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Presentation of the Content

In the first article we present, *Higher education and innovation as factors of competitiveness in four Latin American countries* by LÓPEZ, Santos & RHOADES, Gary, with adscription at the Universidad Autónoma de Baja California, as following article we present, *Data Privacy* by VAZQUEZ, Adrian, with adscription at the Universidad Iberoamericana, as following article we present, *Influence of the social environment on the musical tastes of adolescents from Sagrada Familia and Santa Ana schools* by CAMPOS, Fernando, with adscription at the Universidad Mayor Real y Pontificia de San Francisco Xavier de Chuquisaca, as following article we present, *Violation of Human Rights in democracy* by QUINTANILLA, Valeria, with adscription at the Universidad Mayor Real y Pontificia de San Francisco Xavier de Chuquisaca.

Content

Article	Page
Higher education and innovation as factors of competitiveness in four Latin American countries LÓPEZ, Santos & RHOADES, Gary <i>Universidad Autónoma de Baja California</i>	1-11
Data Privacy VAZQUEZ, Adrian <i>Universidad Iberoamericana</i>	12-21
Influence of the social environment on the musical tastes of adolescents from Sagrada Familia and Santa Ana schools CAMPOS, Fernando <i>Universidad Mayor Real y Pontificia de San Francisco Xavier de Chuquisaca</i>	22-29
Violation of Human Rights in democracy QUINTANILLA, Valeria <i>Universidad Mayor Real y Pontificia de San Francisco Xavier de Chuquisaca</i>	30-40

Higher education and innovation as factors of competitiveness in four Latin American countries

Educación superior e innovación como factores de competitividad en cuatro países de América Latina

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Abstract

This work establishes the relationship between competitiveness and innovation in higher education overall competitiveness in 4 Latin American countries: Argentina, Brazil, Chile and Mexico. Data are from the World Competitiveness Report prepared annually by the World Economic Forum from 2007 to 2013, the latter year saw 148 countries ranked from 1 to 148, 1 being the most competitive and less competitive 148. Basic, efficiency and innovation: overall competitiveness and three groups of factors are analyzed. After working with pillar 5, higher education and training and the post 12, innovation; relationships between factors, pillars and components for the four countries are established. The analysis shows that Chile has increased competitiveness, based on basic and efficiency factors, occupies on average, 32nd in both cases. Brazil and Mexico are economies that show similarities in strength efficiency factors and weakness in the basic factors. Argentina appears behind his best behavior manifests itself in innovation. The competitiveness of the five pillar in the quality of school management, where the four countries rank well. Another element that has good rating is the enrollment of the university system and the local availability of research. But this pillar also has deformities, as education in math and science behind the four countries listed, place beyond. Regarding the pillar of innovation, the best performances have Brazil, sustained competitiveness in innovation capacity in expenditure on business R & D and in a good university industry relationship. Argentina despite dynamism present in this pillar, has one major drawback is the low government consumption of high-tech goods in 2013 was in place 140.

Resumen

Este trabajo establece la relación entre competitividad e innovación en la educación superior competitividad global en 4 países latinoamericanos: Argentina, Brasil, Chile y México. Los datos provienen del Informe de Competitividad Mundial elaborado anualmente por el Foro Económico Mundial desde 2007 hasta 2013, en este último año se clasificaron 148 países del 1 al 148, siendo 1 el más competitivo y 148 el menos competitivo. Básica, eficiencia e innovación: se analiza la competitividad global y tres grupos de factores. Después de trabajar con el pilar 5, educación superior y formación y el puesto 12, innovación; se establecen las relaciones entre factores, pilares y componentes para los cuatro países. El análisis muestra que Chile ha aumentado la competitividad, en base a los factores básicos y de eficiencia, ocupa en promedio, el lugar 32 en ambos casos. Brasil y México son economías que muestran similitudes en la fortaleza de los factores de eficiencia y debilidad en los factores básicos. Argentina aparece detrás de su mejor comportamiento se manifiesta en la innovación. La competitividad de los cinco pilares en la calidad de la gestión escolar, donde los cuatro países se clasifican bien. Otro elemento que tiene buena calificación es la matrícula del sistema universitario y la disponibilidad local de investigación. Pero este pilar también tiene deformidades, como la educación en matemáticas y ciencias detrás de los cuatro países que figuran, lugar más allá. En cuanto al pilar de la innovación, los mejores resultados tienen Brasil, la competitividad sostenida en la capacidad de innovación en el gasto en I + D empresarial y en una buena relación universidad-industria. Argentina a pesar del dinamismo presente en este pilar, tiene un inconveniente importante es el bajo consumo del gobierno de bienes de alta tecnología en 2013 estaba en el lugar 140.

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Introduction

The aim of this paper is to establish the relationship between the competitiveness of higher education and innovation and overall competitiveness in four Latin American countries. These countries are: Argentina, Brazil, Chile and Mexico. The following considerations are taken into account for the inclusion of these countries: Argentina is the Latin American country with the highest coverage in higher education and the highest rate of completion of studies in the population of young people between 25 and 29 years of age, according to data from the Economic Commission for Latin America (ECLAC). Chile is the country with the most competitive economic system, according to the World Economic Forum (WEF), and Brazil and Mexico are the two largest economies, as well as those that have improved their competitiveness since 2010.

The degree of competitiveness of the countries is based on data from the World Competitiveness Report, which is produced annually by the World Economic Forum on the basis of the Global Competitiveness Index (GCI), which was introduced in 2005.

Competitiveness includes general competitiveness, competitiveness in basic factors, efficiency factors and innovation factors. Of the twelve pillars of competitiveness considered by this organisation, two of them are particularly addressed: number five, which is higher education and training, and number twelve, which is business innovation and sophistication.

This paper aims to answer the following research question: How competitive are the four selected countries globally, and what is the relationship between overall economic competitiveness and the performance of higher education and innovation?

The working hypothesis to be demonstrated is that in the selected countries the levels of competitiveness, both in general and in higher education, pillar five, and innovation, pillar twelve, move in the same direction, i.e. that the latter two pillars have a positive relationship with respect to overall competitiveness.

Theoretical and reference framework

There are at least three different theoretical models on how to observe the competitiveness of countries: the first is structured by the WEF, the second by the Institute for Management Development (IMG) and the third by the German Development Institute.

The World Economic Forum produces an annual Global Competitiveness Report, which since 2005 has been based on the Global Competitiveness Index (GCI), which is constructed considering both microeconomic and macroeconomic factors and seeks to measure the level of competitiveness achieved by each country. It defines competitiveness as "the set of institutions, policies and factors that determine a country's level of productivity. This level establishes the degree of prosperity that an economy can achieve. Productivity also determines the rates of return on investment. An economy with a higher competitiveness index is more likely to achieve better growth rates.

The WEF model bases competitiveness on twelve pillars (Sala-i-Martin, et al., 2013) which it groups into three types of factors: 1) Basic factors for competitiveness; 2) Efficiency factors; and 3) Innovation and business sophistication factors.

Basic factors. This group is composed of four pillars. First pillar, institutions, which are determined by the legal and administrative framework of countries, is where individuals move. Second pillar, infrastructure; this includes transport, where there are roads, railways, ports and air transport; electricity, and telecommunications. Third pillar, the macroeconomic environment; macroeconomic stability is important for business, but above all for the overall competitiveness of countries. Fourth pillar, health and basic education; a country must have a health system that maintains a healthy workforce, but it must also have sufficient and quality basic education.

Efficiency-enhancing factors. This type of factor predominates in countries that are driven by efficiency, the group is made up of six pillars: fifth pillar, higher education and training, this pillar is fundamental for economies that want to move value in their production chain in both processes and products. Pillar six, an efficient goods market, where goods and services can be properly traded in the economy.

Pillar 7, an efficient labour market, efficiency and flexibility of the labour market are vital to ensure that workers are located where their productivity is highest, where they have incentives and where they contribute their best efforts to the work process. Eighth pillar, financial market development, recent crises have highlighted the importance of the financial market in the development of countries. Pillar nine, technological readiness, focuses on a country's capacity to adequately adapt to new technologies. Tenth pillar, market size, refers to the size of the population and its purchasing power, as the creation of economies of scale is of great importance for a country's development.

Innovation and business sophistication factors. Eleventh pillar, business sophistication, is a pillar that is closely linked to quality in the production and distribution of goods and services and the appropriate use of technologies in the economy. Twelfth pillar, innovation, refers to the innovative capacity of the economy, as pointed out by Sala-i-Martin et al. (2013), this pillar is the one that is most closely related to the fifth pillar of higher education, and of course to the so-called knowledge economy.

Using these pillars and groups of factors as a tool, for 2013, the WEF classifies countries into five groups as follows:

Stage 1 countries. These are countries whose competitiveness is determined by the basic factors. In the 2013 report, this group is composed of 38 countries.

Stage 2 countries. These are efficiency-driven economies. This group consists of 31 economies.

Stage 3 countries. Economies driven by innovation and business sophistication, 37 economies.

In addition, there are two stages that are called in transition.

Countries in transition from stage 1 to stage 2. This group consists of 20 economies.

Countries in transition from stage 2 to stage 3. 22 economies.

In the case of our countries of interest, Argentina, Brazil, Chile and Mexico are in transition from stage two to stage three.

In education and its relationship with the economy and, more specifically, with the competitiveness of countries, it is found that:

Smith (1776/2008) was concerned with the division of labour, the formation of skills and their differentiation in wages and jobs as a consequence of education. Marshall rejected the idea of human capital and, as Blaug (1970) points out, this was the reason for the great lapse in studies of the relationship of education to the economy. Despite this disdain, Marshall considered that the preparation of the labour force was a central element in boosting productive processes, the development of higher productive activity required more education of workers, and he called education the "Energy that makes the individual more efficient and flexible in his work".

In the classics, the analysis of the concern for economic growth was centred on the accumulation of capital per worker to explain differences in productivity, from which comes mechanisation as a means to advance productivity (Faberger, et al., 2010).

With the emergence of human capital studies in the 1960s, the economics of education emerged as a discipline and work on the relationship between economics and education intensified. The work of Schultz, Becker, Denison and Mincer was pioneering in those years. In the field of production function and growth theory, Solow's work on the share of capital and labour in total output was very influential.

Already in the 1990s, Carnoy (1995) pointed out the influence of education on economic productivity and pointed out that this influence could be established in five directions: a) an explanation based on human capital, which is based on the fact that individuals who acquire greater skills through education are better able to produce more and better; b) there is an explanation based on economic disequilibrium, which comes from the classical current of economics and which Schultz (1990) later treats as the re-establishment of economic equilibrium.

A person with more education has a greater capacity to adapt to changes in the economic system, as he/she is able to make better decisions; c) the capacity to adapt and to understand production processes better, as he/she has a better capacity to adapt to production, he/she will have the capacity to produce better goods and services; d) an explanation from the organisational improvement, by having more education they will have a better capacity to organise themselves and with that they will see an increase in productivity, and e) from the improvement of the training capacity, an individual with more education will have a better capacity to follow instructions and achieve a better application of written recommendations in the production processes (López-Leyva et al. , 2012, p. 95).

Lange and Topel (2006), drawing on the formulations developed by Lucas, state that the level of productivity of an economy depends on the average level of accumulated human capital per worker, so a surge of investment in human capital could lead to a surge in productivity growth. These investments would increase the overall productivity of the society and through the complementarity effect, an individual has more human capital when the other members of the community have higher skills. Also through the complementarity effect, growth in other forms of human capital strengthens educational attainment.

These authors (Lange and Topel, 2006) show, by means of an exercise for the 50 states of the United States, that growth in schooling increases the productivity of the economies of the entities and the quality of the labour force they have.

Economists have shown considerable interest in relating education to economic variables, specifically to levels of growth. In this respect, Pritchett (2006) establishes a set of stylised facts about economic growth: (a) growth rates in the leading OECD countries have been fairly stable over the last 100 years; (b) a divergence in average output per worker has been observed between the leading countries and poor countries; (c) a slowdown in economic growth is noticeable, especially in developing countries, mainly from 1970 onwards; (d) average growth rates have been very volatile, especially for developing countries;

(e) not all growth in output per worker can be attributed to changes in the capital-labour ratio, but growth in productivity is an important part of the process; (f) not all growth in output per worker can be attributed to changes in the capital-labour ratio, but growth in productivity is an important part of the process.

He believes that it is difficult to explain the expansion in economic growth by increasing schooling, as the following statements are not consistent with the stylised facts expressed in the previous paragraph: 1) schooling has expanded massively in OECD countries; 2) a marked convergence in education levels across countries has been observed; 3) schooling has grown faster since before the economic slowdown; 4) schooling per worker is not volatile, on the contrary it is very persistent, 5) in most developing countries the contribution of the schooling rate to productivity growth rates has been shown to be very low or negative.

From the 1950s onwards, with the neoclassical growth theory proposed by Solow in 1956 (Solow, 1979), based on a model based on the assumptions of perfect competition. In this model, productivity growth is a result of the increase in the amount of capital associated with the capacity of each worker, and as the capital-labour ratio increases, the marginal productivity of capital begins to decline. The capital-labour ratio becomes constant and productivity stops growing. In this proposal, both variables, the capital stock and the labour force, are determined by exogenous elements.

One of Solow's (1979) successes was to introduce an exogenous category which he called technical progress. In his interpretation, technology or knowledge is a public good, therefore accessible to society as a whole.

Daude (2013) establishes that per capita income in Latin America as a percentage of per capita income in the United States has decreased in the period from 1960 to 2008, in the first year this variable represented 0.225 with respect to the United States and by 2008 it dropped to 0.182, although there are exceptions in Brazil and Chile where this figure increased. On average, according to this author, the 52% drop in this variable in the region is explained by the Solow residual.

For example, this residual includes the quality of education, where the average of the PISA test in 2009 for eight Latin American countries reached 408 points, almost one hundred points below the OECD average, which corresponds, according to the author, to two years of schooling. The non-equivalence between years of schooling and skills attained is one of the main flaws of these growth models, when considering schooling as a measure of the level of education.

Restuccia (2013) performs an exercise similar to the one mentioned above and finds that in 1960 the average per capita income in Latin America represented 30% of the income in the United States and by 2009, it dropped to 23%. Argentina fell from 48% to 33%; Brazil rose from 19% to 20%; Chile rose from 38% to 42% and Mexico fell from 27% to 25%. Breaking this fall down into three factors, he finds that the explanation for this is due to the fall in the total productivity factor.

On the growth aspect Abramovitz adds the concept of social capability (Faberger, et al., 2010) which is formed by: a) technical competence, provided by education; b) experience in organisation and management of large-scale enterprises; c) financial institutions and markets capable of handling large-scale capital; d) honesty and trust, e) government stability and its effectiveness in defining and enforcing laws and promoting economic growth.

In the early 1990s, with the work of Aghion and Howitt (1992) and Romer (1990) developed what is called the "new growth theory", according to which differences in economic development between countries should be understood as a product of differences between the endogenous knowledge developed and accumulated within the borders of each nation (Faberger, et al., 2010).

Methods and data

First, overall competitiveness over the seven years was analysed for the four countries. Competitiveness was considered by factor groups: core, efficiency and innovation factors. Factor competitiveness was compared with overall competitiveness. The data are shown in Table 1.

Country		2007	2008	2009	2010	2011	2012	2013	Media
Argentina	Competitiveness	85	88	85	87	85	94	104	90
	Basics	83	89	84	82	84	96	102	89
	Efficiency	78	81	84	86	84	86	97	85
	Innovation	83	81	76	71	77	88	98	82
Brazil	Competitiveness	72	64	56	58	53	48	56	58
	Basics	101	96	91	86	83	73	79	87
	Efficiency	55	51	42	44	41	38	44	45
	Innovation	41	42	38	38	35	39	46	40
Chile	Competitiveness	26	28	30	30	31	33	34	30
	Basics	33	36	32	37	29	28	30	32
	Efficiency	28	30	33	35	34	32	29	32
	Innovation	36	44	43	44	42	45	45	43
Mexico	Competitiveness	52	60	60	66	58	53	55	58
	Basics	56	60	59	66	67	63	63	62
	Efficiency	50	55	55	61	53	53	55	55
	Innovation	60	70	67	69	55	49	55	61

Table 1 Behaviour of overall competitiveness and factor competitiveness 2007-2013

Source: Own Elaboration with data from the Global Economic Report. Various years

Table 2 shows the performance data for Pillar 5, Higher Education and Training, which is composed of eight components: enrolment in secondary education, enrolment in tertiary education, quality of the education system, quality of education in mathematics and science, quality of school administration, access to the internet by schools, availability of research and training services, and level of staff training. Only seven elements were considered in this paper, as enrolment in secondary education was not included.

Country		2007	2008	2009	2010	2011	2012	2013	Media
Argentina	Pillar 5	51	56	55	55	54	53	49	53
	University enrolment	19	22	20	19	21	20	15	19
	Quality of education system	105	105	94	90	86	89	104	96
	Quality of mat. and science	95	98	98	106	113	115	116	106
	Quality of school admin.	30	26	23	16	22	34	33	26
	Internet Access Schools	85	90	89	111	106	87	79	92
	Local research	45	60	57	42	44	60	60	53
	Staff training	75	86	81	79	76	78	100	82
Brazil	Pillar 5	64	58	58	58	57	66	72	62
	University enrolment	75	76	73	65	68	80	85	75
	Quality of education system	120	117	103	103	115	116	121	114
	Quality of mat. and science	117	124	123	126	127	132	136	126
	Quality Admin. Schools	66	58	66	73	61	52	49	61
	Internet Access Schools	70	67	64	72	86	88	98	78
	Local Research	32	26	29	36	36	34	38	33
	Staff training	45	46	52	53	33	33	44	44
Chile	Pillar 5	42	50	45	45	43	46	38	44
	University enrolment	41	41	38	43	38	38	21	37
	Quality of education system	78	86	107	100	87	91	74	89
	Quality of mat. and science	107	107	116	123	124	117	107	114
	Quality Admin. Schools	19	19	17	15	14	14	16	16
	Internet Access Schools	39	41	38	42	45	48	48	43
	Local Research	34	46	41	31	33	36	42	38
	Staff training	40	48	39	33	37	38	46	40
Mexico	Pillar 5	72	72	74	79	72	77	85	76
	University enrolment	73	74	75	80	79	78	79	77
	Quality of education system	92	109	115	120	107	100	119	109
	Quality of mat. and science	113	127	127	128	126	124	131	125
	Quality Admin. Schools	49	53	49	52	49	51	65	53
	Internet Access Schools	62	76	77	89	82	82	90	80
	Local Research	52	55	53	55	41	44	50	50
	Staff training	65	87	78	84	80	67	72	76

Table 2 Pillar five competitiveness performance of selected countries (2007-2013)

Source: Data from the Global Competitiveness Report. Various years

Table 3 presents the data for pillar 12, innovation, which has seven components: innovation capacity, quality of scientific research institutions, business spending on R&D, university-business collaboration in R&D activities, consumption of high-tech goods by the public sector, availability of scientists and engineers, and patents per million inhabitants.

Country		2007	2008	2009	2010	2011	2012	2013	Media	
Argentina	Pillar 12	91	98	86	73	78	91	104	89	
	Innovation capacity	81	79	69	62	77	95	91	79	
	Institutional quality	87	90	59	46	41	47	49	60	
	Business R&D expenditure		81	75	72	72	91	105	83	
	Uni-Industry Relationship		75	63	53	48	57	61	62	
	Government consumption High-tech		113	123	121	130	127	131	140	126
	Scientists-Engineers		76	81	84	76	75	80	83	79
	Patents/million inhab.		47	45	63	52	55	66	66	56
	Brazil	Pillar 12	44	43	43	42	44	49	55	46
		Innovation capacity		29	27	29	29	31	34	36
Quality Institutions			42	43	41	42	42	46	42	43
Business R&D expenditure			31	29	29	30	33	37	32	
Uni-Industry ratio			50	34	34	38	44	49	42	
Government consumption High-tech			67	84	60	60	52	53	69	64
Scientists-Engineers			60	57	60	68	91	113	112	80
Patents/million inhab.			55	58	59	61	60	46	51	56
Chile		Pillar 12	45	56	49	43	46	44	43	47
		Innovation capacity		50	57	60	59	66	83	63
	Quality Institutions		51	62	57	55	51	42	47	52
	Business R&D expenditure		64	56	52	60	61	58	59	
	Uni-Industry ratio		51	41	39	44	39	40	42	
	Government consumption High-tech		40	53	54	44	47	37	27	43
	Scientists-Engineers		31	35	23	24	29	29	25	28
	Patents/million inhab.		49	40	54	50	53	46	44	48
	Mexico	Pillar 12	71	90	78	78	63	56	61	71
		Innovation capacity		58	67	90	86	76	75	75
Quality Institutions			65	79	65	60	54	49	54	61
Business R&D expenditure			71	79	90	79	59	61	73	
Uni-Industry Ratio				84	62	59	45	42	44	56
Government consumption High-tech			93	104	93	96	75	67	63	84
Scientists-Engineers			96	105	94	89	86	71	77	88
Patents/million inhab.			56	56	60	60	58	58	57	58

Table 3 Performance of the twelfth pillar of innovation and business sophistication (2007-2013)

Source: Data from the Global Competitiveness Report. Various years

Analysis and discussion of results

An analysis of overall competitiveness is carried out considering the three groups of factors: basic, efficiency and innovation. A review is made of the performance of each of the two pillars with respect to overall competitiveness. The components of each of the pillars were then analysed.

Analysis of overall competitiveness

Table 1 shows the overall competitiveness of the countries where Argentina reaches on average the 90th place, with three years: 2007, 2009 and 2011 that reached the 85th place and in contrast in 2013 it went down to the 104th place, which implies a loss of 19 places. The basic factors in this country showed a behaviour very close to the general competitiveness, reaching an average of 89, with the same variations, which shows a high degree of correlation, almost equal to 1. Where this country is better placed is in the innovation factors, which on average reached 82nd place, with years such as 2010.

When it reached 71st place, and 2013 in 98th place, however, they do not show influence on the general competitiveness, because they do not fall as fast as it does. Efficiency factors had an average of 85, a better ranking by four places than overall competitiveness, reaching its worst level in 2013, as it appeared in 97th place, which compared to 2007, 78th place, is a loss of 19 places. Its performance is the furthest away from overall competitiveness, with the lowest correlation. Based on the data presented, Argentina is a country that is losing competitiveness in the international arena. Its worst position is in general competitiveness and in the basic factors, with a high correlation between the two. The best position is in innovation.

Brazil is better placed than Argentina in general competitiveness, achieving an average of 58, but in 2007 it was in 72nd place. In basic factors it performs poorly, as on average it was in 87th place, but it shows improvement, as in 2007 it was in 101st place, and by 2013 it was in 79th place, and also maintains a high correlation with general competitiveness. But those that show the greatest similarity with general competitiveness were the efficiency factors and their behaviour is much better with an average of 45, with little dispersion; but the best average in competitiveness is found in the innovation factors, in 40th place, with its worst year in 2013, since it was in 46th place, it shows a low correlation with general competitiveness, and it is also the only indicator that tends to fall. This is a country that has a modern sector in its economy, with a good innovation index and high business sophistication, but has not solved its problems of infrastructure, credibility of its institutions, macroeconomic performance and basic education and health, but it does show a sustained improvement by maintaining a high correlation in the values of the series. This country must address and resolve in the short term the basic requirements of competitiveness.

Chile is the Latin American country with the best position in general competitiveness, since on average over the seven years it ranked 30th, with its best position in 2007, in 26th place, but its tendency is to lose competitiveness. The basic factors tend to improve and on average rank 32nd, in the same place as the efficiency factors, with the difference that the latter tend to lose competitiveness.

This improvement in the basic factors makes them negatively correlated with respect to overall competitiveness. The trend in innovation is also towards a loss of competitiveness. Brazil, in contrast to Chile, lags behind in innovation with respect to the other two types of factors, averaging 43rd place, with little dispersion, but better attention to the basic factors.

Mexico is in 58th place in the competitiveness average, with a tendency towards improvement in this variable, as it reached 66th place in 2010 and 53rd place in 2012. Its worst position is in basic factors, as its average is 62nd, reaching 67th place in 2011, with no improvement in these factors and a low correlation with respect to overall competitiveness. Its best position is in efficiency factors, where it is ranked 55th on average, but its tendency is to lose competitiveness.

In innovation factors it is in 61st place, where it shows a marked improvement since it was in 49th place in 2012. The competitiveness boost is found in the factors of innovation and business sophistication. Like Brazil, it must address the basic requirements.

When analysing by groups of factors, using the averages of each group, it is found that the country that shows the highest overall competitiveness is Chile, in 30th place, Brazil and Mexico have the same average in 58th place, but in 2013, Mexico is in 55th place and Brazil in 56th place, Argentina appears far behind in 90th place on average. In basic factors, Chile also leads, but it is Brazil that has improved its competitiveness the most. In efficiency factors, it is also Chile, but it is Brazil that depends most on these factors, which on average appears in 45th place. In innovation factors, it is Brazil that presents the greatest competitiveness, appearing in 40th place. Brazil is the country that presents the greatest dispersion, since in basic factors it is in 87th place and in innovation factors in 40th place.

Analysis of higher education and training

When reviewing table three and analysing pillar number five, which corresponds to higher education and training, it can be seen that Argentina has improved its position, as in the average of the seven years it is in 53rd place, with a marked advance in 2013, when it moved up to 49th place.

This country is well placed in terms of enrolment in higher education, with an average of 19, with a marked improvement in 2013, when it was ranked 15th, a leap from 22nd place in 2008. Enrolment shows a strong positive relationship with respect to Pillar 5. The worst indicator is achieved in the quality of teaching in mathematics and science, which is in 106th place on average and with a tendency to worsen, as in 2007 it was in 95th place and then 116th in 2013, losing 21 places in seven years. Where it does well is in university administration, where it is 26th on average and in 2010 it was 16th, although slightly, it is tending to worsen. The rating for Internet access is not good, as it is in 92nd place on average; this indicator shows a slight improvement, as in 2010 it was in 111th place and jumped 32 places to appear in 79th place in 2013; its figures are not related to Pillar 5. In terms of research capacity, this country is in 53rd place on average, appearing in 42nd place in 2010; its trend is towards improvement.

In personnel training, Argentina shows a tendency to lose competitiveness, as in 2007 it was in 75th place and by 2013 it had fallen to 100th place, maintaining an average of 82, with no correlation with pillar 5 and showing a tendency to lose competitiveness.

Brazil has an average competitiveness in pillar five of 62 with a worsening trend, as in 2013 it was ranked 72nd, the worst performance in the seven years. This pillar bears no relation to overall competitiveness, as the correlation coefficient is almost zero. In enrolment, it does not show good competitiveness either, as it recorded an average of 75, but also for this indicator, 2013 was a bad year, as it appeared in 85th place, although this component is the one that shows the best correlation with Pillar 5, both tend to worsen in the same proportion.

But an even worse situation is presented in the quality of the higher education system, which reached 114th place on average, but in 2013 went down to 121st place and never reached an indicator lower than 100. The indicator with the lowest performance is the quality of mathematics and science teaching, which on average appears in 126th place, but like the other indicators, its worst performance was shown in 2013, when it appeared in 136th place, of the 148 countries, only twelve countries showed a lower performance than Brazil.

In quality of university administration, it reached 61st place, which improves on previous places, but also shows an improving performance, with a high negative correlation with pillar number five, and is the only indicator that improves its position. Internet access does not perform well as it appears in 78th place, but like other indicators, its worst position was in 2013 with 98th place. The best performance is achieved in local capacity for research, which appears in 33rd place, also tends to worsen, as in 2013 it was in the place

In personnel training it shows a tendency, albeit slight, to improve its competitiveness, as in 2007 it was in 45th place and moved up to 44th place in 2013, and this was its average for the period. It has a very low correlation coefficient with pillar 5.

Chile has an average of 44 in this pillar with a tendency to improve, as in 2013 it was in 38th place, and has a low correlation with overall competitiveness. The behaviour of enrolment is very irregular, its average is 37, but its worst indicator is shown in 2010 when it appears in 43rd place and by 2013 it goes to 21st place, a difference of 22 places, however it is the indicator that has the highest correlation with pillar five, and tends to improve. The quality of the higher education system shows a large difference in Pillar 5, reaching 89th place on average, with a peak of 107th place in 2009, showing a slight improvement over the period. In terms of quality in mathematics and science, it shows a similar trend to the other countries, reaching an average of 114, but also with an irregular behaviour, with its worst year in 2011, when it reached 124th place, and with three years in which it reached 107th place, its trend is worsening.

Chile is a country that holds a good position in terms of university administration, appearing on average in 16th place, with a homogeneous behaviour with a tendency to improve. In terms of access to the Internet by universities, it is in 43rd place, which is on a par with its Pillar 5, but its tendency is to worsen. In terms of local availability of research, it has an average of 38, with its worst performance in 2008, when it appears in 46th place, and its best performance in 2010, in 31st place, showing a slight improvement. Personnel training remains close to 40th place, with a slight tendency to improve.

Mexico in pillar number five appears in 76th place, far behind general competitiveness, with a tendency to worsen, as in 2013 it appeared in 85th place, and also maintains a correlation coefficient of almost zero with respect to general competitiveness.

Enrolment shows an indicator of 77, with a similar behaviour to Pillar 5, i.e. with a worsening trend. The quality of the higher education system shows an average of 109, with a tendency to decline, as in 2007 it was in 92nd place and by 2013 it had fallen to 119th place, which is the worst year for this indicator. But the mathematics and science indicator shows an even worse performance, as the average reaches 125th place, which is one place better than Brazil, it also shows a tendency to decline as in 2007 it was in 113th place, which is not good at all, but went to 131st place in 2013. As in the cases of the previous countries, the indicator of quality in the administration of the higher education system shows a better performance, since it is located on average in 53rd place, although also with a tendency to worsen since in 2007 it was in 49th place and by 2013 it reached 65th place. In Internet access by the universities it does not present an appropriate indicator, since on average it appears in 80th place, but the same as the previous ones, it shows a tendency to decline since in 2007 it was in 62nd place and by 2013 it moved to 90th place.

The best indicator in this fifth pillar is the availability of research, which is in 50th place, with a tendency to improve. Another indicator that has improved, albeit slightly, in recent years is personnel training, which does not correlate with Pillar 5.

In terms of enrolment, the country with the best performance is Argentina, in 19th place. In terms of the quality of the higher education system, Chile is the country with the best indicator with 89 and Brazil the worst with 114. The indicator with the worst performance is quality in mathematics and science, where all four countries are above 100th place. As for university administration, this indicator performed well, as the furthest behind was Brazil in 61st place, but the best placed country, Chile, came in 16th place, which is an excellent ranking. In Internet access, Chile is also the best positioned, in 43rd place, and Argentina the furthest away in 92nd place. Finally, in the local availability of research, the best positioned country is Brazil in 33rd place.

The country with the best position in this pillar is Chile in 44th place, where its main element is university administration, which is ranked 16th .

Chile shows the greatest dispersion in this pillar, with an excellent indicator in university administration, but a very low ranking in mathematics and science education. The third place is occupied by Brazil in 62nd place on average, below the general competitiveness, the best place for Brazil is the availability of research, which on average appears in 33rd place. Finally, Mexico is in 76th place on average, and its strongest element is also the local availability of research.

Analysis of innovation and business sophistication

Table 3 shows the behaviour of pillar 12, where Argentina shows a tendency to lose competitiveness in this pillar, as in 2007 it was in 91st place, to move to 104th place in 2013, on average it remained in 89th place. Innovation capacity also loses points, as it was ranked 81st in 2007 and 91st in 2013, maintaining a high positive correlation with Pillar 12, both showing a downward trend. The quality of institutions is the only factor that tends to gain positions, as in 2007, this country was in 87th place and by 2013 it was in 49th place, but in 2011 it was in 41st place, with no correlation with the twelfth pillar.

In the expenditure by companies on innovation activities, Argentina remains in 83rd place on average, in 2007 it was in 87th place and by 2003 it was in 105th place, this is the factor that maintains the highest correlation with respect to the twelfth pillar, as it varies in the same direction. A factor that gains positions is the university-industry relationship, from 80th place in 2007 to 61st place in 2013 and maintains an average of 62, its best point was in 2011, when it reached 48th place. The factor that shows the worst performance is the consumption of high-tech goods by the government, moving from 113th to 140th place, which means that only eight governments out of the total considered performed worse than the Argentine government, on average it remained in 126th place. The best place among the factors of the twelfth pillar is occupied by patents, although it loses places, it ranks better than the other factors, in 2007 it was in 47th place and by 2013 it moved to 66th place, with an average of 56, which is the lowest average of all the factors.

In this pillar, Brazil also tends to lose competitiveness, as in 2007 it was in 44th place and by 2013 it moved to 55th place, maintaining an average of 46th place in the period, the correlation with overall competitiveness is very low. The innovation capacity factor is also trending downwards, from 29th place in 2007 to 36th place in 2013, but this is a good ranking for a Latin American country, and it is the factor where Brazil ranks best, averaging 31st place. The quality of research institutions remains very close to the average rank of 43, with a very small drop. It is the same situation for business R&D expenditure, which moves very close to the 32nd place, which is also a good place. In the university-industry relationship, there is no trend of change as the average of the data draws a horizontal line at 42nd place.

Government consumption of high-tech goods shows a tendency to improve, averaging 69th place, although this is not a good place for a country like Brazil. The training of scientists and engineers tends to worsen, ranking 60th in 2007 and 112th in 2013, maintaining a high correlation with pillar 12. The utility of patents shows a tendency to improve, ranking 55th in 2007 and 51st in 2013.

In the case of Chile, although overall competitiveness tends to fall, pillar 12 shows a slight improvement, as in 2007 it was in 45th place and by 2013 it had risen to 43rd place, the relationship with overall competitiveness is very low. In terms of innovation capacity, there is a tendency to lose places, from 50th in 2007 to 63rd in 2013. A different behaviour is in terms of the quality of the institutions where an improvement is observed, the same happens in the expenditure of the companies in R+D. In terms of university-industry relations, the country shows a good performance and is in 42nd place on average, with an improving trend.

The government has played an active role in improving its consumption of high-tech goods, moving from 40th place in 2007 to 27th place in 2013. The training of scientists into engineers is also trending upwards, from 31st place in 2007 to 25th place in 2013, and is the indicator with the best position in this pillar. Finally, the usefulness of patents also shows an improvement.

In Mexico, pillar 12 shows an improvement as it was ranked 71st in 2017 and 61st in 2013, although its relationship with overall competitiveness is not high, both variables tend to improve. Innovation capacity shows a decreasing competitiveness since in 2007 it was ranked 58th and in 2013 it moved to 75th place, so its correlation with Pillar 12 is null. The quality of institutions is a factor with a tendency to improve, as it jumped from 65th to 54th place in 2013, and this variable is highly correlated with Pillar 12, in fact it is one of the determining factors of this pillar.

The factor that has the highest correlation with Pillar 12 is the university-industry relationship, as it tends to improve in the same proportion as Pillar 12. Another factor that has a high correlation is government consumption of high-tech goods, which shows a jump from 93rd to 63rd place over the period, implying a good improvement, although this is one of the least competitive indicators. The training of scientists and engineers shows an improvement, although it is still the factor that shows the lowest competitiveness, as it was ranked 88th on average, but in 2013 it reached 77th place. Finally, the usefulness of patents shows a slight drop from 56th to 57th place with an average of 58th place.

In pillar 12, the best-placed country is Brazil in 46th place, closely followed by Chile in 47th place. The former bases its competitiveness on business R&D expenditure in 32nd place and innovation capacity in 41st place.

Chile, on the other hand, is based on the training of scientists and engineers in 28th place, on the university-industry relationship in 42nd place and on the consumption of high-tech goods by the government in 43rd place. The country with the greatest dispersion in this pillar is Argentina, which ranks 126th in government consumption of high-tech goods, but 56th in patents.

When analysing the relationship between pillar five and pillar twelve, in the case of Argentina there is a low correlation since higher education shows improvement and in pillar twelve it tends to lose competitiveness. Brazil is the only country where there is a high correlation between both pillars, both show a slight loss of competitiveness, but their relationship is very close.

In the case of Chile, there is also a correlation, although not a high one, with both pillars gaining competitiveness. In Mexico, both pillars lose competitiveness and there is no correlation.

Conclusions

Chile is the country that shows the best competitiveness, this based on the basic and efficiency factors, in both cases it occupies the same average place, 32. In the same place of average competitiveness, in 58th place, are Brazil and Mexico, but in 2013, Mexico was in 55th place and Brazil in 56th place, but with different dynamics, in the case of Brazil it has strengthened in the factors of innovation and efficiency, lagging behind in basic factors. Mexico has also performed well in efficiency factors. These economies show similarities in terms of their strength in efficiency factors and their weakness in basic factors. In the case of Argentina, it appears to lag far behind, but its best performance is in innovation. Then three economies, Argentina, Brazil and Mexico fail to address their basic factors, but they are more competitive in innovation and efficiency. It can be pointed out that they are abnormal economies that present a modern sector closely linked to international economic dynamics, which coexists with a sector that has not managed to meet the basic requirements, where this phenomenon is most acute in Brazil.

The dynamism of competitiveness in pillar five is found in the quality of school administration, which is an element where all four countries rank well, but especially Chile, which on average appears in 16th place. Another element that scores well is the enrolment of the university system, as well as the local availability of research.

Another element that lacks competitiveness is the quality of the education system, despite all the higher education evaluation programmes that have been implemented, but in general, these evaluation policies have focused on improving the institutional aspect of universities, but not on evaluating the quality of education or the level of knowledge offered.

In terms of the innovation pillar, Brazil has the best performance, a situation that has already been noted. This competitiveness is based on its capacity for innovation, business spending on R&D and a good university-industry relationship. Argentina, despite showing dynamism in this pillar, has a major disadvantage, which is the government's low consumption of high-tech goods; in 2013 it was in 140th place, among the worst of the 148 countries analysed.

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Data Privacy

Privacidad de datos

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Abstract

We define personal data as name, telephone number, address, photograph, or fingerprints, as well as any other data that can identify you, it is critical that we take care of this data for security reasons and because it is our right. Data must be protected against misuse such as identity theft, improper or unlawful transmissions or unauthorised access. The new legislation places individuals at the centre of the State's protection Mexicans now have legislation that protects personal information that can be found in the databases of any natural person or company, such as insurance companies, banks, department stores, telephone companies, hospitals, laboratories, universities, etc. This legislation contains a series of clear rules for the protection of personal information. This legislation contains a series of clear rules respectful of the privacy, dignity and information of individuals, derived from principles internationally observed by other countries around the world. The law regulates how and under what conditions companies should use your personal data.

Resumen

Definimos datos personales como nombre, número de teléfono, dirección, fotografía o huellas dactilares, así como cualquier otro dato que pueda identificarle; es fundamental que cuidemos estos datos por razones de seguridad y porque es nuestro derecho. Los datos deben protegerse contra usos indebidos como la usurpación de identidad, transmisiones indebidas o ilegales o accesos no autorizados. La nueva legislación coloca a las personas en el centro de la protección del Estado Los mexicanos contamos ahora con una legislación que protege la información personal que se encuentra en las bases de datos de cualquier persona física o moral, como aseguradoras, bancos, tiendas departamentales, compañías telefónicas, hospitales, laboratorios, universidades, etc. Esta legislación contiene una serie de normas claras para la protección de la información personal. Esta legislación contiene una serie de normas claras y respetuosas con la intimidad, la dignidad y la información de las personas, derivadas de principios internacionalmente observados por otros países del mundo. La ley regula cómo y en qué condiciones las empresas deben utilizar sus datos personales.

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Theoretical framework

The Federal Law on the Protection of Personal Data in Possession of Private Parties, also referred to as LFPDPPP, was published in the Official Journal of the Federation on 5 July 2010 and came into force one year later. It is the first law of its kind to be passed in Mexico, although there are precedents on data protection laws, it is the first law that covers data protection in a broad sense with standard rules. It has certain similarities with existing data protection laws in the European Union, mainly Spain, and also with existing laws in Argentina, which is leading the change in Latin America.[1] This law applies only to the processing of personal data, but also to the processing of personal data.

This law applies only to the processing of information carried out by private individuals, so that government credit reporting institutions and companies that collect information for non-profit purposes are exempt from compliance. On the other hand, compliance is mandatory for individuals and companies residing in Mexican territory regardless of where the data subject resides, which implies that internet companies residing in Mexico must comply with the regulation even if their customers are not Mexican; however, foreign internet companies are not obliged to comply with the law's status for their Mexican customers.

The model law includes the use of general definitions, allowing control over the collection, use, including access, management, transfer or disposal, publication or storage of personal information through any medium belonging to an identifiable individual, prohibiting by default all processing without the individual's consent. With respect to information held in public sources, the law is much more permissive than in the European Union, allowing the use of such information without any notice or express justification.

The general principles of this law follow the inspiration of the OECD by delimiting the following:

- Notification: Every individual must be notified when his or her personal data are being collected.

- Purpose: The notification should outline the purpose for which the data will be collected and the data should only be used for that purpose.
- Consent: Personal data may not be published without the explicit consent of the data subject.
- Security: The information collected must be protected from potential abuse.
- Transparency: Data subjects must be informed about the identity of the person collecting the data.
- Accountability: Data subjects should have a method to hold the data collector accountable for any breach of the above principles.

Notifications made by entities collecting personal data should contain the following points [2]:

- Identity and address of the entity collecting the data
- The purpose for which the personal data will be collected
- The options and methods available to the collecting entity for limiting the disclosure and use of the information collected
- The mechanisms that data subjects may use to request access, correction, cancellation and opposition to the procedure in accordance with the provisions of the law
- The procedure by which the collecting agency will communicate to data subjects about any changes in the provisions.

Law on the protection of personal data

Personal Data Protection Principles, ARCO Rights and their exercise [3].

On the Personal Data Protection Principles

The law is based on principles that have been internationally recognised for many years in the field of privacy and personal data protection. Those responsible for the processing of personal data must observe the principles of lawfulness, consent, information, quality, purpose, fairness, proportionality and accountability provided for in the Law. Some important points in relation to the mandatory adoption of these principles are the following [4]:

Personal data must be collected and processed in a lawful manner. Personal data must not be obtained by misleading or fraudulent means.

In all processing of personal data, there is a presumption of a reasonable expectation of privacy.

All processing of personal data shall be subject to the consent of the data subject, subject to the exceptions provided for by law.

Consent shall be express when the will is expressed verbally, in writing, by electronic, optical or any other technology, or by unequivocal signs.

It shall be understood that the owner tacitly consents to the processing of his data when, having been provided with the privacy notice, he does not express his opposition.

Consent may be revoked at any time without retroactive effect. In order to revoke consent, the data controller shall, in the privacy notice, establish the mechanisms and procedures for doing so.

Financial or patrimonial data shall require the express consent of the data subject, except for the exceptions provided for in the law.

In the case of sensitive personal data, the data controller must obtain the express written consent of the data subject for its processing, by means of his or her autograph signature, electronic signature, or any authentication mechanism established for this purpose.

The Data Controller shall ensure that the personal data contained in the databases are relevant, correct and updated for the purposes for which they were collected.

The processing of personal data shall be limited to compliance with the purposes set forth in the privacy notice.

The processing of personal data shall be that which is necessary, appropriate and relevant in relation to the purposes set out in the privacy notice.

The data controller shall ensure compliance with the principles of personal data protection established by the Law, and shall adopt the necessary measures for their application. The foregoing shall apply even if such data are processed by a third party at the request of the data controller.

The data controller shall be under the obligation to inform the data subjects of the information that is collected from them and with is collected from them and for what purposes, through the privacy notice.

The aforementioned -privacy notice, which is a key document on which a large part of the -responsibilities of this law revolves, must be made available to data subjects through printed, digital, visual, audio or any other technology. Such notice should contain at least the following information:

The identity and address of the data controller that collects the data; The purposes of the data processing;

The options and means offered by the data controller to the data subjects to limit the use or disclosure of the data;

The means to exercise the rights of access, rectification, cancellation or opposition, in accordance with the provisions of the Law;

The procedure and means by which the data controller shall inform the data subjects of changes to the privacy notice, in accordance with the provisions of the Law; and In the case of sensitive personal data, the privacy notice shall expressly state that it concerns this type of data.

Within the -catalogue of obligations set out in this law, one of the most important is undoubtedly that established in Article 19: -Any data controller who processes personal data must establish and maintain administrative, technical and physical security measures to protect personal data against damage, loss, alteration, destruction or unauthorised use, access or processing. The most important part of this obligation is that established in Article 19: -Any data controller who processes personal data must establish and maintain administrative, technical and physical security measures to protect personal data against damage, loss, alteration, destruction or unauthorised use, access or processing.

The most important part of this security obligation does not end there, as Article 20[4] states that: -Security breaches occurring at any stage of the processing that significantly affect the economic or moral rights of the data subjects shall be immediately reported by the data controller to the data subject, so that the latter may take the measures corresponding to the defence of his or her rights.

At the end of this chapter, a generic obligation of confidentiality of the information is determined, specifically in Article 21: The data controller or third parties intervening in any phase of the processing of personal data must keep such data confidential, an obligation that will subsist even after the end of their relations with the data subject or, as the case may be, with the data controller.

Law and data privacy

The presence of the IFAI in all these cities aims to disseminate the exercise of the right to the protection of personal data in its two aspects: the first, from the perspective of data subjects, as a fundamental guarantee, and the second, from the point of view of data controllers, in terms of compliance with the Federal Law on the Protection of Personal Data in the Possession of Private Parties.

According to the Institute, the intention is to raise awareness among data subjects and controllers of the importance and impact of the quantitative and qualitative value of personal data within a global and digital context, and to raise public awareness of the responsibility involved in sharing personal data with third parties, among other objectives.

It is also intended to disseminate the tools that the Institute has developed to facilitate the compliance of data controllers with their obligations and the promotion of procedures for data subjects, and to publicise the sanctions imposed in strategic sectors.

With regard to these tools, IFAI makes available to all data controllers the Privacy Notice Generator (GAP), so that they can create their privacy notice free of charge.

According to the study Termómetro: De la Privacidad de datos, carried out by the company Deloitte Mexico, despite the entry into force of the Ley de Protección de Datos Personales en Protección de los Particulares, the regulatory and data protection guidelines in Mexico, as well as the culture of privacy, are rudimentary.[5] The analysis gathers the opinion of executives from the private sector.

The analysis gathers the opinion of Mexican industry executives, showing that 74% of respondents are even partially aware of the law. However, 54% of employees are not aware of the responsibility they must fulfil in the process.

Similarly, the report found that 77% of respondents' main objective is to increase or gain the trust of customers, followed by ensuring regulatory compliance with 74%⁷⁶

This makes it clear that beyond compliance, companies are looking to maintain or increase customer trust and loyalty, which will become more important as the country's data protection culture strengthens, said Eduardo Cocina, IT risk partner at Deloitte Mexico.

On the other hand, the study revealed that the main risk that organisations face in the misuse of personal information is the loss that occurs via mobile or memory devices.

In order for companies to adopt the law correctly, it is a priority to implement a series of actions that include the development of a privacy model applied to the reality of the organisation; assign roles and responsibilities for the management of information; establish measurement and assurance mechanisms and, finally, exhibit the results obtained to the audiences involved.

Mexican companies have identified that they are vulnerable and need to make certain changes in the way they protect and treat information, said the specialist.

According to the Deloitte study, more than half of those interviewed said that their organisation does have the necessary internal resources to comply with the law. They consider internal processes and practices, policies and standards, as well as knowledge and the number of people, to be key factors in achieving compliance with the law.

As companies become more sensitive to the relevance of processes and advance in their self-analysis, they can determine the level of effort required and begin to act to realise various benefits.

The protection of personal data dates back to 1948, when the General Assembly of the United Nations adopted the document known as the Universal Declaration of Human Rights, in this document the human rights known as basic human rights are expressed. Article 12 states the following:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Currently, a large amount of personal data, including what is known as biometric data, is stored in computer systems, making it susceptible to cyber attacks.

In several countries around the world there are efforts to create legislation that establishes limits, permissions and penalties for the proper handling of data contained in information systems, especially those defined as personal data. This research seeks a legal precedent of how biometric data are considered by the personal data protection laws of different countries around the world.

Some concepts relevant to this issue are described below:

Personal data. This refers to all information associated with a person or individual that makes him or her identifiable from other persons and/or as part of a particular group of individuals, for example: name, address, telephone number, photograph, fingerprints, gender, nationality, age, place of birth, race, affiliation, political preferences, date of birth, iris image, voice pattern, etc. The thrust of this concept is common to the data protection legislation that different countries have drafted.

Sensitive personal data. Commonly refers to all those data that relate to the most intimate level of its owner and whose disclosure may cause discrimination or generate a severe risk for its owner. In general, sensitive data are considered to be those that reveal characteristics such as ethnic or racial origin, health status, religious beliefs, political opinions, sexual preference, trade union membership, philosophical and moral beliefs, among others. This kind of information must be treated with greater responsibility and stricter protection measures must be established.

Biometric data. By common definition, biometric data are those physical, biological or behavioural traits of an individual that identify him or her as unique from the rest of the population. Computer systems in which biometric data are measured, as part of the identification and/or authentication process of a subject, are known as biometric security systems or simply biometric systems.[6] The following are some examples of biometric data.

The following list are some examples of biometric data:

- Fingerprints
- Hand geometry
- Iris analysis
- Retinal analysis
- Veins on the back of the hand
- Facial features
- Voice pattern
- Handwritten signature
- Typing dynamics
- Walking gait cadence
- Gesture analysis
- DNA analysis

Data protection laws around the world

The European model seeks to protect the information and its ownership, in order to preserve the honour of the individual even if he or she is deceased, the motivation of this model is based on the human rights of the individual. The US model aims to protect the information of individuals with the concept of the right to privacy, which can be extinguished with the death of the subject, the model arises from commercial reasons as companies used this information indiscriminately.

Various countries have enacted personal data protection laws and each country has sought to adapt the bases of one of the two existing personal data protection models to its own cultural, economic and political conditions.

78

The following are some relevant cases of personal data protection laws in different countries, organisations and regions of the world:

1. United Nations (UN). In 1948, it adopted the document known as the Universal Declaration of Human Rights, in which Article 12 states that individuals have the right to the protection of their personal data under the law.
2. Germany. In 1970, the first data protection law (Datenschutz) was passed. In 1977, the German Federal Parliament passed the Federal Bundesdatenschutzgesetz. These laws prevent the transmission of any personal data without the consent of the data subject.
3. Sweden. In 1973, one of the first data protection laws in the world was published.
4. United States of America. Data protection is based on the Privacy Act of 1974.
5. European Union. The first international data protection convention was signed in 1981 by Germany, France, Denmark, Austria and Luxembourg.

Germany, France, Denmark, Austria and Luxembourg. It is known as -Convention 108 or the -Strasbourg Convention. In the 1990's, a common standard is established which was called Directive

95/46/EC. The directive concerns the protection of individuals with regard to the processing of personal data and the free movement of such data.

6. Spain. The Organic Law 15 of 1999, establishes the Protection of Personal Data. This law has been important for Latin America because it has been used as a firm reference for the European model.
7. Latin America. In Latin America, personal data protection laws arise as a necessity derived from the increase in the use of information technologies and the increase in associated vulnerabilities. Most of these laws are similar to the European model: in Argentina, Law 25.326 (2000), Chile (1999), Panama (2002), Brazil (1997), Paraguay (2000), Uruguay (2008).
8. Russia. A comprehensive personal data protection law was passed in 2006.
9. Peru. Law 29.733 of 2 July 2011 is the most recent personal data protection law in the world.
10. Mexico. The Ley Federal de Protección de Datos Personales en Posesión de Particulares was published in the Diario Oficial de la Federación on 5 July 2010, entered into force one day later and is effective as of January 2012.

This law aims to safeguard respect for the privacy, dignity and information of individuals. It establishes four fundamental rights that individuals have over their information held by any individual or private company (insurance companies, banks, department stores, telephone companies, hospitals, laboratories, universities, etc.), known as ARCO rights: Access, Rectification, Correction and Opposition.

The law also indicates that private parties must notify each person from whom they obtain personal information about the processing they plan to give to their data. This must be done by means of a privacy notice, which must be respected by the individual, and each person notified will be free to give or withhold consent to the processing of his or her information.

Personal data protection map

A map of the personal data protection laws applied in the world has been published. The classification seems to assess only the European model of personal data protection, as it does not include the United States as part of the countries with personal data protection legislation [5].



Figure 1

Finally, after two months of waiting, the Federal Law on the protection of data held by private individuals has been published in the Official Journal of the Federation. In Mexico, data protection only existed for personal information that appeared in state or government archives, through the Federal Law on Transparency and Access to Information (Ley Federal de Transparencia y Acceso a la Información).

With the new law, private companies will have a period of one year to appoint a data processor.

A period of one year was also stipulated for the issuance of the regulation of the law, which will contain the specific provisions. We hope that this will have the characteristics of the Spanish RD 1720/2007, with the security measures for files containing personal data.

The law, of course, contemplates the figures of data processor, data controller and third party, as well as the concept of sensitive data, which will have to be given special treatment.

In subsequent issues, we will discuss this law in greater detail, its positive aspects and those that could be improved.

It is difficult to give a definition of "privacy" as it is a subjective matter. For personal reasons, some people prefer to live anonymously in society without anything interfering in their affairs. Others are not reluctant to give away their personal details in exchange for access to information, goods or services. For most, privacy is simply a security issue.

People have a preference for accessing services without having to fill in complicated forms or undergo reference checks. To this end, they may agree to allow information systems to track their movements and purchases.

Security is intimately linked to privacy. Secure information systems should never disclose data inappropriately. We cannot claim that the disclosure of any information is an act without ulterior motives. Information is always collected and processed for a specific purpose.

The intention of those who collect personal information or do business with it and store it in a database is to create individual profiles for a specific purpose. The ways in which personal data are disclosed, used and stored will help us determine whether information technologies are being used for empowerment or repression.

In considering ways of measuring privacy and security, we must distinguish between different kinds of privacy:

Privacy means to most people "intimacy" or the right of the individual to have nothing and no one interfere with their home, property or private life. This can be thought of as "real world" privacy.

The right of individuals to be protected from medical or genetic testing is the basis of their bodily privacy; it also includes the right to have information about their personal health and well-being protected by those who have access to it (doctors, employers, insurers, etc.).

Privacy in communications" refers to protection against interference with telephone or Internet communications. Respect for privacy in communications is a prerequisite for the maintenance of human relations through technological means of communication.

Confidentiality of information" is probably the most debated aspect of the use of computers and information systems. Information systems have the capacity to rapidly store and process data from a large number of people. It is important to ensure that such information is used only for the purposes for which it was collected and that it is not disclosed to third parties without the consent of those concerned.

Threats to privacy on the Web

When surfing the Web, we are not completely anonymous; there are several ways in which information about users or their activities can be collected without their consent [7]:

Cookies (mini web page user ID file)
 HTTP Browsers
 There may already be information about you posted on the web.
 Downloading free and shared software
 Search engines
 E-commerce
 E-mail
 E-mail and cryptography
 Spam
 Dangers in IRC
 Chat.

In Mexico, the fundamental right to the protection of personal data is guaranteed by the Constitution (Article 16) and the corresponding implementing Law on the Protection of Personal Data in Possession of Private Parties (LFPDPPP) and its regulation.

The former appeared in 2010 and the latter at the end of last year. Thus, this human right has become fundamental since its inclusion in the Magna Carta and, among other aspects, implies guarantees derived from it, such as the precepts regarding the rights of access, rectification, cancellation or opposition (Arco rights) to the processing of personal data.

As private individuals, as individuals, as holders of these personal data, but above all as subjects of fundamental rights, it is necessary and quasi-obligatory to be informed about the way in which the right we are analysing is protected, but also the way in which we can carry out its authentic exercise.

The Federal Institute for Access to Information and Data Protection is the guarantor body. That is, the institution to which we can turn to learn about the two aspects mentioned above and also the one that will support us in the event that our rights are violated.

On the other hand, and as a counterpart, the regulatory body for the business sector is the Ministry of Economy, which has powers in this area to raise awareness among organisations about their obligations regarding the protection of personal data (including making available to their users or clients the privacy notice, which must indicate the categories of personal data that will be collected, as well as the purpose for which they will be used), and the purpose for which they will be processed and the duration of such processing - and the appointment of a person in charge of the personal databases - which, depending on the size of the companies, may be an individual or a department -) and fostering the culture of adopting binding self-regulatory schemes, as provided for in the aforementioned regulation.

The adoption of self-regulatory measures, which consists of the inclusion of ethical codes that, on the part of companies, complement the measures to comply with the legislation, reduce security breaches or holes and, likewise, reduce the amounts of sanctions to which a natural or legal person may be liable for non-compliance with the provisions of the LFPDPPP and its regulations, as well as for any attack on their personal databases, which, in addition to incurring such a penalty, may entail an enormous risk in the loss of valuable information (bearing in mind that personal data are one of the main assets of companies), as well as an enormous loss of prestige, lack of customer loyalty, or even the termination of contracts with them. Now, one of the aspects that must be taken into consideration in relation to the processing of personal databases by practically all companies (the Law obliges all of them whenever they hold such data and use them for dissemination and/or marketing purposes), is the use of Information and Communication Technologies (ICT) in such processing. There are many challenges that both companies and individuals face in the use of technology, and even ICTs themselves are the reason why in several countries the concern to regulate these aspects began.

That is, the technology that increasingly proliferated in the 1980s and which even led to the development of many theoretical analyses to analyse the phenomena it raised, from a sociological or communicational point of view, also led to studies and amendments at the legal level, since it was considered to have the potential to violate the spheres of already protected human rights, such as privacy and honour and self-image.

The international instruments that stand out in this regard, even when the ICT boom had barely or not yet begun, are the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights. In several European countries, the debate on the rights set out therein began, but with the consequent aggravation that technology could bring. Germany, for example, was one of the first countries to provide protection for privacy-related rights. In Spain, these legal developments also began early on, in such a way that the 1978 Constitution established a right to personal and family privacy and stipulated that the law would limit the use of information technology in order to protect it.

This is a clear allusion to the beginnings of the development of ICTs, which started with the aforementioned computer science, but later converged with the telecommunications and audiovisual sectors.

It is for all these reasons that privacy and personal data protection legislations have considered the implications of technology on the privacy of individuals since their beginnings, but do so with much more emphasis and frequency nowadays. For example, Mexico's LFPDPPP Regulation already considers the issue of cloud computing as one of the possible threats to the handling of data of persons with fundamental rights.

As mentioned above, in addition to the measures promoted by legislation, there is the possibility of adopting additional security measures and codes of conduct and ethics, which combine best practices, in order to protect personal databases for several reasons. One of them is the integrity of such databases, finally, because of the importance they have for the organisation, one of the most important of which is that penalties derived from legal non-compliance are avoided, since the sanctions regime of the LFPDPPP is extremely strong.

Additional security measures and binding self-regulatory schemes include those related to the use of technology to combat technology. That is, if ICTs can be potentially privacy and personal data infringing, with other ICTs this process can be combated, reversed or minimised. -This is the case of PETs (Privacy Enhancing Technologies), which are already being worked on in different countries and which, for our part, we are already designing, with a theoretical and doctrinal basis, at Infotec. [8].

Conclusions

The protection of personal data is an important step forward for the exercise of our rights regarding the use of such data, in my personal opinion and from my own experience, many times people spoke to me and I did not know how these data reached them, I think it is very important because it is a very delicate issue, since not having control over our data, any company or person could use them.

I think that Mexico has taken a big step forward in terms of the right that we citizens have to take care of our data. I think that the only thing that is missing is the strengthening of the institutions to impose stronger fines on organisations or companies that misuse our data, for example, the fine for BANAMEX is not enough compared to the size of the company.

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Influence of the social environment on the musical tastes of adolescents from Sagrada Familia and Santa Ana schools

Influencia del entorno social en los gustos musicales de los adolescentes de los colegios Sagrada Familia y Santa Ana

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Abstract

The present article will release how influent in the social media in the music preference of the students, for such effect we take school with different social media, like the students of 6° of Sagrada Familia public high school and the private school Santa Ana, the results were obtained through interviews, observation and focus groups.

Students, Music, Musical preferences, Influence, Social environment

Resumen

El presente artículo dará a conocer que tan influyente son los medios sociales en la preferencia musical de los alumnos, para tal efecto se tomaron colegios con diferentes medios sociales, como los alumnos de 6° del liceo público Sagrada Familia y el colegio privado Santa Ana, los resultados se obtuvieron a través de entrevistas, observación y grupos focales.

Estudiantes, Música, Preferencias musicales, Influencia, Medio social

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Introduction

The aim of this article is to show the influence of the social environment on the students of Santa Ana and Sagrada Familia schools with respect to their musical tastes. Taking into account that the research is of a descriptive exploratory nature, the main techniques used are: interviews, observations and focus groups. In developing this article, it was necessary to divide it into four sections:

The first section will explain what is meant by focus groups as it is the main strategy of this research, social environment and socialisation.

In the second section we will explain what music is and we will name the musical genres that predominate in Bolivia, making reference to the origin of each one of them.

In the third section we will mention the musical tastes that the students of the previously mentioned schools prefer, mentioning the interviews, the most outstanding observations of the research, and we will also mention the information we obtained in the focus groups.

Finally, in the fourth section we will cross-reference the interviews, observations and information gathered through the focus groups, plus the influence of the social environment.

Concepts to define

Focus group

The focus group is a collectivist rather than individualistic research method and focuses on the plurality and variety of participants' attitudes, experiences and beliefs. Its purpose is to elicit information associated with knowledge, attitudes, feelings, beliefs and experiences that would not be possible to obtain in sufficient depth using other techniques. These attitudes, feelings and beliefs can be partially independent of the social context, but they are feasible to be revealed through a collective interaction, the focus group has to be focused as a word centred on the lived experience, understood directly as the representation or understanding that the subject has of what they do, did or will do, from their motivational and orientation connections, to the definition of contexts. [Díaz, 2011]

Therefore it is a focus group which is guided by a trained leader trained, so that it can maintain the purposes of the group, this group is used to learn more about the opinions on a designated topic, in the case of the research was used to determine what kind of music they choose to listen to adolescents, and how this influences the construction of their identity and whether the social environment determines musical tastes. [Díaz, 2011]

In order to collect as much data as possible and facilitate the process, different output tables were created.

Technique	Instrument	Number	Participant (to whom)	Place
Observation	Protocol at observation. Camera, camcorder and notebook notepad	6	Secondary school pupils From the schools: Santa Ana Holy Family	At at respective schools
Interviews	Interview guide. Camera Recorder.	32	Secondary school pupils From the schools: Santa Ana Holy Family	At at respective schools
Focus groups	Focus group guide. Camera Film recorder. Recorder.	6	Secondary school pupils From the schools: Santa Ana Holy Family	At at respective schools

Table 1 The way in which the data collection was carried out

Social environment

An individual's social environment is made up of his or her living and working conditions, educational background, income level and the community of which he or she is a member. Each of these factors influences an individual's health: globally, differences between countries' social environments create health disparities, so that an individual's social environment is divided into only two parts: the family, because they are the ones with whom he or she lives most; and friends, because they are the individuals with whom he or she shares experiences. Social environment Thus, life expectancy and disease rates vary according to the education a person has received, the type of work they do and the income they earn from month to month.

Government agencies often develop various plans to improve the social environment (i.e. to provide the right conditions for the full development of the individual), and there are several concepts that help us to understand the social environment in more detail.

The notion of socialisation, for example, defines the process by which human beings acquire the necessary experience to interact with others. In other words, socialisation is the process through which the individual progressively adapts to the environment in which he or she lives. The social environment is studied from disciplines such as social psychology. This branch of psychology is based on the assumption that there are psychological processes that determine how society functions and how social interaction takes place. [What it is, Meaning and Concept, 2012].

Socialisation

Quintriqueo and Maheux tell us that socialisation consists of a process of integration of subjects within the framework of a culture that is constantly changing and transforming, in the process of acquiring the knowledge and know-how that are necessary in the context of social interaction. In this way, socialisation allows the integration of the subject into a community that is influenced and transformed by external and internal forces. [Quintriqueo & Maheux, Exploring Knowledge in Relation to Kinship, 2011].

Music and musical genres

Music

According to Rodríguez, music is an artistic and creative expression, it promotes learning, the development of emotional skills and generates favourable affective states for the subject, having a close relationship with resilient capacities, [Rodríguez, 2013].

Cumbia villera

According to Alabarces, Argentinean cumbia villera could only emerge in the context of the collapse of neoconservative illusions and the ensuing social explosion; but this does not mean that popular music responds as a textual consequence to a socio-economic stimulus, but rather that what we must analyse are the narrative plots with which popular music - more broadly: culture, including, of course, mass culture - allows us to process and relate the way in which groups and subjects experience their realities.

The taste for Argentine cumbia was prevalent among some popular and specific sectors in Argentina and foreign ones were commercialised, and the emergence of cumbia villera in Argentina represents an important turning point between the past of Argentine cumbia and the present. It began to be set to music in the villas miseria (very poor neighbourhoods) throughout Greater Buenos Aires, with the first antecedents being traced back to the villa popularly known as "La Cava" in the late 1990s. The development and creation of cumbia villera is credited to Pablo Lescano (creator, keyboardist and vocalist of the group Damas Gratis). Damas Gratis pays tribute to one of Peru's most successful chicha bands, the group Los Mirlos, by performing their song "Lamento en La Selva" and "La Danza de Los Mirlos" (a mix of Peruvian cumbia and Amazonian folklore). [Alabarces, 2012]

Romantic ballad

Insa and Bellver tell us that romantic music began between the early 1820s and the first decade of the 20th century. They also tell us that Romanticism, as a global movement in the arts and philosophy, had as its precept that truth could not be deduced from axioms, that there were inevitable realities in the world that could only be grasped through emotion, feeling and intuition. The Music of Romanticism attempted to express these emotions. The romantic ballad, Latin American, or simply ballad and/or adagio, is a Latin American and partly Ibero-American musical, without attribution to any particular country, which appeared in the 1960s and was widely popular.

The romantic ballad finds its origin in the Latin American bolero of the 1950s (Lucho Gatica, Leo Marini, Dorysso Firétruck) but also in the Italian (Nicola Di Bari), French (Charles Aznavour), and Australian (Ed González) romantic songs of the 1960s and 1970s. In Mexico, the first ballad recorded as such is Sonata de Amor by Mario Álvarez in 1961. In 1965, the famous bolero singer Armando recorded his first ballad, Pobres besos míos, which was performed by the top balladeer of the time, María. The maximum splendour of the ballad was reached in the 1970s, when great artists such as José José, Camilo Sesto, Raphael, Roberto Carlos, Rocío Dúrcal and Dhario Primero, among others, released great worldwide hits.

Throughout its decades of existence, it fused with various Afro-American and local rhythms to form different variants, such as salsa and cumbia románticas to name a few. [Insa & Bellver, 2012]

Cumbia chicha

The term "chicha" is not yet widely used by the Peruvian recording industry or by the radio and television programmes that broadcast it. However, it is the term by which it is generally known, and it is mainly used in radio, written and television media. Chicha, Andean cumbia or Andean tropical music is a sub-genre of Peruvian cumbia, the product of the fusion of cumbia with Andean music (huayno) and other tropical rhythms of Peru. It was born in Lima in the 1970s, as a manifestation of the migration phenomenon from the Andean areas, which began in the 1950s. In the 1980s, it was consolidated in Peru as a popular musical style, with the massive success of groups and singers such as "Chacalon y La Nueva Crema", "Grupo Guinda, Los Destellos, Los Sanders, Grupo Maravilla, Los Jaris, Los Javar Junior, Los Shapis, Los Mirlos, etc. Although it originated in Lima, it was initially appreciated and became known in the central region of the Peruvian highlands, specifically in the city of Huancayo in the early 1970s. [Flores, 2012]

Electronic music

It is highly curious that the current discipline of electronic music comes from the "serial" sector (the last form derived from dodecaphonism, which consists of determining a priori the order of sounds in a musical composition, based on a series). It should be noted that this sector represents a rare case in the field of art history; it is a system of "prescriptive" influence on music and not (as has traditionally been the case) of "normative" action. [Becerra, Qué es la música electrónica, 2011.]

A brief overview of the origins of electronic music can help to clarify the above. It has emerged very recently and almost simultaneously in France and Germany, and its forerunners, who still are, have arrived in one way or another as dodecaphonic or serial musicians on the threshold of their world.

The driving force behind this technique in France is the young composer Pierre Boulez, who studied composition and analysis with Olivier Messiaen, who introduced him to the most important developments in contemporary music, among which the phenomenon of serial music stands out clearly. In Germany, the main driving force was Herbert Eimert, who worked more theoretically than artistically on electronic music. Carlheinz Stockhausen is the most expressive musician who also shows a strong desire for research. As a producer group, the French group, whose electronic works have already reached a lengthy length and which have proved to be combinable with theatre and dance, has revealed itself most prematurely.

As a research and study group, the German group has revealed itself. Their activity has been almost entirely explorative; both the French and the German group are of a dodecaphonic and serial background, the German group having the most important theoretician in Herbert Eimert. Examples of devices that produce sound electromechanically are the telharmonium, the Hammond organ and the electric guitar. Purely electronic sound production can be achieved by devices such as the theremin, the sound synthesiser and the computer. Electronic music was once associated exclusively with a form of Western highbrow music, but from the late 1960s, the availability of affordable music technology allowed music produced by electronic means to become increasingly popular. Today, electronic music presents a great technical and compositional variety, ranging from experimental classical music forms to popular forms such as electronic dance music. [Becerra, What is electronic music, 2011].

Reggaeton

To understand the origin of reggaeton and the social historical context in which it arises, one must analyse its immediate predecessor: reggae. Reggae is a modification of mentho, which is a rhythm that was born in 1950 in the streets of Jamaica and was performed by people who met to make music with instruments such as guitars, bongos, among others. It developed in the ghettos, which are the slums of Kingston, and later, with some modifications, became the basis of what is currently known as reggae (Ordovás: 1980).

From this Jamaican music, versions translated into Spanish began to be sung, which was generally done with English tracks. Panama was the first country where reggae began to be sung in Spanish, during the 1980s. However, reggaeton is a derivation of reggae, but of much more recent origin, which became massively popular about 5 years ago in the rest of Latin American countries. It arose specifically in Puerto Rico, and is a mixture with American rap. [Villagra, 2012].

Reggaeton was a clandestine rhythm and, although there is not really full consensus as to the origin of this musical genre, it is often said that it emerged from the cultural and musical exchange that took place in the 1980s between Panama, Puerto Rico and the Dominican Republic (ROJAS, 2013) Reggaeton began to spread in the early 1990s, with Spanish rap songs from the underground scene, such as Vico C's "Soy de la calle" (I am from the street). The love of rap led to hits such as Rubén DJ's "La escuela". The fusion of reggae rhythm with Spanish rap gave rise to a fusion that has evolved into what we know today as reggaeton. Among the first fusion songs was Wiso G's "Me levanto los domingos", which was flanked by exponents such as Big Boy and more viable productions by Vico C. [ROJAS, 2013].

121

Music genres identified and meaning assigned to each musical taste by students

Genres identified

The musical genres that we were able to detect at Santa Ana School were the following:

- Romantic.
- Electronic.

The musical genres that we were able to identify in the Sagrada Familia school were the following:

- Romantic
- Cumbia chicha
- Cumbia villera
- Reggaeton

Meaning assigned to the musical style by students

The meaning students attach to these genres varies according to musical taste and social milieu:

Students give a meaning to romantic music of a sentimental nature, "I like quieter music, because with romantic songs we identify with the lyrics when we are sad we go more to that, because it happens to us, well when I am sad coincides the lyrics with what happens to me, we look for a type of music to identify ourselves, when I listen to that type of music I get sadder and sometimes I start to cry." [interview collected at Sagrada Familia school 14/09/13].

Electronic music is preferred by the girls, who state that they like this genre because of the rhythm and the mixes that can be made in this type of music, as well as one of the interviews of one of the students "I like electronic music because of its rhythm and because it is interesting the mixes that can be made" [interview collected at the Santa Ana school 16/09/13].

As for cumbia chicha and cumbia villera, the meaning assigned is similar as both genres are cumbia and have a lively party rhythm

"I like chicha music because it is very danceable and the places I go to on the weekends always play this style of music and all my friends listen to it drinking chicha and we have a great time" [interview collected at Sagrada Familia school 14/09/13].

"I prefer to listen to Villera music because it makes you happy, and I also think that it is a musical genre only for young people" [interview collected at Sagrada Familia school 11/09/13].

To reggaeton, students give it a more rhythmic character and meaning, "I like reggaeton a lot because of the rhythm it has, because it is more danceable than other music" [interview collected at Sagrada Familia school 12/09/13].

The social environment as an influential factor in musical preferences

Musical tastes

The social environment is very influential in the choice of musical styles of adolescents, in the interviews.

The family shows that it is a determining factor when choosing the type of music one wants, as shown in the particular case of electronic music: "I like electronic and rap music because I listened to my brothers listening to those songs and even seeing them dancing made me like this style of music more" [Focus group conducted at Santa Ana school].

Having different musical tastes in her family generates discontent among the family members themselves. The same situation happens with the interviewee with a musical preference for alternative rock, who told us that "Sometimes I get angry with my parents because they play their cumbias to celebrate anything in my house and I tell them how do you want me to study if you play that music and that's why my dad tells me "I don't know where you came from" and I go to my room furious and don't open the door, my mum has to beg me for food" [Focus group conducted at the Sagrada Familia school].

Romantic	
<p>Santa Ana Romantic music is taken as a means by which they can express their feelings as well as through which they can express their feelings, as one interviewee as one of the interviewees points out, "it's what I feel, it's in the songs in the form of the lyrics, they are in the songs in the form of lyrics, they express my feelings more than anything else because of the relationships that I have" [interview collected on 14/09/13]</p>	<p>Holy Family Romantic music is taken more as sentimental, as they mentioned in an interview "I like quiet music, because with romantic songs we identify with the lyrics lyrics when we are sad we go more to that, because it happens to us, well, when I can read the lyrics coincide with what happens to me, we look for a type of music to identify ourselves, when I listen to that type of music that kind of music I get sadder and sometimes I start to cry, sometimes I start to cry" [interview collected on 14/09/13]</p>
<p>This musical style is accepted by both contexts although they give it a similar value, only that those from Santa Ana school say that through this musical style they can express their feelings, while those from Sagrada Familia school say that they identify themselves with the songs.</p>	

Table 1

Electronics	
<p>Santa Ana's Electronic music with a preference for girls, who say they like this genre because of the rhythm and the mixes that can be made in this type of music, as well as one of the interviews of one of the students from one of the students "I like electronic music because of its rhythm and because it is interesting interesting the mixes that can be made" [interview collected on 16/09/13]</p>	<p>Holy Family Electronics is not very common in this school, "I don't like electronics very much because it's only heard only people who have money listen to it, so I prefer other more commercial music like cumbia chicha, cumbia cumbia chicha, cumbia villera and other more commercial music that are more suitable for my lifestyle" [interview collected on 15/09/13]</p>

Table 2

The influence of the social environment

The influence of the family

Family influences vary according to the social context they belong to:

The influence of the family varies according to the type of music they prefer to listen to for example in the romantic genre one of the interviewees mentioned: "in my house they don't let me listen to what I like, on the contrary they criticize me telling me that this type of music only the bitter ones listen to they call me corny camote and several things to make me feel bad" [Focus group conducted at Sagrada familia school].

This phenomenon gives us to understand that the unstable family relationship generates a rejection of everything that is cultural transmission, therefore the adolescents turn to their group of friends as the interviewee affirms: "The truth is that my friends are pure chicheros and we all identify with each other because some have no family, others have problems with their girlfriends, in fact we tell each other everything, they tell me, I tell them, they always listen to me, I listen to them. I don't stop much at home, my mum wanted to put me in a boarding school and I told her that I prefer that to being here, you know all that, my friends at school, we were expelled for a week, they sent us to psychologists, the only thing they did was write down the good things about your family, I didn't write anything, only about my mum, about my dad nothing, the only good thing about him is that he works, but not for us". [Focus group at Sagrada Familia school].

The influence of friends

On the other hand, friends are also a determining factor in the choice of a musical genre, since adolescents hang out more with their schoolmates than with their families, and since they hang out more with their schoolmates, they have more confidence with them and therefore criticise each other more freely, "Yes, I have changed a lot because at the beginning I liked rock music but little by little I changed to romantic music and because of the influence of my friends and also because of my classmates who criticised me a lot and called me satanic when I made them listen to my music, but now they don't bother me but they listen to romantic music just like me" [Focus group conducted at Santa Ana school].

Conclusion

The main conclusions we were able to see are:

That the focus group is a collectivist, rather than individualistic research method and focuses on the plurality and variety of the attitudes, experiences and beliefs of the participants [Díaz, 2011].

We also saw that the social environment of a subject is formed by their living and working conditions, the studies they have completed, their level of income and the community of which they are a part. [What it is, Meaning and Concept, 2012].

And that socialisation consists of a process of integration of subjects in the framework of a culture that is constantly changing and transforming, in the process of acquiring the knowledge and know-how that are necessary in the context of social interaction. [Quintriqueo & Maheux, Exploración del Conocimiento en relación al parentesco, 2011].

In addition we saw that music according to Rodriguez is an artistic and creative expression, it promotes learning, the development of emotional skills and generates favourable affective states for the subject, having a close relationship with resilient capacities, [Rodriguez, 2013].

And when we looked at musical styles, according to Alabarces, Argentinean cumbia villera could only emerge in the context of the collapse of neoconservative illusions and the ensuing social explosion [Alabarces, 2012].

About romantic music Insa and Bellver tell us that it began between the early 1820s and the first decade of the 20th century. [Insa & Bellver, 2012]

As for cumbia chicha, we have seen that the term "chicha" is still not widely used by the Peruvian recording industry or by the radio and television programmes that broadcast it. However, it is the term by which it is generally known. [Flores, 2012]

But the fact that the current discipline of electronic music comes from the "serial" sector is highly curious. It should be noted that this sector represents a rare case in the field of art history. [Becerra, What is electronic music, 2011].

And reggaeton has its origins in the social-historical context in which it arises, its immediate predecessor must be analysed: reggae, from which it derives. [Villagra, 2012]

When analysing these styles we saw that romantic music is very much accepted by both contexts taken.

While reggaeton is very much accepted by the students of the Sagrada Familia school, the students of the Santa Ana school also accept it, although not in a very good way.

But electronic music is accepted only by the students of the Santa Ana school, while the students of the Sagrada Familia school accept it but not in a very good way.

When we looked at the acceptance of cumbia chicha and cumbia villera, we saw that they are not accepted by the students of the Santa Ana school because they see it as being for people from the provinces, but the students of the Sagrada Familia school not only accept it but also try to live it.

Finally we saw that the social environment is very influential in the musical tastes of these students, who influence more in the musical preferences, is the family and then there are the friends.

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Violation of Human Rights in democracy**Vulneración de Derechos Humanos en democracia**

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Abstract

The wording of this article is to show that there are courts of domestic and international order in which to be judged responsible for the violation of human rights in the democratic government of Evo Morales in the period 2007 - 2011, based on a summary of facts representative of violence through documentary, newspaper archives and historical review based on official reports of government institutions, human rights, social organizations and mass media; and legislative and jurisprudential exegetical study of national and external legal instruments. In contrast with other reports of official institutions and NGOs to determine bias in the same intended to hinder the prosecution of those responsible. When checking the concurrency of the elements of the crimes, and demonstrate that there are legal responsibilities to establish and prosecute these offenses resources, and in the absence of the corresponding criminal proceedings instituted, impunity and delay of justice in this field is demonstrated that the same necessarily must be overcome to set precedents and thus prevent these attacks are replicated.

Human rights violations, Crimes against humanity, Genocide, Impunity

Resumen

El enunciado de este artículo es demostrar que existen tribunales de orden interno e internacional en los cuales se juzgará a los responsables de la violación de los derechos humanos en el gobierno democrático de Evo Morales en el periodo 2007 - 2011, a partir de una síntesis de hechos representativos de violencia a través de la revisión documental, hemerográfica e histórica basada en informes oficiales de instituciones gubernamentales, de derechos humanos, organizaciones sociales y medios de comunicación; y el estudio exegetico legislativo y jurisprudencial de instrumentos jurídicos nacionales y externos. En contraste con otros informes de instituciones oficiales y ONG's para determinar parcialidad en los mismos con la intención de obstaculizar la persecución de los responsables. Al comprobar la concurrencia de los elementos de los delitos, y demostrar que existen responsabilidades legales para establecer y perseguir estos recursos delictivos, y ante la ausencia de los correspondientes procesos penales instaurados, se demuestra la impunidad y retardación de justicia en este campo que los mismos necesariamente deben ser superados para sentar precedentes y así evitar que estos atentados se repliquen.

Violaciones de derechos humanos, Crímenes contra la humanidad, Genocidio, Impunidad

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Introduction

When democratic freedoms were restored in Bolivia on 10 October 1982, the unanimous belief of the population was that human rights violations would come to an end. Reality showed us that democracy was very fragile; in 1985 the popular sectors were once again subjugated by the then government of the late Dr. Víctor Paz Estenssoro. Subsequently, each of the governments, in turn, stamped their own stamp of force in the face of the impossibility of responding to the demands of the dispossessed.

The episodes known as the "Water War" in Cbba 2002 (review), the confrontation between the uniformed police and the armed forces in February 2002 (review) and the infamous Gas War (2003) are proof that the use of force by the governments in power is the most effective argument to put an end to social conflicts. Unfortunately, the current government, despite enjoying majority support at the ballot box, with 53.740%²² and being considered by the Bolivian people as a response to the need for change, continued in this old practice, leaving regrettable consequences in each intervention.

Events such as the historic March for Territory (1990), led by lowland peasants demanding a constituent assembly and recognition of their socio-cultural identity, which was temporarily suspended, ended with the convening of a constituent assembly between February and November 2007, with a fatal outcome: a confrontation between two fraternal peoples (La Paz and Sucre) over the restitution of state powers to the capital city, with a regrettable human and social cost.

The attitude assumed by the inhabitants of the TIPNIS in defence of their natural territory and the search for respect for the Isiboro Sécure National Park, expressed in a hard-fought but peaceful march (2011) from the central plains to the summits of the seat of government, was interrupted by the intolerance and repression of the armed forces, where the most affected were children and women who were attacked, tied up and offended.

Another event with a tragic toll is the one that occurred in the department of Pando, with the loss of valuable human lives, the illegal detention of people and physical aggression (11 September 2010).

It is regrettable to see that in a state governed by the rule of law, these events have not yet been clarified, nor have the culprits been subjected to a fair and due process. If we were to regret that justice is not possible in Bolivia, then we would have to appeal to impartial international organisations that, in the name of peaceful coexistence and the search for truth, would distribute justice by punishing the guilty parties.

It is in this context that it is necessary to contrast the official reports and identify other unofficial reports aimed at protecting the powerful with those of those who have suffered abuses and those who, in their eagerness to establish the historical truth, present their versions under the protection of the CPE and the national and international legal system.

Several years have passed since the commission of these crimes, and the historical truth has still not been established, resulting in a marked and dark presence of impunity and a delay in justice.

The general question is why the corresponding judicial processes have not yet been set up and, if they have been initiated, why they are not continuing, if the procedural deadlines are established in such a way that when innocence is established, it can be demonstrated. The only thing the Bolivian people expect is punishment for those responsible and compensation for the victims and their families.

The application of the corresponding legal norms must put an end to the marked impunity of those who were the actors, material and intellectual authors of the aforementioned acts. If this sanction cannot be achieved under the protection of our laws, then we must look beyond our borders.

The first part of this document describes the background to the actions that led to the infringement of legal rights; the second section is based on a documented review of reports, press publications and testimonies related to the most representative acts of violence in the first years of the plurinational state of Bolivia; subsequently, the methodology used will be described, noting its documentary nature in two areas:

The first, the review of documents related to the events mentioned, and the second, the review of regulations and jurisprudence, and finally, the fourth section will point out the results of the official and unofficial informative documentary contrast, and the classification of the crimes involved.

Background

The violation of the human rights of the Bolivian population is a dark history that has marked the lives of the generations that preceded it.

From 1968 to 1982, Bolivia practically lived under dictatorial regimes, since the democratic governments of this period were interrupted by coups d'état (Suárez).

The last years of this disastrous period, in 1979, under the dictatorship of Alberto Natush Busch and the subsequent coup d'état by Luis García Meza against President Lidia Gueiler Tejada in 1980, were undoubtedly the most terrible, with crimes committed against life and personal integrity of various kinds.

Despite the fact that the latter was tried by the National Jurisdiction on 21 April 1993 and along with him some of his collaborators,²³ many of those responsible remained unpunished. (Defensor del Pueblo R. d., 2007)

With the rise to power of Hernán Siles Suazo on 11 November 1983, the doors were opened to democracy and the rule of law, but subsequent governments (1985-1997), despite having been elected by the people and having completed their terms in office, were not exempt from having to shoulder the burden of violating the rights of the social sectors, who at certain times had to take to the streets to demand attention to their needs.

It was in 1997 that the Bolivian people handed over power to Hugo Bánzer Suárez, a military man from Santa Cruz, the same man who was responsible for the eradication of surplus coca and the sale of gas to Brazil under conditions that were not favourable for Bolivia, which led to economic problems that caused the government to lose control over some of the population's demands, leading to conflicts such as the aforementioned Water War, when an American corporation tried to increase water tariffs disproportionately.

The events of January 2000 left an unfortunate toll of one young man dead and more than a hundred injured (Shultz).

In 2001 Bánzer decided to resign due to health problems, leaving loose ends and his responsibility for this and other events unresolved, leaving Jorge Quiroga Ramírez in charge, who in his short period in office called general elections, which were won for the second time by Gonzalo Sánchez de Lozada. Both events resulted in a large number of deaths, injuries and arrests, victims who have not found an answer even after Sánchez de Lozada's resignation and escape, despite the fact that a trial of Responsibilities has been initiated against him.

The subsequent rise to power of Carlos D. Mesa Gisbert and his prompt resignation led Eduardo Rodríguez Veltzé (2005) to call elections once again.

Bolivia, having changed presidents five times in less than five years, and with wounds still open, is at this moment in history fraught with conflict because its demands are not being met, and governments do not identify with it.

Evo Morales, a coca growers' leader of peasant extraction and MAS deputy years before, managed to obtain a high percentage of votes in the 2005 elections because his political stance and proposals were considered by the population to be the antithesis of the last democratic election, and they identified with him, seeing that the doors were opening to a new democracy with the active presence of all sectors of the population.

The main and most striking project of the new government was the convocation of the Constituent Assembly, a general demand of the people who did not consider that the main law guaranteed their rights. The constituent process, scheduled to run from February to November 2007, brought together in Sucre representatives of social organisations from all over the country.

Different colours, dresses, languages and identities, with the same needs, sat down to rewrite the answers to their demands (Carrasco and Albó, 2008).

Sucre, through its representatives, demanded the recovery of the seat of government as the capital, which was ignored by the assembly members, generating a series of mobilisations that hindered the constituent process, causing it to conclude in a military enclosure, with three deaths, hundreds of injured and the armed forces of those responsible (Schavelzon, 2013). Of course, the responsibility of those who gave orders to repress these demonstrations by force has not been criminally established, despite the demands of the victims and their families.

It was in 2010 that the Bolivian skies were once again stained with mourning, this time in Pando, where 18 peasants were killed and many more injured, among the most affected being women and children (Delmas, 2012), and a state of siege was even declared in the department. This time the responsibility this time fell on departmental authorities, who remain in preventive detention to this day, as they have not yet been sentenced.

On 25 September 2011, near the town of San Borja, the Eighth Indigenous March for Territory, which was on its way to the seat of government from deep within the Indigenous Territory and Isiboro Sécure National Park, was forcibly intervened, with illegal detentions and physical and psychological aggression against the marchers and their children. (Paz S., 2012) It has not yet been determined who was responsible for the intervention, and therefore for the "breaking of the chain of command". It is clear then that we must assume an attitude of total intolerance towards violence and impunity, especially when it is those who should be protecting us who are attacking us.

TIPNIS²⁴ and the deplorable repression of the "indigenous" government

The TIPNIS is a "sui generis" territory within Bolivian territory, as it is both a protected National Park and a recognised Indigenous Territory inhabited by the Mojeño Trinitarios, Yuracarés and Chimanes peoples. In 1965, President René Barrientos Ortuño declared it a Protected Area by means of Decree Law N° 0740, despite the dictatorial nature of the government. It was recognised as an Indigenous Territory in 1990 by Supreme Decree N° 22619 during the administration of President Jaime Paz Zamora.

The designation as a TCO²⁵ following the signing of ILO Convention 169 modified the State Political Constitution and allowed for the recognition of the TCO as an Indigenous Territory.

Political Constitution of the State and allowed the full recognition of this territory through the INRA Law.

The conflict with this territory began in April 2011 when the government approved a construction contract²⁶ for a road linking the towns of Villa Tunari and San Ignacio de Moxos, violating the PIOC's right to prior, obligatory, good faith and concerted consultation regarding the exploitation of the natural resources of the territory where they live.

The massive march organised by CIDOB²⁸ and CONAMAQ²⁹ started on 15 August, and after several failed attempts at negotiation, the march continued. The most severe repression of the indigenous marchers took place on 25 September, near the town of San Borja, just as the march entered the government headquarters (Lorenzo, 2011). (Lorenzo, 2011).

There were many versions of the incident, but it was not possible to establish the responsibility of the authority that gave the order to intervene, as it was not even possible to identify the person in question.

Contrast: official reports and reality

The official reports submitted by central government officials to the Ombudsman³⁰ (Ombudsman E Ombudsman 30 (Ombudsman E. P., 2011) highlight that:

There was a risk to the physical integrity of Foreign Minister David Choquehuanca and a government commission present at the march that attended in order to "seek dialogue".

The social effervescence of the marchers threatened to exceed all margins, which is why the state security agencies found it "necessary" to use force.

The report of the United Nations High Commissioner in Bolivia strangely coincides with the reports of government officials in that it is a very limited and unclear report, which emphasises establishing a list of the events that took place prior to the Indigenous March itself and emphasises the right to prior consultation, without clearly establishing the events of 25 September in the intervention of the March. (United Nations High Commissioner, 2011)

The scattered reports of some representatives of the Bolivian police involved in the indigenous march, according to the Ombudsman, are "incomplete and unfounded", trying to justify their aggressive attitude by accusing the marchers of violent behaviour against the police and government representatives. (Defensor del Pueblo E. P., 2011, p. 3).

The report of the General Command of the Air Force stresses that it was not involved in the repressive operation but it did have orders to make available aircraft not "exclusively" for the transfer of marchers, therefore we highlight the fact that there was a predisposition to transfer, as we will see later, the indigenous people to remove them from the March. (Ombudsman E. P., 2011, p. 53).

The Ministry of the Presidency evaded the presentation of a written report related to the acts of violence of 25 September requested by the Ombudsman until 9 November 2011, which denotes the intentional nature of the authorities of this Ministry not to provide information or support investigations into the violation of the rights of the indigenous population and those responsible. (Ombudsman E. P., 2011, pp. 53 - 54).

Ministry of Government officials ignored the request to submit a written report or make statements to the Ombudsman, despite constant reiterations sent to them (Ombudsman E. P., 2011, p. 54).

In the same direction of denying access to information, the State Attorney General stated that he had no relation with the police intervention, but on the contrary, he had received requests to investigate the events that occurred in September.

The Prosecutors General of Beni and La Paz denied the existence of requests to the leaders and marchers in general, but the Prosecutor General of La Paz asked her counterpart in Beni to carry out a search of the scene of the incident.

The report of the Vice-Minister of the Interior states that:

The then Minister of Government, Sacha Llorenti, had decided to intervene in the march planned for 26 September. According to the report of General Edwin Foronda Franco, then in charge of the police contingent, the intervention of the march was carried out on the orders of former Minister Llorenti, albeit earlier than planned, due to the existence of confrontations between the police "chain of protection" for the march and the marchers, due to the "rescue" of Foreign Minister Choquehuanca and government officials who were on the march and had been forced to walk with the indigenous women on the march.

The plan to intervene the march was organised down to the smallest detail, for example, the purchase of tools to cut wire, the purchase of more than a thousand litres of water for the police, the purchase of masking tape (used to gag and restrain the marchers), the budget to pay for land transport for marchers who would be returned to their places of origin and other expenses entrusted to an official of the Vice-Ministry of the Interior and Police, Ms. Karolina Vertiz Arancibia. We had access to a report signed by General Edwin Foronda Franco³¹ which coincides with the reports of the Vice-Ministry of the Interior and Police regarding the existence of an elaborate plan to disrupt the Indigenous March and of people who had specific roles in this plan (see annexes). (See annexes).

As this general was lukewarmly opposed to carrying out this intervention due to the risk to the integrity of the Chancellor and government officials present at the March, given that his main function was to guarantee their safety, he was immediately relieved of his post, and the generals Muñoz and Palacios were put in his place, with precise instructions to comply with the ministerial instruction, as mentioned in this document "above all circumstances", demonstrating the evident intention to make an attempt on the lives and integrity of the indigenous people if necessary.

To contrast this information, which was maliciously spread by government bodies, we have the more than evident declarations in the press by the marchers and their representatives, such as those made by Gabriel Chávez, who was seriously injured and was taken, like many others, in ambulances to the town of San Borja for treatment.

In the presence of journalists from El Deber news agencies, he said in tears that despite the repression and the generalised and systematic attacks, the march would continue until it reached the seat of government and spoke to the President of the State. As did the indigenous leader Alejandro Almaraz³².

The country's most important newspapers covered these events, and among the aspects that stood out about the mobilisation and the aggression, one can verify the disagreement with the authorities' declarations³³. The articles published can be summarised as follows:

Right to Integrity

The right to integrity is essentially based on the protection of and respect for life and the possibility of its development in all spheres and with quality. Therefore, it is related to the physical sphere, concerning the preservation of all organs and elements of the human body and its health; in the psychic sphere, i.e. what is related to the motor, emotional, intellectual and psychological abilities of the human being; and in the moral sphere, it is related to the development of people in accordance with their convictions and their own way of being.

Political Constitution of the State

This right is recognised in the Political Constitution of the State, which states in Article 15 that everyone has the right to physical, psychological and sexual integrity, and therefore no one may be tortured or suffer cruel, inhuman, degrading and humiliating treatment. I of the same text prohibits any form of torture, coercion, duress or any form of physical or moral violence.

International instruments protecting this right

- Article 5 of the Universal Declaration of Human Rights.
- Article 5 of the American Convention on Human Rights "Pact of San José de Costa Rica". Costa Rica". 9
- Articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Article 7 of the International Covenant on Civil and Political Rights.
- Article 2 of the Inter-American Convention to Prevent and Punish Torture.

Constitutional Jurisprudence

"In turn, the current Political Constitution of the State (CPE), in a much more developed manner, enshrines in Art. 114, the following text: "(...) The Constitutional Court, in different Constitutional Rulings, has also protected de facto actions when the defendants acted outside of constitutional norms, as it considered that such actions "... cannot find legal protection...". cannot find legal protection under any circumstances, and their authors, as well as those who cooperate or contribute to achieving the results pursued with these actions, even if they are expected from social expectations, are placed within the illegality and become creditors - authors and accomplices- to the legal consequences of their acts, in the manner established by the legal order;

The rule of law, although it establishes judicial control of the administration and the subjection of public authorities to the law, means that any unlawful action must be prosecuted in accordance with the procedure established by law, and such acts cannot be repressed or punished with de facto actions, which are also unlawful³⁴.

The Inter-American Court of Human Rights

Furthermore, with regard to the violation of the right to personal integrity, the Inter-American Court of Human Rights has pointed out that this is not only limited to the victim, but extends its effects as directly affected to the next of kin, because they have been subjected to suffering, not only because of the death or aggression, but also because of the lack of clarification in the search for the truth, which means that, in the investigations to determine the causes and those responsible for the facts, these conducts are framed within the provisions of article 5 of the Convention.

Evidence of torture and cruel, inhuman and degrading treatment

The aggressions of which they were victims and which are described by the witnesses before various bodies, are evidence that they suffered not only physical pain, but also feelings of fear, inferiority, humiliation, anguish when the women were forced to escape to the bush and to stay there in conditions that were inadequate for them and their children to protect their lives, and when they were gagged and tied up, attitudes that are considered cruel, inhuman and degrading treatment.

The acts that generate pain or serious suffering in a person must have a subjective element of intentionality in order to be considered torture, that is to say that the person carrying out these actions has the will to cause this pain or suffering, and it is through the testimony of the victims that it is proven that the violent attitudes of the police carried out on 25 September 2011 had this element, and therefore constitute the aforementioned crime.

Right to personal liberty

Personal liberty, as a fundamental human right, may be restricted only within the framework of the law and within the limits strictly necessary to avoid excesses by the authorities so that the human condition is not undermined at any time.

Political Constitution of the State

Article 23, paragraphs I and III of the Constitution establishes that no one may be detained, arrested or imprisoned except in the cases and according to the forms established by law, which are developed within the internal regulations by the Code of Criminal Procedure, which grants powers to the Public Prosecutor's Office as the body responsible for criminal prosecution and to the Police in the exercise of its powers and assistance to the investigative activity, to execute arrest warrants, according to the provisions of Article 296 of the aforementioned body of law.

International instruments that protect this right

- Article 9 of the International Covenant on Civil and Political Rights, "No one shall be arbitrarily detained except on such grounds as are established by law and in accordance with due process of law".

- Paragraph 2 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention, "Arrest, detention or imprisonment shall only be carried out in strict compliance with the law (...)",

- Principle 10 "Everyone arrested shall be informed at the time of arrest of the reason for his arrest and promptly notified of the charge against him".

- Article 7 of the American Convention on Human Rights, "no one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the

Article 7 of the American Convention on Human Rights, "no one shall be deprived of his physical liberty except for reasons and under conditions established beforehand by the Political Constitutions of the States Parties or by the laws enacted pursuant thereto", "anyone arrested or detained shall be informed of the reasons for his arrest and shall be promptly notified of the charge or charges against him".

Based on the above-mentioned regulations, it is possible to establish that police officers making arrests must abide by the procedures established internally and internationally.

The Inter-American Court of Human Rights

126. Anyone who is detained "has the right to live in conditions of detention compatible with his personal dignity and the State must guarantee him the right to life and personal integrity"35.

35 Thus, the vulnerability of the person deprived of liberty is aggravated when the detention is illegal or arbitrary, leaving the detainee in complete defencelessness and with the risk that other rights are violated, mainly integrity and dignified treatment36.

In the same vein, international human rights law has determined in instruments such as the United Nations Code of Conduct for Law Enforcement Officials, that "Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary".

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that: "15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force except when strictly necessary to maintain security and good order in institutions or when the physical integrity of persons is at risk"37.

With regard to the need for the existence of an order issued by a competent authority, it is evident that this aspect was omitted since the intervention of 25 September 2011 was not carried out by virtue of a warrant or court order that determines the restriction of the right and the conditions in which the detainees were held, both men and women with their children, were not even offered by the police.

Right to freedom of movement (freedom of transit)

This right implies the freedom enjoyed by all persons to move within the national territory and the autonomy to change residence or domicile within the country. It is also possible to refer, already in the particular case, that protected by this right, people can mobilise individually or collectively in a free manner as a constitutionally recognised form of protest.38

Political Constitution of the State

Article 21.7 establishes that Bolivian men and women have the right to freedom of residence, residence and movement throughout the Bolivian people, including entry and exit.

Doctrine

Based on a review of constitutional doctrine, it can be established that the right to freedom of movement can be understood in four dimensions: to enter the national territory, to remain in it, to transit through the national territory and to leave it.

International instruments protecting this right

- Article 13 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Civil and Political Rights
- Article 22 of the American Convention on Human Rights.

Constitutional Jurisprudence

The Plurinational Constitutional Court refers to: "the fundamental right of free movement, understood as the freedom of man to stay, circulate, transit and leave his radius of action when he so wishes and intends, enshrined in Article 21.7 of the CPE, that is, the right to "freedom of residence, permanence and circulation throughout Bolivian territory, which includes leaving and entering the country".39

In the case we are analysing, it is clear that there was a restriction on the part of the police forces when they tried to disrupt this march and intervene it in an illegal manner, and also did not allow it to advance along certain stretches.

Methodology

This article, due to the characteristics of the subject under investigation, basically requires a bibliographical review oriented in two directions:

First, the documentary, newspaper and historical study of the most serious acts of violence that occurred during the period of Evo Morales' government, with an emphasis on the conflict over the TIPNIS (2011) with the aim of identifying some degree of partiality among these aimed at obstructing the execution of justice and the identification of those responsible.

Secondly, based on the collection of this data, it will be possible to delimit the criminal offences in which these facts are framed according to national and international regulations, i.e. the method of legal exegesis is taken into account for the interpretation and corresponding classification of crimes. The Jurisprudence of interests and concepts related to crimes against humanity and genocide of the Plurinational Constitutional Court and International Human Rights Courts such as the Inter-American Court of Human Rights and the International Criminal Court. The use of this second method aims to demonstrate that there are instances of trial and effective procedures for the exercise of Justice, the establishment of sanctions and the reparation of damages to the victims.

Results

With regard to the statements made by government authorities and officials concerning an alleged break in the chain of command regarding the official order to intervene or not in the march, it can be determined, from what has been analysed above, that the alleged break was due to factual and not tactical issues, since when Foreign Minister Choquehuanca was removed from the march, a conflict began between the police who were guarding the march and who tried to block its passage and the marchers, resulting in the intervention in the face of the obvious friction between indigenous people and the police.

Clear orders from Llorenti

After analysing the information gathered from the media and some government reports, it is possible to determine that the orders given by the then Minister of Government, Mr. Sacha Llorenti, through lower levels up to those in charge of the police contingent, were carried out to the letter, with a difference of hours between the time established for their execution and the moment when they were put into effect.

Contrasting information

It is also evident that the official reports of government officials and authorities to which we had limited access do not coincide with the statements made by the victims to the Ombudsman and to the mass media, and the former attempt to evade the responsibility of whoever gave the order to intervene the March, as well as the individuals involved in the execution of these violent attacks.

Existence of human rights defence bodies

Bolivia, being a country with a broad recognition of Human Rights, has included in its Basic Law a description of these rights and the remedies available in case of violation. Likewise, as a signatory of different International Conventions for the Protection of Human Rights and has access to International Courts of Justice, it is possible to appeal in case of need and as long as there is no internal response to the demands for justice of the victims of this unfortunate police intervention.

Conclusions

After an analysis of the events of 25 September against the indigenous participants in the 8th Indigenous March, the following conclusions have been reached:

There was premeditation in carrying out the intervention, according to the official statements of police and government officials involved in the intervention and the existence of evidence of the purchase of materials that would be used to attack and of services contracted for the transfer of the detained marchers.

There was an advance in the intervention of the march, which does not mean that it was carried out in a calmer manner, but rather, because it was tied to a previous confrontation, it was carried out in a more violent manner and, of course, the order of the then Minister of Government was carried out to the letter. By the police officers under his command and the contingent they led. This shows a lack of intention in the resolution of this conflict and in the administration of justice in favour of the victims, even allowing some people to be excluded from any judicial process, as is the case of the former government minister himself.

The elements of crimes against humanity exist, the description of the violent acts and the damage caused to the marchers and their families constitute crimes against humanity⁴⁰ of:

There is a delay in justice, although an investigation process has been set up in relation to the intervention in the 8th Indigenous March, after four years there are no results, and the whole investigation has been postponed or carried out so slowly that those responsible could have been cleared of their responsibility long ago.

With this accumulation of information, it is possible to file a lawsuit before international human rights instances, since, as we mentioned before, if there is no effective and efficient response from the authorities to establish the responsibilities of the guilty parties and justice for the victims does not materialise, it is possible to file a lawsuit and a request for investigation before other international instances related to human rights, such as tribunals to which Bolivia is a signatory, such as the Inter-American Court of Human Rights or the International Criminal Court.

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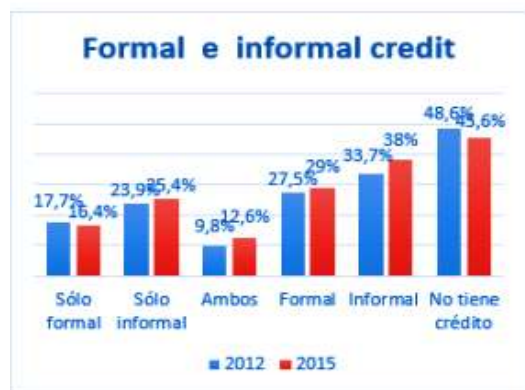
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