Annex 2

Impacting MERCOSUR's Gender Policies: Experiences, Lessons Learned, and the Ongoing Work of Civil Society in Latin America
by Alma Espino

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Abstract

This case study examines the impact of activities of the women's movement, NGOs and unionist women in the Latin American region on gender policies of the Southern Common Market (MERCOSUR). It outlines the regional integration process of MERCOSUR's member states and the current situation regarding its gender policies and engagement with civil society. While full democratization of MERCOSUR decision-making in terms of social and gender issues has not yet been accomplished, women's actions have spurred the needed combination of interests and actors. It remains imperative that the agenda of women's groups in the region prioritize the active participation of civil society in MERCOSUR from a gender-democratic perspective.

Introduction

The purpose of this case study is to improve the practical knowledge of civil society organizations engaging with multilateral institutions. The study documents experiences and lessons learned from interactions between feminist, women's, and other civil society organizations in the region, with the institutions of a Latin America regional trade agreement, MERCOSUR. Why are women and feminists interested in regional integration agreements and their impact? The answer is because men and women are not equally affected by such integration agreements. The differing impacts of integration on women and men are the result of traditional, hierarchical gender arrangements in society. Hierarchies create inequalities that condition and limit options for women. By mainstreaming a gender perspective in the analysis of the impact of commercial politics and influence strategies civil society can promote the consideration of social relations and everyday life in the process of deciding macropolicies.

The Creation of MERCOSUR

MERCOSUR is one of a variety of regional integration agreements that have been implemented as part of the commercial liberalization trend in Latin America. The MERCOSUR agreement was created in 1991 when Argentina, Brazil, Paraguay and Uruguay signed the Asuncion Treaty that was designed to widen the scope of their national markets. The essential condition of the Treaty was "… to speed up their processes of economic development with social justice [...] through the most efficient use of available resources, the preservation of the environment, the improvement of physical infrastructure for communication, the coordination of macroeconomic policies and integration of different economic sectors on the basis of the following principles: gradualism, flexibility, and equilibrium" [1].

The integration process was meant to culminate in a Southern Common Market after passing through several stages: (a) the free circulation of goods, services, and factors of

production among signatory countries; (b) introduction of a common external tariff (AEC) and adoption of a common commercial policy coordinating views in regional and international economic and commercial fora; (c) coordination of macroeconomic and sectorial policies; and (d) harmonization of legal frameworks.

An additional protocol attached to the Asuncion Treaty was approved during the Summit of Presidents held in Ouro Preto in December 1994. This protocol set out the institutional structure and basic instruments for the common commercial policy of the Customs Union that rule today's MERCOSUR. Other agencies[2] were also created at the time (e.g., the Joint Parliamentarian Commission (CPC) and the Economic and Social Consultative Forum (FCES)). As agreed, the Partial Customs Union was implemented in 1995 (including the free circulation of goods and the common external tariff (AEC) for most of the existing tariffs). The date for the launching of the Southern Common Market however remained undetermined. In 1996, the economic bloc signed association agreements with Bolivia and Chile, and launched a common mechanism for political consultation called "Political MERCOSUR." To this day, the integration process continues to have its ups and downs due to the political and economic rises and falls in the region. Different circumstances have encouraged or hindered the broadening of the scope of agreements at different times.

Key Elements for Engagement with MERCOSUR: Social Actors and Influence Strategies

There are three key elements that have spurred civil society engagement with MERCOSUR: a general interest in the integration process itself and its effects in the region; the involvement of union movements; and the involvement of NGOs. These elements, influenced by the women's movement and feminist groups, have worked cooperatively to impact MERCOSUR's gender policies. Following is a discussion of these elements:

Interest in the Integration Process and its Regional Effects

The analysis and discussion of the economic and social impact of MERCOSUR rapidly aroused the interest of different social organizations, including women's groups. Two key elements explain such interest:

(a) Social organizations and women's groups were interested in the specific characteristics of the agreement in terms of its explicit objectives and the economic and political strategies behind its creation. The agreement was an alternative to international integration, appealing to partners with relatively similar backgrounds and interests.

(b) The achievements of the agreement, in terms of enabling social participation through tripartite working groups (state, workers, and employers) and other agencies, were also of interest. This tripartite aspect allowed more room for the participation of civil society representatives through the Economic and Social Forum of MERCOSUR.

The interest in the process and its effects spurred the stakeholders to develop influence strategies that, in turn, gained momentum as new areas proved open to broader civil society participation.

The Union Movement

Due to its capacity for organization and influence, unionism has been one of the most relevant social actors throughout the MERCOSUR process. The Southern Cone Union Head Offices Coordinating Agency (CCSCS), created in 1986, gathered together the main

union head offices from Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay. In 1991, the group began to participate in the economic integration process of MERCOSUR after the SGT-11 (working subgroup - 11) was launched.[3] One of the outputs of SGT-11 was the consideration of 34 international agreements on labor. These agreements were considered essential and to be added to future parity agreements in order to minimize asymmetries in national legislation. All 34 agreements were given standard legislative attributes (i.e. guiding frameworks) for drafting the labor legislation of MERCOSUR countries. [4]

In 1997 the CCSCS-MERCOSUR Women's Commission was created. Its goals were to: encourage the active participation of female workers in MERCOSUR, send up-to-date information to all unions and women's departments and secretariats, nationally and regionally disseminate the contents of the Social Charter (later called the Social and Employment Declaration of MERCOSUR, 1998), formulate affirmative action policies for women in the region along the lines of our commitment with the Beijing Action Platform, adopt the necessary measures to eliminate all forms of discrimination against women, and ratify the International Labor Organization (ILO) agreements.

One of the most relevant achievements of unionized women's participation in the MERCOSUR regional interaction process from the social and gender perspective is the Social and Employment Declaration. This Declaration, inspired by the Chapter on the Fundamental Social Rights of Workers of the European Economic Community, was the result of a proposal submitted by SGT-10 and SGT-11. It includes a system of employment and social regulations to guarantee equal working conditions and rights for all workers freely circulating in the four member States[5].

The Declaration captures the joint acknowledgment of MERCOSUR and women workers of a minimum set of workers' rights in the context of economic integration. It is an important step forward in securing equal rights and access to employment regardless of race, nationality, skin color, gender, sexual orientation, age, religious beliefs, political or union-related opinion, economic situation or any other social or family-related circumstance. According to the regulations now in place, member States are committed to guaranteeing non-discrimination in both legislation and practices.

The Social and Employment Declaration of MERCOSUR may be seen to be a result of capitalizing on lessons learned by other regional processes, such as the European Economic Community (EEC). The EEC Declaration was a success in terms of influence, even though it failed to make a significant impact on employers throughout the region, mainly due to its non-binding character.

Non-Governmental Organizations (NGOs)

Women-based NGOs and female unionists and scholars promoted the discussion and preparation of proposals around gender and regional integration issues from the early stages of MERCOSUR. The following events were the most relevant: a panel during the Regional Preparatory Forum of NGOs Towards the Beijing Summit, held in mar del Plata (1994); a panel during the Forum of NGOs held in Beijing (1995); the organization of a UNIFEM/FLACSO/IDB seminar in São Paulo (1995); the Buenos Aires Seminar organized by the Women's National Council of Argentina with the support of the European Union (1995); the Second Seminar on Women and MERCOSUR organized by UNIFEM in São Paulo with the participation of ILO representatives and female unionists, parliamentarians and scholars, and members of the women's movement (1997).

Following the 1995 events, joint analyses and papers were developed to analyze the employment market and to build a network of information and communication. The

"Women and MERCOSUR" network emerged. It was composed of government agencies for women, NGOs, female parliamentarians, researchers, unionists, and businesswomen with the purpose of sharing information and the results of different research projects. Influence strategies originally focused on the effects of MERCOSUR on employment[6]. It should be noted that this agenda was inspired by the regional joint efforts initiated by the women's movement towards the Beijing World Conference.

Since 1997, other initiatives have followed, such as the International Gender and Trade Network (RIGC), the Feminist Group Marcosur (AFM) and different networks of rural women have devoted the last decade to working on issues related to regional integration from different perspectives and focusing on specific themes (economics, trade, employment, political participation, culture). North-South initiatives were added, e.g., a research and dissemination project implemented by organizations based in Argentina, Mexico and Europe[7]. This multinational project included a "Workshop on International Trade and Gender Inequality: Analyzing the Trade Agreements between the European Union and Latin America, the Experience of Mexico and MERCOSUR" during the World Social Forum held in Porto Alegre in 2002[8].

In 2006, during the Uruguayan *pro tempore* chairmanship, two meetings were held in Montevideo: "Gender and MERCOSUR: the Government and the Civil Society Perspectives" on 29-30 May, and the Seminar "MERCOSUR and Influence Strategies: Joining the Efforts of Social and Feminist Organizations" on 19-20 September with the support of Friedrich Ebert Stiftung (FESUR) and organized by three regional networks (RIGC, AFM, and the Women's Commission of CCSCS). The draft version of the paper *"Gender and Work Opportunities in MERCOSUR"* was presented during the seminar. The President of the Women's Institute of Uruguay attended both meetings as a Specialized Meeting of Women (REM) member.

Turning Point for Engagement: The Specialized Meeting of Women (REM)

The crystallization of activities implemented by the women's movement, NGOs and unionist women in the region was influential in having representatives of the Women's Affairs Offices of MERCOSUR member States and Chile, with the support of UNIFEM, meet in December 1997 and prepare a draft proposal for gender issues to be formally represented in the integration process[9]. On 22 July 1998, the Common Market Group (GMC) ruled that the *Specialized Meeting of Women (REM)* be created in order to contribute to the social, economic and cultural development of the local communities in member States. The REM is composed of government delegations that, at first, could be advised by one of the regional organizations grouped under the "MERCOSUR Women's Forum," although participation was open to other non-profit organizations.

The creation of the REM was clearly an achievement of the activities of the women's movement. However, in the beginning the REM failed to develop a strong bond with the women's movement in the region. Feminist organizations, unionists and academic groups were mostly absent and participated sporadically as observers in some of the meetings after being invited by specific governments. It was not until 2005[10] during the Thirteenth Meeting that the Brazilian delegation raised the need to broaden the active participation of civil society organizations in meetings and consider other women's organizations. Two main thematic areas were proposed: "Gender and Economics"[11] and "Women's Participation in Public Decision-Making". The latter was crucial to foster direct intervention in MERCOSUR institutions that favored women's participation in decision-

making processes by recommending male/female parity in the composition of the MERCOSUR Parliament.

Later, in November of 2005, the Montevideo meeting passed a set of rules to embrace the participation of civil society representatives not only in meetings, but to include their interests and demands as items on the agenda. As a result of the joint efforts undertaken, the Sixteenth Meeting[12] included the "Gender and Regional Integration Seminar: Female Employment Policies in MERCOSUR Member States." Two papers were presented at the time, one on employment policies and one on the legislation of paid housework in the region[13].

It was also decided to approve the publication of a REM document including the conclusions and contribution of civil society organizations to the seminar, and to send the approved document to GANEMPLE[14] and the MERCOSUR Employment Watch Group.

Lessons Learned

Following are lessons that continue to inform civil society engagement with MERCOSUR:

Capitalize on the momentum of women's progress: If one of the objectives of MERCOSUR was to support development and advance social justice, women - organized feminist groups and social movements converged and critically supported these endeavors. The impact of these groups was based in actions aimed at making visible the commercial implications of trade policies for social relations in general and for gendered relations in particular. A model of economic development focused on the people to include equal opportunity and access to a creative and productive life, the right to be respected and to self-respect, and to have one's human rights protected was thus supported.

Women's actions have spurred the needed combination of interests and actors to engage in social dialogue toward the widening of opportunities, and compensation for, and correction of, past imbalances. The feasibility of capitalizing on the momentum gained by the global and regional women's movements became real. This progress was validated in the feedback and approval of international conventions such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the Beijing Declaration and Action Platform.

Uncover the weaknesses and constraints of women's organizations and agendas: On the other hand, the victory of consolidating a formal forum such as the REM did not per se secure the mainstreaming of a gender perspective or the consideration of the interests and demands of the social and women movements in the whole of MERCOSUR institutions. While such changes indeed depend on formal structures, they also are determined by other factors or circumstances. The experience of establishing the REM evidenced the relative weakness of women's organizations in the different countries regarding their actual effect on political agendas and in terms of human and financial resources. The REM faced the limited stature of social issues in the process and the scarcity of women or gender issues in both the union and the political spheres.

Then again, since its creation, and up to 2005, the REM did not develop the necessary proactive character and/or successfully mobilize the political will to build an area open to social participation. It lacked the ability to join efforts with social networks and organizations with the needed level of expertise. It failed to prove its political will to foster social dialogue and to establish effective mechanisms for the involvement of civil society.

The consolidation of the REM as an institutional organization within the MERCOSUR framework is without doubt the consequence of many different efforts,

partnerships, experiences and determination. Nevertheless, both this organization and the way it operates have mirrored the political and economic misadventures of the MERCOSUR integration process itself as well as the strengths and weaknesses of the women's movement in the region and of the governments' administrative mechanisms for gender equity.

Recognize work needed at the State level: There are important areas for work at the level of member States in the region. The actual operations of the REM in the context of MERCOSUR can only be analyzed vis-à-vis the institutional mainstreaming of a gender agenda in the member States and the legitimacy in society such an agenda achieves. The past two years have demonstrated that there is room for understanding and collaboration. Partnerships amongst government representatives, unionist women, and feminists are possible at the regional and State levels.

See new opportunities for shared values and the ongoing participation of movements:
The interrelation between national, regional, and global issues in the government and social arenas has shown that new opportunities are being created for the development of common values and articulated demands. The creation of the subgroup for sexual and reproductive rights within the MERCOSUR Health Group based on the member States are signatories "of the main treaties, conventions and agreements on human rights, many of which have a direct impact on sexual and reproductive health" (Azar, P., Celiberti, L., & Espino, A., 2005) is a clear example of this kind of cooperation. In a way, the inclusion of these type of topics acknowledges that the success of the economic integration process and its effect on national development strategies depends on the political and social participation of movements acting as change agents in the spirit of their multiple motivations and interests.

Conclusion

According to most social movements in the region, MERCOSUR continues to be a valid economic and political option insofar as it is advanced and seriously implemented. However, the full democratization of decision-making areas in terms of social and gender issues has not yet been accomplished. This is true not only in consideration of the need for greater and wider participation of social actors, but also in terms of taking them into account when drafting proposals and evaluating the economic and commercial evolution of MERCOSUR. The institutional strengthening activities proposed by civil society and currently under implementation by the REM, translate into new possibilities and demands that urgently need qualified and permanent debate among women's movements throughout the region. Still, this initiative will fall short unless the agenda of the different women's groups prioritizes the issue of integration and the role of REM to foster and support the active participation of civil society in MERCOSUR integration-related topics with a gender-democratic perspective.

The right steps have been taken. Results are still far from satisfactory; however, the ongoing strategy proves the importance of organization and participation in the development and strengthening of formal authorities, but also demonstrates the importance of continued involvement in the informal MERCOSUR, i.e., its "popular" face with a view to creating and supporting new kinds of civil society organizations able to dialogue with multiple actors: the State, international and regional organizations, private companies, and community members.

Notes

1. http://www.mercosur.int/msweb/portal%20intermediario/es/arquivos/destacado1_es.doc
2. The main agencies of MERCOSUR include: the Common Market Council (CMC), in charge of political issues and the decision-making process, composed of the Ministers of Foreign Affairs and Economy or equivalent bodies; the Common Market Group (GMC), executive and initiative group composed of representatives of the Ministries of Foreign Affairs, Economy or equivalent bodies, and Central Banks; the Joint Parliamentarian Commission, representative of the Legislative Powers of Member States, composed of members elected by each Parliament; the Economic and Social Consultative Forum (FCES), with representatives of the economic and social sectors, composed of an equal number of representatives from each member State, acting as a consultative body that issues recommendations for the GMC.
3. The Union Commission of MERCOSUR (CSM) was created in 1992 to observe the negotiation process in other sub groups (SGTs).
4. The Ouro Preto Treaty approved the creation of SGT10.
5. The GMC created the Social and Employment Commission of MERCOSUR (1998). It is a tripartite organization and subsidiary to GMC and has a promotional and non-punitive character. Its aim is to foster and observe the implementation of the Social and Employment Declaration of MERCOSUR.
6. Relevant papers published in the 1990s include: Mujeres, Trabajo y Mercosur: Una red de Información y Comunicación (Women, work and MERCOSUR: A Network of Information and Communication) in Mujer y Mercosur, Vol I. FLACSO-BID-UNIFEM-UNESCO, 1999; El Mercosur y las Mujeres. Una aproximación desde la perspectiva de género a la dimensión social de la integración (MERCOSUR and Women: A Gender Perspective in the Social Aspects of Integration) in Mujer y Mercosur, Vol II-FLACSO-BID-UNIFEM 1999; Las trabajadoras y el MERCOSUR: una propuesta de indicadores para el Observatorio del Mercado de Trabajo (Female Workers and MERCOSUR: proposed indicators for the Employment Market Watch Group). Serie Documentos Sindicales del Mercosur. Proyecto de Cooperación FES – CCSCS. 1999.
7. "Relaciones Comerciales entre la Unión Europea y América Latina" (trade relations between the European Union and Latin America). GEM-WIDE-CICSA- CIEDUR. http://wide.gloobal.net/wspa/eu-la%20project.htm
8. http://www.mujeresdelsur.org.uy/index_e.htm
9. Joint declaration by government representatives in charge of women issues policy-making and implementation in MERCOSUR member States, Río, 3 - 5 December 1997.
10. Asuncion, Paraguay, 5 - 6 May 2005.
11. Based on the commitment to the Mexico Consensus, Ninth Regional Conference on Women in Latin America and the Caribbean (2004), ratified by the governments.
12. Rio, Brazil, 9 - 10 November 2006.
13. Género y Oportunidades Laborales en el MERCOSUR: Elementos para un Diagnóstico (Gender and Work Opportunities in MERCOSUR: Elements for Diagnosis) – Paper presented by Alma Espino and Soledad Salvador, members of the feminist group Marcosur and the International Gender and Trade Network. Regímenes Jurídicos sobre Trabajo Doméstico Remunerado en los Estados del MERCOSUR (Laws governing paid housework in MERCOSUR member States) - Milena Pereira / Hugo Valiente.
14. MERCOSUR High-Level Employment Group.

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About the Author

Alma Espino is an Economist and Director of the Economics Institute of the Faculty of Economics and Administration at the Republic University, Uruguay. She is also responsible for the Gender and Development Division of the Interdisciplinary Center for Development Studies, Uruguay (CIEDUR). She has consulted with the following international organizations: CEPAL, OIT, UNRISD, UNIFEM, World Bank, F. Ebert Foundation, Heinrich Böll Foundation. Alma is the focal point in Uruguay for the International Gender and Trade Network (IGTN), as well as the Research Coordinator for its Latin American Chapter.