offices. Since 2017, Bolivia has operated the National Strategic Command for the Fight Against Smuggling with the union of the National Customs and The National Forces against transnational crime at its border with Chile (Salgado, 2017, p. 17).

In Puno, Peru, 70% of the smuggling committed in Peruvian territory happens through the Bolivian border. In 2015, it was estimated by the National Superintendency of Customs and Tax Administration (SUNAT) that the Peruvian national treasury lost US\$ 107 million on account of smuggling (Salgado, 2017, p. 18). Crimes across borders have a negative effect on national GDP concerning the repercussion of non-tariffed products on domestic prices. Given that 50% of Bolivian imports come from its neighbors, there is a significant impact on Bolivia’s people, always having preferences for the product at lower prices (Gómez, 2012, p. 116).

Since 1993, the Bolivian National Forces have joined the customs systems against customs offenses. The Cooperation Plan for national development was signed for the purpose of positioning the Bolivian Military for border protection facing smuggling, illegal export of natural resources and narcotraffic (Picolomini, 2011, p. 62). This is similar to what happens in other Latin American countries such as Mexico, Uruguay, Ecuador and Colombia (Salgado, 2017, p. 135).



Geopolitics has a close correlation to economic chains. These two concepts are important in determining a country's influences on port policies. Globalization has brought trade markets closer to a point that distance is not a unanimous element to define an area of influence when it comes to port strategies, especially if the other Latin American countries are ever more open to global trade.

3 ECONOMIC AND POLITICAL STRATEGIES OF MOST LUCRATIVE BUSINESS PARTNERS HAVE REPERCUSSIONS ON MERCOSUR PORT POLICIES

It is essential to analyze political changes in the most important partners of Latin America. As MERCOSUR is part of the global supply chain, its policies cannot be disassociated from Latin American, European, Chinese, African and North American strategies.

When their most important trade partners demand more requirements for the export of goods, developing countries are less willing to contradict these customs requirements. Despite creating more costs, having these countries' trust is decisive for the economic importance of the region for global trade (Caparroz, 2022, p. 58-59).

In 2002, the U.S. created the Container Security Initiative (CSI), which involves highly technological inspections conducted in the destination country of the merchandise. This represents a tremendous expense, especially for developing countries, and there are ongoing debates about whether they should mobilize against some of these developed countries' demands. However, even though the customs process on American soil is easier and cheaper, in order to continue as import destiny of goods in the international supply chain Buenos Aires and Santos have already adopted the CSI mechanism (Caparroz, 2022, p. 58-59).

Emerging countries always have to continue adapting to international patterns. Even though they had implemented trade liberalization ideas on port policies in the 1990s, North American and European have changed the perspective of their modal system, such as the European Union's move away from the highway system, and it could be characterized as a future tendency for Latin America (Psaraftis, 2005, p. 3).

The European Transport Policy for 2010, "Time to Decide", projected a 142% increase in costs by 2010 if nothing were done to avoid road congestion. In the 2000s, the European policy was focused on competition and pricing issues, not thinking directly about ports (Psaraftis, 2005, p. 2).

In 1985, the road transport system had already surpassed maritime transport in intra-European transportation. This trend prevailed throughout the rest of the 20th century. The Marco Polo I and II programs (2007-2013) aimed to change this (Psaraftis, 2005, p. 4).

In 2003, the European Commission created a port package that was rejected by the European Parliament. Negotiations with heads of state were needed to approve a package on the subject. Since 2004, there has been significant negotiation between the EU and US port systems (Psaraftis, 2005, p. 5).

In the 2010s and continuing thereafter, there was a restructuring of several European ports, in accordance with changes in logistical hubs. Genoa, Barcelona, and Valencia are now more focused on the regional flow of goods. This is similar to what happens with Brazil's Port of Itajaí (which is municipal) (Monié; Vidal, 2006, p. 985).

European maritime flows were referred to as "motorways": from the Baltic Sea, from Western Europe, from Southeastern Europe, and from Southwestern Europe. The year 2020 was set as a target for modifying these systems, in a plan known as the Marco Polo Program, which aimed to resolve flows and reduce congestion (Psaraftis, 2005, p. 3). Reducing export barriers, in the 2010s, the Port of Rotterdam invested in the Brazilian port of Pecém, characterized also as a Special Economic Zone (ZPE) without consumer taxes.

Highlighting the importance of the circulation of goods, ports, the Southeast Asia and Pacific regions. Geopolitical strategies are the intersection of political,

economic, and military power. Having the control of ports increase this international presence (Alon; Zhang; Latteman, 2018, p. 6).

The countries participating in the Chinese Belt and Road Initiative are important global players in the supply of manufactured goods, international trade, and investment. Operating the infrastructure of these countries is central to the Chinese proposal for trade facilitation. The construction of railways, for example, is directly related to export efficiency (Zhang; Wu, 2018, p. 231).

As a reflection of its global economic emergence, since 2001, the Chinese government has engaged in a worldwide expansion of its development programs. The “Belt and Road Initiative” (BRI) has become the largest platform for international cooperation, spreading Chinese views on development and diplomacy. Bilateral free trade agreements have evolved into a multilateral arrangement connecting China to Europe, via Central Asia and Russia, as well as to the Middle East, Southeast Asia, and the Indian Ocean. This project now encompasses 65 countries, 60% of the global population, one-third of global GDP, and 75% of the planet’s energy reserves (Alon; Zhang; Latteman, 2018, p. 3).

MERCOSUR has never pronounced any participation in the BRI, but its very close partners already have strong ties with it. Over the last twenty years, Chinese projects have been considering Latin America as a natural extension of the Maritime Silk Road, especially as regards the Pacific trade route. In 2018, this interest was formalized at the Forum of China and the Community of Latin America and Caribbean States (China-CELAC Forum) (Apostolopoulou; Pizarro, 2024, p. 6).

In 2019, just after signing a memorandum of understanding with the Chinese government for the promotion of free trade, the Peruvian port of Chancay became part of the BRI initiative. Peru’s political history is an example of Latin America’s search for international investment. The country has a deep political history of neoliberalism and relies on foreign investment in order to guarantee economic stability (Apostolopoulou; Pizarro, 2024, p. 7).

The purchase of 60% of Chancay port by the Chinese state-owned multinational Cosco Shipping Ports Limited (COSCO) represents a tendency not limited to Latin American pacific-costal countries, Greece, for instance, is another country where COSCO made port investment and influenced port policies towards neoliberalism (Apostolopoulou; Pizarro, 2024, p. 6).

These efforts are driven through Chinese financial investments, the Asian Infrastructure Investment Bank (AIIB), and the New Development Bank (NDB) (Alon; Zhang; Latteman, 2018, p. 3). Estonia and the United Arab Emirates achieved the best trade facilitation indices within the Belt and Road Initiative (BRI) in the 2014 analysis (Zhang; Wu, 2018, p. 232-235).

Asia is home to the largest and most efficient ports in the world. Analyzing the 40 largest ports worldwide, nine of them have achieved maximum efficiency ratings (according to the author’s research), and seven of them are located in China (Dang; Merk, 2012, p. 10).

Another example of port liberalization policies is the West coast of the African continent. It represents 45% of Sub-Saharan Africa’s GDP, 25% of Africa’s maritime traffic and it includes the largest oil producers, Nigeria and Angola. It is a strategic region for Brazil (Willrich, 2018, p. 9) and decisive for the implementation of China’s BRI initiative (Alon; Zhang; Latteman, 2018, p. 3).

Even though foreign investment in local ports represents significant opportunities for Latin American countries to expand their international trade, the power of multinational companies over port operations may represent profound impacts upon urban spaces, without considering new vulnerabilities faced by the local population (Apostolopoulou; Pizarro, 2024, p. 14).

Since 2020, for instance, the Chinese mega container port investment in Chancay, Peru, has prevented the populace from having contact with the beach and has promoted local discussions about Peru’s government prioritization of infrastruc-



ture over the well-being of those who live in that 60,000-inhabitant agricultural city (Apostolopoulou; Pizarro, 2024, p. 1).

In MERCOSUR, the implementation of the AFC and the CAM has provoked some changes that have to be made in domestic politics. Although legal harmonization promotes free trade and trade facilitation in those countries, its implementation depends upon some adjustments: creating and updating of criteria, revisiting special customs regimes, reorganizing national norms of foreign trade, and separating the customs authority from the government (CNI, 2019, p. 63).

Brazil, for instance, has a port policy that is not as aligned to the other members of MERCOSUR as it could be. Trade facilitation in the region relies on practices of customs liberalization by each member of the group (CNI, 2019, p. 67).

At the same time, not every international norm or obligation might be favorable to MERCOSUR members. Indeed, regional associations are important for them to discuss with other Latin American countries how to resolve their similar challenges in port policies. Not all the rules of globalization are fair, and every country must still consider its own solutions and how not only to protect its capital flows, but also the well-being of its population (Caparroz, 2022, p. 24).

Latin America's diplomatic and economic position as key partner of Western and Eastern countries has a two-way repercussion on its port policies. On the one hand, as a link in the global supply chain, the region has to adapt its policies to international requirements. On the other hand, local coordination may have an important impact as one united voice in the world order, considering its friendly policies with varied countries. If MERCOSUR strategies align with other Latin American nations, the grouping may benefit, gaining the ability to determine special regimes for its ports and not only follow global trends.

CONCLUSION

Port policies in MERCOSUR countries coordinate the presence of these nations in global trade together with other Latin American countries, they are moving closer to sustainable development. Port policies are more integrated in Latin America because of regional organizations promoting legal harmonization. This cooperation can reduce port costs, create solutions to port slowness and adapt international trends to domestic needs.

MERCOSUR was created as a result of other Latin American initiatives to boost economic development. In the 1990s, all the member countries came together toward trade liberalization and port modernization. They have also been moving toward sustainable development.

Latin American countries share the same problems related to port operations, among them high costs and lack of infrastructure. However, they also have promising chances of growth and of development. Chile's access to the Pacific or to the North of Brazil, for instance, can collaborate in reducing shipping prices. One is closer to the South China Sea and the other to Rotterdam.

Another similarity between port policies within MERCOSUR and within other Latin American countries is their dependence on international requirements. As part of the global chain, they have to coordinate their position at multilateral meetings or they are less able to avoid high-cost demands coming from developed countries.

This paper was written to demonstrate that it is not just by applying extra-regional policies that MERCOSUR countries can reach port efficiency. Latin American cooperation needs to include MERCOSUR port development, especially by creating a regional forum in which to discuss how countries in the region can solve similar problems, such as the overriding power of foreign investment and nationalist protectionism.



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Como citar: VAGUETII, Vitoria Gualberto; WINTER, Luís Alexandre Carta. Latin american cooperation as a port policy in mercosur. **Scientia Iuris**, Londrina, v. 29, n. 2, p. 54-65, jul. 2025. DOI: 10.5433/2178-8189.2025v29n2.p54-65. ISSN: 2178-8189.

Recebido em: 31/01/2025.

Aceito em: 29/05/2025.