



# RESEARCH TRAJECTORIES ON SOCIAL ISSUES IN THE EU, (CE)LAC AND BEYOND HOW THE SOCIAL DIMENSION OF THE EU AND (CE)LAC FRAME EU-(CE)LAC SOCIAL RELATIONS.

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## SUMMARY

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This Report is the first deliverable of the “WP5 –Social Dimension” of the EULAC Focus project. To build a basis for the further work in WP5 this deliverable intends to give an overview on social realities in the two regions and the reflection of these realities at the level of bi-regional relations. It gives an insight in the social realities of Latin America and the Caribbean (LAC) states and member states of the European Union (EU) as well as into the evolution, state of the art, and current debates on different social models and issues in the two regions. Special attention is put on the social dimension in CELAC and the EU in their role as regional integration projects. The report gives a clear denomination on where the competences in the realm of social policies are located and which specific trends and challenges in the two regions – both on a national and a supra-national level - are identifiable. Departing from this exercise conclusions are drawn regarding potential areas of mutual interest.

As a first step, the Report gives an overview of and scrutinises the genesis, main instruments, trends, and challenges of the European Social Model. Second, the different social models in LAC are assessed and the main current debates identified. Especially for the diverse (CE)LAC context a theoretical framework of human development-, human rights- and intercultural approach is used to better understand the main ongoing processes. Following the assessment of the current state of EU–(CE)LAC relations, certain social developments were flagged. One of these, migration, is examined further. Subsequently the report has a closer look on scientific and public debates on social issues in the respectively other region. For this purpose a publication analysis and a small quantitative media analysis were conducted.

The Report concludes by outlining a set of conclusions and preliminary recommendations aimed at further research areas and strengthening the social dimension in EU–(CE)LAC relations. They conclusions and recommendations include topics like implementing mutual learning processes in tackling inequality and marginalisation, the development of common social policy concepts and using soft law tools to enhance the cooperation between the two regions regarding social issues. Subsequent deliverables of WP5 will build upon this deliverable and refine the given recommendations as well as the analytical instruments.

# 1 INTRODUCTION

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The main objective of this report is to delineate the state-of-the art of current social relations between the EU and CELAC and to identify opportunities for enhanced cooperation on social issues in the future. In the EULAC Focus project we hypothesize that the full potential of the EU-CELAC relationship has not been exploited in the last decades, or said differently that the bi-regional relations were marked by a relative ineffectiveness or, at least, the inability to meet expectations. We argue in this report that this is especially true for the social relations. This report therefore tries to give a better understanding of certain aspects of the social dimension of EU-CELAC relations, which ultimately shall feed into a renewed vision for EU-CELAC relations, which will be developed in the EULAC Focus project.

In the analysis of EU-(CE)LAC social relations we face two main challenges: (1) we compare two very unequal entities: a very well established European Union and the very provisional CELAC community and (2) we start from a very meagre knowledge base, as EU-CELAC social relations generally remain rather vague. Nevertheless, our research interest is the regional, and not the national, policy level and respective regional (EU/CELAC) policy approaches and actions.

In the preparation phase of this report – which is a joint production of researchers from both regions – we noticed that there is limited knowledge on social systems of the respectively other region. At the same time, certain concepts of welfare systems are interpreted in different ways (e.g. the concept of social cohesion is different in LAC and in the EU). Therefore, this report has a relatively long introductory phase, where we delineate main features of social policy developments in the EU and LAC, but we consider this information as fundamental for the analysis of social relations. This foundation is build up by looking at the scientific discourse on social models in both regions as well as on their legal frameworks and their political implications. Departing from this basis, the specific political and scientific bi-regional relations in the social dimensions are contextualised and can be analysed comprehensively.

Consequently, five focus areas were defined that frame the report while at the same time allowing a methodologically pluralistic approach:

- 1) Focus EU: The social dimension of the EU (chapter 2);
- 2) Focus LAC: LAC and CELAC's "social dimension" (chapter 3);
- 3) Focus Relations: The social dimension of EU-(CE)LAC relations (chapter 5);
- 4) Focus Mobility: A cross cutting issue in EU-(CE)LAC relations (chapter 6);
- 5) Focus research trajectories: Perceptions of social developments in CELAC and the EU (chapter 7).

Chapter 2 presents a rough analysis of the social dimension of the EU and the institutional framework of EU social policy. The purpose is to highlight what distinguishes the EU social dimension in comparison to other regional social policy approaches. We thereby stress that the EU social system (if one wants to call it that way) is very heterogeneous as Member States competencies remain strong in the area of social issues and the therefore the implementation power of the EU is

limited. We also stress the important role of the law as a decisive instrument in European integration and illustrate main achievements in European social rights, such as the free movement of workers and their rights on health, safety, social security and anti-discrimination. We also illustrate the EU's outstanding experiences in soft law, which is used to monitor the progress of Member States towards main social targets or EU's experience in active employment (using employment as a guarantee against poverty and social exclusion).

Chapter 4 delineates LAC's social dimension. Throughout the last decades, access to social protection was highly selective in LAC, leaving out much of the population. However, since the 1990ties social policy coverage expanded dramatically, not least because of social mobilisation, and mostly in rather unique moments of democracy and electoral competition. In comparison to Western Europe, expansion of social policies in LAC was driven by broader circles of actors, including alliances across social movements and labour unions and institutionalized parties<sup>1</sup>. Nonetheless, no supranational entity (like the EC) pushed common social standards or common legislation on the regional level forward, which is why chapter 3 focuses on the analysis of the political dialogue and research trajectories. As we will see, CELAC builds its social agenda strongly upon the MDGs/SDGs together with a focus on poverty alleviation and education. In a theoretical excursion we discuss different approaches (human development approach, rights-based approach and intercultural approach) which could push bi-regional social agendas forward by simultaneously giving credit to competences of both regions. At the same time, LAC has historically a lot of experience with ethnic discrimination, exploitation of poor workforce and intercultural approaches, which could enrich EU social policy.

Chapter 5 starts to put bi-regional level in the spotlight as it focuses on the social dimension in EU-(CE)LAC relations. We stress that, to understand the outcomes and the content of bi-regional relations, they need to be scrutinised regarding their capability to create norms and binding obligations for the parties involved. For this reason we try to look at the internal institutional and legal dynamics that shape the different aspects of the relations. The political dialogue between EU and CELAC does not dispose of any binding norms, but produces joint declarations on supposedly equally relevant issues instead. Chapter 5 further gives an overview on topics of the bi-regional dialogue which refer to the social dimension. Development cooperation remains the main space where social relations between EU and LAC take place, however – so we argue – this is not a relationship between equal partners. Nevertheless, against the background of changing orientation in development cooperation, EU-CELAC partnership can have a decisive role in shaping the post-2015 development agenda. In chapter 6 we delineate the relevance of the issue of mobility of people for the social relations. We focus on social rights of migrant workers and migrants in general in the EU legal system. The analysis of the other way around – social rights of EU nationals in LAC – goes beyond the scope of this study, as individual national practices in LAC would need to be studied. Finally, in Chapter 7 we focus on research trajectories and academic discourses as we analyse scientific (co-)production on social issues and compare the relevance of specific research topics in both regions, and in the scientific cooperation. We find that European researchers value LAC scientific production on post-neoliberal reforms, non-discriminatory policies, democratic inclusion

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<sup>1</sup> Garay:2017

and alternative economic concepts, especially in relation to impacts on vulnerable groups. As a final conclusion, chapter 8 summarizes the gained insights and elaborates recommendations and opportunities for the further development of the social dimension in EU–CELAC relations.

## 2 FOCUS EU: THE SOCIAL DIMENSION OF THE EU

### Key insights of this chapter

The analysis of the social dimension of the EU points to the following main conclusions:

- A common “Social Model”, implemented by the EU does not exist as social issues remain mostly under competence of MS;
- Some social rights are secured in the different treaties of the EU (e.g. workers rights), some are pushed forward through soft law approaches (European Pillar of Social Rights, Open Method of Coordination);
- The EPSR promotes social policy as a productive factor necessary for job creation and economic growth and is rooted in the social investment paradigm. It focuses on three main issues: Equal opportunities and access to the labour market, fair working conditions, and adequate and sustainable social protection;
- Main challenges are: increasing income inequality all over the EU, high long-term unemployment rates and youth unemployment, working poor, increasing inequality in access to health care, increasing rates of child poverty and increasing housing costs.

The following chapter will delineate main characteristics of the so called European Union Social Model, which are essential for the subsequent analysis of EU-CELAC social relations. First an overview of the scientific discourse on the EU “Social Model” will be given. Then the historical and legal development of the EU institutional model will be analysed regarding its implications for the social dimension. At last, the social reality in the EU will be described and challenges and trends will be identified.

### 2.1 DOES THE EUROPEAN UNION HAVE A DISTINCTIVE “SOCIAL MODEL”?

“European Social Policy” and “European Social Model” are terms widely used in scientific literature. On one side, there is the ongoing debate about the national and the supranational level and its interaction (“Europeanisation of Social Policy”) (Börzel 2003; Börzel and Risse 2007); on the other, the role of the different EU institutions is analysed, namely the European Council, the Council of the European Union (Council), the European Parliament (EP), the European Court of Justice (ECJ) and the European Commission (Lamping 2008; Geyer 2013;). Last but not least, it is discussed how different approaches to welfare among the Member States are engaged in an ongoing struggle on how to shape social policy at an EU level (Manow, Schäfer, and Zorn 2004; Falkner 2010; Leibfried 2010).

In general, it is recognized that, up to now, welfare provision remains essentially in the hands of Member States, while various EU funds contribute to it, especially in terms of active labour market

policy. Since the economic crisis in 2008 and ongoing low economic growth, challenges in the social realm all over European Member States are more pressing than ever, while social exclusion is not adequately addressed by traditional social security systems (Bonoli 2005; Gosta Esping-Andersen 2013).

Looking at the national level, approaches to welfare and the design of social security systems are based on very different definitions of social policy and thus build on differing normative concepts. These different understandings of welfare have been classified, most prominently by Gosta Esping-Andersen (1990), who, in his initial classification, identified three “worlds of welfare” within Western European countries: The social–democratic (Scandinavian) model with a high level of de-commodification, the conservative (Continental) model with a medium level of de-commodification, and the liberal (Anglo–Saxon) model, with a low level of de-commodification, low level of class solidarity and strong reliance on private welfare provision.

In addition to the different national approaches to social policy and the different social models in the 28 EU Member States, there is also the debate about social policies at EU level, with different EU institutions contributing to it. The latest addition to this debate is the European Pillar of Social Rights (EPSR) launched by the EC and signed by the European Parliament and the Council of the EU in November 2017, which will be discussed more in detail in the next chapter. Describing and identifying the main directions and drivers of EU social policy has become even more complex in light of the Eastern enlargement of the EU, composing even more different histories and traditions to Welfare State provision. At the supranational level, finding a common approach is greatly challenging, and analysing the EU social dimension will become more complex (Majone 1993; Bonoli, George, and Taylor-Gooby 2000; Leibfried 2010). The Section below outlines the historical genesis of European Social Policy.

### **European Social Policy between European integration and national welfare state developments**

Outside of the scientific discourse on European social policy, but within common (public, political) discourses outside the EU, it is often presumed, that within the EU *one* social model exists that applies to all Member States. Therefore, much of the reflection about the European integration process seems to be mixed with that on the development of the European “democratic and social model” and the Welfare State.

Clearly, **the assumption** of one European Social Model must be **rejected**. Although there are several features uniting different approaches to welfare within European Welfare States, they are very different across EU Member States. As already mentioned, different models of welfare provision exist within the EU. The common denominator of the development of European Welfare States after World War II is the combination of a political change of extraordinary depth with formulae of wide participation in the government that engender a “political-economic-social pact” in which democracy is strengthened, the State perceives that new functions are applicable to it (or some of those it had already assumed become strengthened), and public income and public expenditure are expanded on the basis of powerful tax systems. This pact acquires great legitimacy when accepted by a wide range of political, economic and social forces.

Furthermore, on a political and conceptual level, the profound logics underlying the European Welfare State and the European integration process are completely different. In terms of redistribution, the instruments for constructing and administering a Welfare State are national and not those of the Community (from taxation, in particular direct taxation, to expenditure in public services) and the provisions of the constitutive treaties either do not refer to these instruments, or tend to limit their use and their effects so as to avoid distortions in the functioning of the common market. Thus, EU social policy cannot be analysed solely on the dependent variable “redistribution”, but has to be looked at via rights and regulations (Deacon 2003a), which are established in the Treaties.

In light of all these complex and at times heterogeneous developments, EU Policies concerning the Social Dimension should be evaluated according to four criteria (Falkner 2010):

- 1) Regulation of social rights and standards;
- 2) Spending for social purposes;
- 3) Coordination to stimulate voluntary harmonisation in the social field;
- 4) Liberalisation of public utilities in general, including social utilities (a result of the EU’s economic policy);

Consequently, the next chapter gives an overview over the institutional framework of EU social policy, divided into 1) regulations, 2) financial instruments, 3) indirect pressures, and 4) soft law aiming at social policy harmonisation, similarly as proposed by Falkner (2010). Building on that, chapter 2.3. will give an overview over challenges the EU is facing in the social realm and which are shared among Member States. Furthermore, this chapter on the Social Dimension of the EU will give insight into trends that can be identified for the EU Social Model (mainly as response to the challenges imposed by the economic crisis).

## 2.2 INSTRUMENTS AND NATURE OF THE EU’S SOCIAL POLICY

### 1) Regulation - The competence of the European Union in the domain of social policy from Rome to Lisbon

In order to better understand the role of law in the European integration process and its relevance to social policy, it is necessary to give a concise overview of the historical development of EU law in the social area<sup>2</sup>.

During negotiations for the Treaty of Rome in the 1950s, social policy was considered as the exclusive responsibility of the Member States. There were to be provisions to facilitate labour mobility within the common market, but until the 1970s, social policy making at the EU-level was rather modest. Nevertheless, plans for the internal market placed social policy on the EU’s decision-making agenda, and consequently the Social Chapter was adopted in 1989. The Single European Act expanded EU competencies in social policy as did the treaties of Maastricht, Amsterdam, and Nice.

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<sup>2</sup> Appendix A and B provide a more detailed insight into EU law, stating all Articles relevant to social policy.

According to the Treaty on the Functioning of the European Union (TFEU 2007), which is the basis of EU law, the Member States and the European Union (EU) have joint competences regarding the social policy of the EU. Article 4, paragraph 2b of TFEU states that one of the goals of the EU is represented by the creation of a competitive social market economy which aims at full employment and at social progress. At European level, a social law system has developed which contains the legal norms adopted by the European organisations regarding work relations and social security (Tunca 2002). The EU primary law has developed gradually, in the form of several treaties (Rome, Maastricht, Nice, Amsterdam, and Lisbon), that will be briefly presented according to their relevance to the social dimension in the following lines.

### **Treaty of Rome**

First of all, the Treaty of Rome, officially the Treaty establishing the European Economic Community (TEEC), was signed on 25 March 1957 by Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany and came into force on 1 January 1958. In this Treaty, three chapters are considered essential concerning the social policy: the chapter on Movement of Workers (Article 48–51) and the two chapters included in the Title on Social Policy (Article 117–128). The Treaty of Rome of 1957 basically left social policy in the hands of the Member States, but nonetheless contained a few provisions concerning social policy. However, economic integration was the primary objective (Anderson 2015).

The aim was to ensure the Common Market worked smoothly and therefore the provisions focused on the mobility of workers. Article 48 in the Treaty of Rome, states that “free movement of workers shall be ensured within the Community not later than at the date of the expiry of the transitional period (..), and that this shall involve the abolition of any discrimination based on nationality between workers of the Member States, as regards employment, remuneration and other working conditions”. Article 49 was also relevant for setting social goals, highlighting the need to abolish the restrictions to mobility of workers.

Moreover, the term “social policy” appears explicitly in the opening of the chapter and it emphasises the need to promote improved working conditions for workers while making possible the harmonisation of common rules. Article 117 and the subsequent Articles emphasised the role of the Commission to promote close collaboration between the Member States in the field of social policy, particularly in different matters such as employment, labour law, social security, etc.

Following the Treaty of Rome, between 1973–1988, several European directives were implemented against a background of economic recession and mobilisation by militants at a national level. In 1974, it adopted its first Social Action Programme, which provided 40 priority actions, designed to achieve three main objectives: full employment and better jobs; employment policy; and improvements in living and working conditions (Tilly 2016).

Furthermore, the 1985 Single European Act (SEA)—the first major revision of the 1957 Treaty of Rome, gave the European Community wider powers in the social sphere, enabling measures relating to health and safety to be adopted by a qualified majority. Notably, Article 118a encouraged closer

control of the labour market, providing for gradual harmonisation of minimum requirements for working conditions. Similarly, Article 130, on economic and social cohesion, introduced the principle of European structural solidarity, with a twofold increase in its budget from 1988 (Tilly 2016).

### Treaty of Maastricht

The Treaty of Maastricht, signed in 1992 and entered into force in November 1993, was intended to advance the European Integration. The centrepiece of the Treaty of Maastricht was the commitment to Economic and Monetary Union. Also, the plans for the monetary union re-initiated the debate about social policy as a counterpart to strengthen economic and monetary integration. With the Treaty of Maastricht, the objectives of promoting social progress (Art. B TEU) and of promoting “a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States” (Art. G TEU), were added (Obermaier 2008).

The Treaty of Maastricht thus expanded the EU’s competences and involvement in social policy in two different ways: it expanded the EU’s social policy remit, and included the Social Policy Protocol and the Agreement on Social Policy, referred as the Social Chapter (Andersen 2015). The Protocol went beyond the Chapter, and it covered a wide range of policy interventions, working conditions, equal opportunities for men and woman, worker consultation and right to information, and the labour market integration of groups excluded from the labour market. The Agreement on Social Policy of 2 February 1992 was annexed to the Protocol on Social Policy of the Treaty of Maastricht. In contrast to the Protocol, it was signed by only 11 EU Member States, excluding the United Kingdom. The Agreement goes back to the Joint Agreement of the Social Partners of 31 October 1991, which EU social partners had elaborated in the preparation of the intergovernmental conference in Maastricht. The Agreement on Social Policy proposed a constitutionally recognised role for the social partners in the community legislative process, which had formerly engaged only the EU institutions. Simultaneously, a major extension of EC competences in employment and industrial relations was suggested, allowing for qualified majority vote in some of the new competences. The agreement proposed a radical change in the community legislative process for social policy (Eurofund 2013).

The Social Policy Protocol was the basis for four directives in the following areas:

- I. The introduction of a **European Works Council** (Directive 94/45): European Works Councils (EWC) are information and consultation bodies representing employees in European multinational companies;
- II. A **framework agreement on parental leave** concluded by UNICE, CEEP and the ETUC (Directive 96/34). According to the European Trade Union Confederation, “the 1995 Framework agreement on parental leave marked an important turning point for European Social Dialogue. It was the first agreement reached between the EU-level social partners under the Maastricht social policy procedure” (ETUC 2009);
- III. **Gender discrimination** (Directive 97/80) : the aim of this Directive was to ensure that measures to implement the principle of equal treatment are made more effective, in order “to enable all persons who consider themselves wronged because the principle of equal

treatment has not been applied to them to have their rights asserted by judicial process” (Houtzager 2006);

- IV. The **framework agreement on part time work** (Directive 97/81): the purpose of the agreement on part-time work as negotiated by the social partners in 1997 is to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work. It is also intended to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and workers (European Trade Union Institute 1997).

### Treaty of Amsterdam

The Treaty of Amsterdam signed in October 1997, entered into force in May 1999. The agenda for treaty revision included bringing the EU closer to European citizens, improving the transparency and democracy of EU decision-making (Anderson 2015).

This new Treaty revised the previous one in the field of Social Policy, and strengthened the role of the EU Parliament, EU competencies in the field of equal opportunities and non-discrimination, the status of the Fundamental Social Rights and social security for migrant workers.

Besides these advances, the Treaty of Amsterdam promoted the EU's role in other areas of social policy. Article 2 EC (Article 9 TFEU) now includes the promotion of “a high level of employment and of social protection” as a task of the EU (Anderson 2015). Employment and social issues were main outcomes of the Treaty of Amsterdam (Title IV. Free movement of persons, services and capital, Article 45–48; Title X social policy, Articles 151–161). Indeed, the following four main fields are concerned with substantial extension and reinforcement of the European Community competencies: **employment, equality between men and women, fundamental rights and non-discrimination**. According to the European Commission, this Treaty also involves better the integration of social objectives at the development and implementation stage of European policies in general (Anderson 2015).

### Treaty of Lisbon

Finally, The Treaty of Lisbon was signed in December 2007 and entered into force in December 2009. This Treaty amends the previous ones and pursues the ideal of simplification. When it comes to social policy, there are few social policy innovations in the Lisbon Treaty (Anderson 2015).

The Lisbon Treaty introduces a systematic differentiation of competences between the EU and its Member States. Social policy becomes both part of the shared EU competences—but only for the issues defined in the Treaty (Art.4 (2)(b) TFEU), and the supportive, supplementing and coordinating EU competences (Art. 5(3) TFEU) (Falkner 2008).

According to Falkner (2008), the “Lisbon Treaty gives only very few additional social policy competences to the community. The EU can henceforth enact provisions regarding social security not only for migrant workers and their dependents but also for self-employed migrant workers and their dependents (Art. 48(1) TFEU). In addition, it may adopt social security and social protection

measures in order to guarantee the basic right of EU citizens to move and reside freely within the territory of the Member States (unanimity, special legislative procedure) (Art. 21(3) TFEU)” (Obermaier 2008). It is worth to highlight that while introducing new competencies, the Lisbon Treaty places a number of “red lines” that restrict EU social policy competences. During the process of elaborating the original constitutional law, some Member States were against to the principle of extension of competences and of qualified majority voting to all policy areas (Treib et al. 2004).

From the Treaty of Rome to the Treaty of Lisbon, social policy had undergone substantial changes. In the beginning social policy was considered to be an auxiliary to economic policy. Progressively, the EU’s social policies have steadily increased since the Treaty of Rome in 1958. In 2017, the EU shares authority with the Member States in many fields of social policy.

## 2) Financial instruments

Several financial instruments exist at EU level for addressing social issues. Although most financial instruments concerning social policy remain at Member States level, the EU has, from its beginning, several financial funds aiming at social and regional cohesion and at labour market inclusion. The European Social Fund (ESF) has been established through the Treaty of Rome, with the core idea to increase employability and employment of workers through training and retraining. Furthermore, it was supposed to increase workers’ regional as well as occupational mobility. From its founding idea, the ESF has undergone some change over the years, since the 1970s, addressing groups especially at risk of labour market exclusion (Falkner 2010). Here, the ESF mainly focusses on minorities (such as Roma), gender discrimination, long-term unemployed, and young people at risk of labour market exclusion. Altogether, the ESF is seeking to increase employability through up-skilling and in doing so, increasing regional and social cohesion. Therefore, programmes mainly focus on the aforementioned target groups and on NUTS3 regions, which are considered as less developed regions. Generally, ESF projects are aimed at active labour market policies and can thus be credited with bringing this approach to the attention in many Member States that before only focussed on passive labour market policies (Cowles et al. 2001; Geyer 2013). In the period 2014 to 2020, the total budget of the ESF allocated from the EU budget is around €83 B, which amounts to around €13 B per year of the respective period. Additional Member States contributions to the ESF make up around €37 B in the funding period 2014 to 2020. Therefore, the ESF budget for 2014 to 2020 is in total at around €120 B, which means around €200 B per year<sup>3</sup>. In addition to the ESF, numerous other EU funds exist that aim at regional and social cohesion respectively at decreasing existing inequalities. These are, for example, the Globalisation Fund to help regions adapt to challenges faced by globalisation or the Agricultural Fund for farmers or the regional fund. For a detailed overview of existing financial instruments at EU level, see Appendix A.

Summing up, apart from the ESF, various financial funds exist at EU level, addressing various topics under the broad umbrella “Social Policy”. While promoting distribution and aiming at decreasing regional and social inequalities, most financial instruments aim at active labour market inclusion, which is different to traditional Welfare States, where social security systems were aimed at those

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<sup>3</sup> <https://cohesiondata.ec.europa.eu/funds/esf#>

risks that could not be met by the labour market or that decreased an individual's chance to participate in the labour market, i.e., sickness or old age. Thus, lines between policies against and for markets get blurry when analysing the EU's financial dimension. However, similar developments can be argued for most Member States (Taylor-Gooby 2004; Leibfried 2010; Gosta Esping-Andersen 2013).

### 3) Indirect pressures

Apart from active social policies in the form of regulations and financial instruments, when analysing the EU Social Dimension indirect pressures that stem from market integration need to be taken into consideration. According to the above mentioned scholars, two main strands can be identified: 1) adjustments of national welfare systems due to free movement of workers and services and 2) pressures on Member States through European integration, especially in response to economic integration and the establishment of the Economic and Monetary Union (EMU) and the accompanying Maastricht criteria (Daly 2006; Falkner and Obermaier 2008).

Portability of social security rights and benefits from one Member State to another was established to guarantee free movement of workers. At the same time, Member States are limited in their capabilities to decide who provides services. With a few exceptions at the core of national welfare states, private actors can no longer be discriminated against, and thus play a more important role in social provision, namely more and more in the health industry, employment services and in old age insurance (Leibfried 2010; Lamping 2008).

### 4) Soft law

Since legislation in the social realm became increasingly difficult the more diverse the EU was getting, the implementation of soft law was seen as an alternative to the classic "law making" practice in the Community. Most prominently, the **Open Method of Coordination (OMC)** was established in 2000 as such a new mode of governance, originally focusing on employment in relation to "social inclusion", but soon followed by "pensions" (2001) and "health care" (2004). Generally, the OMC supports the definition, implementation and evaluation of social policies based on common objectives and indicators. The OMC is implemented by the Social Protection Committee, which develops the indicators for the relevant social security topics (pensions, healthcare, long-term care) and social inclusion. Although initially launched for monitoring and assessing the Lisbon Strategy, an EU wide Strategy to make Europe "the most 'competitive, knowledge-based economy in the world", the OMC now is used to steer social development and monitor and assess progress in the Europe 2020 targets (Porte et al. 2001; Trubek and Trubek; 2005 Daly 2006).

The **Europe 2020<sup>4</sup> strategy**, follow-up of the Lisbon strategy, is another important example of soft law and supranational agenda setting. Europe 2020 was developed as a response to the economic crisis and on-going recession throughout Europe, running under the sub-title "a European Strategy for Smart, Sustainable, and Inclusive Growth". Under the headline inclusive growth, the European

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<sup>4</sup> <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

Commission defines labour market participation, skills acquisition and the fight against poverty. The Europe 2020 goals in the social realm and the according flagship initiatives are illustrated in Appendix B.

One soft law approach that puts the spotlight on the social dimension of the EU is the **European Pillar of Social Rights**. It was first launched by Commission President Juncker in 2015 and was finally signed by the European parliament and the Council of the EU in November 2017 after a lengthy process of civil society and social partner consultation. It promotes social policy as a productive factor that is necessary for job creation and economic growth and can thus contribute to overcoming the economic crisis and to reach social cohesion and deeper entanglement among EU countries. Similarly to the social investment package, the European Pillar of Social Rights is rooted in the social investment paradigm (Morel et al., 2012). Hence, it sees employment as the primary prevention against poverty and aims at enabling all citizens to participate in the labour market.

The European Pillar of Social Rights focusses on the three main issues: Equal opportunities and access to the labour market, fair working conditions, and adequate and sustainable social protection. In terms of inclusion and inequality the ESR highlights the importance of equal opportunities for marginalized groups. Inter alia it stresses the inclusiveness of training and learning, especially regarding skills that facilitate labour market transitions, calls for specific measures for children from marginalized groups in order increase their possibilities and establishes the right to services that enable labour market participation for people with disabilities. Moreover, the ESR extends the right to social protection, unemployment benefits and pensions to the self-employed, a group that has not been included so far. The ESR also extends the rights in areas other areas that are not primarily linked to labour market participation such as long-term care and housing. Within the European Pillar of Social Rights sustainability is mostly understood equipping all citizens, but especially marginalized groups, with the necessary resources to make employment their primary source of welfare and reduce dependence on public welfare benefits. However, this is only realistic if jobs are of good quality in terms of safety, wages and working conditions. The ESR also tries to set standards in this direction. It is neither legally binding nor replacing existing law, but is intended as a guideline for the development and a point of reference for the assessment of social policy throughout the Euro Zone. Although social policy is a domain of Member States the European Pillar of Social Rights aims for the convergence of Member States in terms of social policy and represents an attempt to prevent “a race to the bottom” for social policy (EC 2016d).

In the light of the aims that are brought forward by the UN Sustainable Development Goals it has to be said, that within the European Pillar of Social Rights sustainability is mostly understood as equipping all citizens, but especially marginalized groups, with the necessary resources to make employment their primary source of welfare and reduce dependence on public welfare benefits. With this narrow focus social policy is at the risk of becoming a mere facilitator for economic growth. However, social policy that heavily relies on social investment in order to ameliorate the well-being of citizens and social equality is itself dependent on a robust economy and well-functioning labour markets. Hence, jobs that are of good quality in terms of safety, wages and working conditions are an important precondition in this regard. This social issue points to the importance of

comprehensive social protection and social rights and to the limitation of employment as a guarantee against poverty.

## 2.3 MAIN CHALLENGES AND TRENDS

As outlined above, the EU's Social Policy (or the EU Social Model, if one still wants to use this terminology) is much more complex and heterogeneous than often assumed. In particular, the emerging new modes of governance make it difficult to identify directions in which the EU Social Model is heading. While some scholars believe that new modes of governance imply more harmonisation of Social Policies at EU level, others are at best undecided (Börzel 2003; Börzel and Risse 2007; Falkner 2010). Another critical question is whether the OMC lives up to its objective to enhance stakeholder involvement and to foster a culture of participation, including the involvement of people experiencing social exclusion and poverty. Cucca and Kazepov (2016) argue in their discussion paper that the OMC has remained an elite-driven and opaque governance tool and that the general institutional framework of the EU is rather designed to reach compromise solutions favouring short-term output efficiency than consensus building and long-term democratic legitimacy. Nonetheless, it can be said, that similar challenges are arising all over European Member States at latest since the economic crisis, while European responses and initiatives (especially from the European Commission) are growing. Some of these challenges and trends will be outlined in the next section.

### Challenges

Europe has been hit hard by the crisis 2008, and especially some Member States are thrown back in key employment and social indicators. The aftermath of the crisis brings about some improvements, but many social challenges remain. The main challenges are increasing income inequality all over the EU, continuously high unemployment rates, especially long-term unemployment rates and youth unemployment, working poor, quasi-jobless households, increasing inequality in access to health care and greater numbers of Europeans claiming unmet health needs, increasing rates of child poverty, and increasing housing costs while disposable household income is decreasing. With increasing inequalities, those people most vulnerable and at risk of exclusion (i.e., migrants, women, and young people) are hit especially hard (Hemerijck 2013). The EU has developed several modalities to monitor progress towards social benchmarks. Important to mention is the Social Protection Committee (SPC) which has the Treaty-based mandate to monitor the social situation in the EU, including the progress towards the Europe 2020 poverty and social exclusion target and the identification of key social challenges and good social outcomes. The Social Protection Committee (SPC) is an EU advisory policy committee for Employment and Social Affairs Ministers in the Employment and Social Affairs Council (EPSCO). An Indicators' Sub-Group (ISG) gives support to the SPC and develops and defines EU social indicators to monitor member countries' progress towards the commonly agreed EU objectives for Social Protection and Social Inclusion.

The social monitoring framework includes a repertoire of analytical instruments and monitoring tools which are continuously updated and is a good reference point to understand the selection of

key social challenges to which the EC is committed. As such, the Social Protection Performance Monitor (SPPM) identifies annual key social trends, and the Employment Performance Monitor (EPM) does the same for main employment challenges. With the support of the ISG, the SPC also drafts annual reports on social developments and publishes the Scoreboard of key employment and social indicators.

The EC Annual Growth Survey 2017 summarizes most pressing economic and social priorities which shall be acted upon in the Member States. Developments in 2014-2016 reveal that the GDP of the EU is now higher than before the crises and unemployment rate kept falling and reached its lowest level since 2009 in 2016 when it stood at 8.6%. The Europe 2020 target of having 75% employment rate lies within reach. Deterioration of indicators are identifiable for the employment rate of low-skilled workers. Also, there is a growing share of temporary employment which is partly responsible for an increasing share of working poor (and hits harder on women). Unemployment remains far too high in many EU countries and the prolonged period of high unemployment “is taking its social toll on many Member States”.<sup>5</sup> Long-term unemployment still accounts for almost 50% of total unemployment and holds the risk of unemployment turning structural. The at-risk-of-poverty-and-social-exclusion rate (AROPE) in the EU continues to decrease (in 2015 to 23.7%), but remains close to the historical peak of 2012 (24.8%). This means that the target of lifting at least 20 million people from poverty and social exclusion by 2020 is far from achieving. Young people (31.2%), children, the unemployed (66.6%) and third-country nationals (48.2%) are among the most affected.

Almost every fourth European is at risk of poverty or social exclusion. The European approach to measuring poverty via the social indicators follows a three-dimensional approach: 1) people at risk of poverty after social transfers, 2) people living in households with very low work-intensity, and 3) material deprivation. Most of those people living in poverty were affected by the first dimension: monetary poverty.

Since 2016, the situation of MS across key employment and social indicators is assessed through a commonly agreed methodology which looks at 6 key indicators<sup>6</sup>The most recent developments show an overall critical situation especially for Greece, Spain, Italy and Romania.<sup>7</sup> The EC acknowledges the historically high levels of income inequality, with important divergences across the EU, whereas they link Inequality foremost with the threat to reduce the output of the economy and to slow sustainable growth. To create more jobs, growth and investment for the Union is number one priority of the Commission<sup>8</sup>.

## Trends

In response to the challenges briefly outlined above and present all over European Member States, social agenda setting gets more attention at the supranational level. These policy initiatives taken in

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<sup>5</sup> EC Annual Growth Survey 2017, p.2

<sup>6</sup> Scoreboard of key employment and social indicators includes unemployment rate, youth employment rate, NEET rate, gross disposal household income, at-risk-of-poverty rate and inequality p. 80/S20.

<sup>7</sup> Joint Employment Report 2017, as adopted by the EPSCO Council on 3rd March 2017

<sup>8</sup> Annual Growth Survey 2017, EC, p.2

the EU are, to a great extent, based on the underlying paradigm of the **Social Investment** approach. The Social Investment approach mainly focusses on investments in human capital and promotes a different way of defining social security. Social policies within the Social Investment paradigm are no longer defined as contrary to market forces, but are seen as promoting market efficiency as they are producing highly-skilled human capital to participate in the market in the first place.

In this approach, expenditures for social security are re-defined as investments rather than costs. The idea of social investment is based on the notion that prosperity can only be sustained through up-skilling and learning, which is enforced at all levels of the human development, i.e., from childcare to life-long learning. The central idea is that investments in children and youth will bring benefits in the future, as highly-skilled people are more flexible to adapt to different labour market needs and thus less likely to be dependent on social security systems in the future. As Esping-Andersen et al (2002: 91), one of the most famous advocates for the social investment approach, puts it: “If we aim for a productive and socially integrated future society, our policy priorities should centre on today’s children and youths. Solid investments in children now will diminish welfare problems among future adults”. The social investment approach is based on a human development approach, namely the Capabilities Approach, insofar as it focusses on individual capabilities in order to focus on the establishment of equal opportunities and to “prepare rather than repair” (Jenson 2012: 71–74, Morel et al. 2012: 81–13).

For many, there should be a trend of increasing competencies and agenda setting at European level to address the topics headlined as “social inclusion” (Gøsta Esping-Andersen 2002; Morel et al. 2012). Hereto, many policy initiatives, like encouraging investments in early-childcare and increasing rates of young children (0–3 and 4–6 years) in institutional childcare, are taken by the European Commission to foster “inclusive growth” (as already coined via the Europe2020 strategy). As goals in the social realm are far within reach and the flagship initiatives seem insufficient, the European Commission launched some new programmes to address problems of social exclusion, i.e., the Youth Employment Initiative. “The Youth Employment Initiative helps Member States respond to high levels of youth unemployment by supporting tailored measures to integrate into the labour market the young people who are not in employment, education or training.” In total, around €6.5 B are allocated to the Youth Employment Initiative in the period 2014 to 2020, means that are partly co-financed from the ESF budget (€3.3 B ESF matching support). Additionally, the programme is co-financed through the Member States budget. Consequently, the Youth Employment Initiative amounts up to a total budget of around €7.7 B<sup>9</sup>. These initiatives are all centred on increased labour market participation through investments in human capital and early investments in children, i.e., institutionalisation of childcare for children under 3 years and children 3 to 6 years. At the same time, they emphasize the importance of sustainable social security systems, meaning adjusting them to the demands of an ageing society. Therefore, most of all, pensions and long-term care systems are at the centre of reform attention (Morel et al. 2012; Hemerijck 2013).

The two major policy responses recently launched by the European Commission must be mentioned in this respect: the Social Investment Package launched in 2013 and the European Pillar of Social

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<sup>9</sup> <https://cohesiondata.ec.europa.eu/funds/yei#>

Rights (see chapter 2.2.). The Social Investment Package is designed as a response to the economic crisis and the demographic changes. The idea is to invest in education, training, rehabilitation, job-search assistance and high-quality child care to increase labour market participation now and in the future. At the same time, these policy responses aim at equal opportunities and at meeting especially the risks of vulnerable groups.

Summing up, in this chapter we tried to emphasise the role of the law as the decisive instrument in European Integration, which also applies to the social dimension of the EU. In the beginning of the integration process, achievements in the social dimension were focussed primarily on the mobility of workers and measures to protect their health and safety and on anti-discrimination, particularly in different matters such as employment, labour law, social security, etc. Progressively, the EU's social policies have steadily increased since the Treaty of Rome in 1958. In 2017, the EU shares authority with the Member States in many fields of social policy. The most recent initiative in this regard is the European Pillar of Social Rights which was ratified in 2017 and, although not binding to Member States, supposedly shifts new powers to the supranational level through defining goals and strategies for employment and social policy. Dominant social policy topic is labour market participation.

Still, the heterogeneity and complexity of the EU social dimension stands out. In the light of tensions between supranational and Member States interests, a common strategy on social policies seems difficult to achieve. For the social dimension of EU-CELAC relations this implies some difficulties in finding a common ground to start from. Nevertheless, we will demonstrate in the next chapter that converging social trends between EU and LAC pave the way for intensified exchange on common challenges and good practice solutions. Important is to benefit from existing structures, services and instruments, which the EU has already developed in the social dimension and which can build a bridge to structures in the LAC region.

### 3 FOCUS LAC: LAC AND CELAC'S «SOCIAL DIMENSION»

#### Key insights of this chapter

The analysis of the social dimension of (CE)LAC points to the following main conclusions:

- CELAC agenda strongly emphasises issues concerning social development, especially poverty and education;
- LAC made a big leap on reducing poverty, but inequality as a source of social exclusion remains as critical as before;
- LAC experiences on renewing social dialogues by promoting intercultural approaches are especially rich and could be of interest for the EU;
- LAC can provide the EU with an intercultural understanding of social policy and non-discrimination policy.

If it is already difficult to speak about regional social policy approaches in the EU, it is even more difficult in LAC – a more fragmented region where the regional integration process is somehow still in its infancy.

As we explained earlier, for logical reasons we have to focus our analysis on CELAC as a promotor of social policy and social standards in LAC. At present, however, CELAC is rather a forum than a strong regional player and does not have any competencies in the sense of a representation of the Latin American and Caribbean countries. CELAC lacks of regional leadership and legitimacy by many Latin American governments and that is even more so in the social dimension.

In this chapter we will have a look at regional drivers for social policy developments, some historical explanations and the position of CELAC in current social debates.

Due to geopolitical and socioeconomic processes, the configuration of international relations has experienced a significant transformation during the past years, particularly, between Europe (EU) and Latin America and the Caribbean (LAC). This has reflected in discourses, policies, and investment levels. Such transformation is the outcome of the dynamics of change experienced in Europe and Latin America and the Caribbean as part of their own strategies to face, deal, and adapt to a challenging and heterogeneous context that constrain human development and the expansion of capabilities, particularly, among most vulnerable groups.

As part of this new configuration, it is critical to understand the institutional dimensions of change. In this case, they pertain to the relationships between the European Union (EU) and the Comunidad de Estados Latinoamericanos y Caribeños (CELAC) as the main institutions that promote horizontal collaboration among these two regions. On the CELAC side, the CELAC 2020 Planning Agenda Proposal<sup>10</sup> includes as priority these topics: (i) Reducing extreme poverty and inequalities; (ii) Education, science, technology, and innovation; (iii) Sustainable development; and (iv) Infrastructure and connectivity.

The CELAC's approach is framed within a broader political and geographical context. In 2015, the General Assembly of the United Nations approved the 2030 Agenda for Sustainable Development by the 193 Member States. The Agenda is a response to new global challenges as the slow economic growth, social inequalities, and environment degradation. Its main proposal is a shift in the development paradigm elaborated in the Millennium Development Goals (MDGs) 15 years before. This shift consists in an approach based on sustainable and inclusive development with long-term goals (CEPAL 2016:7).

With the adoption of the 2030 Agenda for Sustainable Development, world leaders established 17 Sustainable Development Goals (SDGs), defining the world's development objectives for the next 15 years. At the start of 2016, the SDGs came into effect, officially replacing the MDGs as the global development agenda. The MDGs were the world's first global agenda designed to propel human

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<sup>10</sup> <http://www.sela.org/media/2087639/2020-agenda-en.pdf>

development forward on multiple fronts. They sprang from the notion that time-bound, measurable, Global Goals could help the world overcome some of its most serious challenges (UNDP 2016).

This chapter has been organised into five sections: (a) A brief outline of the historical social dimension in LAC; (b) Social issues in CELAC action plans and declarations; (c) CELAC programmes and actors; and (d) Reforms and debates; and Main challenges.

### 3.1 **OUTLINE OF THE HISTORY OF THE SOCIAL DIMENSION IN LATIN AMERICA AND THE CARIBBEAN**

#### **Framing the LAC context**

Considered a “developing” region, LAC has been having a surge in its development in recent decades, positioning it as a promising region in the world. The regional Gross Domestic Product (GDP) is worth more than U.S. \$5 T, making it richer than other developing regions such as Africa, the Middle East, and Southern Asia. However, although the region has improved its GDP per capita over the years, it is still below other regions such as East Asia. The regional GDP per capita for 2015 was U.S. \$15,400 and there are significant variations across the countries in this respect.

In terms of social development indicators, according to latest World Bank data (2017), LAC has shown relevant trends in recent years. For instance, in terms of literacy, 92% of the region’s population know how to read and write, an improvement over other developing regions (i.e., Sub-Saharan Africa, South Asia, and the Middle East and North Africa), but below the levels of East Asia and Pacific (95.1%) and Europe and Central Asia (99%) literacy rates.

A similar pattern is observed in terms of life expectancy at birth. The LAC region is only slightly below the levels shown for East Asia and the Pacific, Europe and Central Asia, and North America. To some extent, these results might be explained by the implementation of sound social public policies throughout the region in the past two decades. As is discussed further in this section, such interventions have witnessed an important evolution in terms of emphasis (i.e., from being merely assistential to developing some sort of skills and capacities) among the most vulnerable groups.

Regarding other relevant social development-related indicators, LAC countries show great differences. On the one hand, the vast majority of countries have literacy rates above 90%. However, Belize, Nicaragua, and Guatemala are around 80%, while Haiti’s literary rate of only 60% has the lowest score in the region

As per life expectancy at birth, gaps are even more evident among LAC countries. There is a 20-year distance between the highest and the lowest scores. Caribbean islands such as Martinique, Guadeloupe (French Overseas regions), and Cuba as well as Costa Rica, Chile, Panama, and Uruguay are around 80 years of life expectancy while Belize, Bolivia, Guyana, and Haiti have a life expectancy below 70 years.

### **Approaching the LAC social dimension through the four cross-cutting dimensions: mobility, diversity, inequality, and sustainability**

Following the EULAC Focus framework, the social dimension in LAC is approached through the four proposed analytical dimensions. Mobility should be studied not only as a geographic fact, but overall as a social one. Diversity, as a social dimension, is linked to discrimination, especially for ethnic reasons. Together with discrimination, inequality is one of the greatest problems of LAC and is not only closely linked to poverty, but emphasises social differences. Finally, sustainability refers to all models of development currently recognized by the UN like the SDG 2030 Agenda and rests on a social, an economic and an ecological pillar.

- Mobility: changing the physical but also the social location

The mobility of individuals is characteristic of the modern society in LAC. The crisis in the countryside, on one hand, and the development of cities on the other made peasants leave the countryside to migrate to the cities and ended with the building of megalopolis in certain countries. Afterwards, the new global conditions attracted them to foreign countries, especially to the most industrialized ones in Europe and the U.S.A.

Without a doubt, the great migration movement, as well as internal and external ones, are linked to the need to escape from poverty and social marginalisation and find a better place in society. The struggle for access to education is part of this process. Migration is now an important topic related with social policies because of its importance in society and family structure.

Orozco and Slooten (2014) distinguish six important features associated to migration process in LAC. The first of these is that, in 2013, almost 37 M Latin Americans lived abroad, 11 M more than in 2000. About 78% of them live in the U.S.A., Canada or Europe, while 40% have a relative living abroad. Only 8 M live and work in a country of the region different to the one in which they were born. In the Caribbean, 4.5 M people lived abroad in 2010, which represented 11% of total Caribbean population (Martínez and Orrego 2016:13). The United States receives more than 60% of the migrant population from the insular Caribbean. They account for approximately 9% of the immigrant population in the U.S.A. In 2014, there were approximately four M from this sub-region. Ninety per cent came from just five countries namely, Cuba, the Dominican Republic, Jamaica, Haiti, and Trinidad and Tobago.<sup>11</sup> Canada accounted in 2014 for an estimated 365,000 Caribbean immigrants, while the United Kingdom, France, and Spain together hosted over 700,000. Within Latin America, the four largest host countries and sub-regions for Caribbean migrants in 2015–2016 were estimated to be the Dominican Republic, Brazil, Chile, Mexico, and Central America.<sup>12</sup>

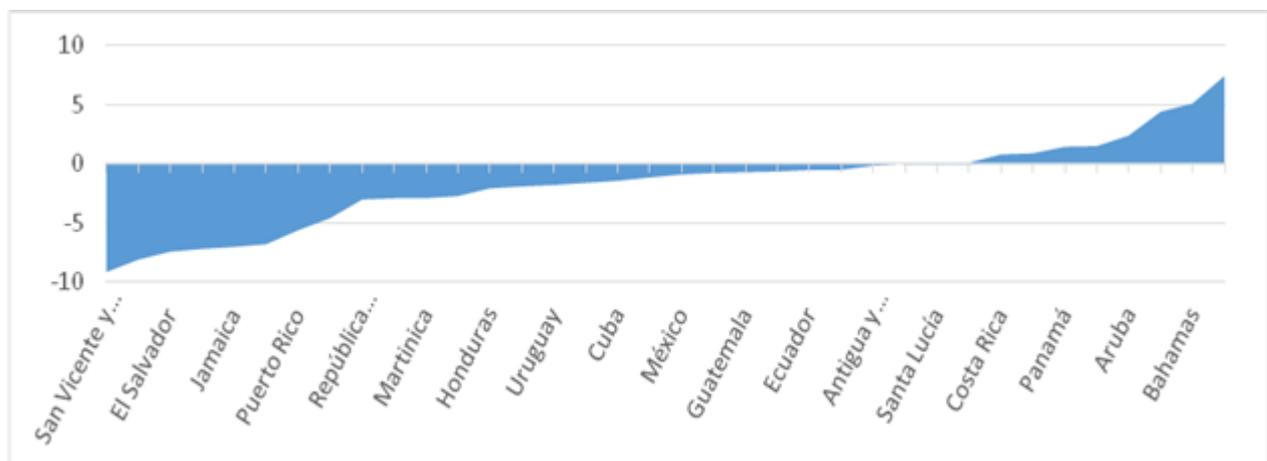
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<sup>11</sup> Jie Zong, Jeanne Batalova 2016, Caribbean Migrants in the United States, [www.migrationpolicy.org/article/caribbean-immigration-united-states\\_September\\_14\\_2016](http://www.migrationpolicy.org/article/caribbean-immigration-united-states_September_14_2016), accessed 6/04/2017; US Census Bureau 2014.

<sup>12</sup> United Nations Population Division 2015, data gleaned from interactive map cited in Zong and Baltalova op.cit.; OECD International Migration Outlook 2016, [www.keepeek.com/Digital-Asset-Management/oecd accessed 8/04/2017](http://www.keepeek.com/Digital-Asset-Management/oecd/accessed_8/04/2017); Ministerio de Economía, Planificación y Desarrollo, Unidad de Estudio de Políticas Económicas y Sociales del Caribe 2016, Monitor Caribe-Haiti 19/12/2016 No. 3, and 4/01/2017

Secondly, most of migrants are poor, undocumented, and socially vulnerable with low educational levels. Thirdly, women's migration is still increasing. Women migrants have proportionally more educational level than men and are employed in a large range of jobs. Their remittances are nowadays equal or higher than men. Fourth, in some countries, migration is the result of natural disasters. Haiti is one such example, where in 2010 and 2016 migratory outflows have been exacerbated by earthquake and hurricane disasters. Fifth, transnational links have become important drivers of migration. Migrants are more and more involved on activities in their birthplace, such as sending money to their relatives, obtaining goods in remembrance of their birthplace, using telecommunication and travel services, undertaking capital investments or philanthropic donations, *inter alia*. Finally, current migration is changing due to a higher educational qualification of the migrants.

Figure 1: Migration rate per 1000 people. 2010–2015



Source: CEPAL (2017).

Thus, as a consequence of long periods of crisis and economic, politic and social instability, an important proportion of the LAC population has left their birthplace and migrated abroad. This phenomenon still perseveres but at a slower rate. According to CEPAL, between 1990 and 1995 LAC migration rate was  $-1.39$ ; it increased to  $-2.03$  in the period from 2000 to 2005, indicating that from every 1000 Latin Americans and Caribbeans, 2 were emigrants. Since then migration rate has been reducing significantly to  $-0.67$  in the period from 2010 to 2015 (CEPAL 2017). However, intraregional migration has increased due to the emergence of more open and diverse labour markets and easier movement through borders, while emigration to developed countries is more restrictive and has higher costs. From 2000 to 2010, intra-regional emigrants in Latin America have increased by almost 1 M, to 3.8 M (Martínez and Orrego 2016:15). The international migrant population in the Caribbean is estimated to have risen from 187,800 in 1960 to 349,562 in 2015. The Caribbean countries

[economia.gob.do/mepyd/wp-content/uploads/archivos/libros/monitor-caribe-Haiti-12-2016.pdf](http://economia.gob.do/mepyd/wp-content/uploads/archivos/libros/monitor-caribe-Haiti-12-2016.pdf) accessed 8/04/2017.

registering the greatest increase in immigrants are the Dominican Republic, Belize, the Bahamas, Suriname, Barbados, and Antigua and Barbuda.<sup>13</sup>

- Diversity: from discrimination to positive intercultural relationships

The LAC societies are the historical product of conquest and colonisation. Beyond their great differences, most of LAC countries were born as divided societies where indigenous people were in the worst conditions and thus largely discriminated. The same similarity exists with descendants of African imported slaves and Asians who came as cheap workforce. As a consequence of history, LAC societies remained stratified. The economic exploitation of poor workers in the production systems was then overlapped to a large extent with ethnical discrimination. The gap of inequality is partly difficult to remove because of this interconnection between economy and social stratification. In LAC, an intercultural approach is more adequate than a simple multicultural one because it pretends to act on the relationships between the different cultural and ethnic groups in order to seek a new and more equitable and dialogical society, while a multicultural approach could stay in a mere recognition of the differences.

Any Development Strategy must of necessity include fundamental human rights protection including indigenous rights and adopt an intercultural approach.

Furthermore, LAC has been a receptor of immigration along its history. The Continent has had important waves of immigration from almost every corner of the world. Together with its variety of indigenous peoples, modern LAC people is reflective of almost all societies around the world. However, for many centuries, these differences have decided the status of individuals. The history of European conquest and domination and later forms of exploitation made cultural interaction conflictive and violent.

Racism and discrimination is present to this day in the region and represents an important issue. In the last decades, migration between countries has grown, but with it also racism and xenophobia. In most countries of Latin America, more than 15% of the population considers that their respective group has been shown discrimination. In some countries such as Chile and Bolivia, this opinion is between 25% and 30%; a quarter of the population. In the Caribbean, perceptions of discrimination and inequality based on ethnicity, class, and gender are undoubtedly present, but not sufficiently complex to verify, except based on income statistics, which generally point to correlations between ethnicity, class, and gender and higher levels of poverty and social exclusion. In the Americas Barometer, public perceptions of discrimination in the workplace or at school in 2012 ranged from 23.4% in Trinidad and Tobago to 12.8% in Suriname for Caribbean countries.<sup>14</sup> Public opinion polls in the Caribbean indicate some of the highest levels of homophobia in the Americas. The Americas Barometer survey for 2014 listed among the six countries with the lowest ranked public approval ratings for homosexuals running for public office, Trinidad and Tobago, Guyana, Belize, Jamaica, and

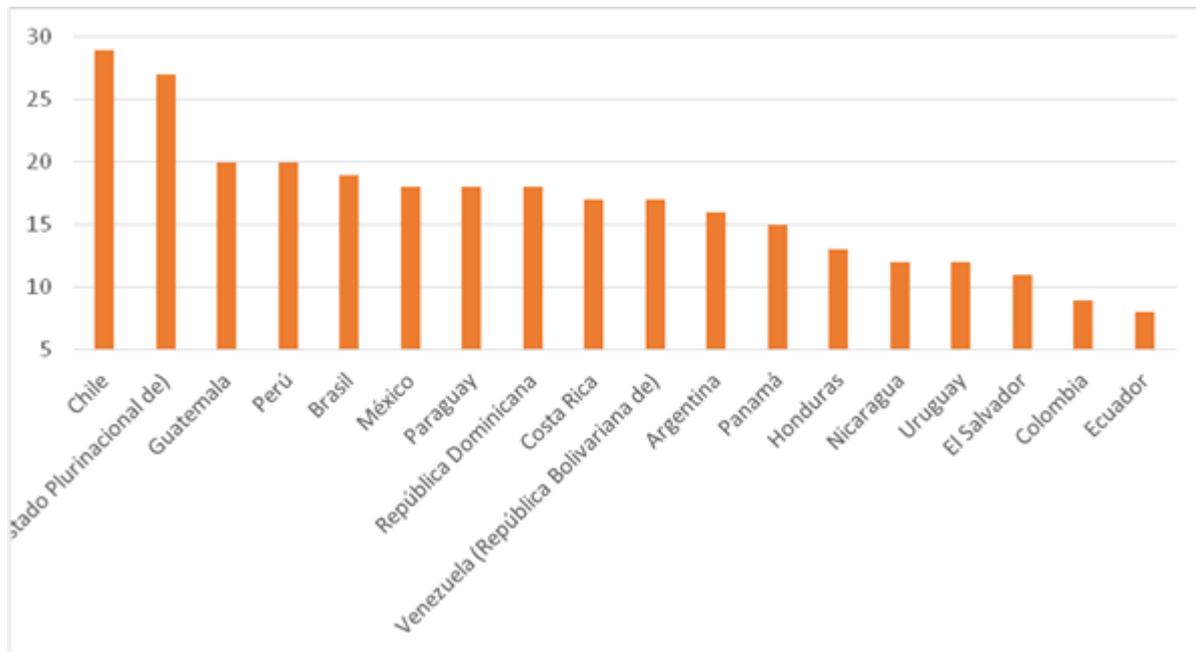
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<sup>13</sup> Keith Nurse, unpublished seminar presentation at the UWI Institute of International Relations, St. Augustine Trinidad, February 2017, citing figures compiled from World Bank Data Base (2016) and the United Nations Population Division (2015).

<sup>14</sup> [www.vanderbilt.edu/lapop/suriname/Suriname\\_Country\\_Report\\_2012\\_W.pdf](http://www.vanderbilt.edu/lapop/suriname/Suriname_Country_Report_2012_W.pdf) p. 25 accessed 8/04/2017

Haiti. These ratings ranged from 25.3% to 10.5%.<sup>15</sup> The Jamaica LAPOP survey in 2014 indicated a 96% rejection/neutrality response towards same-sex marriage and concluded that there had been a 5% decline in levels of support for homosexual rights since 2012<sup>16</sup>

Figure 2: Perception of being part of a discriminated group by country.



Source: Latinobarómetro (2015).

- Inequality: the gap between rich and poor people

Social policies in both Latin America and the Caribbean have focussed on reducing poverty. A clear achievement in the region as a whole is that poverty has drastically diminished in the last decades. In 1990, 48.4% of the Latin American populations were classified as living in poverty. However, by 2014, poverty levels were reduced to 28.2% (CEPAL 2017). Simultaneously, however, the unwelcome news is that the inequality and the rich and poor gaps have not been reduced.

*Since the 1990s decade, population living in poverty proportion started to slightly diminish, but income inequality and the wide gap between those who have the most with those who have the least have maintain unchanged. (Álvarez Echandi et al. 2014: 16) (Translation is ours)*

The UNDP Caribbean Human Development Report 2016 argues that the factors linked to people's emergence from poverty in the Caribbean have been educational attainment and access to the labour market (UNDP 2016: 3). However, it also maintains that there is a high risk of people slipping back into poverty without the provision of adequate levels of social protection which promote resilience. The Caribbean region shows evidence of increasing human vulnerability over the last

<sup>15</sup> [www.vanderbilt.edu/lapop/guyana/AB2014\\_Master\\_PowerPoint\\_English\\_Guyana\\_V13.W.pdf](http://www.vanderbilt.edu/lapop/guyana/AB2014_Master_PowerPoint_English_Guyana_V13.W.pdf)

<sup>16</sup> [www.vanderbilt.edu/lapop/jamaica/AB2014\\_Jamaica\\_Executive\\_Summary\\_Formatted\\_V3\\_W\\_082115.pdf](http://www.vanderbilt.edu/lapop/jamaica/AB2014_Jamaica_Executive_Summary_Formatted_V3_W_082115.pdf) pp. 29 – 34, accessed 8/04/2017.

eight years with public health care and social protection expenditure as a proportion of GDP for all countries lagging behind the weighted average of 13% for LAC as a whole (UNDP 2016: 3–4). Moreover, the Human Development index (HDI) rankings for most Caribbean countries have fallen over the past five years (UNDP 2016: 4).

The current SDGs proposed by the UN are in continuity to the MDGs. Reviewing the contribution of the MDG Agenda to foster development in LAC, it is clear that the region reached one of the highest results in the achievement of the goals. The Goal of Reducing by Half the Extreme Poverty, was reached in 2010. The Educational Goals were also reached, while some different goals are next to be achieved, like Access to Water. Other goals are more distant such as Basic Sanitation Services or Access to Reproductive Health for Young Women in order to diminish Child Mortality. The worst results are linked with Environment Sustainability. In sub-regional terms, the Caribbean has especially bad results in issues like Malnutrition, Maternal Death or AIDS. (Alarcón and Paes-Sousa 2014).

The results for the Caribbean must be viewed in a more nuanced manner. In sub-regional terms, the Caribbean has worse results than Latin America for Infant and Maternal Mortality Rates, and for HIV Prevalence Rates, (Alarcón and Paes-Sousa 2014), although its HIV incidence rates were reduced by 50% between 2000 and 2014.<sup>17</sup> Statistics for the Caribbean show considerable variation and asymmetry across countries ranging from Haiti to Barbados and the Bahamas in HDI terms and also huge differences in population size. However, it is also evident that in most countries there have been widespread increases in unemployment and declining health care outcomes that are related to nutritional inadequacies, shortcomings in disease prevention strategies and in health systems capacity, and severe fiscal constraints on health care expenditure (Bourne et al. 2015: 13-15).

Overall, the inequality gaps have been maintained in the LACs MDG achievements. The concern here is that this gap is not just an economic and material matter, but is a structural matter due to historical power relationships that, until now, maintain privileges and generate conditions for corruption.

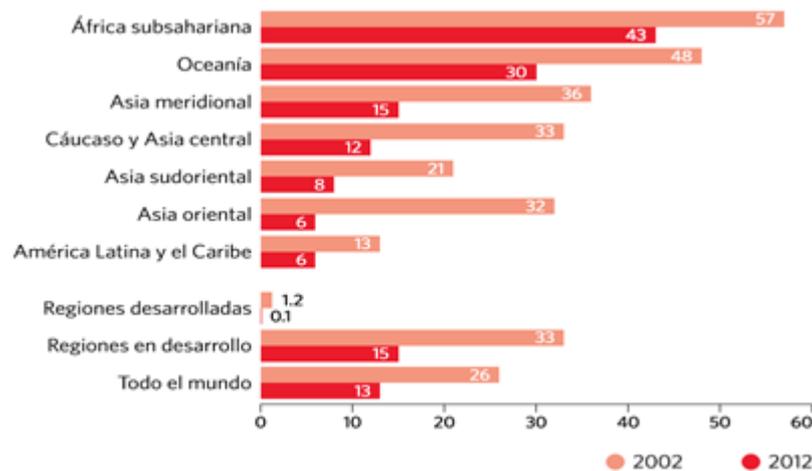
*In this sense, social inequality occurs at another level, not always explored, where inequality is not seen as a disease itself, but as a symptom of a disease that is directly related to this correlation of power between the political protagonists at the time and certain groups of economic power that, through privileges, generate greater social inequality produced by coercion, avoiding the development of social policies suitable for the most vulnerable sectors. (Álvarez Echandi et al. 2014: 16)<sup>18</sup>*

The good news is that when analysing the data on poverty and inequality in LAC, it shows the efforts to overcome these trends. Thus, for the past two decades, poverty reduction has been among the most relevant topics in the LAC Agenda. As result of intervention and economic growth, the last two decades saw the region significantly reducing poverty and positioning, alongside East Asia, as the region with less poverty in the developing world.

<sup>17</sup> [http://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/backgrounders](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/backgrounders) accessed 8/04/2017

<sup>18</sup> Translation is ours.

Figure 3: Poverty rates by region. 2002 &amp; 2012.

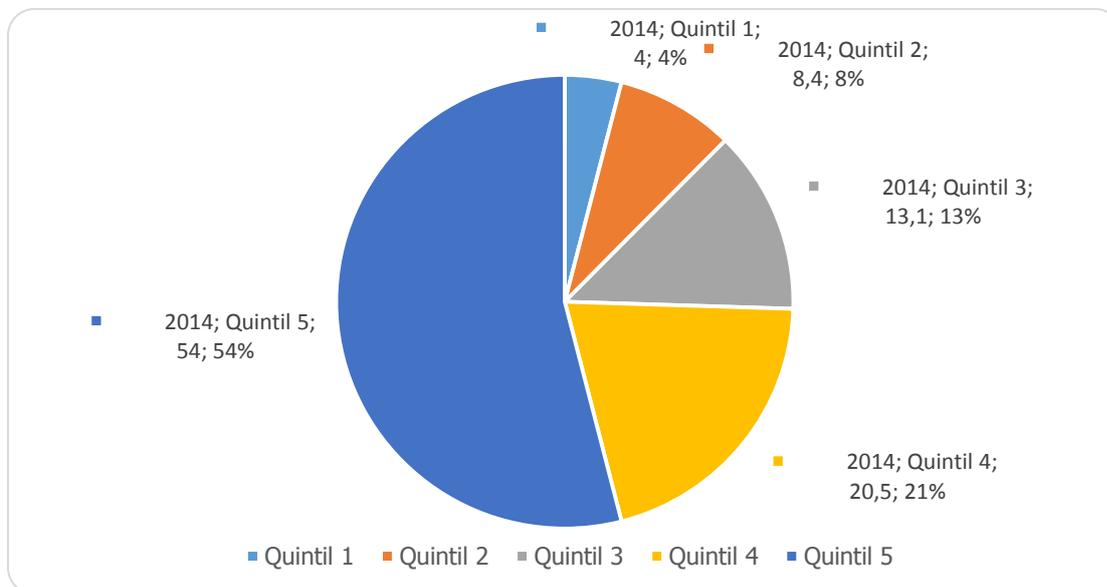


Source: United Nations (2016).

However, as overall poverty rates decrease, inequality does not. As such, the evolution of GINI index suggests, that for the period 2012–2014, the index has only been reduced by 0.002 points (CEPAL, 2017). As such, issues linked to poverty and inequality are still critical for the region. While poverty and indigence rates have been cut to half, there is still a third of LAC population living in poverty, with insufficient resources to meet their needs. A third of this population, 12% of Latin American population, live in indigence, a critical situation that may risk their survival.

Another relevant inequality-related indicator concerns income distribution. In LAC, the richest 20% of the population has over half of the total income, while the poorest 20% only has 4%. According to *Latinobarómetro*, this situation is perceived by LAC population as extremely unfair. It is important to note that this opinion is stronger in countries known for their economic stability and invigorated GDP growth.

Figure 4: Income distribution by quintiles. 2014



Source: CEPAL 2017

- Sustainability: the key for development and for social policies<sup>19</sup>

In the social dimension of bi-regional relations between EU and LAC, sustainability has been framed by the paradigm of ‘sustainable development.’ Sustainable development draws to attention the interconnections between the viability and future resilience of ecosystems and social systems. As such, in the social area of bi-regional relations, sustainability highlights the intersection of ecological systems and socio-ecological environments with the viability of social systems over time.

In the EU-LAC relationship, this has been addressed in the Summit declarations including climate change, food security, and nutrition or sustainable agriculture as priorities. A prominent example the programmes that emphasise sustainability in the social dimension is EURocLIMA (i.e., climate change mitigation and adaptation within the context of Latin American public development policies and plans). This Programme has contributed to further develop EU–LAC collaboration on sustainable development, particularly climate change, around which there is sufficient political convergence. Furthermore, progress made in this area has reflected in an implicit developmental approach in which the Latin American partner countries could benefit from the improvement or efficiency in policies to prevent or mitigate the effects of climate change.

In various communications the EC refers to the importance of the sustainable development agenda in the relations between the EU and LAC. There are ongoing negotiations between both parties on how to achieve the sustainable development goals and there is real commitment to cooperation on this challenge.

<sup>19</sup> This section has largely benefited from the document “Synthesis Report on Cross-cutting issues” prepared as part of the deliverables of EULAC-Focus WP2.

## Exploring the evolution of social policies in LAC

Despite the colonial and postcolonial history and a difficult social context, there has been developmental progress by the different LAC governments as can be seen in the following two tables elaborated by CEPAL. The first one is an evaluation of the type of social protection in four moments of social policies beginning from the XIX Century, according to the development model and the characteristics of social protection and promotion.

In the Caribbean, the evolution of social policy was influenced by the historical legacies of different colonialisms, chattel slavery and indentured labour, local uprisings and eventual changes in constitutional status, and the agendas of former metropolises and international development partners. For the French and Dutch territories, social policy agendas were determined by their manner of incorporation into the French Republic and the Kingdom of the Netherlands in 1946 and 1954, respectively, and for Cuba, social policy was dramatically re-shaped along Socialist lines after the 1959 Revolution. In the English-speaking Caribbean, widespread riots in the 1930s led to the Moyne Commission Report (1940) which gave a graphic analysis of the poor social conditions across the region. Social protection began thereafter mainly in the form of welfare hand-outs. Political independence, enacted between the 1960s and 1980s, led to nationalist governments' efforts to improve the delivery of health care, primary and secondary education and to provide better working conditions (Thomas 1988; Ramos and Rivera 2001; Clegg and Pantojas Garcia 2009; Aldrie 2016). However, from the 1980s onwards, the trajectory of Caribbean social policy broadly follows the pattern of Latin America.

Figure 5: Social protection in four moments of social policies

	1. Beginning of XIX Century	2. Crisis of 1929	3. Debt crisis	4. XXI Century
<b>Development model</b>	Liberal – primary	Substitution of importations	Discipline and fiscal austerity	Systemic competitiveness
<b>Main characteristics of social protection and promotion</b>	First examples of social security in urban formal sector  Assistance: Conceived as charity  Beginning of sectorial politics in education and health  Few State regulation	Social security in urban formal sector  Assistance: Subsidies to food and fuel consumption  Centralism and growth of health and education sectors  Provider State  Protection	Social security with individual capitalisation fund  Assistance: Focalisation in poor persons, social investment funds  Orientation to demands, decentralisation, externalisation of social services  Subsidiary and mitigating State	Assistance: rupture in the intergenerational transmission of poverty  Subsidiary and promoting State  Protection as assistance and access to promotion  Social protection systems over increasing

		based on formal employment	Protection in emergency situations	minimums State as guarantor Protection as citizen guarantee
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Source: Cecchini, Simone & Rodrigo Martínez (2011) *Protección social inclusiva en América Latina. Una mirada integral, un enfoque de derechos*. CEPAL: 28

An earlier understanding of the evolution of social policies in the region is provided by Arriagada (2006). This analysis covered a different time period and suggests the changes in the underlying model considering it departed during the 1980s, from a privatisation model expressed in a series of programmes singularly targeting extreme poverty. However, during the 1990s, an emphasis is observed in terms of promoting the expansion of social investment. Finally, during the 2000s, a relevant shift is observed towards the so-called “third generation” model targeting new population groups, introducing the rights’ approach and the collaboration among governmental sectors.

Figure 6: Social policies: evolution of conceptual approaches in LA

Privatisation model (80s)	Revised model (90s)	“Third generation” model
<ul style="list-style-type: none"> <li>▪ Socially minimalist</li> <li>▪ Market centrality in goods and services assignment</li> <li>▪ Privatisation of policies</li> <li>▪ Policies oriented to reduction of extreme poverty. Emergency programmes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Expansion of social expense</li> <li>▪ New institutional organisation of the State. Regulatory role of the State in order to resolve and articulate different interests</li> <li>▪ New cross and comprehensive policies oriented towards poverty. Expanding of assets and capacities</li> <li>▪ Decentralisation or resources, coordination, and new management</li> </ul>	<ul style="list-style-type: none"> <li>▪ State, market, community and families have to work together and in equilibrium towards social and economic development.</li> <li>▪ The State maintains importance and assumes new regulatory responsibilities, new network management and electronic government.</li> <li>▪ Expansion, restructuration and efficiency of social expanse.</li> <li>▪ New social policies in the frame of rights and autonomy, with comprehensive and multisector character and oriented to the poverty and inequality causes.</li> <li>▪ Active participation of involved people in the kind and quality of the received services.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ New social actors: women, children, young people, ethnic groups.</li> </ul>
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Source: Arriagada (2006)

In summary, this section has attempted to clearly frame the LAC context in order to understand the extent, contribution, and potential limitations of the European Union influence in terms of the reconfiguration of the social dimension in the region. Any identified effect needs to take into account the historical evolution of its socioeconomic processes and institutional dynamics.

## 3.2 THE SOCIAL DIMENSION OF CELAC

### Institutional background

By the 1960s, the first attempts of continental integration were made, looking for a better position in relations with global superpowers. The latest result of these efforts is the Comunidad de Estados Latinoamericanos y Caribeños (CELAC). Much has changed since the Cold War era and regional integration nowadays incorporates not only market liberalisation and economic cooperation, but also many aspects of regional governance including democratic consolidation, security management, and social policy. Addressing the creation of CELAC requires referring to Latin American and the Caribbean process of integration. CELAC is the latest stage of this process but the beginnings of this process date back to the 1980ies. In the following, the most important historic predecessors of CELAC shall be introduced briefly to contribute to a better understanding of social issues in LAC from the perspective of regional integration.

- **Rio Group**

In 1986, the Rio Group was created in Rio de Janeiro, Brazil, as a permanent mechanism for dialogue and political concertation between most Latin American and Caribbean countries. This mechanism was the merge of the *Contadora* Group, consisting of Mexico, Colombia, Panama, and Venezuela, and created in 1983, and the Group for Support to Contadora, or Group of Lima, created in 1985 and which involved the countries of Brazil, Argentina, Uruguay, and Peru.

By the decade of 1990, Latin America experienced a shift in the way it conceived its social issues. Since the 1980s, Latin America adopted the principles of the Washington Consensus. Having a neoliberal approach, the consensus pleaded for the liberation and flexibilisation of markets and the procurement of free trade as a way to produce and increase wealth, and for Latin American countries, to reduce poverty. Nonetheless, by the end of the 1990s, some Latin American countries as Mexico and Brazil started having concerns about the growth of inequality in their societies. By 1998, the first conditioned-transfer programmes started in these countries, with a clear approach to amend the growing inequalities. Since then, while economic policy continued as it was, social policy changed adding inequality to the already priority of poverty reduction.

The Rio Group worked in the form of summit diplomacy, where Heads of State met at periodical summits which agendas were elaborated according to the needs and concerns of their specific time. These characteristics allow a versatile approach to dynamic international context and increase thrust and cooperation between governments (Ortiz 2013: 9). This kind of diplomacy was later inherited by CELAC.

- **CALC**

In 2008, in Salvador de Bahía, Brazil, the first Latin America and the Caribbean Summit about Integration and Development (CALC) was held, and it was attended by every independent LAC state. This new forum strengthened relations between the Group of Rio and Caribbean countries, as now the latter could be represented individually and not by just one representative from the Caribbean Community (CARICOM). The CALC was created following Rio Group's principle of Latin American answers for Latin American problems, but this time in the context of economic crisis and the emergence of new powers on the global stage like China and Russia. By 2011, the governments of Rio Group and CALC agreed to merge both organisations into a regional entity (Rojas Aravena 2012: 177–179).

- **CELAC**

The CELAC was created in 2011 as a mechanism of dialogue and political negotiation between governments.. It inherited many of its predecessor's characteristics as the summit diplomacy system, most of the topics discussed in previous summits and the will of being represented as a bloc on the global stage.

In terms of its organisational structure, CELAC is composed of three levels of summits where decisions, guidelines, and politics are discussed and made. The host country of the summit also holds the Pro-Tempore Presidency, which has supporting roles.

**Heads of State Summit.** The highest level of CELAC is where strategies, priorities, decisions and guidelines are defined. The Summit is also the political organisation that represents Latin America and the Caribbean with the duty to fulfil CELAC objectives.

**Meetings of Ministers of Foreign Affairs.** The second level of CELAC has the responsibility to implement and follow up the guidelines approved at the Heads of State summit and coordinate common grounds between CELAC countries. It also builds task groups for the wide varieties of topics discussed in the main summit.

**National Coordination Meetings.** The last level consists of national task groups dedicated to the implementation of CELAC decisions. They also work as links between national institutions and CELAC.

In addition, the Pro-Tempore Presidency is elected among the governments making up CELAC by the Heads of State summit. The national government elected hosts the next Heads of State summit and assumes the supporting role for CELAC. The Pro-Tempore Presidency is at the same time supported by the Troika. The Troika is made up of the previous national government which beheld the Pro-

Tempore Presidency and the one who will be the next. It serves as support for the Pro-Tempore Presidency. In 2014, it was agreed in Havana that there should also be the Pro Tempore Chair of CARICOM participating in the Troika consultations to strengthen the engagement of the CARICOM in CELAC's work.

As explained above, CELAC operates through summit diplomacy. The highest body of CELAC, the Heads of State Summit, gathers each year and decides the course of the organisation. Summit diplomacy has the advantage of allowing a pivotal impulse to agreements and projects that in other circumstances, due to bureaucracy, could not take off.

In order to keep CELAC advancing through topics and issues, three main instruments have been developed. These help when organising the process and the political dialogue held in the summits.

**Political Declarations.** These are the first product of the Summits. These documents detail the positions, commitments, and agreements made by the Heads of State. They also define CELAC's approach to different topics as education, culture, migration, etc. The Declarations not only explain policies, guidelines, and actions, but also serve as diplomatic tools to salute events, decisions, achievements, or to express discomfort with events of global scale as a regional block.

**Action Plans.** They organise the executive aspects of the Summits. These products are meant to express the immediate actions, policies, and guidelines to be adopted after the meeting. Action Plans are prepared annually and define the course of CELAC for the year to come.

**Planning Agendas.** These are instruments meant to define the mid- and long-term policies, commitments, and guidelines of CELAC, and also make the CELAC goals explicit in the long term. These documents also determine the indicators by which the progress to these goals can be measured, and points out the guidelines of how policies will be financed.

Although CELAC was only formed some years ago, it has produced several Action Plans and the latest Planning Agenda to 2020. This Agenda contains four convergences between CELAC states of what the region should accomplish by 2020. These convergences are the Reduction of extreme poverty and inequalities; Investment in education, science, technology and innovation; Promotion of sustainable development and actions against climate change; and the Investment in infrastructure and connectivity. The following section characterises the thematic timeline of social dimension-related topics of the instruments.

### **Characterising CELAC's social dimension**

Conceptually, in order to characterise CELAC's social dimension, we departed from a human development approach and followed the MDG/SDG perspective. As such, it is suggested that the social dimension alludes to the process of increasing opportunities and recognising cultural differences along with the reduction of inequality and discrimination that might be observable, for instance, in the access and quality of public services. From this perspective, there is an important emphasis on dimensions such as education, health, social protection, and employment. However, these dimensions are expected to be "in dialogue" with cultural, institutional, and territorial aspects

through normative, policy, and measurement instruments. As such, for the purposes of this Report, the characterisation of the social dimension-related themes has focused on this operational definition.

A thematic timeline was designed to identify the main topics and social dimension-related themes that have been part of the CELAC agenda starting from 1995 until 2016. According to the main institutional stages described above, the timeline has been broadly organised into three main periods (see Figure 13):

Period 1. Grupo de Río (1995–2007)

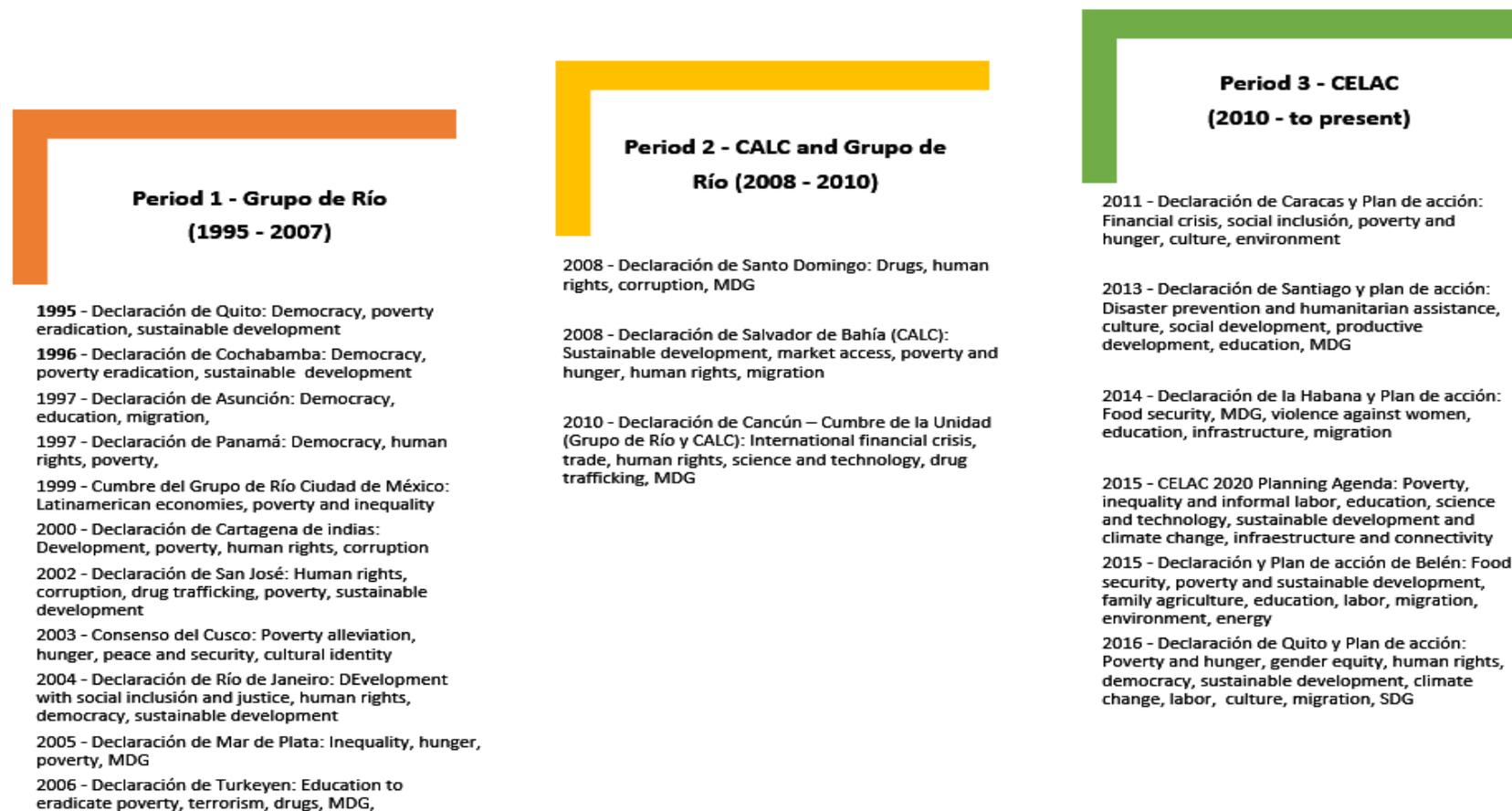
Period 2. CALC and Grupo de Río (2008–2010)

Period 3. CELAC (2010–to present)

Based on this classification, it is possible to observe the vast range of topics that have been addressed as part of the different agendas over the last 20 years. Thus, in general, continuity is observed in terms of priorities around poverty and inequality, sustainable development and human rights, as well as terrorism and drug trafficking. Moreover, a crosscutting priority has been the commitment towards the follow-up on the MDGs and their particular agenda. Finally, emerging themes include topics associated with culture and different ways of discrimination (i.e., racial, ethnic, gender, disability), however, these topics are far from being core issues in the agenda.

Methodologically, as explained above, the thematic timeline was organised into the three periods. Within each of these periods, certain years were selected based on the extent and/or relevance of CELAC events that were carried out. Based on that selection, the specific topics were identified. Topics were quantified using a 0–5 scale to show how recurrent they were during the period of reference.

Figure 7: CELAC – Thematic timeline, 1995 – 2016



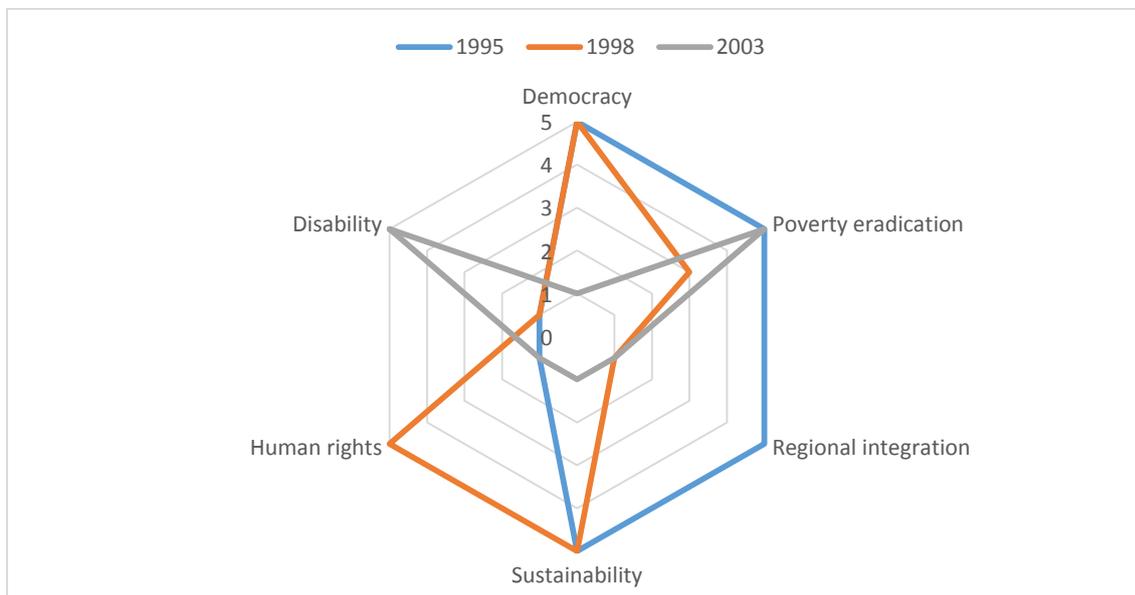
Source: Own elaboration.

In particular, in Period 1 the following Declarations were signed: Quito (Ecuador), Cochabamba (Bolivia), Asunción (Paraguay), Panama, México DF, Cartagena de Indias (Colombia), San José (Costa Rica), Cusco (Perú), Rio de Janeiro (Brasil), Mar del Plata (Argentina), and Turkeyen (Guyana). This period, as the initial one, dealt with major regional priorities e.g. democracy, poverty and inequality, corruption and human rights. To some extent, the agenda seemed to be influenced by the MDGs and the concern about identifying a common ground to address these issues from a regional perspective.

Methodologically, to identify continuities and emerging topics among the priorities set in the Declarations, three years were selected: 1995, 1998, and 2003. Among the continuities are the systematic concern around poverty eradication and sustainability. Both associated to major processes concerning regional development and the search of opportunities for the most vulnerable groups. In addition, human rights emerge as a relevant issue probably due to the context of violence and political upheaval in some of the countries in the region (e.g., Colombia, Guatemala, Mexico, and Peru). Finally, around 2003, the issue of disability emerged for the first time as part of the agenda.

In terms of the three analytical dimensions identified in section 3.1, it is apparent that major emphasis was given to poverty and inequality. The dimensions of discrimination and social mobility were not necessarily part of the agenda although, to some extent, they might have been indirectly tackled through issues associated to human rights and regional integration.

Figure 8: Social dimension, period 1 - synthesis



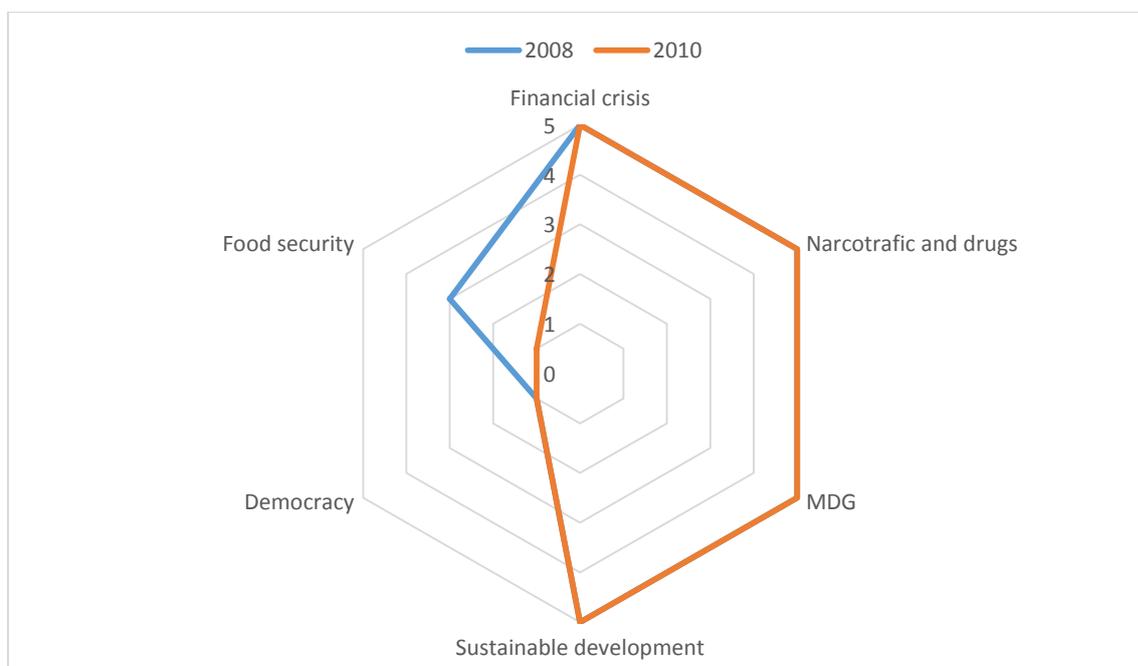
Source: Own elaboration.

As part of Period 2 are the Declarations of Santo Domingo (Dominican Republic) and Cancun (Mexico). For this case, 2008 and 2010 were selected. Although, as compared to the previous period, this was a rather short one, it focussed the discussion on issues concerning drug trafficking, environmental aspects, and acceleration the compliance of MDG. To some extent, this agenda seemed particularly influenced by the MDG as an international commitment among LAC countries.

In addition, the world financial crisis seemed to have an effect on priorities set in the agenda. Thus, throughout the period, this was a relevant aspect in the discussion.

As per the three analytical dimensions, no clear emphasis was given to any of them. Poverty and inequality, discrimination, and social mobility might have probably been underlying concerns, but no explicit reference was made to them during this time period.

Figure 9: Social dimension, period 2 - synthesis



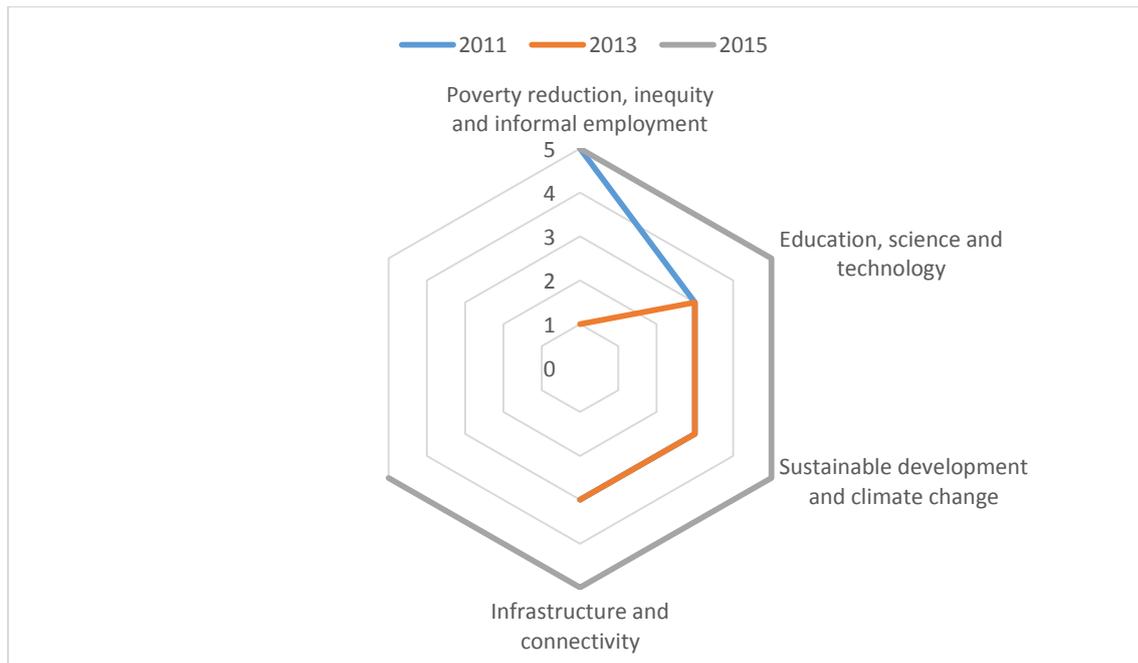
Source: Own elaboration.

As part of Period 3, are the Declaraciones de Caracas (Venezuela), Santiago (Chile), La Habana (Cuba), and Quito (Ecuador). In addition, as part of this period, the CELAC 2010 Planning Agenda was developed. As such, it is interesting to observe how the emphases of the Agenda were proposed and sustained throughout this period. The influence of the MDGs is clear and explicit among the concerns expressed in the different Declarations. Moreover, to some extent, this seems to have oriented the extent and nature of the commitments and negotiations.

For this case, years 2011, 2013, and 2015 were selected. Following major international discussions, this third period brings about some relevant topics such as infrastructure and connectivity, as well education, science, and technology. Major crosscutting issues continue to be the tension among poverty alleviation, inequality reduction, and informal labour. An important aspect to highlight as part of this agenda is the emergence of the issue of violence against women. Finally, with the commitment around the SDGs the concern about sustainability, environment, and climate change regains a crucial place in the discussions.

In terms of the three analytical dimensions, poverty and inequality regained particular relevance. Discrimination and social mobility or issues associated with them, were not directly emphasised during this time period.

Figure 10: Social dimension, period 3- synthesis



Source: Own elaboration.

### CELAC's social dimension: A preliminary analytical synthesis

As a result of this overall analysis, major aspects that remain unanswered are the connections with the structural conditions that the Region has experienced and are briefly outlined in section 3.1. To this end, it is relevant to discuss the extent in which these agendas have actually reflected the core aspects associated to inequality and poverty, discrimination, and social mobility.

In particular, in terms of *inequality and poverty*, it is critical to examine the aspects that have been addressed, with emphasis on the identification of vulnerable groups that have been prioritized, the incorporation of measurement instruments and tools, and the implications this discussion might render in terms of policy design and implementation. As per *discrimination*, it is relevant to characterise the way it is defined and, particularly, identify the different venues of discrimination being targeted—ethnic, racial, gender, disability, etc. This is critical for the analysis given the fact that discrimination is usually intertwined. Finally, in *concern to social mobility and migration*, it is critical to analyse the patterns such mobility has shown over time and the potential changes they have experienced. Moreover, the determinants of such trends might also be relevant to explore potential policy interventions.

In sum, as described above, the MDG seems to have played an important role in shaping and defining the social agenda of the Declarations. As it usually happens, this has strengths and limitations. Among the strengths are that a strategic orientation is provided to the agreements and commitments upon which member countries decide to take action. Among the limitations are that, despite the fact that MDG were part of a comprehensive framework, this could have jeopardized the possibility of including issues relevant to the region that were not necessarily part of the MDG agenda—discrimination, gender violence, etc.

In addition to this, there are four aspects that emerge from this characterisation:

- *Relative stronger emphasis on social-related topics.* As compared to other regional agendas developed to establish a common path that have emphasised financial and trade measures (i.e., MERCOSUR, Comunidad Andina), the CELAC agenda has strongly emphasised issues concerning social development with emphasis on poverty and education.
- *Potential tension among productive and social goals.* As part of Latin American policies, there has been a profound displacement between productive (i.e., economic growth as measured by GDP measures) and social aims (i.e., providing the vulnerable with greater and more quality opportunities). This tension, although it does not emerge, might need to be made explicit in order to be targeted.
- *Concern on poverty includes inequality.* As opposed to several other initiatives concerned poverty alleviation and reduction, CELAC Declaration have explicitly addressed the need to address inequality. This is a powerful difference that, from a human development approach, deals with the need of targeting the most vulnerable in order to expand the horizon of opportunities, capabilities and freedom.
- *Cooperation as a bottom-up approach.* Aside from the aspects that have been addressed throughout this chapter, South-South cooperation emerges as a feasible strategy. This reflects the intentions of promoting, for instance, cross-learning processes, information and experience exchange, etc.

### 3.3 TOWARDS A COMMON CELAC SOCIAL AGENDA?

Over the last decades, the social dimension in LAC has experienced enormous changes. However, despite progress made to date, several challenges persist. Addressing them requires identifying the main reforms and debates that welfare systems are currently facing in the region. Thus, one main challenge relates to the way development is defined, especially on a coordinated regional level. Fortunately, these concerns are already part of an academic thinking and of some important initiatives. Within this context and in order to further explore the potential of the three dimensions presented in 3.1 (i.e., poverty and inequality, discrimination, and social mobility and migration), this section discusses three perspectives, Human Development, the rights-based approach, and the intercultural approach and explores on the role they could take in pushing a coherent CELAC social agenda forward.

#### Human Development approach

In the concrete economic policies, a pragmatic approach in neoliberal terms is still predominant in the region. Social politics are in this sense a consequence of economic growth in order to mitigate the worst problems of this way of managing development. In academia, however, and more and more in professional Latin American groups, a different approach is taking place and conceiving that both development and increasing of people's wellbeing need to be the same thing. The most common way of doing this critique is talking about human development. Human development is not just the social part of economic development, but a different way of looking at the development. Instead of focusing on things, the goal of development appears here as achieving people to live better. People's wellbeing is thus the true objective of development. This means that economic

growth is linked to and depends on the improvement of the wellbeing of people. This is the idea we can observe in the UNDP reports and its human development index.

In Latin America, this approach has been developed by the *Asociación Latinoamericana y del Caribe para el Estudio de las Capacidades Humanas – ALCADECA*.<sup>20</sup> In a convergent theoretical orientation, the Oxford Poverty and Human Development Initiative (OPHI)<sup>21</sup> is developing important analysis instruments in order to measure poverty and its multidimensional characteristics.<sup>22</sup> Last but not least the UNDP annual reports are conceived in the same theoretical atmosphere. Its major perspective is sustainable development.

*“Our goal is to strengthen capabilities and opportunities to reduce poverty and marginalisation – focusing on the most vulnerable and excluded population groups – in ways that are sustainable from economic, social and environmental standpoints.”<sup>23</sup>*

### **Rights-based approach**

In order to link human rights and development, the concept of rights-based approach was constructed by initiative of an important group of NGOs. In 2003, they concluded a "Statement of Common Understanding" of a human rights-based approach focused on the realisation of human rights in all development projects and the universal declaration of human rights as a common basis.

Sepúlveda (2014: 10–11) highlights that the major part of Latin American constitutions include not only citizen and political rights but also the Economic, Social and Cultural Rights (ESCR). At the same time, they promote equality and prohibit discrimination for reason of sex, age, ethnic group, disability, health, and more. That implies the exigency of respecting human rights—including ESCR—and the obligation for the State to protect especially the rights of the vulnerable groups and persons (women, children indigenous people, disabled people, people with different sexual orientations, and so on).

Normative progress in human rights was reflected in new and diverse instruments of public policies as the consequence of new juridical obligations and international engagements (Sepúlveda 2014). This new reality leads to social politics that are more clearly oriented towards social protection. The rights-based approach as social protection is not just a legal obligation but provides a solid basis for the promotion of social issues (Sepúlveda 2014: 10-11):

1. A rights-based approach can act as catalyst for setting up or strengthening social protection systems, particularly non contributive ones and help to build political consensus about this necessity.
2. It can also help to define the adequate levels of social protection acceptable in each society, which should be those that guarantee a minimum of ESCR without discrimination.

<sup>20</sup> <http://www.iecon.ccee.edu.uy/sexta-conferencia-de-la-asociacion-latinoamericana-y-del-caribe-para-el-estudio-de-las-capacidades-humanas-alcadeca/contenido/301/es/>

<sup>21</sup> <http://www.ophi.org.uk/multidimensional-poverty-index/>

<sup>22</sup> Measuring Multidimensional Poverty: Insights from Around the World. May 2015.

<http://www.ophi.org.uk/wp-content/uploads/Informing-Policy-brochure-web-file.pdf>

<sup>23</sup> <http://www.undp.org/content/undp/en/home/ourwork/sustainable-development/overview/>

3. The rights-based approach can help to reduce the opportunity gap and the social exclusion because the international norms impose the standards of public services.
4. Because of the indivisibility and interdependency of all the rights, such an approach helps to find an integral institutional design and promote synergies.
5. Can contribute to accountability and citizen mobilisation.

As such, in the present context of inequality in LAC, this approach could become an effective instrument for social and universal protection.

### **Intercultural approach**

In addition to the two approaches described above, another perspective on social issues is needed to grasp the cultural and ethnical diversity of Latina America and the Caribbean. Instead of being a factor of social improvement, that diversity has been a factor of discrimination and inequality. Therefore, an intercultural perspective has appeared in the last decades as an important way to seek social cohesion and social justice, especially through education.

Conceptually, interculturality can be defined in terms of a democratic project that sets the ideal to be reached. But, in order to be realistic, a second kind of definition has to be presented, focusing on the existing cultural relations between different cultural groups. The first kind of definition refers to the ideal we want to reach, while the second one arises from the real social conditions and relations that are frequently conflictive and unfair.

The second type of definition is as follows:

*“We use the term intercultural in the broad sense of any interaction between any cultural groups. Our understanding of the term cultural group is similarly general: it is a group of people with a common identity (an accepted label or linguistic marker for the group, and a feeling of belonging to it), common forms of behavior (including but not confined to customs, traditions, manners, expectations), common ways of seeing the world (including but not confined to religions, other beliefs and philosophies), common ways of communicating (including but not confined to languages) and/or perceptible signs of group membership (varying along a scale from voluntarily to involuntary, and including clothing, ways of talking, and skin color).” (Koegeler-Abdi and Parncutt 2013: 6)*

The important thing is that the second kind of definition about interculturality as a fact helps us to recognise what has to be done when want to reach interculturality in the first sense, as a political project, as part of social policies. The concept of interculturality came from educational domain but it is currently a central concept for orienting most of public policies domains such as health and justice and all the domains where people are concerned. This double sense of the concept has been developed in Latin America, for example, by Anson and Tubino (2007) and is very powerful if taken as a tension between the reality of mutual influences (no matter if good or not, if by violence or not) and the ideal of peace between different people.

### 3.4 MAIN CHALLENGES AND DEBATES

In order to precise which are at the moment the main issues to be discussed about the social dimension of LAC we conducted extended in depth expert interviews with Carlos Eduardo Aramburú, Ariela Luna (former vice minister of Social Inclusion in Peru) and Norma Correa (Anthropologist and Advisor on social inclusion policies), because of their specific expertise in studying and monitoring social policies and programs.<sup>24</sup> They helped us to systematize and understand the current situation of social policies in LAC. Based on this expert interview we propose the following seven main issues:

- **Issue 1. How can it be explained that poverty is in general diminishing while the inequality gap is maintained?**

The answer to this question could give us an orientation for most precise policies in reducing inequalities in LAC.

*“Economic growth in Latin America is based on demand of qualified workforce and it’s too associated to young urban population and doesn’t reach to Andean population nor indigenous or women. Therefore, I believe that inequality outcome, which is still an issue in Latin America, is a combination of opportunities for some, fast change for some others, and stagnation and less possibilities for others.” (Interview, Carlos Eduardo Aramburú, 2017)<sup>25</sup>*

This suggests that the reasons associated to regional problems are structural and depend on both technocratic arrangements and more efficient state programmes and on the entire economic and social organisation.

- **Issue 2. Are the LAC social policies in accordance with the European idea of welfare state?**  
Aramburú argues that the important concept of social cohesion – very important for the European Union – is missing in LAC. Social cohesion implies that the collective has a mutual obligation to ensure that everyone has a set of guaranteed rights. In LAC, on the contrary, the main idea is more, like in the U.S.A., that each one has to progress on the basis of his own effort in such a way that the State has few opportunities to guaranty a minimum baseline for everyone.

Social policies, according to Aramburú, have to be a complement and not a substitute of economic policies and especially of employment policies. Some LAC governments, however, thought social policies could do what economic policies do not. Here we have the programmes for poor people with conditional transfers with the idea that the state gives money in order for people to use public services.

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<sup>25</sup> Translation is ours.

*“This concept of direct financing is not welfare state, it is emergency, and it is focalization. [...] This welfare model, that is more the European model of wellbeing based on the social condition, doesn’t look to be crystallizing here in AL. These programs are focalized; these are programs for poor people” (Interview, Carlos Eduardo Aramburú, 2017)*

About this point, Norma Correa<sup>26</sup> argues in an interview she gave us (2017), that in LAC, social programs operate at two levels when money is transferred to poor people: from a short term perspective, families’ spending power is improved; and in the long term, access to education and health helps to increase human capital and this could probably help to break the intergenerational poverty vicious circle. But this last point, in accordance with Aramburú, looks more as a goodwill wish than as a welfare model.

In such a way, social policies in LAC don’t announce a soon efficient resolution of the poverty gap while the described risks of the European welfare model (its tendency to isolation) seem to be insignificant when we see the great distance between European and LAC realities and quality of life. However, this is a good point for debate. How can LAC benefit from the European experience and at the same time avoid its perverse effects when autonomy ends in persons’ isolation? This point leads us to the following issue.

▪ **Issue 3. How can the migration process be understood from a welfare stand?**

Migration processes have to be examined in their social and cultural dimension. The urban development in its origins can be explained as the product of family more than exclusively personal strategies. It indicates the will for changing the poverty situation in the country and generally responds to family decisions to use one of its members to begin an urban integration and to facilitate afterwards this process to other members of the family. In the same way, the great megalopolises were built in cooperation between urban immigrants. The usual reciprocity in the country’s cultures was at the beginning reproduced between urban neighbors. Despite of the great individualism and the new urban conflicts, the old subjective and emotional relationships are there and can be revitalized in important moments. The neoliberal model ignores that reality that is a great force and could be a very important stimulus to development. Indigenous cultures are particularly rich in the manner of building friendly and solid relationships where all the persons are well considered. The intercultural relations typical of the urban reality create a lot of conflictive situations, but LAC is also a great social laboratory of good solutions to these and of conviviality. Facing the increasing individualism in the global world, exchanges with Europe about these experiences could be a contribution from LAC to Europe. The debate is how to incorporate this kind of social and close relationships to state policies.

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<sup>26</sup> Anthropologist from the Pontifical Catholic University of Peru and Masters in Social Policy and Development from the London School of Economics. Specialist in social inclusion, poverty, interculturality and development. She has been researcher and advisor of important international organization such as UNDP, World Bank, Ford Foundation, FAO and IADB. Researcher and Professor in the Social Sciences Academic Department and the Government and Public Policies School of the Pontifical Catholic University of Peru.

▪ **Issue 4. How can the rights-based approach be effectively applied in the LAC context?**

Additional questions are: what does a minimum set of legally required rights include? Should we follow only with a focalised approach or could it be completed with a more generalised one to all persons, and how should this be possible? Is it a rights-based approach only oriented to employment or insertion in productive work – as the manner of obtaining the elemental social services or have the citizen the right of demanding – and in which form – social guaranties and protection from the state? The last one seems to be a consensus but certain voices proclaim the work rights are the basic ones and permit access to the other ones. Particularly, in the case of focussed programmes, Aramburú insists it is important that the indicators for including persons in those should not be only economic such a family income, but also social and cultural dimensions like being disabled, single mother, indigenous, or living a distant place from the urban services.

▪ **Issue 5. What kind of cooperation is needed in LAC from Europe?**

The case is that the region has nowadays its own and very competent professionals. What is more difficult in LAC is to conduct a good management of the competences and knowledge. A possibility is that the European cooperation focusses its aid in this domain of knowledge management. A great debate should arise from the history of LAC societies as the not resolved product of conquest and colonisation. Beyond their great differences, the different countries of the region have born as divided societies with a wide gap between who was in charge of government and economy and who was the large class of workers. The gap of inequality began there and it is no easy to remove it. Despite the increase of the middle class, the distance between lowest and highest incomes has persisted and nobody is prepared to give up on one's own privileges. The initiative in leading the State management is in the hand of great economic powers while popular organisations have few possibilities to effectively participate in it.

Social policies appear as necessary concessions from the most powerful social sectors in order to maintain social peace. Different combinations of populist and technocratic governments intended to manage the “social issue”, but the force of factual powers (previously military and presently more and more linked to economic and global powers) is a great limit to a more equalitarian society. The last discoveries about enormous corruption in public works in Brazil and other countries (“Lava Jato”) tells a lot about these difficulties. How can LAC manage the social policies in the circumstances when the whole political class is questioned for its participation in massive and huge corruption? The participation of civil society and recognised institutions and persons should here be an important element. It's premature to know if the recent corruption mega cases will be prejudicial to that aspiration or, on the contrary, will be a great opportunity to change old habits and orient the region towards a more democratic and legal way of using public resources. By all means, the public awareness about corruption is rapidly changing and that has to be seen as a great opportunity.

▪ **Issue 6. What are, in the current context, the possibilities of LAC institutions, especially of CELAC?**

Aramburú suggests that, in the present circumstances, there is no great future as a political association but could be a very good instrument as a forum of debates and as an academic institution. Moreover, another interviewee, Ariela Luna (former vice minister of Social Inclusion in Peru), suggests that the role of CELAC might be associated to the development of instruments that facilitate integration and communication:

*“An important collaboration package was promoted from the EU to LAC, particularly in Peru, through the implementation of EUROPAN. The importance of this project was that is added up to an already-defined policy priority – reduction of chronic malnutrition. Thus, this project not only supported the work that was already in place but promoted a managerial tool that was later on replicated at the regional level – results-based agreements. These instruments facilitated the alignment of priority results to budget lines, indicators and targets” (Interview, Ariela Luna 2017).*

▪ **Issue 7. At the end, what are the actual opportunities for LAC integration?**

Kennedy and Beaton (2016) explore the opportunities for Latin American integration in the current circumstances. The dreams of Latin American integration – as old as Simon Bolivar’s vision – are once again challenged with the CELAC “the most recent and arguably ambitious attempt at Latin American cooperation” (p. 52) with the words of these authors. Despite the doubts about CELAC’s structural weaknesses in order to achieve its economic integration and promotion of development, these authors think CELAC can however attain the purpose of constructing, consolidating and framing a regional identity. Moreover, about the relationship between CELAC and EU, Ríos Sierra (2014) has an optimistic analysis and talks about “evidence of bi-regional strategy and the full import of the most significant commitments to build that relationship: regional integration and social cohesion.”

Finally, about regional possibilities in its links with Europe, Kanner Arias (2011) examines regional social policy in the Southern Cone Common Market, the Caribbean Community, the Andean Community, and the Central American Integration System, all of the sub-regions in which the European Union has played a politically and economically supportive role in regional social integration. She argues *“that there has been a remarkable increase in the adoption of regional social policies, the outcomes of which are statistically significant in the areas of poverty, inequality, healthcare, and unemployment.”* Krakowski (2008), however, notes a tendency of returning to a policy with more emphasis on bilateral agreements. This has been confirmed based on the institutional achievements of CELAC.

To sum up, across all these seven issues, the following challenges are identifiable:

- *LAC - Tensions between economic and social policy.* This is related to the fact that economic policies have often jeopardized and instrumentalised social policies towards its ends. In this sense, a major challenge within the LAC context remains in terms of how to better harmonize these two types of policies under the premise of their complementarity towards the achievement of human development goals.
- *LAC – Tensions between poverty-related goals and inequality-related goals.* Evidence suggests that LAC has done important efforts towards (monetary) poverty reduction. However, trends are still striking in terms of inequality-related gaps. To this end, a major challenge is related to making the connections among both visible.

- *CELAC – Tensions between autonomy and dependence.* Historical, structural and institutional factors underlie the relationship between the European Union and CELAC. This is associated to a number of strengths but also of potential limitations in gaining autonomy in terms of defining the agenda, setting-up the political scenarios and, specifically, allocating funds.
- *CELAC – Tensions between regional identity and globalization.* Aside from the above, a remaining challenge is that of consolidating a regional identity based on the recognition of historical and cultural differences but on the conviction of sharing a common territory.

We argued in this chapter that some of the current debates and societal challenges might be effectively addressed from a human development perspective. As part of this perspective, the ultimate goal of development is to enlarge people’s choices created by expanding human capabilities—what people do and can do in their lives (Haq 1999; Sen 1993). It is proposed that, given the current circumstances of LAC and, particularly, CELAC, it would be possible to upscale this discussion in order to reflect on the institutional evolution of the social dimension as part of the relation between Europe and Latin America.

Operationally, the categories of “institutionality” and “agency” are critical given that they involve two capacities central to human development – respond and act collectively. Thus, given the objectives CELAC has, the units of analysis include actors and processes. Among the former are the EU and CELAC itself as key institutions and among the latter are the discourses, policies and investments that each of these institutions have produced and/or hosted during the past years. The model suggests that the “interface” of institutionality and agency at the light of actors and process derives in promoting collaboration for social change (see Figure 17).

Figure 11: CELAC collaboration model based on a human development approach.



Source: Own elaboration.

## 4 INTERIM CONCLUSIONS - THE SOCIAL DIMENSION OF CELAC AND THE EU

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We have seen in the previous chapters that social policy in LAC and EU took very different historical trajectories, but current trends put similar social challenges on the political agendas. Especially social inclusion and anti-discrimination of vulnerable groups stand out as mutual policy priorities and gain additional momentum as certain political powers in both regions wilfully try to deepen trenches between societal groups created by nationalism.

Apart from the historic and cultural context and development of LAC and EU Social Policies, different political, economic, and international influences have shaped understandings of welfare in both regions. Nonetheless, even in the economic realm, some similarities are apparent in the LAC and EU context when it comes to social policies. Along with the reduction of absolute poverty, the reduction of existing huge inequalities within LAC societies is one major challenge in the region. At the same time, addressing growing inequalities that threaten social cohesion are relatively new challenges that have to be faced all across Europe and at EU level. While inequalities have always existed between EU Member States and have grown since the EU enlargement to Eastern Europe, these inequalities are on the rise within Member States in the aftermath of the economic crisis.

The failure of traditional (national) social security systems to tackle these inequalities opens the door for **supranational social policy answers**, two of these being the Social Investment Pact or the European Pillar of Social Rights (EPSR). In the face of growing inequality that affects both regions, common social policy answers could be provided in the context of mutual learning. Here, LAC can provide guidance and experience, while the EU can contribute insights to institutionalized social policy responses. Common approaches to social welfare can provide the basis for mutual learning in both regions: At EU level, the social investment paradigm that is based on a human development approach, gains importance as well exemplified by the European Pillar of Social Rights aims for the creation of a fair and social Europe. At LAC level a human development approach combined with a human rights and an intercultural approach should be the fundament of further social policy development.

Altogether, the **heterogeneous traditions of welfare provision** within and across both regions share similarities but also show great differences. In the EU context, the heterogeneous environments and high institutionalisation of welfare provision at national level (due to long traditions) have fostered the implementation of soft law in the social realm. It aims at addressing common challenges and find common solutions on the (theoretical) basis of mutual learning, but also at the harmonisation of social policies in specific areas. In the LAC context, South–South cooperation gains importance, which take the idea of mutual learning as point of departure to benefit from experiences made in other countries and to study social policy instruments and their power to address pressing challenges. These shared **experiences in soft law instruments** and attempts in cross-learning that are on the rise in both regions can serve as a starting point for cooperation in the social realm between Latin America and the Caribbean and the European Union. While the EU can provide tools that have already been established and tested within the EU context, namely the Open Method of

Coordination as the most powerful instrument of soft governance, LAC can provide knowledge and experience in addressing challenges that are increasingly pressing in the EU.

**Growing inequality** and **adequate social policy** responses should be a top priority on the agenda of mutual learning in the two regions. Cross-country and inter-country divisions between the powerful and the marginalised are growing within the EU and are a threat to social cohesion both within Member States and at EU level. While LAC has a long history of deep intercultural exchange and mutual learning despite multiple tensions, EU Member States and the EU are in a process of coming to terms with diversifying societies. Here, an intercultural approach to social policy, that has to be at the centre-stage in LAC, can have beneficial effects for EU welfare policies when addressing growing marginalisation and societal stratification. In the light of growing inequality and structural marginalisation, social policies in the EU need to be adapted to diverse needs on the basis of **social inclusion**; hereby, LAC can provide the EU with an **intercultural** understanding of social inclusion, which is an integral part in the region.

## 5 FOCUS RELATIONS: THE SOCIAL DIMENSION OF EU-(CE)LAC RELATIONS

### Key insights of this chapter

The analysis of the social dimension in EU-(CE)LAC relations points to the following main conclusions:

- Possible impact of bi-regional relations needs to be scrutinized regarding participating actors and their competences in this areas;
- EU side: Social issues remain to a huge extent under competence of MS, while only some competencies are at EU level;
- LAC side: Regional integration projects are not equipped with the legal or institutional background to create binding norms for their members;
- Strengthening the role of civil society and social partner in the framework of the relations could contribute to building up political pressure to follow up on bi-regional priorities.

While in the two previous chapters the focus was on the elaboration of the social dimension in the EU and in Latin America and the Caribbean, this chapter elaborates on the social dimension in EU-(CE)LAC relations. Therefore it is necessary to look at the different levels, actors and institutional and legal backgrounds shaping these relations in the two regions. These different aspects will have to be analysed regarding their contribution to dialogue, cooperation and creation of binding norms in the social dimension. Hereby the social dimension of EU-(CE)LAC relations includes issues like the fight against poverty, socio-economic development, civil society participation, welfare (reform), education, employment or migration and is influenced by, mostly European, concepts of social, economic, and territorial cohesion and inclusion.

Multiple examples show that internal or domestic regulations are of utmost importance in the context of EU-(CE)LAC relations. This is illustrated by the fact that one of the most prestigious development cooperation projects between the EU and LAC in the realm of social policies, the

already mentioned EUROsocial project, was implemented according to an internal EU regulation regarding development cooperation.<sup>27</sup> This EU regulation on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America is furthermore interesting for the context of this report because it provides an orientation on the foundation that EU–LAC relations should have according to the EU. Article 2 of the regulation states that:

*“The aim of Community development and cooperation policies shall be human development. Aware that respect for, and the exercise of, human rights and fundamental freedoms and democratic principles are preconditions for real and lasting economic and social development, the Community shall give increased support to the countries most committed to those principles, particularly for positive initiatives to put them into practice.”<sup>28</sup>*

This foundation set by the regulatory framework of the EU is also reflected in the theoretical approach to the social dimension of LAC and CELAC that is used in this deliverable. The human development and human-rights based approach were used to get a better understanding of social issues in (CE)LAC and to identify current debates and reform processes that have potential impact on the bi-regional relations.

To understand the outcomes and the content of bi-regional relations (e.g.: political declarations, trade agreements) they need to be scrutinised regarding their capability to create norms and binding obligations for the parties (e.g., the EC; MS; CELAC; individual countries) involved. This means that it is necessary to look at the internal institutional and legal dynamics that shape the different aspects of the relations. It should be noted that the LAC region has engaged in a number of regional integration projects – CELAC being the latest and most extensive one in terms of geographical coverage - with different levels of institutionalisation and relevance regarding relations to the EU. While these different integration projects cannot all be analysed in depth, they shall at least be briefly introduced and their experience taken into account to get a basic idea on the actors involved in the EU–LAC relations, and also on the range of topics and issues that are of importance in the social dimension.

Building up on this knowledge and understanding of the different internal process that shape EU–LAC relations the last part of the chapter will try to synthesise common approaches of classifying EU–LAC relations, into a political, a development, and an economic pillar, with a concrete analytical perspective that allows to scrutinise this mode of classification and points out the limitations of these forms of relations regarding the social dimension.

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<sup>27</sup> See the decision regarding EUROsocial: [https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206_en.pdf).

<sup>28</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992R0443-20051228&qid=1491408001478&from=de>.

## 5.1 THE EU'S FRAMEWORK FOR ITS RELATION WITH CELAC

The EU–CELAC relations take place within the EU's very complex institutional framework.<sup>29</sup> Therefore, the analysis of this framework is required before any attempt to understand what happens within it can be conducted fruitfully. The analysis must concern, first, the different ways in which policies are defined and implemented. Secondly, it must distinguish between international and internal/domestic instruments.

### The implication of EU treaties for external relations

The definition and implementation of policies within the EU's framework (including towards CELAC) follows three different (though interrelated) paths or approaches.

1. First, the Treaties can impose obligations to Member States with which they must comply when developing their own policies.
2. Second, the Treaties can confer competences to the European Union (and before to the European Community) to define their own policies. When this is the case, these policies can be administratively implemented by Member States (as in the case of the two traditional main European Community policies, i.e. Agricultural and Commercial Policies) or the European Commission can be given implementing powers (as in the case of Research or Development Policy).
3. Third, Member States have always been able to exercise their own competences in common, without "communitarising" them. When the European Union was created by the Treaty of Maastricht in 1993, one of the main ideas underlying this creation was that of favouring this "common action" by Member States creating a framework (the Union) distinct from that of the Community. The result was an additional possibility that still complicates the analysis: Member States could act in common outside the framework of the Union (possibility 3b) or could act in common within the framework of the Union, (possibility 3a) in the area of Foreign and Security Policies or in the area of Home Affairs and Justice.

The Treaty of Lisbon has merged the European Community and the European Union and only the second remains. The first path or approach (obligations imposed directly by the Treaty to Member States) covers mainly relations between Member States and does not cover the relations with third countries.

As a consequence, the EU (alone or accompanied by its Member States following the possibilities 3a and 3b analysed in the previous paragraph) can sign International agreements with LAC countries (not with CELAC because, CELAC does not have acquired an international legal personality). It can also participate in meetings and agree to common declarations with LAC countries or groups of countries (or with CELAC, because in order to participate in a meeting and/or agree to a joint Declaration no international legal personality is needed).

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<sup>29</sup> As these observations are true for CELAC as institution as well as other, sub-regional LAC entities, the formulation "(CE)LAC" is used in this chapter to illustrate this fact.

## Preliminary analytical conclusions

These very elementary distinctions help enormously to get a better understanding of EU-(CE)LAC relations and to scrutinise the reproduction of ambiguous classifications of these relations. Indeed, the following clarifications stem from those distinctions:

Agreements between the EU and different groups of LAC countries must be analysed in order to distinguish whether they involve only the EU or, also, its Member States (possibilities 3a and 3b of the previous paragraph). In most cases, Member States are also involved, and LAC countries signatories to these agreements could argue that individual Member States are bound by their provisions (even if, for most of these individual Member States the agreements are “agreements for the Union” and do not create any obligation for them individually).

The same type of arguments applies to the Summits of Heads of State and Government and their declarations, in which not only the EU but also all its Member States participate.

When it comes to specific actions (and not to “horizontal” agreements or declarations), it is essential to identify who is the actor on the EU side. When considering some specific action envisaged, for example, by an EU–CELAC action plan approved by a Summit, who is, or must be, the actor on the EU side: the EU alone, Member States acting collectively, the EU and all or some Member States, only some Member States? All these possibilities are open and deciding which is the more appropriate requires careful analysis and political judgment. The answer will not, and should not, be the same in areas like Education, including Higher Education, or Social Policies in which most competences remain in the hands of Member States or in an area as Research, in which the EU has its own very powerful instrument (its well-funded Framework Programmes).

But the analysis must also combine the second distinction, whether the policy we are addressing is defined and implemented, in the EU side, by International instruments or by internal/domestic instruments. This distinction is very often blurred by the use of a jargon that creates a lot of misunderstandings: that of the “pillars” of EU relations (and agreements) with third countries (political dialogue, trade – and “trade related” areas- and cooperation). Indeed, this jargon misunderstands the essential difference between these three pillars when considered within an international agreement. In the second, the EU, and in some areas, its Member States, undertake effective commitments full of content. In the other two, the provisions (usually un-read, as well by politicians and officials as by many academics) are drafted in order to avoid the creation of any obligation. As a result, the EU cooperation policy for LAC, if it exists, is not defined and implemented in the framework of such agreements (even less, of course, if we refer to Summit Declarations) but on the basis of internal/domestic rules that, usually, remain unchanged after the signature of a new agreement. These internal provisions are the “legal basis” that the EU needs in order to act. A good example are the internal decisions adopted to put the project EUROsocial into motion, an ambitious programme of cooperation EU – LA that covers many “social” areas. If one analyses it, it becomes obvious in the heading of the decision, that its legal base is not that of the “development or cooperation pillar” of any international agreement between the EU and Latin American countries but a purely internal EU regulation: Regulation (EC) N° 1905/2006 of the European Parliament and of the

Council, of 18 December 2006, establishing a financial instrument for development cooperation, and in particular Article 22 thereof<sup>30</sup>.

## 5.2 EU-(CE)LAC-RELATIONS: RESTING ON DIFFERENT PILLARS

Relations between the EU and LAC take place on various levels and follow the different logics of supranational legislation, especially relevant in the case of the EU as CELAC is the expression of a political interest to act under common framework and not a legal entity. Generally, the following levels can be distinguished (Gratius 2015: 5):

- I. Inter-regional relations: e.g. political EU–CELAC dialogue
- II. Sub-regional relations with Central America, the Caribbean, the Andean Community and Mercosur;
- III. Bilateral relations; including cooperation between EU institutions and LAC countries, e.g. in development cooperation;
- IV. EU–LAC cooperation on global governance. Social issues in this cooperation appear, if anything, in the context of the topics migration, security, development or climate change.

To give a more specific framework to the multiple forms these relations can take, the categorisation in three pillars - political dialogue, trade, and (development) cooperation - is frequently used (Bodemer 2010, Coral 2014, Gardini and Ayuso 2015)),: (Torrent 2005; Bodemer 2010; Salidías 2013; Coral 2014; Gardini and Ayuso 2015).

While this classification offers an analytical distinction between different forms of relations, the three pillars are not to be taken as equally powerful. In fact, in this context it is crucial to look at the three different pillars from a perspective of attributed competences as elaborated in the previous chapter. In fact, while these three pillars can serve as an analytical guideline, it is crucial to be aware of the fact, that cooperation evolves following the internal logics and legal provisions of the EU (Torrent 2005, Salidías 2013). This means that EU-(CE)LAC relations can only produce effects where competencies are attributed.

Therefore, from a social perspective, it is most promising to focus on bilateral relations, especially in the area of development cooperation, but it is also worth taking a look at the political dialogue on an inter-regional level. This is due to several reasons: although the political dialogue on the bi-regional level does not create binding legal norms (e.g. it has no binding competencies), it still has a relevant role in the agenda setting process and can potentially bring new (social) topics to the table. In terms of actual cooperation on social issues, the most important level is the bilateral one, as concrete exchange mostly takes place on this level. As the scope of the project does not allow focusing on individual country-cooperation, the predominant area of interest is development cooperation between the EU and individual LAC countries.

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<sup>30</sup> [https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206_en.pdf)

## The social dimension of EU-CELAC relations – Political Dialogue

The political dialogue between the EU and CELAC is characterised by the absence of mechanisms able to create binding norms for the participating states and institutions or instruments to sanction noncompliance (Weisstaub 2006: 230). The political pillar mainly consists of joint declarations on topics where the participating countries potentially have a common interest, reflecting not a common European approach but rather aligned interests of MS under a common umbrella (EU) (Coral 2014: 68). The same holds true for the LAC counterparts at the EU-CELAC Summits where LAC States participate under the common framework of CELAC without attributing any relevant competences to the common institution.

Looking at the first two EU–CELAC summits, held in 2013 in Santiago de Chile and in 2015 in Brussels, it became obvious that there are some clear limitations to this form of relationship (Gardini and Ayuso 2015: 16). Besides the missing legal and well established institutional background some of the topics of the summits, including areas regarding social issues, are highly delicate and produce significant dissent between different states and political groups, making common declarations even more difficult. Nonetheless, this format serves as a forum for addressing common interregional challenges in a coherent way that allows to channel resources and address societal demands (Gardini and Ayuso 2015: 16–17).

In the case of association agreements, the pillar of political dialogue can be considered as a product of internal power struggles between the Commission, the Council, and the Member States (Torrent, 2005: 34). By including the MS in the Agreements they are able to claim to be a vital part of the relations and the Commission was assured of its predominant role in trade related issues. The same structure is reproduced in the bi-regional summit dialogue, if even on a weaker institutional basis than in the association agreements (Torrent 2005: 34-39). However, for a comprehensive understanding of the social dimension in EU-LAC relations, it is necessary to give at least a brief overview on the political dialogue and its topics. When the first EU-LAC Summit took place in 1999, the topics of democracy and human rights were of key importance. Other topics present were environmental protection, drug trafficking, and security policy (Bodemer 2012: 26). Security, in particular, was of continuous relevance to the following Summits and regularly mentioned as key area in the action plans. The 2002 Madrid Summit added some interesting issues from a social perspective. It is worth mentioning that the political declaration associates the fight against poverty, its core topic, with a wide range of topics such as education and information society, health, social integration, gender equality, and non-discrimination policies (EC 2002).

While these topics are very broad, the third bi-regional summit held in 2004 in Guadalajara, Mexico, mainstreamed a new topic in the bi-regional relations that remains relevant until today Social Cohesion was defined as core issue and continued to be a core concept of EU–LAC relations although it was enriched with other social issues in the following action plans. The next Summit held in Vienna 2006, further strengthened these topics and continued to position social cohesion as central concept in the bi-regional relations.

Another milestone in the bi-regional relations that deserves to be highlighted was set with the Madrid Declaration of 2010. This declaration gave birth to the EULAC Foundation, an institution founded with the intention to foster continuous dialogue on social and economic issues and as “a

means of triggering debate on common strategies and actions as well as enhancing its visibility” (Council of the EU 2010: 9). Furthermore, the Madrid Summit marked a significant change in the bi-regional relations, since in 2011, the Community of Latin American and Caribbean States (CELAC) was founded.

The next two Summits, held 2013 in Santiago de Chile and 2015 in Brussels, were already conducted under the EU–CELAC framework, covered a wide range of thematic areas, such as gender equality, drug trafficking, citizen security, regional integration to promote social cohesion, as well as inclusion and migration.

An innovative component of EU-CELAC relations is the civil society dialogue which is included in the framework of the summits and was administered by the European Economic and Social Committee. Through this dialogue, the formerly exclusively top-down oriented structure of the relations gets softened. This is an important step towards the inclusion of civil society in bi-regional relations and in agenda setting. However, its effectiveness is limited by a lack of transparent ways of transferring the results to the political declarations and by the absence of a legal or institutional framework to implement topics elaborated in this civil society dialogue.

While CELAC is an important instrument of integration in the LAC region it is not the only one. Latin America and the Caribbean have had significant initiatives and examples of multilateral organisations looking forward to strengthen their development. Nonetheless, these initiatives often were born as mechanisms to incentive trade and commerce or, on the other hand, to leverage the influence of the most powerful countries in the region. Among them are the Organisation of American States (OEA), Common Market of the South (MERCOSUR), Andean Community, Union of South American Nations (UNASUR), Caribbean Community (CARICOM), Pacific Alliance, and the Asia-Pacific Economic Cooperation (APEC). However, they have very limited relevance for the social dimension of EU–LAC relations.

### **The social dimension of EU-CELAC relations – Development Cooperation**

Contrary to the political dialogue, actions of development cooperation are based on non-exclusive competences that are implemented either by the EU or the MS. Topics in development cooperation are selected upon an European perspective and implemented mostly using European funding. Furthermore, the logic of this cooperation mode does not work according to the principles stated in international agreements but rather follow the course of European internal regulations as for example the decision regarding the establishment of one of the most prestigious development programmes between LAC and the EU in the social dimension – EUROsociAL - shows.

This decision does not refer to any of the agreements made in international agreements but has its basis in the Regulation (EC) N° 1905/2006 of the European Parliament and of the Council, of 18 December 2006, establishing a financial instrument for development cooperation<sup>31</sup>. This is certainly also true for other cooperation projects that are developed in the framework of thematic agreements like the European Instrument for Democracy and Human Rights (EIDHR), the Instrument contributing to Stability and Peace (IcSP), Partnership Instrument (PI) or regional agreements like the

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<sup>31</sup> [https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-latin-america-region-commission-decision-20101206_en.pdf).

Instrument for Development Cooperation (DCI), European Development Fund (EDF) or the Instrument for Pre-accession Assistance II (IPA).<sup>32</sup>

Agenda setting regarding international development cooperation is hereby taking place through cooperation between the European Commission, the European External Action Service and partner countries and regions. Looking at the priority areas of the EU, it becomes obvious that while different contexts produce different necessities, there are still some topics that have overarching relevance. These topics include conflict resolution, peace and security, youth and social inclusion, sustainable trade and investment, fight against illicit drugs, effective education for employment, adaptation to climate change, democracy, participation and institutional strengthening or health.<sup>33</sup> These topics show the broad range of social issues that are covered by development cooperation. One of the most prominent development cooperation programmes between LAC and the EU is the EUROsocial programme<sup>34</sup> which deals with issues such as employment policies, social protection, health, democratic governance and social dialogue. In the framework of the EULAC Focus project the EUROsocial project and its implications for EU-LAC social relations will be thoroughly analysed in another project report, which is why this report does not elaborate any further on EUROsocial.

However, development aid cannot be considered as an equal forum of dialogue were positions on certain social issues are negotiated in a process of flat hierarchies but rather are realisations of European concepts in the Latin American context. While this tendency is also visible on bi-regional level it is much more dominant in the context of bilateral development cooperation.

Development cooperation between the EU and LAC is designed within the framework of some key instruments, such as the European Consensus for Development, the Development Cooperation Instrument (DCI), the EU's Agenda for Change and the EU-CELAC Action Plan.

According to the multiannual indicative regional programme, future cooperation has a stronger regional approach and shall "clearly demonstrate added value" (understood as e.g. common solutions for challenges common to several or all countries in the region). Regional programmes will therefore play a significant role in EU-LAC relations 2014-20.<sup>35</sup>

Five priority sectors for support are defined in the multiannual indicative regional programme for LAC for the period 2014-2020: (1) The security-development nexus (indicative allocation EUR 70 million) which includes strengthening the rule of law, human-rights based drug policies and migration and border management. Specific objectives related to migration are the facilitation of labour migration, strengthening migrants' rights, control of irregular migration and promotion of the migration-development linkage. Human rights protection and gender equality are cross-cutting issues; (2) Good governance, accountability and social equity (indicative allocation €42 M) which has a focus on high quality public services (including public policies for reduction of social inequalities); (3) Inclusive and sustainable growth for human development (indicative allocation €215 M) which

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<sup>32</sup> In an updated version of this document, the specific implications of the various instruments for EU development cooperation with LAC will be further developed.

<sup>33</sup> [http://ec.europa.eu/europeaid/sites/devco/files/ebook\\_pdf](http://ec.europa.eu/europeaid/sites/devco/files/ebook_pdf).

<sup>34</sup> The EUROsocial programme will be further analysed in other deliverables of the EULAC Focus project.

<sup>35</sup> [http://ec.europa.eu/europeaid/sites/devco/files/dci-multindicativeprogramme-latinamerica-07082014\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/dci-multindicativeprogramme-latinamerica-07082014_en.pdf).

aims at poverty reduction through more inclusive and sustainable growth. This priority has a strong nexus to economic issues, such as trade facilitation, SME competitiveness, employability and environmentally sustainable investments; (4) Environmental sustainability and climate change (indicative allocation €300 M) and (5) Higher education exchange and cooperation (indicative allocation €163 M).

According to the Directorate General Development Cooperation “support for the promotion of social cohesion is an important common thread running through these priorities” (EC 2015: 19). Social cohesion is considered to be a leitmotif in EU-CELAC relations and will therefore be addressed in all priority areas and specific social cohesion targets will be defined during the implementation phase.

Besides, there is a specific sub-regional programme for Central America with an indicative budget of €120 M for 2014-2020. In Central America, the EU is the main donor of regional cooperation. Meanwhile, new cooperation Agreements have been signed and new areas of cooperation (such as migration and counter-terrorism) were included. Currently, the security-development nexus is defined as a specific area of cooperation between EU and Central America in the Development and Cooperation Instrument. The EU-CA programmes’ second focal sector for 2014-2020 is security and the rule of law. The implementation of the Central American Security Strategy (ESCA) is also supported by the EU. Other priorities covered in the Programme CA are Regional Economic Integration and Climate change and disaster management.

Recent global and regional developments have affected the role of Europe and LAC in the world and with it their strategic partnership and the orientation of development cooperation (Sanahuja et al. 2015). Traditional patterns of North-South cooperation or aid, with clearly defined roles of donors and receivers (under the premise of poverty reduction), are contested by global challenges (Manning, 2006). At the same time, the European recession has affected European development cooperation. As a matter of example, Spain had concentrated its Official Development aid (ODA) in Latin America and cut it dramatically after the crises. In this changing framework of a more global, bi-regional and bi-lateral orientation of development policies, South-South Cooperation (SSC) and triangular cooperation (TrC) gain relevance and partially replace the role of the EU as a classical donor (Manning 2006).

As indicated in the “Agenda for Change”, EU development policy is undergoing a change process resulting in a concentration of EU aid on a reduced number of topics and countries.<sup>36</sup> Middle income or emerging countries are preferably seen as potential partners to tackle global challenges. Sanahuja et al. (2015) argue that the EU-LAC partnership can play an important role in shaping the post-2015 agenda by contributing their vision on and governance of democracy and social cohesion, complemented by pushing the topics regionalism and integration, higher education and STI and climate change; all of which can have positive impact on equity and social development.

The Global Partnership for Effective Development Cooperation, which is supported by the OECD and the United Nations system, promises to shift the focus from aid effectiveness to the broader concept of development effectiveness. The underlying High Level Forums which led to the new partnership

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<sup>36</sup> [http://ec.europa.eu/europeaid/policies/european-development-policy/agenda-change\\_en](http://ec.europa.eu/europeaid/policies/european-development-policy/agenda-change_en).

agreement reflected the new multi-stakeholder landscape in development cooperation with a stronger involvement of emerging economies, the private sector and climate change priorities.

These trends are also expressed in the establishment of so-called Sustainable Development Goals by the United Nations. Equality and environmental sustainability are the main pillars of the Sustainable Development Goals, which is a project of a renewed global partnership with an equal stake of Europe and Latin America and the Caribbean. In LAC, CELAC and its subsidiary bodies have been recognized by its member countries as a platform for implementation and follow up of the 2030 Agenda for Sustainable Development.

The 2030 Agenda could give a new impetus to cooperation on social issues between EU and CELAC. As a matter of fact, CELAC and the Government of Germany agreed in January 2016 that the new joint cooperation programme for the period 2016-2018 will be dedicated to support the implementation of the 2030 Agenda for Sustainable Development in the region.

Besides development cooperation, the commercial pillar of EU-(CE)LAC relations is the most important one – at least in terms of creating binding norms - and therefore proceeds over the development and the political pillar. This is true for specific association agreements that incorporate these three pillars as well as for the general framework of EU-LAC relations including bi-regional summits. Since the Treaty of Lisbon the commercial area is a matter of exclusive competence of EU institutions, especially the European Commission. Therefore, EU institutions can engage in negotiations and sign binding treaties that imply the creation of norms for both regions.

So far, the EU has negotiated bi-lateral association agreements with, Chile, Mexico, Peru, and Colombia. While these Agreements mostly follow the framework of establishing the three pillars of trade, cooperation, and political dialogue, their core is the trade related area. Only in this area does the EC have exclusive competences and can therefore directly implement regulations. Although these (free-trade) agreements do not directly tackle social issues they have an effect on social policy systems, for example, through regulations regarding labour standards. However, the relevance of these treaties for social issues is rather limited and therefore these treaties are not explained here in detail.

Bilateral relations, although an important factor of EU-LAC relations, are not in the centre of attention of EULAC Focus. However, as there is little evidence of well-established and well-functioning relations that can be considered as truly bi-regional, in the sense of two regional integration projects working together as juridical persons, this level needs to be taken into account as one of the most important instruments of EU-LAC relations. This becomes even more obvious as agreements considered as bi-regional (e.g., EU-CARIFORUM; EU-Central America) are actually agreements between a group of LAC countries and Member States of the EU and the European Union.

### 5.3 CONCLUDING REMARKS – THE STATUS OF EU-LAC RELATIONS: OPPORTUNITIES AND TRENDS

The analysis of the social dimension of EU-LAC relations has shown that it is crucial to identify the respective actors and parties that are involved in the elaboration of international treaties,

agreements and declarations. Only in doing so the social issues on the agenda can be scrutinized regarding the possible impact that they can create in each of the two regions. Especially for the EU it becomes obvious that different internal regulations and instruments rather than international agreements determine the shape and outcome of its international relations.

Examples of chapter 5 show that development cooperation projects between the EU and LAC targeting social issues are implemented following internal EU logics and are not (legally) founded in any of the international agreements or declarations on social issues. This highlights the fact that social issues tackled in declarations of bi-regional summits or in the bi-regional dialogue on development cooperation are to be considered as a declaration of will or as an expression of common interest and not as a foundation for the relations in general. Furthermore, it should be noted that social issues are in themselves treated as a cross-cutting issue in bi-regional relations which means that they appear in various areas of the relations. They can, directly or indirectly, be found in all of the so-called “three pillars” (political dialogue, development cooperation, commercial agreements) of the relationship. This is related to the specific structure of the European Union which evokes a conflict of competences in the social realm between the institutions of the Union and the Member states themselves. Social issues remain to a huge extent under competence of MS, while only some competencies are at EU level.

This complicates the situation of EU-LAC relations as it inhibits the process of finding common, mutually beneficial objectives and especially the translation of these common objectives in concrete and tangible actions and results, preventing common actions and the formation of a real “strategic partnership” in the social dimension. This is also due to the variety of interests, actors and social models both in the EU and LAC. The only area that stands out in terms of concrete results is the commercial area. Here the exclusive competence of the EU allows producing concrete actions in (mostly) bilateral agreements with LAC states. However, this is the area where social issues are hardly tackled explicitly but remain as a subordinated by-product of economic growth and development, such as the attempt to acknowledge minimum labour standards.

While the interrelation of competences between the EU and its MS adds complexity to the relations, a similar phenomenon is visible in the case of LAC, even though on a different level. Regional integration projects in LAC are hardly equipped with the legal or institutional background to create binding norms through international agreements or contracts. Therefore the specific states have to be part of these documents and pose as the main legal representative in the treaties. A conclusion therefore is that even though considerable efforts have been undertaken to strengthen LAC integration projects, often under strong reference to the EU model, the main channel of the relations remains the bilateral one when it comes to the creation of binding norms. A consequence of this lack of a legal and institutional framework of LAC integration projects is that soft-law instruments are predominant in the area of bi-regional social relations. Looking for example at the declarations of the EU-CELAC summits it is obvious that no legally binding norms are created through them. However, through instruments of soft law the participating states commit themselves to the achievement of set goals and objectives and signatories can thus be held accountable, at least in a political way.

In spite of their limitations compared to binding legal instruments, soft law approaches seem to be the most promising perspective for the social dimension of EU-LAC relations, especially taking into account the lack of competences regarding social issues on a regional level in LAC (in CELAC as well as in other integration projects), but also in the EU. The growing importance of soft law in the EU context (see e.g. Open Method of coordination described in chapter 2) is hereby connectable to the commitments of e.g. CELAC to foster cooperation on social issues. Therefore a common procedure of soft law implementation should be found that focuses on social issues in the two regions and on strategies and concrete actions to tackle them. In doing so, transcontinental learning process would be enabled and a mutually beneficial bi-regional relationship could be fertilized. While these bi-regional soft-law procedures could take an example in the implementation of the OMC in the EU, it should as well be based in LAC experiences regarding social challenges and south-south cooperation. Thus the reproduction of patterns of one-sided power-asymmetries that often shape EU-LAC relations as a way of exporting EU concepts to LAC could be avoided.

Another important factor on the way to an equal relationship could be to strengthen the role of civil society and social partners in the framework of the relations. In the case of the EU the social dialogue has already been included as principal of primary law (from the Treaty of Rome onwards). These procedures could serve as a point of departure for further strengthening the role of social dialogue in the bi-regional relations. Nonetheless, it must be stated that at EU level the understanding of social dialogue is a very narrow one, reducing social partners to employers' and employee associations. While the EU-CELAC summits already encompass reunions of civil society representatives a way to properly include them in the framework of the relations has yet to be found. A transcontinental soft law approach could strengthen the position of civil society actors and additionally help to create leverage for EU-LAC relations in the broader public. Only by acknowledging the significance of civil society, the EU-(CE)LAC dialogue can produce substantial outputs that gather the support of the population in both regions.

So far, a number of social issues have been mentioned which are of relevance to the current EU-LAC relations. One of these issues is the topic of migration, which is of continuing importance not only in the political dialogue (as declarations of the bi-regional summits show) but also in the area of development cooperation (see e.g. EU-CELAC migration project<sup>37</sup>). Therefore, the next chapter will take a closer look at this topic and try to elaborate key dimensions that are important for this social issue in the framework of EU-LAC relations.

## 6 FOCUS MOBILITY: A CROSS CUTTING ISSUE IN EU-(CE)LAC RELATIONS

### Key insights of this chapter

The analysis of mobility in and between EU and CELAC points to the following main conclusions:

- CELAC – EU migration balance is growing in favour of immigration to Europe;

<sup>37</sup> [https://ec.europa.eu/europeaid/regions/latin-america/eu-celac\\_en](https://ec.europa.eu/europeaid/regions/latin-america/eu-celac_en).

- Access to work, education and health care, integration and social security rights are key topics and need to be placed on the bi-regional agenda;
- A common standard for data on migration is needed to be able to monitor ongoing trends and topics;
- To ensure mutual learning, EU-CELAC cooperation needs to take into account experiences from both regions.

The four cross-cutting topics which are at the centre of EULAC-Focus - Mobility, Inequality, Diversity and Sustainability – are very present in the EU-CELAC dialogue. As described above, the topics of *inequality*, *diversity* and *sustainability* are highly relevant in the bi-regional relations. Inequality was discussed as a main challenge both in the European Union and in the LAC region (see chapter 2.3 and 3.4) and especially in development cooperation. In the case of diversity, we have seen that especially in the LAC case it is an issue that is interwoven with culturality, ethnicity and human rights. Translated to the area of relations, diversity plays the biggest role in terms of gender and human rights and is quite prominently represented for example in the political dialogue. Sustainability on the other hands has been framed in the context of the Sustainable Development Goals of the UN and has been a guiding principle of development cooperation. However, in terms of the social dimension, sustainability continues to elude a conceptual fixation as the ecological and economic pillars continues to over-shadow the social well-being component. Mobility (in particular migration) has been a priority topic since the beginning of the bi-regional relationship and is dealt with in various EU-LAC action plans, summit declarations and development programmes.<sup>38</sup> The concept of mobility

In the course of the EULAC Focus project, mobility is understood as the spatial movement of people and knowledge between Europe and Latin America/the Caribbean (Göbel, Birle, Boyer 2016). While it can be understood broader than the term of migration, including movement of knowledge, values or worldviews, the focus in this deliverable is on the mobility of people. Therefore, the term migration is used as a synonym in the following part. The purpose of this chapter is to identify, characterise and assess experiences, information processing, managing capacities and practices in the sphere of migration to contribute to the enhancement of cooperation on social effects of mobility between CELAC and the EU.

When we consider the **social dimensions**, migration constitutes the most important part of human mobility. As known, understanding of migration has not been generally unified. The content of this term might be defined in accordance with the objectives of analysis in different contexts. In principle, migration means the change of place for permanent stay. As a demographic concept, it claims unlimited time available for the migrant at the moment of migration. UN agencies, whose approach is generally accepted and also applied in this paper, consider migration as a sojourn longer than three months (short-term) or one year (long-term migration). In accordance with UN concept (United Nations Department of Economic and Social Affairs 1998), a migrant is a person who moves to a country other than that of his or her usual residence. A person's country of usual residence is the country in which a person lives, in which he or she has a place to live where he or she normally spends the daily period of rest (United Nations Department of Economic and Social Affairs 1998).

<sup>38</sup> The following chapter presents a selection of results regarding the cross-cutting topic of Mobility. For the complete report please see the WP 5 document section of the [EULAC](#) webpage.

The Conference of European Statisticians (Eurostat 2010) determined that a person's "place of usual residence" is that at which he or she spends most of his or her daily night-rest. In terms of regional patterns we distinguish internal and external migration. One of the type of external migration is that crossing national borders and specified as international or foreign migration.

One of the **key institutions** that collect and process data and information on international migration related to the EU is *Eurostat (European Commission)*, whose various subsystems represent main sources of figures applicable for our intentions. The arrangement of data sets makes it possible to find **migration flow** data referring to individual CELAC countries as well as to Central and South America and Caribbean as aggregate units, constituting the states organised in CELAC (Eurostat 2016). It can be done both by country of birth and country of citizenship - for most of the destination EU member states (not for all). It follows that setting of overall figures for both EU and CELAC have to be based, to a certain extent, on estimations and conjectures.<sup>39</sup>

Latest data available date to the year of 2014 and cover 20 EU countries in terms of citizenship and 19 EU countries with regard to country of birth.<sup>40</sup> Surprisingly, strong inconvenience as to these particular data consists in the absence of detailed information for some major EU countries: Germany, France, United Kingdom, Portugal (Only figures for total immigration are available for these countries). Being aware of this gap in data, total immigration figures amount to around 108.700 immigrants classified by country of citizenship and 142,823 persons by country of birth. Noteworthy, around two thirds of immigrants, linked to this reduced collection of EU countries, make their way to Spain: 92,064 persons i. e. 64% as for countries of birth (henceforth CB) and 73,163 persons i.e.67% as for citizenship (henceforth CC). The share of LAC<sup>41</sup> on the aggregate immigration of Spain is about 30% (CB) and 24% (CC). Expectedly, another country with remarkable share of LAC immigrants in 2014 is Italy: 21,108 persons (CB) or 16,904 persons (CC) which accounts for 15% for both CB and CC. Other countries where immigration flow in 2014 exceeds 1 thousand are as follows (in order by quantity): Netherlands, Ireland, Belgium, Sweden, Austria, Denmark. Changes in time observed, the level of basic index (year 2009 as the most distant period with comparable data available equals 100,0 - CB) for Spain in 2014 is 69,4 for Italy 46,8, for Netherlands 92,7, for Ireland 331,9. Even when considering the clear difference in total volumes, indication of trends bringing changes in spatial immigration proportions in case of LAC migrants is evident.

Most valuable are the trends visible in the international migrant stock: migrants by destination and origin. Respective tables are conceived in the form of matrices where destination areas represent both individual countries and also macro-regions as continents and subcontinents (Eastern, Southern, Northern and Western Europe, Central and South Americas, Caribbean, regrettably not EU or CELAC separately) in the legend and countries of origin in the heading. Unfortunately, the macro-regions are not included into heading part and only individual countries represent units there. All the same, one can find respective data for all 33 CELAC countries – differently in terms of completeness in all the periodical data – in five-years interval for the period 1990 – 2015.

<sup>39</sup> Because aggregate data in Eurostat statistical surveys refer to the groups defined as Central and South Americas and Caribbean, it is expedient to use acronym LAC in this part of text connected with Eurostat data.

<sup>40</sup> In the respective surveys, disaggregation of total figures by age groups (completed age, age reached during the year) and by sex is obtainable.

<sup>41</sup> Latin American Countries.

Table 1: Migrant stock of selected LAC countries in the EU.

<b>Origin</b>	<b>Brasil</b>	<b>Ecuador</b>	<b>Jamaica</b>	<b>Guatemala</b>
<b>Destination</b>				
Europe	621 650	549 176	179 327	19 918
Eastern Europe	2 374	544	51	58
Southern Europe	336 652	510 604	666	2 833
Northern Europe	83 781	13 503	173 145	9 606
Western Europe	198 843	24 525	4 865	7 421
Portugal	129 968	433	26	30
Spain	99 725	421 758	282	7 411
Italy	104 207	88 329	346	2 135
Germany	63 893	8 486	2 282	2 093
Czechia	425	98	16	35

Source: Elaborated upon the data from statistical survey published by Population division, UN, Department of Economic and Social Affairs (Trend in International Migration Stock: The 2015 Revision).

Even though the data in table 1 represent only a small sample, created out of selected countries of CELAC and EU, the figures indicate considerable differentiation in inclination to migrate and disproportions in the relative volumes of migrants. This is due to many factors behind the data, which need not be illuminated in the scope of this paper. However, apparent at the first sight and highly significant is the impact of language criterion. It is particularly conspicuous in case of Portugal and Brazil, conversely in the relations of Spain and Jamaica, Northern Europe (UK included) and Ecuador on the one hand and Jamaica on the other.

Evidently, the growth of immigration stock in Europe (EU) is considerable in the course of the last quarter of the century (Table 2). Population coming from Brazil and staying in Europe grew 4,7 times in the period of 1990 – 2015, population from Ecuador by a factor of 43, population from Guatemala more than 3 times, population from Jamaica grew only mildly during the observed time – the index of change is 127 (1990=100). In Spain, the immigration stock related to Ecuador grew to nearly 400,000 (17 times) in the period 2000 – 2015. Absolute increase is in most cases quite conspicuous between the years 2000 – 2015 (e.g. 487,000 immigrants from Ecuador to Europe). Contrary to that, the population born in monitored European countries and staying in selected LAC countries (Table 3) decreased substantially in LAC immigration stock. When this stock for LAC in 1990 equals 100, the respective basic indices for Spain decline to the level of 67,9 in 2000 and 61,4 in 2015. Similarly, for Italy the same figures are 70, 0 in 2000 and 56,5 in 2015. Except for UK, the decrease is also the case for the other three EU states (table 4) in relation to Brazil.

Table 2: International migrant stock by selected European destination areas and CELAC origin.

<b>Origin</b>	<b>Brasil</b>	<b>Ecuador</b>	<b>Jamaica</b>	<b>Guatemala</b>	<b>Year</b>
<b>Destination</b>					
<b>Europe</b>	132 673	12 873	141 552	6 058	<b>1990</b>
<b>Europe</b>	217 743	62 368	146 134	9 016	<b>2000</b>
<b>Europe</b>	621 650	549 176	179 327	19 918	<b>2015</b>

<b>Spain</b>	13 454	3 734	20	975	<b>1990</b>
<b>Spain</b>	28 179	24 472	378	1 977	<b>2000</b>
<b>Spain</b>	99 725	421 758	282	7 411	<b>2015</b>
<b>Germany</b>	11 446	1 252	701	583	<b>1990</b>
<b>Germany</b>	23 338	3 541	1 269	1 993	<b>2000</b>
<b>Germany</b>	63 893	8 486	2 282	2 093	<b>2015</b>
<b>UK</b>	9 560	423	138 898	69	<b>1990</b>
<b>UK</b>	14 710	2 936	141 559	481	<b>2000</b>
<b>UK</b>	56 055	9 422	172 829	1 049	<b>2015</b>

Source: Elaborated upon the data from statistical survey published by Population division, UN, Department of Economic and Social Affairs (Trend in International Migration Stock)

Worth mentioning, however, is the rise of immigration stock, coming from selected EU countries, in Ecuador as well as in Guatemala (approximately three times for all observed EU countries). Together with enormous increase of Ecuadorian immigration population in the EU, intensity and volume of migration towards Europe is exceptional in the case of Ecuador.

Population increase in LAC as a whole attains the level 117, 6 in 2000 (1990=100,0) and 142,1 in 2015. In the same way defined figures for other LAC formations and countries are as follows: Caribbean 111 and 126; Central America 120 and 150; South America 118 and 140; Brazil 117 and 138; Ecuador 130 and 160; Jamaica 108 and 116; Guatemala 127 and 177. When compared with the development of the size of population, migration (emigration) rate on part of LAC countries is distinctly high.

Table 3: International migrant stock by selected EU origin and destination

<b>Origin Destination</b>	<b>Spain</b>	<b>Italy</b>	<b>Germany</b>	<b>UK</b>	<b>Year</b>
<b>LAC</b>	511 661	515 105	81 066	36 143	<b>1990</b>
<b>LAC</b>	347 520	361 591	68 370	40 484	<b>2000</b>
<b>LAC</b>	315 419	291 043	79 006	61 445	<b>2015</b>
<b>Brasil</b>	59 188	70 081	25 678	3 849	<b>1990</b>
<b>Brasil</b>	43 708	55 164	19 603	4 044	<b>2000</b>
<b>Brasil</b>	36 691	44 366	19 389	5 905	<b>2015</b>
<b>Ecuador</b>	2 013	1 252	1 397	709	<b>1990</b>
<b>Ecuador</b>	3 099	1 595	1 827	895	<b>2000</b>
<b>Ecuador</b>	7 473	3 845	4 405	2 158	<b>2015</b>
<b>Guatemala</b>	944	325	476	125	<b>1990</b>
<b>Guatemala</b>	883	232	404	142	<b>2000</b>
<b>Guatemala</b>	1 320	368	640	223	<b>2015</b>

Source: Elaborated upon the data from statistical survey published by Population division, UN, Department of Economic and Social Affairs (Trend in International Migration Stock)

Selected data arranged in Table 2 and Table 3 provide a figure about absolute dimension of migration occurrence in a country or macro-region and also about the share of migrant stock on the total population. This contributes to understanding of relevance or severity of problems associated with migration in studied countries and areas. In case of both characteristics it is very important to take the dynamism of the applied indicators into account and not only their absolute and relative size. From points of view that these indicators create, European countries are hardly comparable with those from the area of LAC (CELAC) where the dynamics of migration stock (MS) is conspicuously lower. Quite exceptional is the increase in MS share in the countries of Southern Europe as a whole (3,5 times) in last quarter of century and among selected EU countries in Spain (6 times) and Italy (4 times).

It would be interesting to compare, in a subsequent study, particularities of LAC immigrants in the EU compared to other immigrant groups what concerns their labour market integration (male/female), level of qualifications, recognition of educational credentials, special rights and services, etc. Do LAC migrants stand out in any of these features? Are they in general better or equally integrated into labour markets and social life compared to other migrant groups? These questions, however, could not be answered in the scope of this report.

## 6.1 MOBILITY IN THE CONTEXT OF EU-LAC RELATIONS

Sufficiently clear from the above comparisons is that migration towards Europe from LAC (CELAC) has grown fast over the last decades. Most of immigration is directed to **southern European countries**. Nonetheless, other European countries have also received substantial increments of migration stock. Recession and subsequent economic difficulties in LAC countries, jointly with new measures regarding visa for the USA, are considered to be behind the rising interest for immigration to Europe from LAC countries (Padilla-Peixoto 2016).

Data for major destination countries, (Spain, Italy, Portugal) testifies towards the largest increments being witnessed in recent years. The occurrence of large LAC (**CELAC**) *diaspora* in Europe may itself be a factor supporting further migration inflows to continue in the future. The demographic pattern of LAC immigrants to Europe reveals that young population representing labour force participation is prevailing and is marked with relatively high levels of education and remarkable interest in remittances. It is estimated that over one billion of US dollars is sent back to a country of origin annually from Spain to LAC states and another billion from the other countries in Europe. Also due to the improvements of the remittance system, associated with growing LAC *diaspora*, this volume is likely to rise further.

The retrospective of LAC – EU migration relations gives proof of variability of emigration and immigration countries. Not long ago, countries of Latin America and the Caribbean represented important destination territory for European immigrants. It was in the nineteenth and twentieth centuries when millions of Europeans – notably those from southern Europe – preferred migration into this part of the world. In the 1980s and 1990s, these trends were turned around. Presently, the

volume of LAC immigration into countries such as Spain and Italy, having significant historical and cultural linkages to Latin America, is rising enormously.

The event considered to be a milestone in terms of LAC – EU migration relations was the meeting of the European Council in Tampere in 1999. The decisions that followed stimulated efforts for a common EU migration and asylum policy. This development accrued from the growing consensus among European politicians to understand labour market demands in terms of possible immigration. In its viewpoint regarding Community Immigration Policy (COM (2000) 757, November 2000), the European Commission called for abandoning the zero immigration policies of the past 30 years and for creating new immigration policies and attitudes involving better and more efficient regulation of migration and preventing migrant smuggling and human trafficking (Padilla-Peixoto 2016).

With the new perspective of CELAC – EU migration relations and asylum policy, *partnership with countries of origin* is invariably one of the most important prerequisites of effective implementation of this strategy. This strategy also puts considerable emphasis on inhibition of factors responsible for irregular migration flows and facilitates the development-related elements of migration. In the following some important topics regarding migration in the EU are presented.

### **Access to work, education and health care**

One of the most important aspect of migrants' sojourn in EU countries is eligibility to use **working opportunities**. Generally, third-country nationals can perform work on the condition that they have received a **work permit and a residence permit** or an Employee Card or a Blue Card (Council Directive 2009/50/EC), provided that the Act on employment or other similar regulation does not set down otherwise.<sup>42</sup>

Apparently, **employment and migrant's position on labour market** are the most important among the indicators. Even though the distinct and detailed data related to this sector are not available in the current situation, theoretical arguments contribute to the illumination of migrants' possibilities to get involved into socio-economic systems in destination countries. When assessing *social conditions of immigrants* in destination countries and their access to labour market, complex economic relationships with other economic issues should not be omitted. Spatial economics provide theoretical background to the evaluation of the position of migration in local or regional economic development.

Migrant's access to and position in the **labour market**, either acquired immediately or after an adequate preparation period, often means a decisive condition for his or her existence in destination country. The natural and very strong advantage is a good knowledge of the new country's language

As far as **education** is concerned, it is common in EU countries that unless stipulated by the law otherwise, foreigners enjoys the same rights and duties in the area of primary, secondary and mostly also tertiary education as nationals do. Foreigners (migrants) have the right to education based on the Charter of Rights and Freedoms. Persons who legally stay on the territory of the respective EU country usually become pupils or students of a relevant school or a school establishment, provided they prove to the headmaster of the school or director of an educational establishment at the

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<sup>42</sup> For a more detailed examination of working permits in the EU see Appendix D.

beginning of their education at the latest the legality of their stay. The issue which is strongly dependant on the policy in particular EU countries is the use of national or other languages in teaching. Practice in this regard is formed by various specific regulations and provisions – even on the level of individual schools. Generally, as common principle: When national language is used for the instruction, foreign pupils and students – at least in primary and secondary and mostly also tertiary educational institutions – take part there, they have the same rights, conditions and position as the domestic population.

Rather not clearly mapped out is the area of **health care** for foreigners (migrants). It is common that migrants can utilize healthcare to the standard extent as regards health insurance system, access to the health establishments as well as health facilities. However, administration of these processes, is subjected to a number of specific terms and provisions in individual EU countries (United Nations Department of Employment and Social Affairs, 2016).

### **Integration**

Key issue in our context, seemingly on the part of destination countries, but in fact also for immigrants themselves, is the process and the results of migrants' **"integration"**. Rather than unambiguous findings, a number of intricate questions arise: Which signs or attributes are appropriate for assessment of the rate or degree of integration? On which level of chosen parameters one can claim that a migrant has been integrated? Which is generally the minimal plausible degree of integration for destination country? Is there any substantial difference between assimilation and desirable degree of integration?

The attempts to create general or specific models, on the ground of theory and obtained experience, may seem meaningful. However, observation of "integration" individually, in the sense of pattern *"he/she – in particular time/moment - in particular space/place – with particular manifestation of behaviour and action"* appears to be most authentic. Empirically, it is possible to pinpoint the state of assimilation, when an individual through his or her action proves no or small difference from domestic population - as regards value orientation, cultural patterns, position of religion in everyday life and other aspects. However, the traditional approach to this process – the three A triad "Accommodation – Adaptation – Assimilation" does not seem to be covering all substantial demands of nowadays conception of immigrants' integration.<sup>43</sup>

At this point we are confronted with the question whether and to what extent integration is in fact attainable and what are the substantial attributes of successful, completed integration. Essential is the contradiction "Integration against Identity" in this perspective. If immigrants should keep, at least partly, their original identity, completed integration is impossible, because effective amalgamation with domestic community in fact mostly calls for "reconstruction of personality" in a way eliminating original identity. The unavoidable question that thus arises is whether the process of integration complies with the fundamental philosophy of human rights. If partial integration is finished in the stage of accommodation or adaptation, the immigrant saves a part of his identity,

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<sup>43</sup> There are approaches in this area which strongly evoke a memory of tools for social policy in so called socialist countries in the past: „Social engineering, connexion and engagement in a collective (team) but also mechanical redistribution of financial means for social and other purposes.

partly due to the connection with the diaspora, but still belongs to a minority or parallel community which mostly determines his or her patterns of behaviour.

In agreement with the Zaragoza declaration, adopted in 2010, Eurostat maintains an extensive statistical database oriented on integration in four basic aspects:

- Social inclusion (Income distribution and monetary poverty; People at risk of poverty and social exclusion; Living condition; Material deprivation)
- Education (Participation in lifelong learning of population aged 18 and more; Young people by educational and labour status; Distribution of the population by educational attainment level; Early leavers from education and training)
- Employment (Activity rates; Unemployment rates by sex and nationality/country of birth; Employment and self-employment)
- Active citizenship (Long-term residents among all non-EU citizens holding residence permits by citizenship; Residents who acquired citizenship as a share of resident non-citizens by former citizenship and sex).

However, this system does not also allow for distinction within the group of non-EU citizens or those born outside the EU. Should the identification of countries of origin be possible, the information derived from applied indicators would create a multi – dimensional picture capturing the situation of CELAC immigrants.

### Social security rights

Other important topics regarding migration are assisted return policies and the issue of readmission **social security rights**.<sup>44</sup> As known, the EU provides – on the ground of social security coordination - common rules to protect social security rights when moving within Europe (EU 28 + Iceland, Liechtenstein, Norway and Switzerland). However, the *rules on social security coordination* do not replace national systems with a single European one. All countries are free to decide who is to be insured under their legislation, which benefits are granted and under what conditions.

## 6.2 CONCLUDING REMARKS

CELAC – EU migration balance is growing in favour of immigration to Europe and this trend is expected to continue in the next years, probably decades. Considering this fact the question about the capacity of individual EU states to accommodate immigrants will probably arise. A universal answer to this question, based on available knowledge, is not unequivocal. Moreover, this issue has a distinct political dimension.

Obviously, this question is also related to the impact of emigration in CELAC countries, considering its size and structure. Furthermore, the question arises how to rate the relation between immigrants to EU countries who aspire for integration and lifelong staying in the destination country and those who - for various reasons - return to their countries of origin. The positive effects of the return cannot be denied. The possibilities to use gained knowledge and experience are remarkable. This

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<sup>44</sup> For a more detailed examination of these three topics in the EU and CELAC see Appendix D.

issue seems to be much less studied so far than it deserves, considering its importance for national economies in source countries.

The final remark is connected with what has been pointed out multiple times in this chapter: a multitude of data and information on immigration to the EU is available. However, in absolute majority, the degree of aggregation of the respective sets does not allow to identify and discern the same items for LAC countries, because the data collection is mostly constructed to represent parameters of EU states. However, when several specific key questions are set up, a special, nonstandard approach to data acquiring is sure to be found effective and meaningful.

Apart of these data issues, where EU-CELAC could strive for common indicators and measurement procedures, three topics were identified that play a key role in managing migration between the two regions. Generally speaking, CELAC does not provide any common regulations or policies regarding migration issues and therefore cannot be considered an important player in this field. Initiative remains fully with LAC states and makes the aim of common goals between EU and CELAC even more difficult. However, in the case of the EU some areas are a bit more concerted on a European level than others. While rules in terms of access to the work market and education are to some extent unified on an EU level, access to health care is still not equal in most of the EU countries. In terms of integration of migrants, several possible indicators are presented, but the measures that are set to reach this goal are as diverse as are the Member States of the EU. A last area is the one of social security rights, that is, while some basic provisions on EU level are given, is mostly a MS issue.

It would be interesting to further study the situation of “integration” of LAC migrants in the EU compared to other groups of migrants, especially associated to education, employment and active citizenship.

What does this mean for EU-CELAC relations? As the EU already has quite significant experience in the area of creating supranational regulations regarding free movement of labour force, equal pay of female and male workers as well as social security for migrants, CELAC can profit from these experiences. This means not only positioning the EU as a role model in terms of regional cooperation but also learning from failures in this process. Even though CELAC has no competencies regarding migration, the political dialogue might be able to influence national representatives towards cooperating closer on this issue. This could also be profitable for the EU, as LAC countries have great, but also mixed, experience in the area of integration and interculturality.

## **7 FOCUS RESEARCH TRAJECTORIES: PERCEPTIONS OF SOCIAL DEVELOPMENTS IN (CE)LAC AND THE EU**

### **Key insights of this chapter**

The analysis of the scholarly debate on social issues in LAC and the EU points to the following main conclusions:

- The two databases (Scopus and WoS) offer a similar picture of trends and patterns of social issues represented in publications;

- Social security, social cohesion and social inclusion are comparatively well represented in EU-LAC co-publications;
- EU researcher are especially interested in post-neoliberal welfare reforms in LAC (including approaches towards social inclusion of vulnerable groups and cohesion);
- Inequality in LAC is studied intensively by European researchers, applying different perspective of social and economic development.

## 7.1 METHODOLOGICAL REMARKS

European scientific production, especially in social sciences and concerning social issues, has been a continuous point of reference for academic and scientific discussion in Latin America and the Caribbean. However, the European scientific discourse on social issues hardly takes notice of LAC developments, both regarding specific issues or theoretical conceptualisations (Thwaites Rey and Ouviaña 2015: 65–66). This ‘blind-spot’ of European knowledge production inhibits the exploitation of potential “trans-national learning processes” on social issues (Brand 2012: 358).

Therefore, in this chapter we analyse scientific production in EU and LAC (as well as EU-LAC co-publications) on social issues. More precisely, the following questions are asked:

- 1) Which social issues in LAC are predominantly studied by European scientists? Which are the currents, trends and “hot topics” of the last decade?
- 2) Have these currents, trends and “hot topics” changed since the economic crisis of 2008?
- 3) In which social policy areas are LAC policies identified as potentially inspiring for the EU?

These guiding questions were directed towards a corpus of scientific publications identified through a (co-)publication analysis using the “Scopus”-database<sup>45</sup>. A (co-)publication analysis usually aims at visualising collaboration patterns between defined regions or countries in terms of affiliated institutions, authors or topics. However, due to the small overall number of co-publications (ranging between 0 and 111 articles) in the respective thematic areas (see Table 4: Set of key social issues used for (co-)publication analysis in English, Spanish and , the analysis was mainly focused on publications affiliated to EU authors and their perception of social developments in LAC. This approach was also chosen because even though Scopus is a reliable database for EU publications LAC journals are strongly underrepresented in the data base. In a second step, a co-publication analysis was done using the Web of Science (WoS) database, which has a higher coverage of LAC journals due to the integration of the ScieLo data-base, the most prominent LAC Scientific Electronic Library.

Since the social dimension covers an abundant range of issues relevant for social policy and scientific research, we defined a set of key issues that make up a concrete framework to limit the results of the co-publication analysis. This set of key social issues was defined in a multi-layered process: for one the EU-CELAC action plans and political declarations were screened to identify key issues within the institutional dialogue. This step served as a basis to make sure that the scientific production

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<sup>45</sup> Scopus is a bibliographic Database of academic journal articles containing more than 22,000 titles and over 5,000 publishers. See: <https://www.elsevier.com/solutions/scopus>

analysed covered the key topics set by the most important political dialogue forum between the EU and LAC. Additionally, the project partners were asked to submit key issues relevant to the social agenda of their region and country.

Firstly, a quantitative assessment was done to determine trends and frequencies in co-publications and EU publications on social issues in LAC. In order to capture a general overview of the thematic priorities, publications on the defined key issues were clustered in publications with at least one EU affiliation, publications with at least one LAC affiliation and publications with one EU and one LAC affiliation (co-publications). Besides the quantitative approach, a qualitative exploration of the perception of social developments in LAC by EU authors was implemented.

Secondly, a more in depth analysis of specifically selected articles was conducted. Exceeding a state of the art literature review, this qualitative approach was guided by principles of grounded theory (Strauss and Corbin 1990) and qualitative content analysis as outlined by Mayring (2002: 281) and Flick (2002: 114). This method allowed detecting similarities, as well as differences in the perception of social developments in LAC as they are studied from an European perspective. Selected articles were clustered following their core thematic focus to identify the scientific perception of social developments. The process of selecting relevant articles was guided by the following criteria: impact (measured through the number of citations of a publication), actuality (more recent publications were given more weight) and representativity (publication had to be associated with an identified trend).

*Table 4: Set of key social issues used for (co-)publication analysis in English, Spanish and Portuguese*

English	Spanish	Portuguese
social cohesion	cohesión social	coesão social
social inclusion	inclusión social	inclusão social
Inequality	Desigualdad	desigualdade
poverty	Pobreza	pobreza
employment	empleo, trabajo	emprego, trabalho
welfare	Bienestar	bem-estar
social security	seguridade social	segurança social
social protection	protección social	protecção social
vulnerability, vulnerable groups	vulnerabilidad, grupos vulnerables	vulnerabilidade, grupos vulneráveis
discrimination	Discriminación	discriminação

Source: own elaboration.

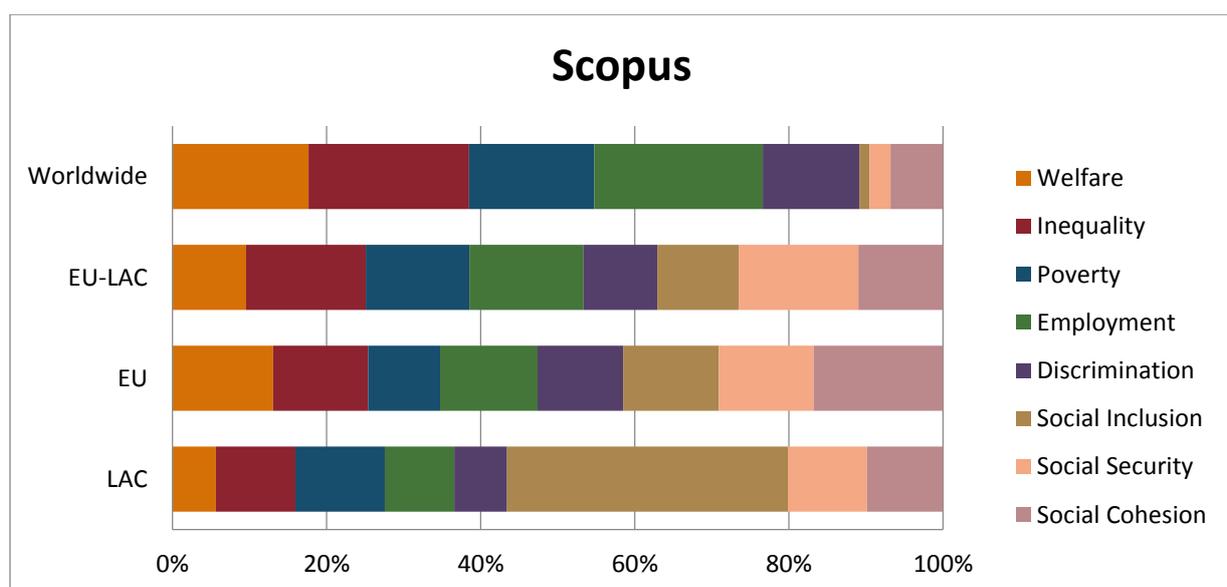
## 7.2 THEMATIC TRENDS AND PATTERNS IN LAC AND THE EU IN COMPARISON

Results of the co-publication analysis show some interesting trends regarding social issues in LAC and the EU. For detecting trends and patterns in co-publications, absolute numbers are of limited use. Therefore the analysis focuses on relative shares which can serve as an estimation proxy for publication trends and patterns. Nonetheless this analysis can only be seen as a rough approximation to the topic of social issues in (co)-publications. The comparison between Scopus and WoS contributes to a more valid picture of these trends and patterns.

Figure 12 shows some tendencies in the Scopus database that are worth noticing. The most striking result is the high number of publications in LAC dealing with the matter of social inclusion. Whilst this issue generally has a rather low number of publications (Worldwide: 2578; EU: 950) the share of LAC-publications is clearly above average (LAC: 243). This trend is cautiously confirmed by the results derived from WoS, illustrated in Figure 13. In WoS, social inclusion is still much more prominent in LAC and the EU than compared to its share in worldwide publications, but not as dominant as in the Scopus database. One possible interpretation for this is the re-occurring importance of social inclusion in the aftermath of neoliberal austerity policies and cut backs in public spending that initiated a wave of scholarly attention directed towards the effect of these social inclusion policies.

The issue of inequality on the other hand, accounts for a much smaller share of publications in the WoS database, while it remains on the same level as social security and social protection in Scopus. In both databases however, these issues are less present in the EU, LAC and EU-LAC publications than compared to worldwide publications on this issues. Notably, its share is the highest in EU-LAC co-publications which points to the fact that researchers from both regions recognize the common importance of the topic and are studying its effect mutually.

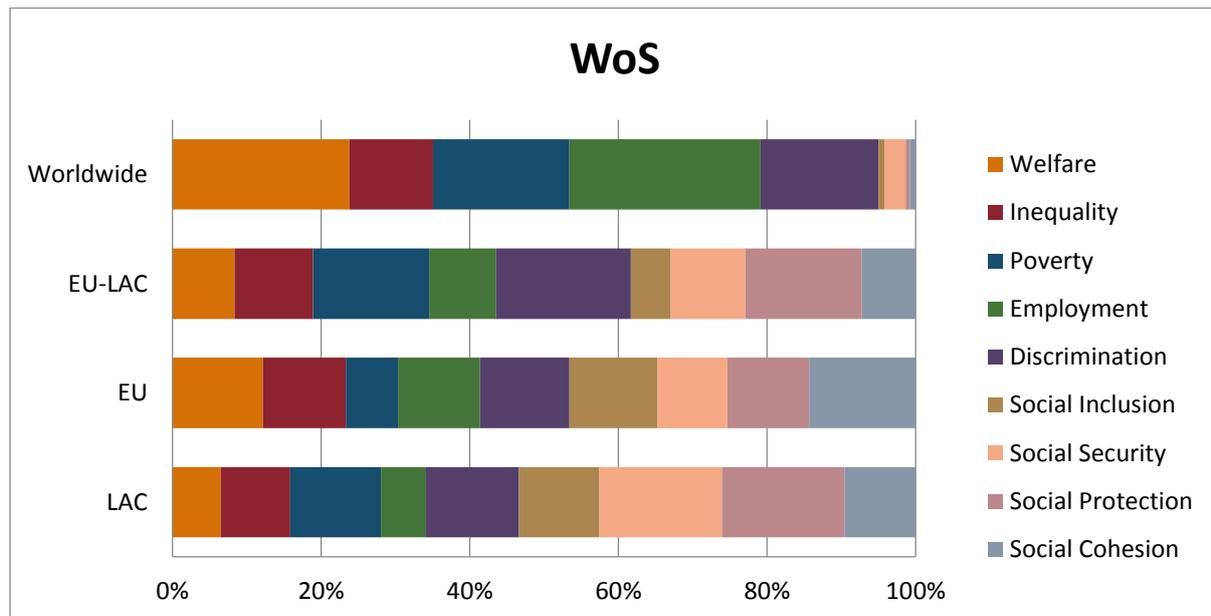
Figure 12: Relative share of key issues in publications in %, Scopus.



Source: own elaboration, Scopus database.

The same applies for the issue of social security, which is also very present in both data-sets in LAC, EU and EU-LAC publications compared to its worldwide share. Welfare is, on the contrary, under-represented in both regions as well as in co-publications. This is interesting to note as debates on the reform of welfare states are of very present in the political discourse at EU level. However, welfare may not be of the same importance for Latin American and Caribbean scholars and other concepts and terms might be used to describe societal organisation in LAC that differ from European concepts of welfare and particularly the welfare state.

Figure 13: Relative share of key issues in publications in %, Web of Science.



Source: own elaboration, WoS database.

In general, the two databases offer a similar picture of trends and patterns in publications and especially regarding EU-LAC co-publications the thematic shares remain basically the same. However, there are some differences notable in terms of distribution on regional level. For example, the issue of social security is much more present in LAC in the WoS database, indicating that scholarly attention to this topic is considerably higher in LAC than compared to the EU. Another difference is the significance of the issues of discrimination, which is especially present in EU-LAC co-publications in the WoS database. These findings provide an orientation to the kind of topics that are present in the regions, but to make sense of these results it was necessary to go more in depth of the identified publications and analyse them more thoroughly.

### 7.3 EU RESEARCHERS LOOKING AT SOCIAL POLICY DEVELOPMENTS IN LAC

This chapter presents key insights into the results of the publication analysis of the Scopus database. It studies the EU publications on the identified key issues which are dedicated to studying social development in LAC. The papers were identified by screening the abstracts of the 100 most cited publications in the EU in each of the key issues and then analysed by applying a qualitative content analysis. The results are structured along the guiding questions introduced in chapter 7.1.

**Which social issues in LAC are predominantly studied by European scientists? Which are the current trends and “hot topics” of the last decade?**

Taking a look at the publications by EU-affiliated researchers that deal with social development in Latin America and the Caribbean, some trends are worth highlighting. Researchers are for example framing social issues under the umbrella of development policy or development cooperation by e.g. linking social inclusion to technological innovation and economic growth (Perez 2010; Cardenas and Carpenter 2013) or focusing on participatory and non-discriminatory approaches in development cooperation (Villalba et. al. 2014).

Literature focussing on social issues such as social inclusion, welfare, inequality or discrimination from a development perspective can furthermore be distinguished in two distinctive currents: one that deals with social issues mostly from an institutional point of view that is strongly linked to economic policies; and one that focuses so-called “alternative development models”. This second string is very closely associated to the study of post-neoliberal reconfigurations of Latin American (the Caribbean is hardly mentioned) states. In the first decade of the 2000s scientific interest regarding social issues in LAC was often linked to neo-liberal structure adjustment reforms and their effects on society (Molyneux 2008; Bradshaw 2008; Lloyd-Sherlock 2009). The interest shifted towards new forms of state and social structures in the second decade of the 21<sup>st</sup> century. The topics that became the focus of research included new forms of social policies, alternative models of economic development, new forms of democratic participation or social movements and their role in post-neoliberal states (Nem Singh 2010; Audirac et.al. 2012; Grugel and Ruggirozzi 2012). This thematic focus can be considered as an orientation of European researchers towards innovative modes of governance and economic development in Latin America. Indeed, this shift of focus was almost exclusively focused on some Latin American countries and hardly includes countries from the Caribbean. The Latin American countries that are in the focus regarding these processes are predominantly Argentina, Brazil, Chile, Ecuador, Mexico and Venezuela.

In relation to this spike in interest in post-neoliberal state projects there is also an increasing interest in politics of cultural identity and non-discriminatory policies, especially regarding the indigenous population of Latin America, as well as, women and migrants (Carlisle 2006; Wilding 2010; Ferreira and Gignoux 2011; Pecheny and Valcuende 2014). An important current in the examination of non-discriminatory policy is the question of gender equality and its effects on society. Regarding this topic, European researchers are also interested in strategies in the Caribbean context (Punch 2007; McGrath 2013; Bayón and Saraví 2013), especially regarding non-discriminatory policies towards women and migrants.

Furthermore, a strong focus on poverty alleviation strategies is remarkably identifiable. European researches tend to look at social models in LAC countries with a special interest in social policies that combat poverty and with especial focus on vulnerable groups. As a matter of fact, there is one policy (Conditional Cash Transfer Program) that has been studied by European researchers (such as Handa and Davis 2006; Hall 2006; Debowicz and Golan 2014). European interest in this topic started in the first half of the 2000s with the Mexican “Oportunidades” program that specifically targets women (Molyneux 2006; Debowicz and Golan 2014). The discussion about these programs is hereby mostly led under a neoliberal paradigm that sees these program at least partially as neoliberal instruments of social policy.

A cross-cutting issue of great relevance for European researchers is inequality, often studied in connection with poverty alleviation policies (Caldés et. al. 2006; Rambla and Veger 2009; political reforms (Panizza 2005; Castillo 2014); social policy reforms (Barrientos 2006; Biggs et.al. 2010) and vulnerable groups (Wolff 2007; Barrientos and Santibáez 2009). This inequality is studied in multiple ways which include references to income inequality, access to basic services, health or political participation (Milani 2008; Alzúa et.al. 2013; Suanes and Roca-Sagalés 2015). The variety of topics related to inequality show the importance of this issue in LAC social models and furthermore the recognition this topic gets in the European social science research scene.

The topic of health care subsumes a variety of policies of social security and social protection that are practiced in Latin America and the Caribbean. A central point of interest regarding health care is the relation between health and economic inequality. European researchers are interested in the effects of economic inequality – a social fact still prevailing in Latin America and the Caribbean – on the health of citizens and health care policy itself (Bustamante and Mendez 2014; Olivera and Zuluaga 2014).

Finally, the last topic that shall be highlighted here is education. European researches seem to have an interested in various educational polices in LAC that are in relation with issues such as inequality, labor market access or also poverty alleviation (Castillo 2014). Hereby the interest mainly lies in the effects of educational polices on these issues and the possible contribution of education to a more just society

### **Have these currents, trends and “hot topics” changed since the economic crises of 2008?**

The most distinct trend since 2008 is a stronger focus on post-neoliberal policies in LAC and their effect on the social relations. As a reaction to the structural adjustment programs that were implemented in the 1980s in LAC countries, the interest of European researcher in LAC mainly focused on the effects of these reforms. According to scholars, the rise in poverty rates was traced back to these specific adaptations that e.g. also gave birth to the so-called social investment paradigm that would later shape EU social policy discourse (Jenson 2010: 72). However, recent publications from European side tend to focus more on a variety of post-neoliberal polices. These offer interesting approaches also for initiating reform process in a European context which is characterized by austerity policies and the cut back of social expenditure.

This trend is closely linked to a spike in interest in aforementioned strategies of alternative development. These alternative forms of social, cultural and economic politics are studied intensely by European researchers and comprise a rise in interest in non-discriminatory polices targeting the indigenous population, women and migrants. The search for alternative polices to combat the rise of inequality that is noted in the EU is clearly on the rise since the aftermath of the financial crises began to show its effect in the EU. While in the early years of the 21th century the focus was mostly on the investigation of effects of neoliberal reform packages, the focus shifted towards policies of reconfiguration of social models in the recent years. This includes also very specific analysis of e.g. pension reforms or the reformation of health care services.

However, it also has to be mentioned that these shifts in interest remain on a rather low level and are more visible on the level of number of publications rather than on the level of impacts. This

means that generally these described trends that are visible since 2008 are visible in rather low-ranked journals and do not receive a lot of scholarly attention. Nevertheless it is worth noticing that these trends exist and that European researchers – even if on a rather small scale – see Latin America, and to a lesser extent also the Caribbean, as an interesting area regarding alternative concepts of social development

### **In which social policy areas are LAC policies identified as potentially inspiring for the EU?**

As described above, various trends and topics like post-neoliberal reforms, non-discriminatory politics, democratic inclusion or alternative economic concepts are studied with rising interest by European researchers. However, these trends are developing on a low level in terms of absolute numbers of publications. Furthermore it does not seem as if the interest in these policies is getting a lot of response by policy makers even though some of the topics are also mentioned in the bi-regional policy dialogue (e.g. in EU-CELAC action plans).

The different regional contexts in which social policies are implemented make it harder to transfer them to the other region. Even more so when taking into account that most of the social developments in LAC studied by EU researchers are located on the national level and have no supra-national component. From an EU perspective these social developments nevertheless serve as an example of – at least sometimes – successful social reforms. These success stories and best practices on certain social issues are a fruitful basis for the initiation of trans-continental learning process and the strengthening of bi-regional relations (Bodemer 2012: 15; Brand 2012: 358).

## **7.4 CONCLUDING REMARKS**

The analysis of research discourses regarding social issues in LAC and the EU sheds light on trending topics and concepts.<sup>46</sup> The analysis allows identifying some interesting trends and thematic orientations, at least for EU authors and their interest in social issues in LAC. According to the analysis, the European academic community seems to be very interested in topics that are related to post-neoliberal reforms, non-discriminatory politics, democratic inclusion and alternative economic concepts. All these topics are studied in close relation to its effects on vulnerable groups such as migrants or women. This means that European researchers already look to the LAC region. It would be of utmost importance to announce these topics as priority areas, especially in regard to the creation of a Common Research Area between the EU and LAC.

Certainly, it is a necessary contribution of the academic sector to highlight different approaches regarding social inclusion, welfare reform and unemployment policies. In terms of EU-CELAC relations, the study of good-practice examples e.g. in terms of social inclusion of vulnerable groups (migrants, unemployed etc.) can contribute to a reorientation of common cooperation priorities. Taking this proposal serious, the EULAC-Focus project will study some of these LAC policies that raise attention in the EU in its upcoming deliverables. This can be seen as a contribution to ensure mutual trans-continental learning processes.

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<sup>46</sup> In the course of the project the WP5 team also conducted a small quantitative media analysis on trending topics in some selected LAC and EU countries. You can find this paper in the WP 5 document section of the [EULAC](#) webpage.

## 8 FINAL CONCLUSIONS AND FIRST RECOMMENDATIONS

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Because social policy is traditionally a controversial topic, social relations between the EU and LAC are less actively promoted. Nevertheless, social systems in both regions are under major stress (often for similar reasons or with similar consequences). It is important to ask how social issues can be better positioned within the EU-CELAC agenda. This report has tried to identify some areas in social policy where each region has important experiences that could enrich bi-regional relations. We illustrated that the EU has e.g. outstanding experiences in soft law and good governance, in active employment policy, equal opportunities or workers' rights. LAC historically has a lot of experience with poverty reduction, ethnic discrimination and intercultural approaches, as well as with minority rights.

The analysis has also highlighted that it is crucial to identify actors and institutions that are involved in the bi-regional relations in order to understand where and how impact can be created. Particularly in the case of the EU, it is important to point to the fact that internal regulations shape and frame the relation towards LAC and that the EU context is characterized by the tensions between different competences attributed to EU institutions and Member States. In LAC, on the other hand, we are confronted with different regional integration projects with very weak institutional and legal backgrounds. It is distinctive to the EU-LAC relations that the only area where binding agreements are elaborated is the commercial one. Although this area indirectly tackles social issues, a strengthened position of the social dimension in EU-(CE)LAC relations would mean to position this topic independently from economic issues and not to consider them as a mere by-product of economic growth.

We saw that the **Sustainable Development Goals** (SDG) offer one direction towards the renewal of the social dimension of EU-CELAC relations. The MDGs and the SDGs were inspired by Amartya Sen's perspective that the social development dimension is very decisive once it refers to the process of people's increasing opportunities and freedoms, such as recognising cultural differences when reducing inequality and discrimination sustainably. In order to increase opportunities and freedoms, people need access to material goods (food, housing, etc.) and to services like education, health, social protection, inter alia. Good employment may provide access to all of this, but should not be the only way since children, old and/or disabled persons and vulnerable persons require different options or specific type working conditions. The peoples' opportunities and freedoms are related to the cross-cutting topics of (1) **mobility** - freedom for moving around physically but also social mobility; (2) **inequality** – not only in an economic sense but also in a social and legal one, including human-rights (3) **interculturalism and diversity** - human diversity has a unique richness, therefore conflicts and violence arising from differences must be overcome; different cultural backgrounds can enrich people's experiences and outlook - and (4) **social policies and dimensions**, which must provide permanent stability to support sustained human development.

The EU-CELAC partnership could have a decisive role in shaping the post-2015 development agenda if it achieved to develop its own vision and coordinated actions for the joint implementation of the 2030 Agenda. The EU-CELAC summits could facilitate a multi-stakeholder discussion on more sustainable and social futures based on a **human development** approach. By doing so, the EU-CELAC partnership would stand out as the only bi-regional partnership which discusses the transition to a

regime of lower production and consumption under the major premises of ecological justice and socio-ecological transition and based on active citizenship.

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## APPENDICES

### Appendix A THE LEGAL BASIS OF THE SOCIAL DIMENSION OF THE EU: HISTORICAL GENESIS AND MOST IMPORTANT LEGISLATIONS

<u>Fundamental Treaties</u> <u>(primary law)</u>	Treaty on the European Union	Treaty on the Functioning of the European Union	Charter of fundamental rights
Evolution/milestones	<ul style="list-style-type: none"> <li>• <b>Treaty of Rome (1957):</b> Creation of the European Social Fund (ESF); focus on free movement of workers, abolition of discrimination based on nationality and gender equality.</li> <li>• <b>Single European Act (1986):</b> introduction of minimum requirements for health and safety of workers</li> <li>• <b>Maastricht Treaty (1992):</b> Introduction of a Social protocol.</li> <li>• <b>Lisbon Treaty (2009):</b> Inclusion of various social rights based on Community Charter of the Fundamental Social Rights of Workers.</li> </ul>		<ul style="list-style-type: none"> <li>• <b>Proclamation</b> of a Charter of Fundamental Rights of the European Union by European Parliament, Council of Ministers and Commission (2000).</li> <li>• <b>Inclusion</b> of the Charter into the Lisbon Treaty (2009), hereby gaining legal status.</li> </ul>
Most important topics	<ul style="list-style-type: none"> <li>• <b>Article 3:</b> Promote well-being, social justice and protection, equality between men and women, solidarity between generations and the rights of the child.</li> <li>• <b>Article 5:</b> pursue this goals under compliance with principles of subsidiarity and proportionality</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Article 4:</b> EU is granted law making competences for certain fields</li> <li>• <b>Article 5:</b> EU can start different forms of initiatives to adopt social policy legislation (see: OCM)</li> <li>• <b>Article 9:</b> social “mainstreaming” obligation: align social policies to promote employment, social protection and social inclusion</li> <li>• <b>Article 21:</b> EU has competence to adopt measures concerning social security or social protection</li> <li>• <b>Article 153:</b> EU “supports and complements the activities of MS”</li> </ul>	Charter is binding to EU institutions and to MS when they implement EU law; most important social rights stated in the charter: <ul style="list-style-type: none"> <li>• <b>Article 5:</b> prohibition of forced labour</li> <li>• <b>Article 7:</b> respect for privacy and family live</li> <li>• <b>Article 21:</b> right not to be discriminated</li> <li>• <b>Article 23:</b> equality between men and women in all areas</li> <li>• <b>Article 31:</b> the right to fair and just working conditions, maximum working hours, breaks and holidays</li> <li>• <b>Article 34:</b> entitlement to social security</li> </ul>

		regarding social policy	and assistance
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<b><u>Specific regulations (secondary law) - directives</u></b>	<b>Work environment and access to work</b>	<b>Social Protection</b>
<b>Type and Actions</b>	<ul style="list-style-type: none"> <li>• Individual rights</li> <li>• Collective rights</li> <li>• Directives, issued by the EC</li> </ul>	<ul style="list-style-type: none"> <li>• mostly limited to the area of ‘security and social protection of workers’</li> </ul>
<b>Most important topics</b>	<ul style="list-style-type: none"> <li>• Equal treatment in the workplace</li> <li>• Reconciling family and professional life</li> <li>• Awareness of conditions of employment</li> <li>• Equal treatment regardless of type of contract</li> <li>• Limitation of working time</li> <li>• Protection of health and safety</li> <li>• Posted workers</li> <li>• Third country nationals</li> <li>• Protection in the event of termination of employment</li> <li>• Organisation, information and consultation of workers</li> <li>• The prohibition of child labour and protection of young people at work</li> </ul>	<ul style="list-style-type: none"> <li>• Social security coordination</li> <li>• Equal treatment in social security and social integration</li> </ul>

<b><u>Other Instruments (Soft Law) – Policy Coordination</u></b>	<b>Open Method for Coordination</b>	<b>European Semester</b>
<b>Type and Actions</b>	<ul style="list-style-type: none"> <li>• intergovernmental</li> <li>• voluntary coordination between MS under EC supervision</li> <li>• definition of common goals and indicators</li> <li>• various organisations monitoring processes in MS</li> </ul>	<ul style="list-style-type: none"> <li>• cycle of economic policy coordination between EC, Council, MS and EU Parliament aiming at the</li> <li>• elaboration of Country-Specific Recommendations and the</li> <li>• elaboration of National Reform Programmes for the MS</li> </ul>
<b>Most important topics</b>	<ul style="list-style-type: none"> <li>• eradication of poverty and social exclusion</li> <li>• guaranteeing adequate and sustainable pension systems</li> <li>• providing accessible, high-quality and sustainable health care and long-term care</li> </ul>	<ul style="list-style-type: none"> <li>• employment and social performance</li> <li>• employment guidelines</li> <li>• strengthen the involvement of social partners</li> <li>• integrate national and Euro-area dimensions</li> </ul>

<b><u>Other Instruments</u></b> <b><u>(Soft Law) –</u></b> <b><u>Programmes</u></b>	<b>Europe 2020 strategy</b>	<b>Agenda for new skills and jobs</b>	<b>European Platform against Poverty and Social Exclusion</b>
<b>Type and Actions</b>	<ul style="list-style-type: none"> <li>• headline targets for the EU to achieve by the end of 2020</li> <li>• monitored through the European Semester</li> </ul>	<ul style="list-style-type: none"> <li>• one of seven flagship initiatives of the Europe 2020 strategy</li> <li>• proposal of key actions to reach Europe2020 targets</li> </ul>	<ul style="list-style-type: none"> <li>• one of seven flagship initiatives of the Europe 2020 strategy</li> <li>• monitoring of EU countries' economic and structural reforms (through European Semester)</li> <li>• Annual Convention benchmarking</li> </ul>
<b>Most important (social) topics</b>	<ul style="list-style-type: none"> <li>• 75% of the 20-64 year-olds to be employed</li> <li>• at least 20 million fewer people in or at risk of poverty and social exclusion</li> </ul>	<ul style="list-style-type: none"> <li>• stepping up reforms to improve flexibility and security in the labour market ('flexicurity')</li> <li>• equipping people with the right skills for the jobs of today and tomorrow</li> <li>• improving the quality of jobs and ensuring better working conditions</li> <li>• improving the conditions for job creation</li> </ul>	<ul style="list-style-type: none"> <li>• help EU countries reach the headline target of lifting 20 million people out of poverty and social exclusion</li> <li>• labour market</li> <li>• minimum income support</li> <li>• healthcare</li> <li>• education</li> <li>• housing</li> <li>• access to basic banking accounts</li> </ul>

<b><u>EU FUNDS</u></b>	<b>Type</b>	<b>Most important social topics/goals</b>
<b>European Social Fund</b>	<ul style="list-style-type: none"> <li>• Funding</li> </ul>	<ul style="list-style-type: none"> <li>• Employability</li> <li>• Skills development</li> <li>• Improving quality of education</li> <li>• Improving access to education</li> </ul>
<b>European Regional Development Fund</b>	<ul style="list-style-type: none"> <li>• Funding</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure</li> <li>• direct creation of job-rich activities</li> <li>• employment creation</li> <li>• urban regeneration</li> </ul>
<b>European Agricultural Fund for Rural Development</b>	<ul style="list-style-type: none"> <li>• Funding</li> </ul>	<ul style="list-style-type: none"> <li>• training and advice for farmers and other rural SMEs</li> </ul>
<b>European Maritime and Fisheries Fund</b>	<ul style="list-style-type: none"> <li>• Funding</li> </ul>	<ul style="list-style-type: none"> <li>• social cohesion and job creation in fisheries-dependent communities</li> <li>• training activities</li> </ul>
<b>Cohesion Fund</b>	<ul style="list-style-type: none"> <li>• Funding</li> </ul>	<ul style="list-style-type: none"> <li>• Job creation</li> </ul>
<b>European Foundation for Living and Working Conditions (EUROFOUND)</b>	<ul style="list-style-type: none"> <li>• Research</li> <li>• Policy coordination</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring trends and developments in the quality of work and life, industrial relations and structural change</li> <li>• Exploring and assessing policies and practices</li> <li>• Communicating knowledge and organising debate and exchange with target groups</li> </ul>

<b>European Agency for Safety and Health at Work (EU-OSHA)</b>	<ul style="list-style-type: none"> <li>• Research</li> </ul>	<ul style="list-style-type: none"> <li>• Work environment</li> <li>• Health at the workplace</li> </ul>
<b>Social Protection Committee (SPC)</b>	<ul style="list-style-type: none"> <li>• Policy coordination</li> <li>• Research</li> </ul>	<ul style="list-style-type: none"> <li>• monitors social conditions in the EU</li> <li>• social inclusion</li> <li>• health care</li> <li>• long-term care</li> <li>• pensions</li> </ul>
<b>European Social Policy Network (ESPN)</b>	<ul style="list-style-type: none"> <li>• Policy coordination</li> <li>• Research</li> </ul>	<p>provides the Commission with:</p> <ul style="list-style-type: none"> <li>• an overview of policies addressing key challenges in the areas such as pensions, health care and long-term care and social inclusion</li> </ul>

## **Appendix B THE LEGAL BASIS OF THE SOCIAL DIMENSION OF THE EU: SELECTED ARTICLES OF EU TREATIES RELEVANT FOR THE SOCIAL DIMENSION**

### **A) PRIMARY LAW**

#### **1.- Treaty of Rome:**

##### **TITLE III. FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL**

##### **Workers**

##### **Article 48.**

1. Freedom of movement for workers shall be secured within the Community by the end of the transitional period at the latest.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of Member States for this purpose;
  - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
4. The provisions of this Article shall not apply to employment in the public service.

**Article 49.** As soon as this Treaty enters into force, the Council shall, acting in accordance with the procedure referred to in Article 189b and after consulting the Economic and Social Committee, issue directives or make regulations setting out the measures required to bring about, by progressive stages, freedom of movement for workers, as defined in Article 48, in particular:

- (a) by ensuring close co-operation between national employment services;
- (b) by systematically and progressively abolishing those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;
- (c) by systematically and progressively abolishing all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between Member States as impose on workers of other Member States

conditions regarding the free choice of employment other than those imposed on workers of the State concerned;

- (d) by setting up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

**Article 50.** Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

**Article 51.** The Council shall, acting unanimously on a proposal from the Commission, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependants:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States.

## TITLE IV

### FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL

#### Article 45

(ex Article 39 TEC)

1. Freedom of movement for workers shall be secured within the Union.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of Member States for this purpose;

(c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;

(d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.

The provisions of this Article shall not apply to employment in the public service.

#### **Article 46**

(ex Article 40 TEC)

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, issue directives or make regulations setting out the measures required to bring about freedom of movement for workers, as defined in Article 45, in particular:

(a) by ensuring close cooperation between national employment services;

(b) by abolishing those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;

(c) by abolishing all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between Member States as imposed on workers of other Member States conditions regarding the free choice of employment other than those imposed on workers of the State concerned;

(d) by setting up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

#### **Article 47**

(ex Article 41 TEC)

Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

**Article 48**

(ex Article 42 TEC)

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, they shall make arrangements to secure for employed and self-employed migrant workers and their dependants:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States.

Where a member of the Council declares that a draft legislative act referred to in the first subparagraph would affect important aspects of its social security system, including its scope, cost or financial structure, or would affect the financial balance of that system, it may request that the matter be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

- (a) refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure; or
- (b) take no action or request the Commission to submit a new proposal; in that case, the act originally proposed shall be deemed not to have been adopted.

## Part Three. Community Policies

### TITLE VIII. SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING AND YOUTH

#### CHAPTER 1. SOCIAL PROVISIONS

**Article 117.** Member States agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation while the improvement is being maintained.

They believe that such a development will ensue not only from the functioning of the common market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

**Article 118.** Without prejudice to the other provisions of this Treaty and in conformity with its general objectives, the Commission shall have the task of promoting close co-operation between Member States in the social field, particularly in matters relating to:

- employment;
- labour law and working conditions;
- basic and advanced vocational training;
- social security;
- prevention of occupational accidents and diseases;
- occupational hygiene; the right of association, and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

#### **Article 118a.**

1. Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonisation of conditions in this area, while maintaining the improvements made.
2. In order to help achieve the objective laid down in the first paragraph, the Council, acting in accordance with the procedure referred to in Article 189c and after consulting the Economic

and Social Committee, shall adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

3. The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.

**Article 118b.** The Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement.

**Article 119.** Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work.

For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

**Article 120.** Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

**Article 121.** The Council may, acting unanimously and after consulting the Economic and Social Committee, assign to the Commission tasks in connection with the implementation of common measures, particularly as regards social security for the migrant workers referred to in Arts. 48 to 51.

**Article 122.** The Commission shall include a separate chapter on social developments within the Community in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

## CHAPTER 2. THE EUROPEAN SOCIAL FUND

**Article 123.** In order to improve employment opportunities for workers in the internal market and to contribute thereby to raising the standard of living, a European Social Fund is hereby established in accordance with the provisions set out below: it shall aim to render the employment of workers easier and to increase their geographical and occupational mobility within the Community, and to facilitate their adaptation to industrial changes and to changes in production systems, in particular through vocational training and retraining.

**Article 124.** The Fund shall be administered by the Commission.

The Commission shall be assisted in this task by a Committee presided over by a member of the Commission and composed of representatives of Governments, trade unions and employers' organisations.

**Article 125.** The Council, acting in accordance with the procedure referred to in Article 189c and after consulting the Economic and Social Committee, shall adopt implementing decisions relating to the European Social Fund.

## TITLE X

### SOCIAL POLICY

#### Article 151

The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Union and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Union economy.

They believe that such a development will ensue not only from the functioning of the internal market, which will favour the harmonisation of social systems, but also from the procedures provided for in the Treaties and from the approximation of provisions laid down by law, regulation or administrative action.

#### Article 152

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

### Article 153

1. With a view to achieving the objectives of Article 151, the Union shall support and complement the activities of the Member States in the following fields:

- (a) improvement in particular of the working environment to protect workers' health and safety;
- (b) working conditions;
- (c) social security and social protection of workers;
- (d) protection of workers where their employment contract is terminated;
- (e) the information and consultation of workers;
- (f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
- (g) conditions of employment for third-country nationals legally residing in Union territory;
- (h) the integration of persons excluded from the labour market, without prejudice to Article 166;
- (i) equality between men and women with regard to labour market opportunities and treatment at work;
- (j) the combating of social exclusion;
- (k) the modernisation of social protection systems without prejudice to point (c).

2. To this end, the European Parliament and the Council:

- (a) may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States;

- (b) may adopt, in the fields referred to in paragraph 1(a) to (i), by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The European Parliament and the Council shall act in accordance with the ordinary legislative procedure after consulting the Economic and Social Committee and the Committee of the Regions.

In the fields referred to in paragraph 1(c), (d), (f) and (g), the Council shall act unanimously, in accordance with a special legislative procedure, after consulting the European Parliament and the said Committees.

The Council, acting unanimously on a proposal from the Commission, after consulting the European Parliament, may decide to render the ordinary legislative procedure applicable to paragraph 1(d), (f) and (g)

3. A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraph 2, or, where appropriate, with the implementation of a Council decision adopted in accordance with Article 155.

In this case, it shall ensure that, no later than the date on which a directive or a decision must be transposed or implemented, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive or that decision.

4. The provisions adopted pursuant to this Article:
- shall not affect the right of Member States to define the fundamental principles of their social security systems and must not significantly affect the financial equilibrium thereof,
  - shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with the Treaties.
5. The provisions of this Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

#### **Article 154**

1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.
2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.

3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

#### **Article 155**

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 153, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The European Parliament shall be informed.

The Council shall act unanimously where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 153(2).

#### **Article 156**

With a view to achieving the objectives of Article 151 and without prejudice to the other provisions of the Treaties, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this Chapter, particularly in matters relating to:

- employment,
- labour law and working conditions,
- basic and advanced vocational training,
- social security,
- prevention of occupational accidents and diseases,
- occupational hygiene,
- the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

#### **Article 157**

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.
2. For the purpose of this Article, "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

#### **Article 158**

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

#### **Article 159**

The Commission shall draw up a report each year on progress in achieving the objectives of Article 151, including the demographic situation in the Union. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

#### **Article 160**

The Council, acting by a simple majority after consulting the European Parliament, shall establish a Social Protection Committee with advisory status to promote cooperation on social protection policies between Member States and with the Commission. The tasks of the Committee shall be:

- to monitor the social situation and the development of social protection policies in the Member States and the Union,
- to promote exchanges of information, experience and good practice between Member States and with the Commission,
- without prejudice to Article 240, to prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative.

In fulfilling its mandate, the Committee shall establish appropriate contacts with management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

#### **Article 161**

The Commission shall include a separate chapter on social developments within the Union in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

And the chapter on the Social Fund remains with no relevant changes

## **B) SECONDARY LAW**

The importance given to the topic of migrant workers is proven by the fact that the first regulation “not-institutional” was that envisaged in art. 51 of the Treaty of Rome in order to allow migrant workers not to be disadvantaged as far as Social Security and Pension rights is concerned

Reglamento nº 3 del Consejo, de 25 de septiembre de 1958, relativo a la Seguridad Social de los Trabajadores Migrantes. (DOCE de 16-12-1958).

Reglamento nº 4 del Consejo, de 3 de diciembre de 1958, que establece las modalidades de aplicación de las disposiciones del Reglamento nº 3 relativo a la Seguridad Social de los Trabajadores Migrantes (DOCE de 16-12-1958).

Provisions applicable to EU Member States migrant have been extended to non- EU Member States nationals. See, for example:

COUNCIL REGULATION (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality

International Agreements signed by the European Community (normally together with its Member States) also included within their scope the legal regime applicable to third country nationals (see the second appendix to Annex III).

