

# Regional Integration and Human Rights

## A Neostructuralist View from Latin America

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Method and content express themselves in the neostructural view in the principle of universal totality to explain in an interdisciplinary manner questions related to the scientific-technological revolution, the new world order, the distribution of global power, and, of course, the domination of research and development and science and technology.

### INTRODUCTION

Thinking about issues linked to integration and human rights in the new world order means delving into the complex system of world market relations. Integration should be a driving force for Latin American development. Globalization of human rights, like the right to health and development, universalizes the culture of industrialized societies and underdeveloped countries.

The conceptual framework of our research is based on the neostructuralist focus for stating “profound causes,” the big issues and challenges of new realities: human rights, technology, the

new world order, integration, knowledge and its products —genetic engineering, biotechnology, automation, computer sciences, new materials—that is, the whole gamut of the new technologies.<sup>1</sup> The neostructural focus proposes to cover all of today’s social sciences, reformulating the problem of development.<sup>2</sup> Method and content express themselves in the neostructural view in the principle of universal totality to explain in an interdisciplinary manner questions related to the scientific-technological revolution, the new world order, the distribution of global power, and, of course, the domination of research and development and science and technology.

The twenty-first century has brought a substantial, profoundly qualitative

neostructural change of the problem of knowledge. The commodity of this millennium is knowledge: the idea as a fundamental value in every corner of the globe, that is, culture, technology, education, human rights and integration; sports, oceans, the spiral of knowledge and the triad of power. In a word, I maintain that neostructural theory can explain the profound global changes of the new world order to come.<sup>3</sup>

### THE NEOSTRUCTURAL FOCUS ON INTEGRATION IN THE GLOBAL WORLD

From the neostructural perspective, looking at the issue of integration implies delving into, explaining and predicting the problem of development and

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collective identities. The drama of national construction is a central issue of this reflection; it is the starting point, as will be seen in the following section. In the same way, governability and democratic stability seem to be basic principles for inclusion in a new integration model.

The neostructural focus, as its name implies, sees structure as a basic category for explaining social processes like integration. The focus based on systems theory—born out of physics during World War II— would later expand

the nation-state.<sup>4</sup> It also puts forward the idea that the central aim of integration is integral development. From that point of view, we can distinguish between the circumstantial and the neostructural causes of integration. *Verbi gratia*, the circumstantial causes of integration can be equated with episodic phenomena: a war, an earthquake, or border integration, where natural circumstances and geographic proximity determine the autonomous or dependent nature of the integration. This is the case of Mexico and the United States.

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toward social systems, as can be seen in the current’s classic book, *The Political System* by David Easton (1953). Previously, Talcott Parsons and Robert Merton had already put forward the problems of the integration and disintegration of social systems. I must recognize that systems theory may advance in an explanation of social systems; however, neostructural theory is even more explanatory, comprehensive, inclusive and totalizing because it tries to analyze and understand global processes of integration and, finally, answer the central question: Why do national actors integrate?

The neostructural view of integration points out the obstacles and profound benefits of the movement that leads to a greater, supranational actor, which implies the delegation of the principle of external sovereignty and a certain fading of the classic structure of

As a matter of fact, the globalization process is an integration mechanism with global aspirations spearheaded by the market and financial globalization. It would seem that financial globalization has become the Achilles heel of the unifying, harmonizing, horizontal process that is globalization itself. The “financial crises” and the collapse of the Asian countries cause and extend the financial crisis to a world scale.

Modern integration plans, such as the Mercosur or the swift political and economic process experienced in Europe, show that the creation of economic blocs and regional and sub-regional agreements for integration cause a double effect: a) on the one hand, they may constitute containing walls vis-à-vis the social costs of globalization; b) on the other hand, it would seem that this process is inevitable in the vicinity of the market. With this, the inte-

gration processes simply add themselves to this hegemonic globalization, particularly with the end of the Cold War.<sup>5</sup>

#### THE NEOSTRUCTURAL VISION OF HUMAN RIGHTS: FIVE THESES

1. *The structuring of the nation-state constitutes the basis for greater integration.* Latin American development theories sparked profound polemics in their time. Marginality theory and dependency theory broadly analyze the dual or dependent nature of colonial development and, after World War II, the expansionist proposal of the transnational mode of development.<sup>6</sup> At the bottom of this discussion is “the question of the state,” that philanthropic ogre, the guiding instrument of the national project. The unification of the state with the nation constitutes the modern national state which today is seeing its classical sovereign structure changed, particularly because the universalization of human rights has caused a “transnationalization” of the legal borders of sovereignty (Article 2, No. 4 of the United Nations Charter) to move toward the world of unique, universal human rights that make it possible for me to speak of “market human rights”: the globalization of human rights goes hand in hand with the globalization of the economy.

2. *Human rights are a fundamental prerequisite for democracy.* A discussion of the “problem of democracy” in Latin America goes beyond the limits of this article. The fact remains, however, that for a democratic regimen to exist, there must be profound respect for integral human rights: civil rights, social rights, the right to solidarity.

3. *The law of globalization goes beyond globalization in other sectors of national and international life.* With the change in the world order, classical international law, markedly Western in origin, provokes political, cultural, economic and technological globalization. This does not mean that we can affirm the possibility of a world system of law. In effect, we must clarify that the new legal-economic realities foster the emergence of an immense spectrum of options and new legal categories: joint ventures, holdings, factoring, mergers of companies and strategic alliances among multinational companies.

The transnational model of development has given way to the global model of market relations. Therefore, as law expands in the framework of a neoliberal legal system, it cannot escape the fundamental limitation caused by "legal regionalisms": European, Anglo-Saxon, African, Latin American regional law. Regionalism and globalism do not contradict each other. Rather, they are new legal realities in a global world in transformation.

4. *The impact of the new technologies in the new world order.* Since the 1953 revelations about DNA (Watson and Crick), development of new technologies has accelerated. As I have mentioned, the new world order in transition, or the society of knowledge, is based on new technologies. This is what I call the world order of the twenty-first century.

But, to what extent does the scientific-technological impact affect human rights? To a great extent. For starters, we have the phenomenon of "technological unemployment," or the elimination of human labor thanks to automation of the world society. New technologies

have a powerful impact on the world of work. Companies with cutting-edge technology completely upset the classic schema of Fordist production. A powerful network of horizontal communications within cutting-edge technology is beginning to be built in which the unequal distribution of power is focused on the large international centers: 1) Japan and the Pacific Rim; 2) the European Union and the former Eastern Europe; and 3) the United States and Latin America, particularly through the Enterprise for the

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Americas, with the aim of creating a free trade zone in the hemisphere. The potential of China in this changing world should not be forgotten.

Technology and human rights make up a fundamental ethic dilemma. For example, in the case of genetic engineering, what are the limits of scientific research? The risks of human genetic engineering are abysmal and difficult to predict. The right to science and technology cannot surpass the limits imposed by pure research itself. This ambivalent nature of science and technology and technical progress poses questions, and the only thing that seems clear is the possibility of increasing the scientific-technological gap.

5. *Globalization affects the world of culture and communications.* The big problem here is that hegemonic globalization is causing a profound system of exclusion. Thus, the system-world

transcends borders and creates uniform consumption habits; telecommunications invade minds and homes. Competition, the prison society, competitive advantage, in the last analysis, the realm of the market, are all creating a greater number of the excluded: migrant workers, displaced persons, ethnic minorities, marginalized from the hard nucleus of the consumer society and the market. Are we entering the new Middle Ages? Complex identities and multiculturalism are diluted in the authoritarian structure

that causes a disintegration of society resulting in catastrophic individualism.<sup>7</sup> The disintegration of the national order throws up serious obstacles for a possible regional or sub-regional integration. In addition, with the withdrawal of the state from economic life, national and international civil societies are reactivating the demands for respect for human rights. This series of political-social situations is causing the emergence of extra-institutional social movements, such as the informal sector, the dispossessed, the underemployed, migrants, foreigners, in a climate of the lack of individual and collective identity. There is, in a manner of speaking, a "feudalization" or "ghetto-ization" of social groups in the midst of unstable and uncertain Latin American regimens in which the transitions to democracy are a dance on a cliff (Pinochet).

GLOBALIZATION AND TECHNOLOGY  
THE CASE OF HEALTH AND  
DEVELOPMENT

The scientific-technological paradigm, with all its social, cultural, economic and political implications, is the “frontier” of globalization.

In the case of development, technological globalization is breeding a certain “structural marginalization” of the Latin American countries in light of the appropriation of technological goods, the investment in research and

Globalization has in transnational actors its main agents of technological goods production, investment and market expansion. The transnational actors recognize no borders; they move and confront or negotiate with national states, particularly in this “short century”<sup>8</sup> in which the failure of industrialization by import substitution forces the governments of underdeveloped countries to seek new sources of financing given the drop in domestic savings, financial crisis and the burden of the foreign debt. This is

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development, the transition from the industrializing paradigm to the scientific-technological paradigm (in the sense of a model). The possession of cutting-edge technology requires an increasingly greater creative effort, which means that an underdeveloped country would have a technological culture at the service of the majority, a very doubtful eventuality.

In the area of human rights and health, I will cite the cases of genetics and biotechnology, in which the change of the paradigms is quite radical. In the case of new technologies, the new world order reaches its “outer limit” in the field of health with the research on memory, the brain and the mind, genetic surgery, the study of human diseases, artificial intelligence, social mathematics, the science of chaos, the determination of time and the infinite: science and technology at the service of man.

why there is insistence on the idea that the economic blocs and integrations could constitute themselves as powerful tools for the growth and development of our countries when faced with the globalized world.

NEOSTRUCTURAL THEORY  
AND THE NEW WORLD ORDER

The classical structuralist view comes from the field of linguistics, from the structuralist studies on language and its uses (Ferdinand de Saussure). Umberto Eco says that structuralism is a method; Roland Barthes, that it is a succession of mental operations; Jean Bastide, in a very interesting contribution, calls it a unifying function of knowledge.

Claude Lévi-Strauss, for his part, considers structuralism a doctrine. Jean

Piaget and Frages deem it a scientific method.<sup>9</sup> Therefore, it is this “critical mass” of knowledge that makes it possible to speak of a neostructuralism that contains the method and content based on a particular principle of totality. Nation-state, new world order, human rights and regional integration are all signifying structures of a particular principle of totality.

NEOSTRUCTURAL BASES  
OF THE NEW WORLD ORDER  
IN THE TWENTY-FIRST CENTURY

The neostructural theory of the new world order studies the “profound causes,” the new world order’s basic notions of new technologies and their circumstantial and structural implications:

- 1) Basically, if the structure is the “hard nucleus” of the internal analysis of a particular principle of totality, the first neostructural base of the new world order would be the market, or rather, world market relations.
- 2) A second neostructural actor would be the nation-state considered in its relations of external sovereignty.
- 3) The new technologies constitute a third element.
- 4) Migration and displaced persons comprise a fourth element of globalization.
- 5) The hegemony of the great powers or centers of world power would be the fifth element in this conceptual construct.
- 6) Multinational actors make up the sixth neostructural element.
- 7) Since globalization is unfinished, it would not constitute a determining factor with regard to the principle of totality.

8) The culture of human rights and the consumer society are also basic elements of the new world order.

The interdisciplinary and transdisciplinary nature of neostructural theory applied to the principle of totality of the new paradigm of the twenty-first century (integration, human rights, technology and new world order) constitutes the basic structure of the neostructural vision.

I think method and content unify in the principle of totality that analyzes and explains the global social order.

Although it may be debatable, I believe that the field of human rights allows for particular basic structures: dignity, freedom, security, health, housing, education, peace, development, environment, science and technology.

The central idea, if I understand correctly, is that neostructural theory of human rights is capable of analyzing, explaining, predicting and suggesting solutions to the arduous problem of these basic human rights structures. This means that the neostructural vision leads us to the notion of political system and social system as integrating or disintegrating elements of social life. In that sense, one can speak of an ideology of human rights. Neostructural theory provides the method and content of that ideology.

On the other hand, in the framework of globalization, human rights, to paraphrase Isaiah Berlin, appear as elements that counteract the dominant world system.<sup>10</sup>

In effect, when the neostructural bases of the new world order are analyzed, we can observe that international market relations constitute the strength-element of the new situation.

However, the market is not precisely a structural element concerned with human rights. It is true that the market spreads and becomes universal (“the end of geography”), especially after certain breaks—the dismemberment of Eastern Europe, the reunification of Germany, the end of the Cold War—that are part of the world economy’s political processes. I do not know to what degree the counter-trend represented by the individual can confront the market. What is clear is that the individual does demand his/her fun-

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damental rights and for national, regional or international society, the possibility of the democratization of social relations, of a just and lasting social order.

This is the extent of the “open dialectic” caused by globalization, on the one hand, and the ideology of human rights, on the other. Nevertheless, between these two neostructural actors is a “no-man’s land” represented by national and international civil societies. Civil society—in this case, in Latin America—emerges with greater transparency with the military dictatorships of the 1970s. Therefore, two complementary currents appear today: the nongovernmental organizations of civil society (NGOs) and the institutions for the promotion and defense of human rights such as the ombudsman and national and state commissions.

## CONCLUSIONS

We must ask ourselves about the social movements “excluded” from the unfinished globalization process and about the insertion of Latin America in the political-economic new world order and the new human rights world order. I will limit myself to expressing a few ideas. Globalization is really causing a severe process of structural exclusion and marginalization: migrants, displaced persons, the poor, underemployed, workers in the infor-

mal sector, indigenous communities, the world of minorities within industrialized societies, the new division of labor, the possibilities for access to education, health and housing.

A consideration about the future may allow us to say—in my own view and without a catastrophic vision—that these powerful social movements of the “excluded” from the knowledge and consumer society will eventually cause severe social crises, even internationally.<sup>11</sup>

The transnationalization of poverty could lead to the transnationalization of social violence, above and beyond the already existing structural violence. It would seem that the social rule of law should recover its main functions, above all in societies like those in Latin America. The “social costs,” recognized by the World Bank, have led the ECLAC to put forward the

idea of “productive transformation with equity.”

The inertia of the market and the withdrawal of the state as neostructural actors make it necessary to rethink the role of the welfare state in this era of economic blocs and regional integration. Never before have the great majorities of history been so vulnerable and devalued vis-à-vis the current process of world restructuring as at this beginning of century and millennium. **MM**

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#### NOTES

<sup>1</sup> Manuel Medina and José San Martín, eds., *Ciencia, tecnología y sociedad* (Barcelona, Anthropos, 1990).

<sup>2</sup> Fernando Fajnzylber, *La industrialización de América Latina* (Mexico City: Nueva Imagen, 1983) and Fernando Henrique Cardoso, *El desarrollo en el banquillo* (Mexico City: ILET, 1982).

<sup>3</sup> Immanuel Wallerstein, *Después del liberalismo* (Mexico City: Siglo XXI, 1996).

<sup>4</sup> Kenichi Ohae, *El fin del Estado-nación* (Santiago de Chile: Editorial Andrés Bello, 1997). With regard to systems theory, Niklas Luhmann has carried out very “fashionable” and not particularly important work in the field of the social sciences.

<sup>5</sup> Luis T. Díaz Müller, *Bioética, salud y derechos humanos* (Mexico City: Editorial Porrúa, 2001).

<sup>6</sup> Luis T. Díaz Müller, *América Latina. Relaciones internacionales y derechos humanos* (Mexico City: Fondo de Cultura Económica, 1991).

<sup>7</sup> Francisco J. Ayala et al., “Desafíos del conocimiento ante el tercer milenio,” *Ciencia y Sociedad* (Madrid: Fundación Central Hispánica-Editorial Nobel, 1997).

<sup>8</sup> Eric Hobsbawm, *Historia del siglo XXI* (Barcelona: Grijalbo, 1997).

<sup>9</sup> Antonio Hernández Gil et al., *Estructuralismo y derecho* (Madrid: Alianza Editorial, 1972).

<sup>10</sup> Isaiah Berlin, *Contra la corriente* (Mexico City: Fondo de Cultura Económica, 1983).

<sup>11</sup> See Umberto Eco, *Apocalípticos e integrados* (Mexico City: Tusquets, 1995); Alain Minc, *La mondialisation heureuse* (Paris: Editorial Plon, 1997); Alain Touraine, *Crítica de la modernidad* (Mexico City: Fondo de Cultura Económica, 1999); and Octavio Ianni, *La era del globalismo* (Mexico City: Fondo de Cultura Económica, 2001).