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The Uniqueness of the Bi-Regional Relationship Between the European Union and Latin America

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Table of abbreviations

ACP	African, Caribbean and Pacific countries
AECID	Spanish Agency for International Development Cooperation
AFD	Agence française de développement
ANA	Active Non-Alignment
ASEAN	Association of South-East Asian Nations
CARICOM	Caribbean Community
CELAC	Community of Latin American and Caribbean States
CFSP	Common Foreign and Security Policy
EC	European Community
ECLAC	Economic Commission for Latin America and the Caribbean
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
EEC	European Economic Community
EFTA	European Free Trade Association
EL PAcCTO	Europe Latin America Programme of Assistance against Transnational Organised Crime
EME	Multidisciplinary Specialised Teams
EU	European Union
EURATOM	European Atomic Energy Community
FIIAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas
FTAA	Free Trade Area of the Americas
GATT	General Agreement on Tariffs and Trade
GIZ	German Agency for International Cooperation
HR	High Representative of the Union for Foreign Affairs and Security Policy
IMF	International Monetary Fund
ITC	Interinstitutional Technical Committees
LA	Latin America
LAIF	Latin America Investment Facility
LNG	Liquefied natural gas
MERCOSUR	Mercado Común del Sur
NAFTA	North American Free Trade Agreement
NDC	Nationally Determined Contribution
OAS	Organization of American States
PEAS	Plan Estratégico de Acción Social
SACU	Southern African Customs Union

SDG	Sustainable Development Goals
SDS	Sustainable Development Strategy
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UDEAC	Central African Customs and Economic Union
UE	Unione Europea
UN	United Nations
US	United States (of America)
VP	Vice-President of the European Commission
WTO	World Trade Organization

Introduction

The European Union plays a significant role in foreign affairs and, more importantly, is a multilateral actor in the application of international law. Forging deep alliances with like-minded nations has become of the utmost significance to policymakers in the EU, since it is currently dealing with several crises, from the war in Ukraine to reducing the worst effects of climate change. The higher horizontality of connections and the network of political channels distinguish the EU as a global partner for Latin America from other foreign players in the area, such as China, and the United States. Latin America shares more cultural, economic, and political parallels with Europe than anyone else. It encompasses not only the social democratic viewpoint but also both nations' entire fundamental outlook. Progressive governments in Europe would be well advised to undertake more major attempts to engage with Latin America, bearing in mind the developments of recent years, particularly regarding Chilean and Colombian elections. Relations with Latin America have been overlooked and “many see Latin American policy as a continuation of Spanish-Portuguese foreign relations – only with a European dimension”¹, as Martin Schulz² expressed when interviewed by Oliver Noyan in an article published in August 2022. The uniqueness of the bi-regional relationship between the EU and Latin America offers two major contributions to this thesis: a shared understanding of the necessity of multilateral global governance, as well as a convergence of perceptions and values about the shape that the international order should take.

The European Union is significant because it offers a wider range of external relations, from development cooperation to political dialogue and summits, from free trade agreements to coordination on global issues with the governments of the twenty-seven Member States, as well as with other organizations. This contrasts with China and the United States, whose relationship with Latin America is more limited to economic and political interests, in the case of the former, and to relations of neighbourhood and security, in the case of the latter. The connection of Latin American values and cultures to European ones is noteworthy, for it provides a milieu for progress on the Sustainable

¹ Noyan, O. (2022) “*Martin Schulz: The EU has neglected Latin America for too long.*”

² Martin Schulz is a German politician who served as a member of the Bundestag from 2017 to 2021 and a member of the European Parliament from Germany from 1994 to 2017. In addition, he was the President of the European Parliament from 2012 to 2017, and from 2017 to 2018, he led the Social Democratic Party of Germany.

Development Agenda³. Climate change is likewise on the positive agenda of relations between the EU and Latin America, and the effectiveness of Agenda 2030⁴ would be extensively amplified by a partnership between the two regions.

The Mercosur Agreement, which seeks to facilitate commerce between the nations of the Global South and the EU, has been the subject of protracted discussions⁵. The negotiations have exposed the EU's disregard of the continent and the chances it has missed. But despite all the hurdles, Latin America's determination to re-establish contact with the EU and concentrate on potential for cooperation is receiving increased attention, primarily to address severe food and energy shortages, being a direct result of the ongoing Ukrainian war. The EU should implement specific trade and financial policy measures. This is the main issue facing both the institutions based in Brussels and the EU as a whole, in view of the fact that sometimes they lack a geopolitical perspective on the function of the EU, because they are so concentrated on the internal problems. The New Green Deal, for instance, ought to be a proposal to other countries, rather than being overly internally oriented. In this regard, the European Union must perform far better. According to Detlef Nolte⁶ in "The European Union and Latin America: Renewing the Partnership after Drifting Apart," during a press conference in Buenos Aires in October 2022, Josep Borrell, the European Union's High Representative for Foreign Affairs and Security Policy, declared that 2023 must be the year of Latin America in Europe and of Europe in Latin America. Although many Latin American administrations favour an active non-alignment in international affairs, there is revived European interest in Latin America as a potential strategic partner.

There will be a window of opportunity for improving relations between the EU and Latin America under the Spanish EU Council Presidency in the second half of 2023. Latin America is viewed as a potential strategic partner supportive of the EU's goals in global affairs. Latin American nations have the potential to become significant producers and exporters of green hydrogen, and they now import strategically significant raw materials. While Europe has lost ground to China as a trading partner with

³ Silander, D. (2020) "Agenda 2030 and the EU on climate action," Implementing Sustainable Development Goals in Europe, pp. 162–184. Available at: <https://doi.org/10.4337/9781789909975.00014>.

⁴ Ibid.

⁵ Caetano, G. (2022) "Analysis and Foresight of The European Union - Mercosur Association Agreement."

⁶ Nolte, D. (2023) "The European Union and Latin America: Renewing the Partnership After Drifting Apart," German Institute for Global and Area Studies.

Latin America⁷, European businesses continue to be a major investment in the region. The outcomes of the most recent elections and Lula da Silva's triumph in Brazil, have created new opportunities for the EU's engagement with the area. However, governments will push for greater domestic industry protection in free trade agreements and expect increased financial support from Europe for environmental protection and climate change initiatives.

The history of the European Union's relations with the countries of Latin America has largely been shaped by the era of colonial conquest⁸. By the early 20th century, most of the Latin American countries had gained their independence. Nevertheless, close cultural and economic ties were maintained between former colonies and metropolises, and political dialogue flourished. The Americas and Europe have shared many facets of European political traditions since the 16th century. Thus, the political, social, and economic systems and the community of ideas were not destroyed by Latin American independence. This community served as the foundation for future history that brought Europe and Latin America closer together⁹. After World War II and until the mid-1960s, the EEC did not consider Latin America as a priority. Firstly, at that time, European integration was at an early stage of its development and did not have a strong economic potential; secondly, Latin America was within the exclusive sphere of US influence. The situation on the Latin American continent worsened after Cuba proclaimed its policy of building socialism. Fearing a repeat of the Cuban scenario, the United States strengthened its control over the Latin American region¹⁰. In turn, to counter economic and political diktat by the United States, Latin American countries were interested in new allies. The 1973 oil crisis, with rising oil prices and oil shortages, pushed Europe towards a dialogue with Latin American countries with considerable reserves of hydrocarbons. In the 1980s, ties between European and Latin American countries were weakened by the military conflict between Britain and Argentina over the Malvinas¹¹. Nevertheless, a new impetus to interregional interaction was given by Spain's accession to the EEC in 1986. Drawing on cultural and linguistic commonalities, as well as its historical links with Latin America, the Kingdom of Spain claimed to be a bridge between the two continents.

⁷ Zhang, P. And Prazeres, T.L. (2021) "*China's Trade with Latin America Is Bound to Keep Growing. Here's Why That Matters,*" World Economic Forum.

⁸ Quijano, A. (2021) "*Coloniality of Power, Eurocentrism, And Latin America,*" *Coloniality At Large*, pp. 181–224.

⁹ Mücke, U. (2022) "*Latin American Independence and Europe,*" EU.

¹⁰ Tulchin, J.S. (1988) "*The United States and Latin America in the 1960s,*" *Journal of Interamerican Studies and World Affairs*, 30(1), pp. 1–36.

¹¹ Michael, W. (2011) "*Falkland Islands/Islas Malvinas,*" Max Planck Encyclopedia of Public International Law.

In the 1990s, in response to increased American activity in Latin America, such as the signing of the North American Free Trade Area¹² and the idea of a hemispheric Free Trade Area of the Americas¹³, the European Union moved to develop broader cooperation with Latin American countries, including not only economic, but also humanitarian, legal and environmental cooperation. In recent decades, the relations with the EU have acquired a qualitatively new character. This is conditioned by political and economic transformations and strengthening of the influence of integration associations on the Latin American continent.

¹² On January 1st, 1994, Canada, Mexico, and the United States signed the NAFTA agreement, which established a trilateral trading bloc in North America.

¹³ On December 11, 1994, in Miami, Florida, the Summit of the Americas marked the start of the FTAA. All countries in the Americas, except for Cuba, were to sign up for the FTAA in order to remove or minimize trade barriers. All sides were unable to come to an agreement by the deadline they had set for themselves in 2005, which led to the demise of the FTAA negotiations.

Chapter One

THEORETICAL FRAMEWORK

1.1. *The EU as a Regional Actor*

The development of shared institutions by three or more governments from the same region in order to manage the escalating interdependence between states, peoples, territories, and societies is known as regionalism. The level of institutionalization can vary from case to case and throughout time, ranging from the regional forum with minimal institutionalization to the supranational regional organization with statehood connotations and high institutionalization. The promotion of regionalism refers to the EU's ability to interact with neighbouring nations by classifying them as regional groups, implementing regional strategies and policies, encouraging their cooperation and/or integration on a regional basis, supporting the institutionalization of the group, encouraging the development of a regional identity, and, in the long run, the group's capacity to assert itself as an actor in international relations¹⁴.

It is obvious that the political will of the member states has a significant impact on how effectively the EU engages. In some instances, the regional organizations themselves have welcomed the EU to assist in their development; in other instances, it has been the EU that has pushed neighbouring nations to cooperate and see themselves as a unit, even in the absence of any shared institutions or identities. With the Euro-Mediterranean Partnership¹⁵, the EU has tried since 1995 to lay the groundwork for the creation in the Mediterranean of a sizable, peaceful, politically, economically, and culturally integrated regional grouping, including the Palestinian National

¹⁴ Lenz, T. (2013) "EU Normative Power and Regionalism: Ideational Diffusion and Its Limits," *Cooperation and Conflict*, 48(2), pp. 211–228.

¹⁵ The Conference of Euro-Mediterranean Ministers of Foreign Affairs, held in Barcelona on November 27 and 28, 1995, under the Spanish EU Presidency, gave rise to the Euro-Mediterranean Partnership, often known as the Barcelona Process. Using regional cooperation to address the political, economic, and cultural spheres simultaneously, regional dialogue is one of the Partnership's most novel features. Regional cooperation has a significant strategic influence because it addresses issues shared by several Mediterranean Partners while highlighting national complementarities. Although the envisaged union-wide free trade area has not yet been established, free trade agreements between the European Union and Egypt, Algeria, Tunisia, and Turkey already exist. The European Union was condemned by Haizam Amirah-Fernandez in 2020 for basing their foreign policy on what they thought to be their security interests, claiming that this led them to cooperate with despotic regimes rather than work for democracy. He maintained that only Tunisia, one of its members, had achieved democracy in the 25 years since it was founded, and that this had occurred despite and not as a result of European powers.

Authority and Israel. This has been done by adapting the European model of functional cooperation to the area. However, the outcomes have been relatively underwhelming. When levels of integration and/or collaboration allow, the EU develops block-to-block relationships with its allies, that is, with the relevant regional organizations. This is the interregional phenomena, over which the EU had a real monopoly during the Cold War, and which prompted the development of a network of ties with the EU at its core that eventually became global in the 1980s and 1990s. Thus, it is a result of encouraging regionalism in the sense that interregional relations necessitate a sufficient level of institutionalization and regional cohesion in the groups in question, but it is also an instrument of it because by engaging with the group rather than with individual nations, the EU forces the latter to adopt common stances toward it, equip themselves with coordination mechanisms, and so cooperate with one another. The EU also distributes financial aid, technical support for bolstering regional institutions, and political backing for the group through interregional relationships.

1.2. The Latin American Region

Since the middle of the first five years of the new millennium, regionalism in Latin America has been undergoing a period of upheaval. The “consensus” that surrounded the Washington consensus¹⁶ has vanished as a result of the political changes in the area, particularly the worldwide developments that followed the terrorist attacks in the United States on September 11, 2001. As a result of these adjustments, Latin American nations have revised their economic strategies, which has resulted in a loss of trust in the market’s ability to function and in their plan to integrate into the global economy as factors ensuring the growth and development of the area. There was a considerable homogeneity in Latin America during the 1990s regarding a development plan based on openness and

¹⁶ The Washington Consensus was widely adopted by governments as a response to the macroeconomic crises that afflicted most of Latin America and other emerging nations in the 1980s. The crisis stemmed from several factors, including the sharp increase in the price of imported oil following the formation of Organization of the Petroleum Exporting Countries, rising levels of external debt, an increase in US and thus global interest rates, and the inability to access additional foreign credit. Many developing country governments in Latin America and elsewhere had followed import-substitution strategies for many years, leaving their economies ill-equipped to quickly increase exports to cover the higher cost of imported oil. Many Latin American countries were forced to choose between adopting policies to reduce domestic demand through increased fiscal restraint and policies to reduce protectionism and increase their economies’ export orientation because they were unable to either increase external borrowing or ramp up export earnings easily. English economist John Williamson first introduced the term “Washington Consensus” in 1989. The recommendations included measures to support the free market in areas including macroeconomic stabilization, economic opening to trade and investment, and the enlargement of market forces in the domestic sector.

free markets. Given that this consensus was implemented at different speeds, it is reasonable to relativize it. Carlos Menem's economic reforms in Argentina differed from those of Fernando Henrique Cardoso's in Brazil. The integration procedures experienced an analogous situation in that, despite adopting the concept of "open regionalism,"¹⁷ they all applied it in diverse ways. The Mercosur excluded sectors deemed strategic from the accord and did not adopt WTO-plus criteria, while the North American Free Trade Agreement embraced a paradigm of radical openness accompanied with WTO-plus standards for trade-related concerns. Nonetheless, the promotion of free trade and the look for international insertion constituted the core tenets of the integration strategy. This was the hegemonic integration model, and a certain homogeneity developed around it.

A new phase of Latin American integration is taking place, in which some nations have blatantly rejected the tenets of open regionalism. The Buenos Aires Consensus¹⁸, signed in 2003 by Luiz Ignacio Lula da Silva and Néstor Kirchner, the failure of the Free Trade Area of the Americas negotiations in November 2005, and the South American Community of Nations Summit in Cochabamba, where a thorough discussion on the integration model that led to the new post-liberal phase was held, can all be considered turning points in the literature. The emergence of regional integration processes with distinctly dissimilar economic models illustrates the heterogeneity and fragmentation of the 1990s. Around Mercosur, which Bolivia and Chile joined as associate members in 1996, there was a strong regionalization of trade interdependence during the first five years of the 1990s, whereas in the Andean region, there was a reactivation of Andean integration¹⁹ around the

¹⁷ Walker, I. (2006) "4. Latin America and "Open Regionalism". *Chile and Latin America in a Globalized World.*" Singapore: ISEAS Publishing, pp. 16-18.

¹⁸ A political-economic theory known as the Buenos Aires Consensus was developed by several left-leaning administrations in Latin America in the 2000s as an alternative to the Washington Consensus. 2003 saw Nestor Kirchner become the president of Argentina and Luiz Inacio Lula da Silva, a member of the Brazilian Workers' Party, become the leader of Brazil. The new leaders of the two major South American economies met in Buenos Aires in October of that year, where they adopted the "Buenos Aires Consensus," rejecting the ideology derived from the 1989 Washington Consensus – theorized in response to the 1982 crisis – and denouncing the organizations that attempt to apply it to developing nations, such as the IMF, the World Bank, or the WTO.

¹⁹ Bolivia, Chile, Colombia, Ecuador, and Peru were the founding members of the Andean Pact in its initial form and made up the Andean Community, a free trade zone with the aim of establishing a customs union. The Cartagena Agreement was ratified in 1969, establishing the trading bloc, which was known as the Andean Pact until 1996. Venezuela was the sixth country to join the treaty in 1973. However, Chile's withdrawal in 1976 limited the group's membership to five once more. Four countries now make up the Andean Community after Venezuela's exit was announced in 2006. Four new associate members (Argentina, Brazil, Paraguay, and Uruguay) have joined the Andean Community as a result of a new cooperation

dynamic Caracas-Bogotá core. Similarly, through the formation of the Group of Three²⁰, Mexico, Colombia, and Venezuela sought to establish an axis of integration in the Greater Caribbean Basin that would be articulated with the cooperation and integration initiatives that were being developed in Central America and the Insular Caribbean. Nonetheless, despite their differences and intricacies, all these processes adhered to the same concept of economic integration based on trade openness and globalization. There are efforts, though, whose content demonstrates the growth of an agenda that diverges from the one advocated in the 1990s, such as the Bolivarian Alliance for the Peoples of the Americas, UNASUR, and Mercosur, whose strategy is notoriously regionalist.

Moreover, the political crisis that erupted in Paraguay in 2012 is noteworthy for this thesis for two reasons. First, since Paraguay refused to permit Venezuela to join the group on the grounds that it was opposed to bringing undemocratic government institutions into the Southern Common Market. Second, because Lugo's dismissal from government, a move at odds with what he was promoting, had negative repercussions for Mercosur and had an unfavourable impact on the region after Mercosur. In the end, it was his removal from office that made it possible for Venezuela to join Mercosur. Even though Venezuela signed the Protocol of Accession to Mercosur in 2006 and that it was ratified by Argentina, Brazil, and Uruguay, Paraguay vetoed Venezuela's membership, claiming that it did not adhere to the requirements for the rule of democratic principles contained in the 1998 Ushuaia Protocol²¹. Venezuela's accession remained dormant as a result. In response, Fernando Lugo, the president of Paraguay, suggested altering the rules governing the regional union. In practice, the rules

agreement with Mercosur. In an extended meeting with the Commission of the Andean Community on July 7, 2005, the Andean Council of Foreign Ministers granted associate membership to these four Mercosur members. Such decision responds to Mercosur's measures, which included granting associate membership to all Andean Community countries due to the Economic Complementarity Agreements (Free Trade Agreements) that were signed between the Andean Community and various Mercosur members.

²⁰ On January 1, 1995, Colombia, Mexico, and Venezuela signed the G-3 free trade agreement, expanding their market to 149 million consumers with a combined GDP of US\$ 486.5 billion. The agreement stipulates a 10% tariff reduction for trade in goods and services between its members over a ten-year period beginning in 1995. Such third-generation agreement covers areas like investment, services, government procurement, rules to combat unfair competition, and intellectual property rights in addition to trade liberalization. Hugo Chávez, the president of Venezuela, stated in May 2006 that his nation would have left the trade group because of disagreements with its two other members. Thereafter, Venezuela joined Mercosur, while Mexico, Colombia, Peru, and Chile established the Pacific Alliance.

²¹ Gomes, E.B. and Brandalise, A.E. (2017) "*Processo De Impeachment No Brasil, Democracia E O Protocolo De Ushuaia: Possíveis Desdobramentos (Impeachment in Brazil, Democracy and The Ushuaia Protocol: Possible Prospects)*," *Revista de Direito Brasileira*, 16(7), pp. 386–398.

governing the EU at the time stipulated that any country's membership could only be authorized by the parliaments of all the member states. Although President Lugo supported Venezuela's entry, the opposition-controlled majority of the Paraguayan Senate did not. The distinctions between the executive and legislative branches of member nations should be emphasized, as they occur occasionally in regional integration procedures. and legislative authority over communal issues and activities within member nations. As a result of the Ushuaia Protocol²² being broken since Lugo's removal from office was conducted without enough legal protections, Mercosur suspended Paraguay as a member until democratic order had been restored. Due to Paraguay's political suspension and its veto power, Venezuela was able to join Mercosur.

1.3. *The Concept of Regionalism in International Law*

In terms of international law, the concept of regionalism refers to the notion that regional organizations, such as the European Union or the African Union, can have a considerable impact on how international relations are governed. It entails the construction of regional agreements between states in a certain geographic area for cooperation and integration, frequently with the goal of advancing peace, security, economic growth, and human rights²³. Regionalism is viewed in international law as a strategy to enhance and supplement the function of established international institutions like the United Nations. Regional organizations can contribute to the improvement of international law and the resolving of global concerns while also addressing problems and making decisions at a more local and practical level. Regionalism is acknowledged as legitimate by international law through a number of legal documents, including the UN Charter and the International Covenant on Economic, Social, and Cultural Rights²⁴. These instruments offer a framework for regional organizations to function within and guarantee that their deeds are in accordance with the norms of international law. Regionalism, however, also presents difficulties, including the possibility

²² The four Mercosur member states (Argentina, Brazil, Uruguay, and Paraguay) as well as two associated states (Bolivia and Chile) signed the Protocol of Ushuaia, an international agreement that is a part of the Treaty of Asunción, on July 24, 1998, which reaffirms the commitment of signatory states to democracy. Countries must sign both the Presidential Declaration on Democratic Commitment and the Ushuaia Protocol to be granted associate state status with Mercosur, which requires adherence to democratic provisions.

²³ Fawcett, L. (2012) "*The History and Concept of Regionalism*," SSRN.

²⁴ International Covenant on Economic, Social and Cultural Rights (1966) OHCHR. General Assembly resolution 2200A (XXI).

of competing regional interests, the danger that regional organizations may supplant more established international organizations, and the need to strike a balance between the advantages of regional cooperation and the need to uphold national sovereignty. In terms of international law, regionalism is a complex and dynamic idea that captures the evolving character of international relations and the demand for more adaptable and efficient forms of government.

Formal agreements for regional economic integration have proliferated during the second half of the 1980s in almost all significant geographic areas. Both market forces and political choices led to these agreements. In fact, there was a desire to create economic unions of varied sizes in both industrialized and developing nations immediately following the Second World War. It was during those years that the European Communities (ECSC in 1951, Euratom in 1957, and EEC in 1958) and EFTA²⁵ were both founded. Several European nations that had not yet joined the EEC participated in this free trade zone. In Latin America, the Latin American Free Trade Area (later changed to LAIA) and the Central American Common Market were established in 1960, the Caribbean Free Trade Association, which was founded in 1968 and later changed to CARICOM, in 1973, and the Andean Pact in 1969. In Africa, the UDEAC, the SACU, and the ECOWAS were founded in 1966, 1969, and 1975, respectively. Asia, on the other hand, only adopted this trend fairly recently.

The regional agreements from the first phase were in Western Europe North-North agreements since they exclusively included industrialized nations. And throughout the rest of the globe, excluding the SACU, which also includes the Republic of South Africa, they were known as South-South agreements and only involved developing nations. They all primarily sought to lower trade obstacles and, as a result, develop trade preferences among members. However, cultural, and political factors contributed to its establishment as well as economic ones. The wave of regionalism petered out by the end of the 1960s. The agreements collapsed in several cases. Regional trade zones and customs unions have not been able to get off the ground in the emerging nations. The inability to accept the free market's functioning in investment allocation decisions was a significant contributor to this failure. However, regionalism continued to grow in Europe, where the EEC's expansion, the signing of preferential agreements between the EEC and the developing nations of Africa, the Caribbean, and the

²⁵ The European Free Trade Association was founded on May 3, 1960, to act as an alternative trading bloc for those European nations that were unable or unable to join the then-existing European Economic Community. On January 4, 1960, the "outer seven" nations of Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom signed the Stockholm Agreement, which established the EFTA. Norway and Switzerland are the only two founder members still in existence as of 1995. The other five (Austria, Denmark, Portugal, Sweden, and the United Kingdom) had joined the EU.

Pacific Ocean region through the 1975 Lomé Convention²⁶ and the signing of association agreements with the countries of the Mediterranean Community rim took place.

However, the regional option everywhere experienced a resurgence in the second part of the 1980s. Regionalism started to emerge in the industrialized nations even during this second era. Community development made further strides throughout Europe. The emergence of the European Economic Area²⁷, which resulted in the creation of a sizable free trade area, and the signing of association agreements between the European Commission and several Central and Eastern European nations transitioning to market economies occurred in the years that followed. It was also clear in North America and spread to Latin American nations that the tendency for regional trade integration was on the rise. As a result, the US-Canada Free Trade Area was established in 1988, followed by the US-Israel Free Trade Area in 1989, the North American Free Trade Agreement between the US, Canada, and Mexico in 1994, a free trade zone between Argentina and Brazil in 1990, and the Mercosur between Argentina, Brazil, Paraguay, and Uruguay in 1991. On the other continents, there were also signs of the new regionalism movement. For example, draft trade and economic agreements with varied degrees of intensity and scope were started for the first time in Africa and the Asia-Pacific area. The creation of regional trade bodies that include industrialized and developing nations equally and reciprocally is another novel development. Trade agreements have occasionally been more open than those agreed at the international level and have expanded to include trade in services in addition to products. They have also tackled issues including the consequences of investment and environmental protection measures on trade as well as minimum labour protection standards, on which regional agreements have been reached earlier than multilateral ones.

²⁶ A trade and aid pact known as the Lomé Convention was initially signed in February 1975 at Lomé, Togo, by the European Economic Community and 71 African, Caribbean, and Pacific (ACP) nations.

²⁷ The EEA unites the EU member states and three EFTA nations (Iceland, Liechtenstein, and Norway) in a single internal market with uniform ground rules. These regulations seek to facilitate free movement of people, goods, services, and capital throughout the European Single Market, as well as the freedom to select one's place of residence from among those in the region. As soon as the EEA Agreement went into effect on January 1st, 1994, the EEA was officially created.

Chapter Two

HISTORICAL EVOLUTION

Over the past decades, the relationship between the European Union and Latin America has evolved significantly. One of the key aspects of this partnership is the cooperation between the EU and Mercosur, a regional bloc composed of Argentina, Brazil, Paraguay, and Uruguay. This thesis chapter will examine the recent developments, focusing on the evolution of Mercosur. Therefore, an in-depth analysis of the bi-regionalism between the EU and Latin America is provided, by examining its origins, progresses, and future prospects. The dynamics between the two regions and the possibilities for integration and growth will be better delineated in this chapter.

2.1. The Most Recent Evolution and Mercosur

Following Russia's invasion of Ukraine in 2022, Latin America's strategic importance to the European Union has increased. When it comes to politics, the governments of the Latin American region are extremely important when the UN General Assembly votes on resolutions pertaining to Russia. Additionally, the area has an abundance of natural resources, including oil and gas, which Russia supplies to the EU. Furthermore, the EU receives a considerable number of raw materials from Latin America, notably lithium from Chile, niobium from Brazil, and fluorspar from Mexico, the latter of which is essential for Europe's transition to a greener economy. As the region with the highest potential for generating and distributing green hydrogen, Latin America represents a significant market for Europe. The signing of the EU-Mercosur Association Agreement and the modernization of trade agreements with Chile and Mexico should be a top priority, according to José Manuel Albares, the foreign minister of Spain, who stressed that Latin America is the region most compatible with Europe and that doing so would strengthen the EU's strategic position in relation to the continent. The EU and CELAC²⁸ hosted a meeting of their foreign ministers in Buenos Aires in October 2022: they convened for the third time to consider revitalizing the bi-regional collaboration to advance peace and sustainable

²⁸ The Rio Group-Caribbean Community Unity Summit made the proposal for the Community of Latin American and Caribbean States on February 23, 2010. On December 3, 2011, The Declaration of Caracas was signed in Venezuela, thus establishing the Community of Latin American and Caribbean States. CELAC is viewed as an alternative to the Organization of American States, a regional organization that was established by the United States and 21 other Latin American countries to prevent potential Soviet dominance in the region.

development. Cafiero, the pro tempore president of CELAC, and Josep Borrell, the EU's high representative for foreign affairs and security policy, presided over the meeting. The gathering, which marked the restart of a bi-regional engagement based on a forward-looking, significant, and constructive agenda, was the first official EU-CELAC Ministerial since July 2018. During its presidency of Mercosur in the first part of 2023 and the CELAC presidency in 2022, respectively, the Argentinean government actively worked to revive interregional communication. In keeping with a pattern set by previous Spanish EU presidencies in 1989, 1995, 2002, and 2010, the Spain's presidency of the Council of the EU in the second half of 2023 is anticipated to have a beneficial effect on relations with Latin America.

Argentina, Brazil, Paraguay, and Uruguay signed the Treaty of Asunción in March 1991 to create Mercosur. As previously mentioned, Venezuela joined in 2006 as the organization's fifth member, but membership has been banned due to Venezuela's ongoing political and economic crisis. Subsequently, as economic partners, Ecuador, Chile, Bolivia, Peru, and Colombia also joined. The organization's goal is to increase the member nations' economic integration through a combination of common regulations on the environment, competition, transportation, and tourism as well as trade liberalization. The creation of a customs union for the Southern Cone of the American continent was contemplated as early as 1909, and it took almost a century for that to happen. A string of unsuccessful or ineffective accords, such as the 1960 creation of the Latin American Free Trade Association by eleven nations, or the 1980 establishment of the Latin American Integration Association as a continuation of the earlier experience, followed for 70 years. The concept of economic union gained traction again in the 1980s following the restoration of democratic administrations in Argentina and Brazil. Both nations were in the situation of having to modernize their economic systems, both technologically and in terms of production capability, after ignoring one another for about a century. A common approach was more practical due to the necessity to undertake modernization expenditures and boost their economies competitiveness on the global market, as well as the load of past years' foreign loans and the challenge of finding new creditors.

In the wake of so-called "open regionalism," as previously mentioned, and at a time when, with the exception of the EEC experience, there were no cases of economic integration on such a scale, Presidents Alfonsín and Sarney of Argentina and Brazil developed a political framework to pursue future common goals between 1985 and 1986. The Acta para la Integración Argentino-Brasilena, which consists of twelve trade protocols, was signed in July of that year after a commitment to present a report outlining the fundamental principles for the growth of the cooperation relationship was made in the Foz de Iguaz Declaration of December 1985. In order to expand the cattle and industrial sectors

in particular, it described a production specialization plan that would maximize the economies of scale, natural advantages, and resources of each country. The different protocols allowed for a reciprocal tax cut to boost trade and supplies, the conversion of current industries, and the growth of new industries like IT and communications. In 1988, the two nations signed a formal treaty in which they agreed to treat Uruguay, which had joined in the meantime, in the same way. The Treaty of Asuncion established a free trade area and customs union between the founding nations for a period of four years, i.e., the elimination of internal duties and the adoption of a common tariff for trade with third parties. The Ouro Preto Protocol²⁹, which supplemented the founding treaty and created the final structure and organization of Mercosur, was signed by the member states in December 1994, when the deadline had passed. Its entry into force on January 1, 1995, marked the birth of the organization. Its primary goals are to guarantee the free flow of goods, services, and productive factors among member states; to adopt a common trade policy and create a common external customs tariff; and to coordinate macroeconomic and sectoral policies pertaining to international trade, agriculture, industry, the monetary system, currency and tax policies, services, customs, transport, and communications. Contrary to the integration process, the states agree to alter their domestic law to harmonize the obligations and rights of the contracting parties, though transitional safeguards are planned in favour of Paraguay and Uruguay. It is challenging to compare Mercosur and European Common Market³⁰ because there were, and still are, significant inequalities between the various member nations: about 77% of the group's economic output is produced by Brazil alone, followed by Argentina 20%, Uruguay 2%, and Paraguay 1%.

²⁹ The Mercosur's current organizational framework was established by the Ouro Preto Protocol (1994), which also granted it the legal personality required by international law to engage in contract negotiations with states and other international bodies.

³⁰ The European Common Market aims to improve labour specialization, competition, and economies of scale, enabling the movement of commodities and production elements to areas where they are most valued and enhancing the effectiveness of resource allocation. Additionally, it aims to promote economic union, whereby the previously independent economies of the member states are merged into a unified EU-wide economy. The process of turning the internal market into a seamless, one market is still under progress, and there are still gaps in the integration of the service sector. According to a 2019 estimate, the GDP of member nations is generally 9% higher as a result of the single market than it would be if tariff and non-tariff limitations were in place. With few exclusions, the 27 members of the European Union as well as Iceland, Liechtenstein, and Norway through the Agreement on the European Economic Area and Switzerland through sectoral treaties make up the European common market, which is a single market. The "four freedoms" – freedom of movement of people, capital, products, and services – are the focus of the single market. This is accomplished through a set of uniform laws and regulations that every member state of the EU is required by law to abide with.

Several exclusions and transitional times for the progressive elimination of customs taxes and non-tariff barriers, as well as for the coordination of macroeconomic policies, slowed down the organization's operations. Significant exceptions were provided for levies on some trade sectors (automotive sugar, textiles, and apparel), which were to be abolished in part by January 1, 2001, and in part, in some limited circumstances, by 2006. Additionally, the privatization of public services, which occurred in the two major nations in particular, had a significant impact on investments made in industries that are less exposed to global competition, improving the efficiency of the services while having less direct and indirect effects on industrial development and global competitiveness, often having negative outcomes. Mercosur's legitimacy has been questioned not just by the slow pace of implementation and ongoing exceptions, but also by the non-institutional and non-binding nature of its mechanisms. Formal promises have fallen victim to national and unforeseen interests.

The political Mercosur includes Chile and Bolivia as full members and serves as a common forum for political consultations. The South American Community of Nations of 2004 was replaced ten years later, on May 23, 2008, by the Union of South American Nations, which joins the Andean Community, Mercosur, Chile, Guyana, and Suriname. The Cusco Declaration³¹ aims to revive the political-economic union concept that had previously failed by establishing a regional community modelled after the European Union. The new organization's goals included coordinating policies in the domains of agriculture, diplomacy, energy, science, culture, and social issues, as well as eliminating customs tariffs on common goods by 2014 and establishing a common parliament by 2019. One of its major accomplishments is the Inter-Oceanic Highway, which will connect Peru, Bolivia, and Brazil and enable the three nations to face the Atlantic and Pacific Oceans simultaneously. Another is the South American Energy Ring, which involves building a gas pipeline so that Argentina, Brazil, Chile, Paraguay, and Uruguay can receive all their gas from Peru. A third is the binational gas pipeline, which will integrate Colombia and Venezuela's energy systems. Mercosur received observer status at the UN General Assembly on December 9, 2011.

It is possible to state that the main goal of the Mercosur association of South American nations was to create business opportunities, i.e., to conduct a process of commercial and economic integration through the creation of competitive actions and integration of national markets, after evaluating the

³¹ The two-page declaration of intent was formally known as the Preamble to the Foundation Act of the South American Union and was signed by twelve South American nations on December 8, 2004, at the Third South American Summit in Cusco, Peru. It heralds the Union of South American States' founding and demands the creation of a regional parliament, a market, and a shared currency.

legislation that established and developed the organization's goals. This indicates that, at least originally, the goal of Mercosur was not to achieve a true integration of nations but rather to just build an economic integration to strengthen the regional bloc's position in global trade. The Treaty of Asunción undoubtedly shifted toward a more social policy, considering the need to lessen socio-economic inequalities for Mercosur in the elusive concept of social justice, and this encouraged the leaders of the regional bloc's governments to pursue a comprehensive and productive social agenda, oriented to develop active initiatives and policies to reduce the social deficit, promote human development, and foster productive integration. The "Mercosur Social and Labour Declaration"³² of December 10, 1998, which confirmed the need to extend Mercosur integration to the social sphere in light of the labour ministers of the member countries' contention that regional integration cannot be restricted to the commercial and economic sphere but must also address the social issue, marked the beginning of these intentions. From that point forward, the Mercosur authorities' meetings started to give greater consideration to social inequalities, signing agreements to advance and strengthen human rights while constantly assessing the actual situation in the region, particularly with regard to the vulnerable populations and the unique circumstances of the border regions. The creation of the Statute of Citizenship, which was preceded by some decisions regarding the residence and transit of tourists, was also significant. Such legislation demands that all citizens of the Mercosur States Parties have the same access to employment, healthcare, and education and has as its general goals the free movement of people within the region. Programs in a variety of areas, including employment, citizenship, housing, were put forth with the constant aim of achieving equality of opportunity for all residents of the regional block, access to employment, health, and other essential services.

Consequently, the establishment of the PEAS³³, which will serve as an amalgamation of the social programs of the bloc and a strengthening of the main axes of the regional integration process. a deal wherein Mercosur members committed to pursuing the guarantee of human, cultural, economic, political, and social rights of all citizens who are a part of the regional bloc, without discrimination, including the right to food, freedom of movement, education, health, cultural diversity, social security, and others, to combat inequality and foster social inclusion. Notwithstanding these concepts, goals, and aspirations, the typical issue with Mercosur's social programs is their difficulty in execution,

³² Pucheta, M. (2021) "*The Mercosur Socio-Labour Declaration: The Development of a Common Regional Framework in the Global South,*" *International Journal of Comparative Labour Law and Industrial Relations*, 37(Issue 4), pp. 325–354.

³³ Guilherme, R.C. and Reis, C.N. (2018) "*Strategic Social Action Plan for Mercosur: Income Transfer Programs in the Context of a Neoliberal Offensive,*" *Revista Katálisis*, 21(1), pp. 117–124.

which, as previously said, frequently depends on the political will of governments and internal authorities. The dearth of supranational organizations capable of exercising the Imperium's influence among the member nations is one of the main causes of this challenge. A legal connection with rights and obligations between Mercosur and its residents would result from the issuance of agreements and treaties instead of regulations that are strictly closed and instead comprise simple ideas, initiatives, or rules of an open character. Without formal, organic, technical, and legal mechanisms, it would be challenging to see the regional bloc as a project that goes beyond the simple economic factor.

The direction that Mercosur has taken in recent years can undoubtedly be significant and relevant for the development of Latin America's vulnerable populations. The formal and legal means of enforcing compliance and the organic structure available to citizens to demand the protection of rights remain unresolved, and it will be more difficult to talk about a genuine process of social and human integration if the governments that are members of Mercosur do not finally decide to cede a part of their sovereignty to a supranational organization or, at least formally, assume in their internal orders the obligation to immediate compliance. The rules that govern Mercosur are composed of a variety of legal instruments, including agreements, decisions, treaties, recommendations, resolutions, and others. These instruments serve to establish the framework for the organization's activities and to set out the rights and obligations of its members. In many cases, the legal instruments adopted by Mercosur are binding on its member states and dictate the rules to be followed. However, in other cases, the instruments may simply propose common goals or establish guidelines for cooperation, without necessarily imposing legal obligations. Regardless of the nature of the legal instruments adopted by Mercosur, they are all subject to the domestic legal order of each member state³⁴.

Geographical distance may separate Mercosur members from Union members, but history and culture bind them together. It is in the Community's best interests strategically to ensure that Mercosur develops in an open-minded manner and enters more privileged relationships with the EU since Mercosur represents an explicit possibility for the fostering of a bi-regional partnership with Latin America. The EU-Mercosur partnership has been facing challenges and uncertainties in recent years, particularly with regards to the ratification of the EU-Mercosur Association Agreement³⁵, which was signed in 2019. The agreement has been subject to criticism and opposition from some European lawmakers, civil society organizations, and environmental groups, who have raised concerns about

³⁴ Lenz, T. (2020) "*Spurred Emulation: The EU and Regional Integration in Mercosur and SADC*," From Europeanisation to Diffusion, pp. 155–173.

³⁵ Caetano, G. (2022) "*Analysis and Foresight of the European Union - Mercosur Association Agreement*."

issues such as deforestation, human rights abuses, and labour standards in the Mercosur countries. In 2020, the European Parliament adopted a resolution calling for the EU not to ratify the agreement in its current form, citing concerns about the impact on the environment and human rights. Similarly, certain member states, such as France and Ireland, have indicated that they may not support the agreement unless changes are made to address these concerns. While the ratification of the Association Agreement remains a key priority for both sides, the negotiations also provided an opportunity to explore other avenues for cooperation and to reaffirm their shared commitment to a strong and sustainable partnership. Both regions have affirmed their commitment to the alliance and have kept up their collaborative efforts in other areas including research and development. The agreement has a bright future because the EU's current Swedish presidency is very pro-trade, and the Spanish presidency, which will take office in the second half of the year, will also be very supportive of the agreement due to its historical ties to the three Spanish-speaking nations and with Brazil being Portuguese-speaking.

2.2. *The Origins of the Bi-Regional Partnership*

There are three significant periods in the relations between the Community/European Union and Latin America, according to European institutions and academics. Each phase has its own unique political goals and subsequent generations of cooperation agreements, which have caused the relationship to become more complex and nuanced over time. While no effective policies were adopted during the first phase of these relations, which spanned 20 years from the founding of the Communities in 1957 (the European Economic Community and Euratom, whereas the ECSC had entered into force in 1952), a constant and at times intense dialogue also began during this time, as the documentation in the Community archives clearly demonstrates. The Treaties of Rome made no specific mention of Latin America, but the Community was forced to respond to the region's immediate position because it was evident at the GATT meeting in Geneva in September 1957³⁶ – just six months after the treaties

³⁶ In Geneva, the GATT Intersessional Committee convened. Discussion of issues that would likely come up during the GATT Contracting Parties' twelfth session was the main goal of the conference. The Intersessional Committee discussed a few issues, including how the Contracting Parties should examine the Rome Treaty establishing the European Economic Community, the developments related to the new Brazilian tariff, the schedule of consultations under Article XII:4(b) with Contracting Parties applying Import Restrictions to Protect Their Balance of Payments Position, and the possibility of a Trade Minister Meeting. Australia, Belgium, Brazil, Canada, Chile, Denmark, Federal Republic of Germany, Greece, India, Indonesia, Italy, Norway, Pakistan, Peru, Federation of Rhodesia and Nyasaland, United Kingdom, and United States were members of the Intersessional Committee.

were signed – that LA was very concerned about the establishment of the EEC. The Geneva meeting brought to light all the difficulties that its formation at the level of global trade produced, despite the Community institutions’ efforts to calm the entire international system. The member nations made the decision to write a note to the heads of all the Latin American nations to express their goodwill. Consequently, the Memorandum of the EEC Member States to the LA Countries was presented as early as 1958, and it recommended setting up a system of consultations to talk about the issues of common interest that were raising so many concerns in Latin America. The Memorandum was divided into two parts: a “Declaration of Goodwill” in which the Community reiterated what it regarded as an open stance on foreign trade, and a second part that offered recommendations for the establishment of “consultation agreements.” In response to the Memorandum, thirteen Latin American nations acknowledged the EEC as a new essential component of global trade, with potential benefits for South America, particularly if customs arrangements were put in place so as not to penalize Latin Americans. One of the ongoing issues with European common foreign policy, which has existed even in these preliminary stages, was the desire of several member states to keep a glaring preference for bilateral over multilateral agreements. In fact, most of the member states expressed an interest in establishing bilateral ties with some of the participants in the transatlantic dialogue while expressing a lack of enthusiasm for the Community’s multilateral agreements, making negotiations more challenging from the outset because they were viewed as unattractive. Latin America’s worries were justified given the challenges faced in the years following World War II and the allure of the young, vibrant European market. The latter did, in fact, represent an irreplaceable target, not the least of which was that it permitted trade to be distinguished from that with the United States, which remained the principal market for importing goods from Latin America.

Furthermore, noteworthy is the fact that a regional economic structure was emerging in LA concurrently with what was taking on in Europe. A customs union³⁷ was established between Nicaragua, El Salvador, Guatemala, Honduras, and Costa Rica in 1958 as a result of the signing of the Tegucigalpa Treaty. The Latin American Free Trade Association was established in 1960 with the Treaty of Montevideo, with the intention that additional states would eventually join the initial core of Argentina, Brazil, Chile, and Uruguay. Although considerably distinct in its goals and intensity, this

³⁷ The Central American Common Market called for the creation of a free-trade region within ten years. The member nations also approved of regional industrial integration. The Treaty of Managua, which was signed on December 13, 1960, brought about the completion of these arrangements. Its objectives were the same as those of the EEC, namely the organization of integrated industrial development and the creation of a common market within five years. Most restrictions on trade within the region were then lifted or lowered.

persistent similarity has been ignored for too long. Because there was a significant overlap between political-economic goals and the means to attain them, it was challenging to ignore the Latin American demand for closer ties with the Community. The Community responded positively to the requests from the LA and placed a high value on the Memorandum that Brazil sent to the Community in July 1959. This document was not only viewed favourably by the European Council as having great political significance, but it also encouraged participation from the Europeans at the Inter-American Economic Conference in Bogota³⁸ in September 1960, which resulted in the formal establishment of relations between Europe and LA.

Except for the first interparliamentary conference between the European Parliament and the Latin American Parliament, which took place in Bogota in 1974, the Community's attitude remained uncertain throughout the 1970s, and relations did not particularly deepen. In fact, the parliamentary level and the establishment of the organization that allowed for biannual conferences between the European and Latin American Parliaments marked the beginning of the political dialogue. In the 1960s and 1970s, trade dominated ties, and Europe's presence in Latin America was mostly achieved through bilateral economic and political collaboration with the individual member states. The 1980s, which might be regarded as the second phase of EEC-LA relations, were the tipping point. Conflicts in Central America and extraordinarily strong responses from governments, as well as from the public, parties, and non-governmental organizations on the European side, dominated the decade. This is how a true political dialogue between the member states and the LA started in 1984. Aside from that, it is vital to keep in mind that during this decade, LA's authoritarian governments were gradually pushed back, and the EU turned into a supporter of the ongoing democratization by offering significant funds for humanitarian relief and reconstruction. The entrance of Spain and Portugal to the EEC, which sparked the process of rapprochement with LA even during the pre-accession period, had a significant impact on ties between the two regions³⁹.

The third phase of this bi-regionalism, which will be referred to in this thesis as the new generation agreements, began in the early 1990s with the entrance of Spain and the pressure put on LA. Because they contained a democratic clause and an evolutionary clause that allowed for the expansion of the agreements' scope without requiring the partners to rework the entire document, the

³⁸ Inter-American Relations; Collection of Documents, Legislation, Descriptions of Inter-American Organizations, And Other Material Pertaining to Inter-American Affairs. Avalon Project - Documents in Law, History and Diplomacy.

³⁹ Freres, C. (2000) "*The European Union as a global 'Civilian power': Development cooperation in EU-Latin American relations,*" *Journal of Interamerican Studies and World Affairs*, 42(2), pp. 63–85.

cooperation agreements of this new phase constituted a qualitative leap for EU-LA collaboration. One of first significant documents from the European Commission is dated October 1995. The document's title was "The European Union and Latin America. The Present Situation and Prospects for Closer Partnership 1996-2000" and it was divided into three sections: Strategic Interest of Stronger Ties Between the European Union and Latin America; The State of Relations Between the European Community and Latin America; and Paths to Closer Partnership with Latin America. The first section highlighted the strategic importance of a closer partnership between the EU and Latin America, emphasizing the shared values and interests of the two regions, as well as the potential benefits of greater cooperation. The second part assessed the current state of relations between the EU and Latin America, identifying areas of progress and challenges that needed to be addressed, while the third one outlined specific actions and initiatives that could be taken to deepen cooperation between the EU and Latin America, including the negotiation of trade agreements, the promotion of investment flows, and the strengthening of cultural and educational ties. With the exception of Cuba, cooperation agreements were inked in the 1990s with every Latin American country. Also, relations were established with the numerous regional organizations in Latin America, many of which were institutionalized into political dialogues. The EU established itself as the primary external player of reference and the primary sponsor of the integration processes in Latin America, by giving substantial and reliable political and economic support.

Chapter Three

EUROPEAN UNION AND LATIN AMERICA'S RELATIONS

The relationship between the European Union and Latin America has been the focus of growing interest in recent years, as both regions have recognized the importance of strengthening ties and promoting cooperation. This chapter will examine the EU's policy towards Latin America, with a particular focus on the legal foundation for the partnership between the two regions. Moreover, it will explore the main instruments and agreements that underpin the EU's engagement with Latin America and will provide a comparative analysis of regionalism in the two regions. There are parallels and distinctions between regionalism in the EU and Latin America: both regions have made regional integration a priority to encourage economic growth and political stability, but as will be shown, the approaches for regional integration differ.

3.1. *EU Policy Towards Latin America*

The European Union's pursuit of strategic autonomy has been accelerated by the Trump administration's use of unilateralism and protectionism, the growing reliance on China as a partner and a rival, difficulties obtaining medical supplies during the COVID-19 pandemic, and the most recent Russian invasion of Ukraine. When possible, this autonomy includes the capacity to work together with regional and international partners, but it also includes the capacity to act independently when that is what is required. Strategic autonomy encompasses more than just defence and security matters; it also includes trade and industrial policies that protect Europe from economic coercion and unfair trade practices by non-European nations. As a result, trade policy aims to diversify the sources of supply to Europe, with Latin America playing a part in this, as well as improving access for European businesses to international markets.

The concept of "open strategic autonomy"⁴⁰ was introduced to allay concerns that strategic autonomy may increase protectionism in the EU. The "openness" component of this idea indicates that the EU will not isolate itself and will instead concentrate on open trade as a driver of European prosperity, managing interdependencies, and advancing its standards and values by fostering stability in the multilateral system of global economic governance. The EU shows its openness through free

⁴⁰ Schmitz, L. and Seidl, T. (2022) "As Open as Possible, As Autonomous as Necessary: Understanding the Rise of Open Strategic Autonomy in EU Trade Policy," *JCMS: Journal of Common Market Studies*.

trade agreements. The “open” and “independent” components of the term, such as when it comes to state aid as part of the EU’s industrial strategy, may, however, be in conflict. Despite the difficulties provided by its internal divisions and poor regional organizations, Latin America tries to re-establish itself in international politics as the EU works to protect its strategic autonomy. The idea of “active non-alignment” (ANA)⁴¹, which was initially developed in reaction to the conflict between the US and China and is currently being studied considering the situation in Ukraine, is up for discussion in Latin America. While avoiding unconditional allegiance to either of the big powers, ANA encourages taking a stand on global problems and bases most of its foreign policy choices primarily on national concerns. However, it is improbable that the nations of Latin America will adopt a unified position because their political philosophies on global issues are too dissimilar, as evidenced by their conflicting opinions on the conflict in Ukraine and Nicaragua’s violations of human rights. According to Fortin, Heine, and Ominami (2023), Latin America and Europe have a shared interest in forging a zone of active non-alignment to prevent becoming involved into conflicts between superpowers. However, the circumstances have altered since Russia’s invasion of Ukraine and China’s support for Russia, and Europe now finds itself in a position where self-defence against a military threat and an assault on fundamental European values is imperative. It will not be simple to rebuild a strategic alliance between Europe and Latin America in the current global environment because their interests are different. Open strategic autonomy and aggressive non-alignment might, nevertheless, share some ground. Both areas seek to avoid undue dependence and increase their strategic autonomy. The EU may be able to meet Latin America’s expectations for similar policies by taking an initiative-taking role in industrial policy, being willing to defend strategic industries, and reducing economic dependence. However, from a Latin American perspective, there is a risk of reproducing a traditional asymmetrical relationship, as Latin America is a global power in areas like biodiversity, renewable energies, agriculture, and strategic raw materials, while Europe has the technological and investment capacity and needs dependable partners to diversify its supply chains.

3.2. *The Legal Basis for the Partnership*

Latin American countries and the EU have a wide range of legislative ties that take place at several levels. At head of state and government summits, the EU engages with the entire area;

⁴¹Heine, J., Fortin, C. and Ominami, C. (2023) “*Latin American Foreign Policies in The New World Order: The Active Non-Alignment Option.*” London: Anthem Press.

meanwhile, political discourse and agreements connect the European Union to Mercosur, Central America, the Andean Community, and individual nations. The first of the seventeen biennial interparliamentary conferences, held in 1974, marked the start of ongoing communication between the European Parliament and parliaments in Latin America. The conferences served as the first and, for a while, the sole venue for formalized political communication between Europe and Latin America. Interparliamentary conferences were superseded by the Euro-Latin American Joint Parliamentary Assembly, also known as “EuroLat,” in 2006, which is the legislative body of the bi-regional strategic partnership. The partnership’s various challenges are discussed, tracked, and evaluated in EuroLat⁴².

Title V of the Treaty on the European Union and Titles I–III and V of the Treaty on the Functioning of the European Union serve as the legal basis for bi-regionalism between Latin America and the European Union. The EU’s Common Foreign and Security Policy⁴³, which seeks to advance and defend the EU’s interests and values in the international community, is outlined in Title V of the Treaty on European Union, which is significant for the legislative framework governing relations between the EU and Latin America. In addition to promoting the coherence and unity of the EU’s foreign policy, this title offers a framework for the EU’s external actions. Title V TEU lays out the goals and guiding principles for how the EU would interact with other nations and regions, such as Latin America. In addition to facilitating economic cooperation and sustainable development, these goals also include advancing democracy, human rights, and the rule of law. The EU’s collaboration with Latin America in areas including trade, investment, and development cooperation is further supported by Title V TEU, which serves as a legal foundation. For example, the EU has negotiated several free trade agreements with Latin American nations, including the EU-Mercosur Association Agreement and the EU-Central America Association Agreement, both of which are founded on the principles outlined in Title V TEU.

Additionally, Title V TEU addresses issues such as crisis management, conflict prevention and resolution: the EU has helped Latin American nations devastated by natural catastrophes with

⁴² The Latin American Parlantino and the European Parliament are brought together in EUROLAT, an official parliamentary body. Its primary goals are to improve political communication, advance collaboration, and support economic and social progress between the European Union and Latin America. With equal participation from the Parlantino and the European Parliament, EUROLAT was established in 2006 and has 150 members. It organizes meetings, conferences, and other events. Moreover, it provides for a venue for exchanging ideas and best practices, as well as for encouraging collaborative projects and partnerships.

⁴³ Bicchi, F. (2012) “*The EU’s Common Foreign and Security Policy: The Quest for Democracy*,” *The EU’s Common Foreign and Security Policy*, pp. 9–17.

humanitarian aid and has promoted peace and stability in the region through diplomatic initiatives. In an effort to streamline the design of the Union's external relations system, the Lisbon Treaty added a chapter on the EU's overall external actions to Title V of the Union Treaty, with the Articles 21 and 22⁴⁴.

Article 21

1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:
 - a. safeguard its values, fundamental interests, security, independence and integrity;
 - b. consolidate and support democracy, the rule of law, human rights and the principles of international law;
 - c. preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
 - d. foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;

⁴⁴ EU External Action, EUR.

Available at: <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX%3A12016M045>

- e. encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
 - f. help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
 - g. assist populations, countries and regions confronting natural or man-made disasters; and
 - h. promote an international system based on stronger multilateral cooperation and good global governance.
3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union's external action covered by this Title and by Part Five of the Treaty on the Functioning of the European Union, and of the external aspects of its other policies.

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.

Article 22

1. On the basis of the principles and objectives set out in Article 21, the European Council shall identify the strategic interests and objectives of the Union.

Decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States.

The European Council shall act unanimously on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area. Decisions of the European Council shall be implemented in accordance with the procedures provided for in the Treaties.

2. The High Representative of the Union for Foreign Affairs and Security Policy, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.

The ambitious goal of this provision is to impose a uniform framework that systematically governs the many domains in which the Union engages in external activity. To this aim, Title V TEU aligns other policies in their exterior aspects with the Common Foreign and Security Policy in addition to those covered by Part Five of the TFEU, such as trade policy, cooperation with third parties, and humanitarian aid (Article 21(3) TEU). Even though the “external aspect” criterion makes it difficult to specifically identify the policies that help define the Union’s external action, it does have the advantage of extending the application of the discipline set forth in Title V TEU to any policy that is likely to have an impact on international relations. The discipline set forth in Articles 21 and 22 TEU is therefore reasonable to assume to apply to, for example, environmental, visa, asylum, immigration, monetary, and neighbourhood policies, even if they are not included in Part Five of the TFEU, insofar as they are likely, in their actual implementation, to have a significant impact on the guiding principles of the Union’s external action.

One of the main treaties governing the European Union is the Treaty on the Functioning of the European Union, which is made up of seven titles that address a variety of policy topics. The free movement of goods, services, people, and capital within the EU is referred to as the internal market in Title I of the TFEU⁴⁵. Because it offers a legal framework for fostering trade and economic cooperation between the two regions, this title is crucial for the relations between the EU and Latin America. The free movement of goods is expressly addressed in Title II of the TFEU, which is crucial for facilitating trade between the EU and Latin America. This title also addresses problems with tariffs, quantitative limitations, and other trade constraints. The Common Agricultural Policy and the Common Fisheries Policy are outlined in Title III of the TFEU, which is relevant to agriculture and fisheries. These regulations are crucial for guaranteeing the sustainable growth of the EU’s agriculture and fishing industries and fostering food security. The freedom, security, and justice domains, which encompass police and judicial cooperation, are key areas for the TFEU’s Title V. In order to manage the migration between the EU and Latin America, this title discusses issues relating to border management, immigration, and asylum. In conclusion, Title V of the TEU and Titles I-III and V of the TFEU play a crucial role in providing a legal basis for the European Union’s relations with Latin America. These

⁴⁵ Schütze Robert (2021) “*European Union law*.” Oxford: Oxford University Press.

titles establish the EU's objectives, principles, and legal framework for its external actions and cover a wide range of policy areas, including trade, investment, agriculture, fisheries, security, and humanitarian aid. By providing a legal foundation, they help to foster cooperation and collaboration and promote the mutual interests of both regions.

3.3. *The Main Instruments and Agreements*

The partnership between Latin America and the European Union is based on several instruments and agreements, both regional and bilateral⁴⁶. There are various bilateral agreements that form the basis of the partnership between Latin America and the EU. These agreements cover various areas such as trade, economic cooperation, scientific and technological cooperation, and political coordination. Examples include the *Framework Agreement for trade and economic cooperation EU-Argentina*; the *EU-Argentina Agreement for Scientific and Technological Cooperation*; the *EU-Brazil Agreement for Scientific and Technological Cooperation*; the *Framework Agreement for Cooperation EU-Brazil*; the *EU-Colombia Trade Agreement*; the *EU-Chile Association Agreement*; the *EU-Chile Agreement for Scientific and Technological Cooperation*; the *EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement*; the *EU-Mexico Association Agreement*; the *EU-Mexico Agreement for Scientific and Technological Cooperation*; the *EU-Uruguay Framework Agreement for Cooperation*; and the *EU-Peru Comprehensive Trade Agreement*.

In addition to the bilateral agreements with individual countries, there are also regional agreements between the EU and Latin America that form the basis of the partnership. One of the most significant of these is the EU-Mercosur Association Agreement, which includes a Free Trade Agreement, which is one of the two components of the global association agreement. A political agreement, which serves as the second pillar, was finalized in June 2020. The treaty can be submitted to the European Parliament once it has reached its conclusion and been translated into each language spoken in the EU. Only then will it begin to be ratified by all EU member states and Mercosur states, allowing it to enter into force. Other regional agreements include the EU-Central America Association Agreement, a free trade agreement that was signed between the European Union and the countries of Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) on 29 June

⁴⁶ Latin America Bilateral or Regional Agreements, EU.

Available at: <https://www.mineralplatform.eu/cooperation/international-agreements-frameworks/eu-latam-agreements>

2012⁴⁷. The agreement is based on political dialogue, cooperation, and trade which reinforce each other and their effects. Under the agreement, the EU and Central American countries have agreed to reduce and eventually eliminate tariffs on a wide range of goods, including agricultural products, industrial goods, and services. The agreement also includes provisions on intellectual property, public procurement, competition, and sustainable development, in addition to human rights, democracy, security, and environmental protection. The EU-Central America Association Agreement entered into force on August 1, 2013, and has been implemented in stages since then. It is seen as a crucial step towards strengthening the economic and political ties between the EU and Central America and promoting sustainable development in the region.

Moreover, there are also various cooperation programs and initiatives in areas such as science and technology, education, and culture, which aim to strengthen ties between the EU and Latin America. These programs include the EU-Latin America and Caribbean Foundation⁴⁸, the Alfa programme for academic cooperation, and the ERASMUS+ program for student exchange. On March 10, 1994, the European Commission approved the Alfa programme to advance university education initiatives in the area of cooperation between Europe and Latin America, scheduled to run until 1999. There were eighteen Latin American nations involved in addition to the EU members: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. With the development of Latin America's scientific, intellectual, and technological potential, Alfa sought to foster collaboration between universities in Latin America and Europe to fill educational gaps, inequalities, and imbalances between nations on the two continents. Furthermore, the growth of university collaboration programs between Europe and Latin America will allow for student mobility and support regional integration of the Latin American countries.

3.4. *Comparative Regionalism*

The European regional experience, which is viewed as unique and different from both US federalism and other types of regionalism, is frequently used to compare regionalism in the rest of the globe. In fact, other regional experiences can be seen as less formal, incomplete, and advanced, making

⁴⁷ EU Trade Relations with Central America. European Commission.

Available at: https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/central-america_en

⁴⁸ "Who We Are," EU-LAC Foundation. EU-LAC. Available at: <https://eulacfoundation.org/en/who-are>.

European regionalism a model and a standard against which to measure them. Although not in its formalism, European regionalism served as an important source of inspiration for Asia-Pacific regionalism⁴⁹ which has, however, taken on a distinctive development path due to its diverse historical, political, and associational traits. The difference between elevated levels of regionalization and low levels of regionalism in East Asia and the Pacific is one of the key characteristics of regional integration in Asia. This regionalization is the result of the numerous trade agreements that have been signed in these regions. In reaction to the Cold War's threat and the spread of communism in the region, Indonesia, Malaysia, Thailand, Singapore, and the Philippines created ASEAN (the Association of Southeast Asian Nations) in 1967 with the goal of preserving the political stability and independence of Southeast Asian countries. Although European-inspired, the organization's institutional structure is based on open regionalism without giving up sovereignty, making it suitable for members who are strongly export-oriented but determined to maintain political and economic autonomy within their own territories. In contrast to the European regional experience, which is built on formal institutions and conventions, official policies, codified interactions, treaties, and written constitutions, Asian regionalism is founded on interstate dialogue and processes that lack precise codification. EU is a model of advanced economic regionalism with political elements and shared sovereignty, whereas regional experiences such as ASEAN or Mercosur are examples of economic regionalism with little institutionalisation and no shared sovereignty.

Mercosur's supranational institutions must reach consensus while making decisions⁵⁰, to prevent the bloc from developing to the point where the member nations' sovereignty was questioned. Mercosur lacks aspects such as regional citizenship, social cohesion, supra-nationality, or shared foreign policy – aspects that have grown significantly important in the process of European integration. On the other hand, respect for the sovereign rights of its members is one of ASEAN's basic principles. All decision-making takes place at the intergovernmental level and the organization's actions have no bearing on the internal politics of its members. The collection of regionally accepted rules that govern its functioning set it apart from other regional organisations. As opposed to Europe, where integration was intended to be a tactic to counteract or eliminate nationalism's challenges, ASEAN was intended

⁴⁹ Telò, M. (2016) *“European Union and New Regionalism: Competing Regionalism and Global Governance in a Post-Hegemonic Era.”* New York: Routledge.

⁵⁰ De Klor, A. D. (2010) *“The Legal-Institutional Structure of MERCOSUR,”* The Law of MERCOSUR. Filho, Marcilio Toscano Franca; Lucas Lixinski; and Maria Belen Olmos Giupponi.

to be a means of enhancing nationalism, in addition to anticolonialism and neutralism⁵¹. ASEAN is distinguished by respect for sovereignty, non-interference in internal affairs, and peaceful dispute resolution. Such diplomatic ideas are also common in Mercosur and Latin America as a whole. Although ASEAN could support future Asian regionalism, its member nations' continued insistence in refraining from interfering in one another's internal affairs remains a barrier to the development of a more formalised and effective organisation.

In the European and Latin American contexts, the emergence of the two types of state integration has followed different trajectories, adhered to different principles, and produced various outcomes. In terms of the European experience, the goal of the entire integration process has been to create a unitary integration model through gradual steps that first resulted in the establishment of the EEC, ECSC, and Euratom, and later, these three were absorbed into the European Union as a result of founding Treaties, which made it possible to combine the experiences of the Community triad into a single three-pillar structure. The European Union is a singular form of integration organization because of its capacity to adapt to the requirements of the geopolitical and geoeconomic situation. The EU has been able to acquire a remarkably high degree of functionality through a sometimes tough and challenging path that has prompted member states to accept restrictions on their sovereignty in consideration of a larger common sovereignty. This has undoubtedly resulted in challenges for the member states' political, social, and frequently even regulatory systems, but it has also undoubtedly had innumerable positive effects that have made those nations much stronger today on a strictly socioeconomic and political level.

The common market, the unrestricted movement of people, products, and capital, as well as the technical-regulatory level of the Community legislative framework, are all objectives that have unquestionably provided member nations with significant advantages throughout time. Those political decisions, accompanied by an exceptional technical-regulatory effort, have enabled generations of young Europeans to move freely within Europe, to conduct cultural exchange programs, and to have a qualification recognized, even outside the national enclosure. As a result, the sense of belonging has increased⁵²: Europeans identify with one another through shared cultural, moral, political, and democratic standards. Individuals nowadays consider themselves "Europeans" because they share

⁵¹ Chandra, A.C. (2016) "*Regional Economic Building Amidst Rising Protectionism and Economic Nationalism In ASEAN*," JAS (Journal of ASEAN Studies), 4(1).

⁵² Santana-Vega, L.E., González-Morales, O. and Feliciano-García, L. (2021) "*Student Beliefs and Sense of Belonging to The European Union Scale*," PsycTESTS Dataset [Preprint].

more ideals than ever before, their sense of unity has grown significantly, and institutional arrangements that have been gradually updated and changed have also contributed to this. The Union's capacity to articulate its stances and make clear its demands through a single position will determine the role it already plays and will play in the future in trade, finance, geopolitical, and energy ties with the rest of the world. The technical-regulatory level has fulfilled this demand with the formalized appointment of the High Representative for Foreign Policy, a more gallant endeavour to put this urge to express itself through a shared position into practice. Additionally, it is notable that the EU accepts a political-legal discipline marked by restrictions on the exercise of national sovereignty. This is the supranational aspect⁵³ that is characteristic of a subordination model, distinguished by the presence of distinctive provisions, defined as revolutionary in comparison to those that are characteristic of a cooperationist model, which complies with the traditional canons of international law, and that also appears to have become much more prevalent in the recent development of Latin American integration.

Notwithstanding an extraordinarily strong presence of references to shared roots, the datum of collective or group identity is not truly relevant in the various integration experiences in the Latin American region. In addition, there are objective factors with structural, functional, and institutional characteristics that help give integration processes a sense of precariousness throughout the region. While nongovernmental elements are given credit for a role that has grown over the history of the integration process, it is still too subordinate, and the character is primarily intergovernmental. The fervent declarations of political will made by the Heads of State during their *diplomacia presidencial* rarely translate into consistently relevant action in the process impacting Latin American integration. At this point, the European integration process can be seen as a template from which to draw inspiration, and a more regionalized collaboration between the two regions could become both the cause and the result of a planned development of the Latin American integration process. The integrationist aspirations of LA must be strengthened by a clearer understanding of the irreversibility of integration processes, liberating itself from the neo-nationalist and isolationist impulses prevalent in some nations. The added value from which each adhering state will benefit in terms of economic-trade, political, and common representation in global governance is in the awareness of the complexity of the global scenario and in limitations of national sovereignty in the name of a common one. In this sense, the imitation effect of the European form of integration can be applied to the Latin American

⁵³ “*Supranational Decision-Making Procedures: Fact Sheets on the European Union. European Parliament.*” Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/8/supranational-decision-making-procedures>.

region⁵⁴, but not before encouraging the member countries to integrate internally by making some fundamental political decisions and bringing to light the irreversibility and practicality of such a choice over the medium term.

⁵⁴ Dorrucci, E. et al. (2019) “*What Lessons For Latin America From European Institutional and Economic Integration?*” *Regional Integration in Europe and Latin America*, pp. 171–218.

Chapter Four

OPPORTUNITIES FOR COOPERATION

Latin America is the region where the EU has invested the most systematically in advancing bi-regionalism, with the EU-Mercosur relationship standing out as the most extensive and ambitious, first institutionalized in the Agreement Framework for Interregional Cooperation in 1995. After a challenging twenty-year negotiation, a multifaceted Association Agreement was expected to revitalize it. However, it was only concluded in 2019 in its commercial dimension and has not yet been ratified. The 1980s is defined as a turning point in EC-Latin American relations. The beginning of a true bi-regional political dialogue was the result of a number of reasons, including the already mentioned the accession process of Spain and Portugal to the Community, the return to democracy of several Latin American countries, and the crises in Central America. Europe tried to establish itself at that time as an alternative to the United States as the exclusive representation of Western interests and as an agent of détente in East-West ties by fostering bi-regional dialogue. In fact, Spain sought to serve as a link between Europe and Latin America, and its admission to the EC signalled the beginning of the region's ongoing presence on the European agenda by ushering in a new strategy and marking a turning point in EC policy. This strategy helped to support regional integration processes over the course of the ensuing ten years.

The “Basic Document on relations between the EU and Latin America and the Caribbean” served as the first strategic document to expressly address relations with Latin America in 1994. From this document, the EU created a novel strategy for the region based on a multifaceted and multilevel structure of relationships with sub-regional organizations such as Mercosur and the Andean Community, as well as with the entire region (EU-Latin America and the Caribbean). The European Union and Latin America trade potential to work together on various projects: there is a lot of room for growth in terms of both commerce and investment. By lowering trade and investment obstacles and fostering inclusive, sustainable economic growth, the EU and Latin America can complement each other's efforts. Areas including renewable energy, sustainable agriculture, and biodiversity preservation present opportunities for efficient bi-regional cooperation. The global economic transition to the digital age has been expedited by the COVID-19 epidemic, and the EU and LA must collaborate to foster digital innovation and increase access to digital technologies. In the following paragraphs, the essay will display why the two regions should continue to work together to tackle shared problems including security, sustainable development, trade, and investment.

4.1. *Common Foreign and Security Policy*

The European Union's powers and autonomy in matters of common defence and security have been strengthened when establishing the Common Foreign and Security Policy as the "second pillar" of the Union under the 1992 Maastricht Treaty⁵⁵. The EU made then the decision to reinforce the CFSP by establishing the European Security and Defence Policy on the 3 and 4 June 1999 in Cologne⁵⁶ and on the 10 and 11 December of the same year in Helsinki. These two European Councils were held specifically to help the European Union build its capability for non-military and military crisis management to improve its shared defence and security policy. The EU has stated that the main goal of the CFSP is to preserve peace, prevent conflicts, and strengthen international security. This goal is based on the principles of the United Nations Charter, and the CFSP is seen as a key tool for promoting EU values and interests in the world. The CFSP is to be analysed in the context of international relations and European integration. The key principles of the CFSP include respect for the territorial integrity of states, the peaceful settlement of disputes, and non-intervention in the internal affairs of third countries. The Common Foreign and Security Policy's governance was later revised under the 2007 Lisbon Treaty, and is now governed by Articles 23-41, which follow on from the provisions regarding EU external action in general (Articles 21 and 22). The CFSP is based on the same principles and objectives as external action and encompasses all foreign policy areas and matters related to the security of the Union, including the progressive development of a common defence policy that could potentially lead to a common defence for the EU. Under the CFSP, EU member states are obligated to comply with the decisions taken on actions to be undertaken and must bring their national policies in line with positions adopted by the Union. They are required to engage in consultations within the European Council and the Council of the Union on any foreign and security policy matter of general interest and must seek agreement before making any international commitments that could affect the EU's interests, according to Article 32 (ex Article 16 TEU) that states as it follows:

"Member States shall consult one another within the European
Council and the Council on any matter of foreign and security

⁵⁵ Butler, G. (2019) "*The History of the Common Foreign and Security Policy*," Constitutional Law of the EU's Common Foreign and Security Policy [Preprint].

⁵⁶ COLOGNE EUROPEAN COUNCIL 3 - 4 June 1999 CONCLUSIONS OF THE PRESIDENCY (2000). European Parliament. Available at: https://www.europarl.europa.eu/summits/kol2_en.htm

policy of general interest in order to determine a common approach. Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.

When the European Council or the Council has defined a common approach of the Union within the meaning of the first paragraph, the High Representative of the Union for Foreign Affairs and Security Policy and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council.

The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach.”

Furthermore, member states coordinate their actions in international organizations and diplomatic conferences, where they defend the positions adopted by the EU. This also applies to EU member states that hold a seat on the UN Security Council, without affecting their responsibilities under the UN Charter as declared by Article 34⁵⁷:

“The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.”

While the European Union's Common Foreign and Security Policy was designed to address the specific challenges and priorities of the EU and its member states, some of the lessons and insights from the EU's experience may be relevant to Latin American countries that are seeking to enhance their foreign policy capacities and promote greater unity in bi-regional cooperation. The article “*La*

⁵⁷ Art. 34, Repertory Suppl. 7-9, vol.III, (1985-1999). United Nations. Available at: https://legal.un.org/repertory/art34/english/rep_supp7_9_vol3_art34.pdf.

relación Unión Europea - América Latina en el marco de la Organización de Estados Americanos” by Mariana Luna Pont is the first attempt to analyse Euro-Latin American relations through the examination of the EU’s membership in the Organisation of American States (OAS), which simultaneously serves as a framework for multilateral cooperation among Latin American nations and as an institutionalised setting for dialogue, confrontation, and occasionally confrontation between those nations and the United States. The European Union is a permanent observer at the OAS and has developed into a strategic partner of the Organisation together with other actors enjoying the same status. It also supports it by funding its initiatives in certain areas that it sees as being consistent with the principles and goals of its foreign policy and that are crucial to the cooperation between the EU and Latin America, such as the defence of human rights and the advancement of democracy, sustainable development, public safety, and the fight against drug trafficking⁵⁸.

Moreover, to tackle transnational organised crime, the European Commission launched a comprehensive technical support programme for Latin American nations in 2017. EL PAcCTO⁵⁹ (Programme of Assistance against Transnational Organised Crime, for the Rule of Law and Citizen Security) is a European effort that is being carried out by a group of organisations from Italy, France, Spain, and Portugal. The initiative was designed to fight transnational organised crime, promote the rule of law, and increase citizen security in eighteen Latin American nations⁶⁰. The initiative, which addresses a need raised by Latin American nations during the EU-CELAC Heads of State summit in June 2015, begins with the understanding that organised crime has an impact on every nation in today’s globalised society. Transnational organised crime is a recent phenomenon, but delinquency is an old one. It is a crime without borders that threatens national democratic systems and the economies of those nations as a whole. Governments must make serious political commitments and work closely with one another internationally to combat it. The new idea that has taken hold across the globe is that as long as such organised crime persists, there can be no smooth economic development. In regions where there are no effective legal tools to oppose them, transnational criminal organisations can operate more freely. This suggests that any state that lacks these instruments, processes for controlling them, and methods for preventing infiltration risks can indirectly harm others. Because of this, it is the

⁵⁸ Pont, M.L. (2022) “*La Relación Unión Europea – América Latina En El Marco De La Organización De Estados Americanos (OEA)*.” Itinerario de un diálogo, De Europa. European and Global Studies Journal.

⁵⁹ “*What is El Paccto?*” (2021) EL PAcCTO. Available at: <https://www.elpaccto.eu/en/about-el-paccto/what-is-el-paccto/>.

⁶⁰ Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, El Salvador, Uruguay, and Venezuela.

duty of the governments to cooperate to combat the threat that organised crime poses to the world on both a European and worldwide scale.

At a significant event held in Buenos Aires, Argentina in November 2022, the EL PAcCTO programme of the European Union highlighted its accomplishments after these years of work⁶¹. With the conclusion of this meeting, the first phase of cooperation between the two regions in the fight against organised crime was completed. During this phase, networks, and specialised working groups on topics important to the institutions taking part in the programme were supported and high-level strategic dialogue spaces were facilitated. Through institutional improvement since 2017, the EL PAcCTO programme has created ground-breaking collaboration, bridges not only between the two areas, but also among Latin American nations. Some of the EL PAcCTO program's most significant strategic accomplishments centre on assisting in the development of the Ciclo Político de Justicia Compartido between the European Union and Latin America with a shared justice agenda to facilitate judicial collaboration. Penitentiary cooperation networks, such as the Penitentiary Cooperation Network and the Network of Bi-regional Penitentiary Academies have been activated for the first time to combat organised crime as a result of EL PAcCTO at the level of alliances and working networks. The support provided to the ten working groups and networks of the Ibero-American Association of Public Ministries in matters pertinent to its work, as well as the establishment of 10 networks between Latin America and the European Union in the areas of the environment, arms trafficking, cybersecurity, crimes against minors, and human trafficking, deserve special mention. Through targeted assistance for the formation of 3 Interinstitutional Technical Committees (ITCs) and 7 Multidisciplinary Specialised Teams (EMEs), EL PAcCTO has also enhanced coordination between institutions. Panama, Bolivia, Ecuador, and Paraguay have all adopted EMEs to address concerns like environmental crimes, human trafficking, and fighting corruption and money laundering.

The EU's engagement with Latin America is an important aspect of its external action under the CFSP. El PAcCTO is aligned with the CFSP's objective of promoting security and stability in Europe and beyond. The program contributes to this objective by strengthening the capacities of law enforcement agencies and judicial systems in Latin America to prevent and combat organized crime, which is a key driver of insecurity and instability in the region. Thus, El PAcCTO is a concrete example of the EU's commitment to collaborating with its partners to address shared challenges and promote common values. The program fosters dialogue and cooperation between Europe and Latin America,

⁶¹ “Encuentro Final Del Programa El Paccto” (2022) EL Paccto. Available at: <https://www.elpaccto.eu/agenda/encuentro-final-del-programa-el-paccto/>.

and supports the exchange of experiences and good practices, which can contribute to building trust and promoting greater understanding between the two regions. Overall, El PACCTO is a key component of the EU's efforts to promote security in Latin America and is strongly aligned with the objectives and principles of the CFSP.

4.2. *Sustainable Development*

Latin America and the European Union have a long history of working together on sustainable development. The two regions are both dedicated to fostering social inclusion, preserving the environment, and advancing sustainable economic growth. The European Union has acknowledged sustainable development as a core principle since the Treaty of Amsterdam in 1997. Secondary law more precisely describes its techniques and goals even though the treaty offers neither a definition nor instructions for it. The idea of sustainable development is considered in EU initiatives to encompass social progress and health care as aspects of growth. In the framework of sustainable development, integration is the most crucial principle since it takes into account all the social, environmental, and economic factors required for cross-cutting policymaking. A new and sustainable vision of progress can be created through policy optimisation, the fusion of local and global objectives, and the alignment of long- and short-term goals. Article 3 of the Treaty on European Union⁶², which emphasises the EU's internal and external responsibilities to defend this principle, serves as the legal foundation for sustainable development policies:

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a

⁶² Lex - 12008M003 - Article 3 TEU (2008) EUR. OPOCE. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12008M003>.

high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

4. The Union shall establish an economic and monetary union whose currency is the euro.
5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
6. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties.

Articles 7⁶³ and 11⁶⁴ of the Treaty on the Functioning of the European Union, which demand the integration of environmental protection into all policy sectors, provide a strong foundation for the relationship between policies and their integration. The Commission was requested to create a long-term policy plan for sustainable development in the areas of economic, social, and ecological spheres at the Helsinki European Council in 1999, which led to the creation of the first Sustainable

⁶³ Article 7 TFEU: *“The Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers.”*

⁶⁴ Article 11 TFEU (ex-Article 6 TEC): *“Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.”*

Development Strategy (SDS) for the years 2001–2010⁶⁵. The strategy, which was a supplement to the Lisbon strategy from 2000, sought to integrate sustainable development into the European plan to make the EU the most dynamic and competitive economy in the world. To advance that long-term goal where social policies and environmental protection would complement the Union’s economic performance, there was a need for better integration of policies. The six trends that the policy promised to tackle were greenhouse gas emissions, dangers to public health, poverty, ageing populations, biodiversity loss, and transport congestion.

At the international level, the European Union adheres to the 2030 Agenda, a global framework for promoting sustainable development that was developed by heads of state and governments worldwide at the 2015 United Nations summit⁶⁶. This Agenda aims to establish a universal approach to poverty eradication and sustainable development, leaving no one behind in the process⁶⁷. The EU was a key player in crafting the framework, which encompasses seventeen Sustainable Development Goals and one-hundred-sixty-nine related targets, with a focus on environmental, social, and economic aspects. The 2030 Agenda mirrors the EU’s objectives for promoting sustainable development, and the Union has set out three specific actions to be achieved under it by 2030: mainstreaming the SDGs into all European policies and initiatives, producing regular progress reports, and creating a high-level multilateral platform to discuss policies and their implementation. By doing so, the 2030 Agenda has harmonized the EU’s internal and external strategies towards sustainable development.

In 2018, the European Commission outlined six priorities for sustainable development over the next five years, with environmental issues being of primary concern. This was formalized in the 2019 European Green Deal⁶⁸, which presents a roadmap for the EU’s transition to economic sustainability, with the goal of achieving climate neutrality by 2050⁶⁹, through the complete elimination of greenhouse gas emissions. The European Green Deal also aims to decouple economic growth from

⁶⁵ “*Sustainable Development*” (2019) Environment. European Commission. Available at: <https://ec.europa.eu/environment/archives/eussd/index.htm>.

⁶⁶ “*United Nations Summit on Sustainable Development.*” United Nations. Available at: <https://www.un.org/en/conferences/environment/newyork2015>.

⁶⁷ Silander, D. (2020) “*Agenda 2030 and the EU on climate action,*” *Implementing Sustainable Development Goals in Europe*, pp. 162–184. Available at: <https://doi.org/10.4337/9781789909975.00014>.

⁶⁸ García-Vaquero, M., Sánchez-Bayón, A. and Lominchar, J. (2021) “*European Green Deal and recovery plan: Green jobs, Skills and Wellbeing Economics.*” Available at: <https://doi.org/10.20944/preprints202106.0193.v1>.

⁶⁹ “*2050 Long-Term Strategy. Climate Action. European Commission.*” Available at: https://Climate.Ec.Europa.Eu/Eu-Action/Climate-Strategies-Targets/2050-Long-Term-Strategy_En.

resource consumption, through the development of a circular economy. Key areas of focus include biodiversity, clean energy, sustainable industry, and the Farm-to-Fork program initiatives⁷⁰. Renewable energy is a significant area of collaboration between the EU and Latin America. The EU has taken a leadership role in the advancement and application of renewable energy technologies, such as wind, solar, and geothermal power. In partnership with Latin American nations, the EU is working towards promoting the use of these technologies, thereby reducing dependence on non-renewable sources of energy.

According to a report by the energy agency Global Energy Monitor⁷², Latin America is set to become one of the largest producers of renewable energy worldwide. The region, which has abundant solar and wind resources, will be able to generate 319 gigawatts of energy, which is about 70% of its current energy production once its ongoing projects are completed. This will be made possible by the installation of approximately one billion solar panels by 2030, leading to a four-fold increase in clean energy production. Brazil, the largest economy in Latin America, is currently the leading producer of renewable energy in the region, generating around twenty-seven gigawatts of power. By 2030, another two-hundred-seventeen gigawatt will be added when the plants under construction become operational. This growth is attributed to a 2012 law that incentivized solar power production by allowing producers to sell electricity directly to the grid, making it more cost-effective to generate their own energy than to purchase it. With the recent election of Lula, who is known to be environmentally conscious, it is expected that Brazil will continue to develop in the renewable energy sector. The Global Energy Monitor report also highlights Chile's noteworthy progress, with wind and solar energy already

⁷⁰ “*Farm to fork strategy*,” Food Safety. European Commission. Available at: https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en.

⁷¹ The Farm-to-Fork Strategy is a key component of the European Green Deal, which aims to create sustainable and environmentally friendly food systems. The transition to sustainable food systems will bring new opportunities for stakeholders in the food value chain, as new technologies and scientific discoveries combined with increasing public awareness and demand for sustainable food will benefit all stakeholders. The Farm to Fork Strategy aims to accelerate this transition, which should have a neutral or positive environmental impact, help mitigate climate change, reverse the loss of biodiversity, ensure food security, nutrition, and public health, preserve affordability of food while generating fairer economic returns, fostering competitiveness of the EU supply sector, and promoting fair trade. The strategy includes both regulatory and non-regulatory initiatives, with the common agricultural and fisheries policies serving as key tools to support a just transition. The EU will support the global transition to sustainable agri-food systems through its trade policies and international cooperation instruments.

⁷² Bauer, S. et al. (2023) “*A Race to The Top: Wind and Solar Utility-Scale Buildout Gains Speed in Brazil, Chile and Colombia, While Mexico Falls Behind*,” Global Energy Monitor - Building an Open Guide to The World's Energy System.

accounting for 37% of the country's total energy production. In addition, Colombia is projected to produce thirty-seven gigawatts of clean energy by 2030. Collaboration between Europe and Latin America is crucial for meeting international agreements aimed at addressing the issue of global warming. To achieve this, it is necessary for Europe to follow the path taken by Latin America in the renewable energy sector, and for the two regions to work together towards common goals. Therefore, it is crucial to share good practices, thanks also to the presence in Latin America of some internationally renowned European energy companies, which are investing there in renewables, power grids, sustainable mobility, and green hydrogen. The presence of internationally renowned European energy companies in Latin America can bring valuable expertise and resources to the region, helping to accelerate the transition to a more sustainable and low-carbon energy system.

Enel Green Power is continuing its efforts towards energy transition in Latin America⁷³. One of the Enel Group's areas of focus is the reduction of energy shortages in the region. For instance, in Colombia, Enel has been running the “*Barrios por Adhesión*”⁷⁴ program since 2005, which aims to provide reliable and safe electricity in low-income areas where residents may not follow urban regulations. In such areas, communities often build their own electricity infrastructure, which may be unsafe. The initiative, known in English as “Neighbourhoods by Adhesion” intends to address this issue by creating networks that adhere to technical standards, offering fair billing based on usage, and standardizing metering and meters. The project involves identifying the neighbourhoods that need assistance the most, conducting feasibility studies, collaborating with government authorities, executing the work, and standardizing the metering and meters. Argentina, which forms the “lithium triangle” with Bolivia and Chile, is one of the countries the EU wants to work with more closely in the areas of energy and raw materials. In order to achieve that goal, the HR/VP has announced the impending signing of a Memorandum of Understanding on Energy between Argentina and the EU to collaborate on renewables and green hydrogen and support the development of LNG for export to Europe⁷⁵.

⁷³ “*Enel In South America: Fighting Energy Poverty and Creating a Sense of Community*” (2022) Affordable and Clean Energy in Latin America. Enel Group. Available at: <https://www.enel.com/company/stories/articles/2022/01/alleviate-energy-poverty-latin-america>.

⁷⁴ Ibid.

⁷⁵ “*Road 2023: Paving the Way Towards a European Union-Latin America Stronger Partnership*” (2022) EEAS. European Union External Action. Available at: https://www.eeas.europa.eu/eeas/%E2%80%9Croad-2023%E2%80%9D-paving-way-towards-european-union-latin-america-stronger-partnership_en.

Furthermore, another point to consider is the EUROCLIMA+⁷⁶, a strategic programme aimed at addressing environmental sustainability and climate change issues in the Latin American region, in partnership with the European Union. The program was launched in 2016 to support 18 Latin American countries in implementing their Nationally Determined Contributions (NDCs) under the Paris Agreement on climate change⁷⁷. The program is implemented by a consortium of European and Latin American institutions and focuses on five thematic areas: climate governance, climate-friendly economic development, renewable energy and energy efficiency, sustainable urban development, and climate risk management and adaptation. EUROCLIMA+ provides technical and financial support to governments, civil society organizations, and the private sector to promote low-carbon and climate-resilient development in the region. The initiative is implemented by agencies of EU Member States, such as AECID, AFD, Expertise France, FIIAPP, and GIZ, as well as by the United Nations agencies of ECLAC and UN Environment⁷⁸. By leveraging the expertise and resources of these organizations, EUROCLIMA+ is able to support a range of initiatives that promote sustainable development in the region, including measures to reduce greenhouse gas emissions, expand the use of renewable energy sources, improve energy efficiency, advance sustainable transportation, and support sustainable urban development.

4.3. *Trade and Investment*

Many cooperative efforts throughout the years have shaped the trade and investment relationship between Latin America and the European Union. These initiatives were created with the intention of establishing stronger political and cultural linkages between the two regions, encouraging economic growth, and enhancing trade and investment flows. Europe and Latin America recently co-led a significant multinational endeavour. The European Union and fifteen other nations, half of them

⁷⁶ “EUROCLIMA+.” European Commission. Available at: <https://www.euroclima.org/en/home-en/about-the-programme>.

⁷⁷ “The Paris Agreement and NDCs. United Nations Climate Change.” UNFCCC. Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs>.

⁷⁸ “EUROCLIMA+.” European Commission. Available at: <https://www.euroclima.org/en/home-en/about-the-programme>.

from Latin America⁷⁹, came to an agreement on 27 March 2020⁸⁰ to establish an interim trade dispute settlement mechanism⁸¹ that would also include an independent and impartial appellate instrument at the WTO in order to counter the World Trade Organization's progressive loss of credibility and effectiveness⁸². However, Europe and Latin America have long recognised the need to consolidate the web of bilateral and bi-regional trade agreements, opting for the route of association agreements that also require negotiating chapters of political, economic, and cooperative collaboration. The previously mentioned agreement on the trade chapter of the Association Agreement between the EU and Mercosur, which has been under discussion since 2000 and signed on June 28, 2019, is the most significant milestone in this context. It portends the formation of the biggest free trade area the European Union has ever established, which will comprise a combined population of about 780 million people. The primary reason behind the agreement is to remove trade barriers and ease the export of goods and services from the EU to Mercosur. The EU is already exporting €45 billion worth of goods and €23 billion worth of services to Mercosur, and it is one of the region's most significant trading partners. However, Mercosur's economies are highly protected, and European firms face various trade barriers when exporting to these countries, such as high import duties, burdensome procedures, and technical regulations that differ from international standards. The agreement will significantly liberalise commerce in goods, helping European firms compete under fair conditions and export even more. It will remove or reduce the high import duties, prohibit import, and export price requirements and monopolies, and make it easier for EU firms to sell goods and services to Mercosur and invest. The agreement will also further integrate value chains between the two regions, which will help industries on both sides stay competitive on the global market. Moreover, the agreement will project values through detailed obligations on trade and sustainable development, including climate change and labour. Over a transitional period of up to ten years for most items, 91% of Mercosur's imports from the EU will be fully liberalised. For certain of the most delicate products in the Mercosur, a longer linear liberalisation period of up to 15 years has been set aside. Over an up to 10-year transition period, the EU will liberalise 92% of its imports from Mercosur. Ninety-one percent of the tariff lines in the Mercosur schedule and 95% of the lines in the EU schedule will be completely liberalised. One of the

⁷⁹ Brazil, Chile, Colombia, Costa Rica, Guatemala, Mexico, Uruguay.

⁸⁰ “*Council Approves a Multi-Party Interim Appeal Arbitration Arrangement ...*” (2020). European Council. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/04/15/council-approves-a-multi-party-interim-appeal-arbitration-arrangement-to-solve-trade-disputes/>

⁸¹ Multi-party Interim Appeal Arbitration Arrangement

⁸² “*The Multi-Party Interim Appeal Arbitration Arrangement (MPIA)*” (2023) WTO Plurilaterals. Geneva Trade Platform.

main advantages of the agreement is that it includes provisions prohibiting import and export price requirements, as well as import and export monopolies. These measures are designed to promote free and fair trade and to ensure that businesses on both sides of the agreement have access to the same competitive conditions. The deal is advantageous for businesses on both sides because it expands upon the 2017 WTO Trade Facilitation Agreement⁸³. It offers improved guidelines for good governance that support unique practises and prominent levels of openness. The current regulations will be revised frequently to meet company demands and cut down on red tape. In addition, the EU and Mercosur will commit to using contemporary, automated processes for the quick and effective release of commodities. The agreement makes it clear that both the EU and Mercosur are open to trade and investment based on just laws, high standards and bi-regionalism, rejecting protectionism as one of its key goals. In an era when pressure for protectionist policies is mounting globally, this point is essential.

The Latin America Investment Facility⁸⁴ is a noteworthy illustration of how the European Union and Latin America work together on investments. By taking into account the region's shifting requirements and objectives, LAIF enables the EU to offer specialised and creative support for investment in Latin America. Through achieving its three strategic goals, LAIF hopes to support the region's inclusive and sustainable growth through fostering economic development, social advancement, and environmental sustainability. The LAIF leverages loans from numerous financial institutions by combining grants and other resources from the European Union and its partners. Based on criteria that emphasise the project's development impact, additionality, and innovation, the EU and its member states determine whether to authorise funding. The respective European development bank is then responsible for managing the grant and credit components, with LAIF at its headquarters and the European Delegation in each nation providing support for project follow-up. To support reimbursable or non-reimbursable cooperative development initiatives in Latin America, LAIF employs a variety of financing methods. Technical support, investment grants, and financial tools including loans, equity, and guarantees are all available to help with either individual project costs or the entire project budget. By making use of these assets, LAIF can lower the debt owed by partner nations and attract extra finance from other sources to guarantee the projects' long-term viability.

⁸³ Agreement on Trade Facilitation (2017) WTO. Available at: https://www.wto.org/english/docs_e/legal_e/tfa-nov14_e.htm.

⁸⁴ "About LAIF." Available at: <https://www.eulaif.eu/en/about-laif#:~:text=The%20Latin%20America%20Investment%20Facility%20%28LAIF%29%20is%20one,Regional%20financial%20institutions%2C%20governments%20and%20the%20private%20sector.>

Although the EU has long seen Latin America as a strategic partner, China has recently begun to gain ground there through trade, investment, and infrastructure projects⁸⁵. Concerns over China's expanding influence and its potential to forge new dependencies in the region have been voiced by EU policymakers as a result of this. As a result, it is becoming increasingly apparent that the EU needs to approach its relations with Latin America in a more proactive and strategic manner in order to offset China's expanding influence. The EU must also give Latin American nations financial incentives to accomplish this goal. In order to do this, it may be necessary to boost investment and development aid, encourage more trade and economic integration, and support infrastructure initiatives that improve regional connections and promote trade. By offering an alternative to Chinese investment, which frequently has conditions attached, these financial incentives will not only contribute to strengthen ties between the EU and Latin America.

⁸⁵ Zhang, P. And Prazeres, T.L. (2021) "*China's Trade with Latin America Is Bound to Keep Growing. Here's Why That Matters,*" World Economic Forum.

Conclusions

The research conducted reveals a number of factors that should be emphasised so that their examination may help to launch a larger reflection on the topic of EU-Latin American relations, with special reference to the cooperative action of bi-regional realities. All of this has a significant implication for the countries of Latin America: European cooperation is increasingly appearing as an offer of relations and exchanges for local development between territories, between subject systems, rather than as a timely contribution to initiatives aimed at reducing poverty. Thus, Latin American countries are encouraged to develop their own subject systems to offer to European partners.

Certainly, the analysis conducted also reveals some weaknesses in the process of cooperation. Latin American reindustrialization ambitions may clash with European interests in importing vital raw materials and energy from the continent. This might happen if nations in Latin America decide to restrict or manage the export of these resources in order to encourage the growth of their own domestic industries. For instance, lithium is a crucial component in the manufacture of batteries, which are becoming increasingly more crucial for electric vehicles and other technologies. Lithium is a valuable mineral with large reserves in Latin America, so if it were to impose export restrictions, it might be harder for Europe to acquire it. Similarly, Latin America is a significant exporter of renewable energy sources including hydroelectric, solar, and wind power as well as fossil fuels like oil and gas. The availability of these resources for export to Europe might be constrained if Latin American nations prioritise the construction of their own energy infrastructure.

However, it is also conceivable that the reindustrialization of Latin America would serve to advance European objectives: developing innovative technologies and sectors that complement European industries could open up new possibilities for trade and cooperation with Latin American nations. With its ambitious goals for cutting greenhouse gas emissions and encouraging renewable energy, the European Union has been a leader in efforts to combat climate change on a worldwide scale. The EU has worked to persuade other nations and areas to adopt comparable policies and goals as part of its climate diplomacy efforts. On the other hand, the EU has been negotiating an association agreement with Mercosur in an effort to deepen its political and economic ties with Latin America. This agreement has the potential to accelerate economic growth and development in the region and seeks to promote trade and investment between the EU and the Mercosur nations. Environmental and social justice organisations, however, have criticised the agreement, claiming that it could worsen deforestation and other environmental issues in the area and erode labour and human rights laws. The EU's goals for climate diplomacy and its desire to deepen its economic connections with Latin

America may conflict in this situation. To protect its economic and geopolitical interests without jeopardising the environment or social justice in the region, the EU may need to carefully negotiate these issues.

The EU ought to make an effort to position itself as a counterbalance to China's creation of new dependencies in Latin America. But in order to do so, Europe must also offer financial incentives. It is insufficient to merely talk about shared principles. The EU must learn to promote its geopolitical goals in a world where the geo-economic parameters are shifting against it. Borrell had previously talked about how the Russian invasion of Ukraine had sparked the formation of a geopolitical Europe. It is now also vital to act in a geopolitical manner towards Latin America. Bi-regional summits and other bi-regional gatherings between Latin America and the EU can promote mutual understanding and, where appropriate, lead to a convergence of perspectives on important global problems. But Europe cannot anticipate special treatment from Latin America, where most governments want to separate and balance their foreign relations as much as possible. From a European perspective, it is preferable to rely on serious, substantial strategic alliances, if necessary, with a small number of select partners, than on great joint announcements that forgo values and have no real-world implications. Latin America has the potential to play a significant strategic role in the economic changes that the European Green Deal seeks to bring about.

As a trading partner, investor, and due to its soft power and power of attraction, the EU continues to play a significant role in Latin America. An important first step in reviving European foreign policy towards Latin America could be the creation of suitable bi-regional regulatory and financial mechanisms. The EU could more effectively plan and organise its activities in the region, ensuring that they are more effective and have a greater impact, by having a defined frame of reference and coordination structures in place. For example, the establishment of a bi-regional development bank could assist in directing financial resources towards infrastructure projects and other programmes that support regional integration and economic progress. Similarly, the creation of a bi-regional regulatory framework may aid in stimulating increased trade and investment between the EU and Latin America as well as closer cooperation on matters like climate change, human rights, and democracy. The ability of the EU and Latin American nations to cooperate and overcome the numerous obstacles in their way will determine whether these initiatives are a success. But there is the possibility of developing a more strategic and mutually advantageous relationship between Europe and Latin America, one that can support greater economic prosperity, social justice, and political stability in the region, with an unclouded vision and a commitment to cooperation. It remains to be seen whether 2023 will mark the

year of Latin America and the Caribbean in Europe and vice versa. However, in a multipolar world, the EU must assert its place as one of the poles and highlight its economic might.

Riassunto

L'argomento su cui verte la tesi "*The Uniqueness of the Bi-Regional Relationship Between the European Union and Latin America*" è la peculiare relazione bi-regionale presente tra l'Unione Europea e l'America Latina, che verrà analizzata prendendo in considerazione l'importanza del regionalismo, della collaborazione e della base giuridica necessaria all'attuazione di iniziative congiunte tra le due regioni.

I rapporti che intercorrono tra l'America Latina e l'UE sono stati trascurati per lungo tempo, nonostante sia sempre stata evidente la condivisione di simili valori culturali, economici e politici. Questa affinità di ideali e principi è ciò che rende l'America Latina un partner globale privilegiato per l'UE, rispetto alla Cina o agli Stati Uniti. Pertanto, la correlazione tra America Latina ed UE mostra la necessità di una governance globale multilaterale, che potrebbe fungere da modello per altre tipologie di cooperazione a livello internazionale.

Nel diritto internazionale, il regionalismo si basa sull'idea che le organizzazioni regionali possano occuparsi delle attività promozionali di cooperazione e di integrazione tra gli Stati di una data area geografica. Il raggiungimento di questo scopo è reso possibile grazie alla stipulazione di accordi ed istituti regionali che favoriscano e garantiscano la pace, la sicurezza, la crescita economica ed i diritti umani in quella determinata regione.

Dunque, il regionalismo può essere considerato come uno strumento complementare alle istituzioni internazionali e come un mezzo integrativo per l'adempimento delle loro funzioni. Nonostante ciò, la cooperazione regionale potrebbe essere ostacolata nel caso in cui gli interessi nazionali entrassero in conflitto con quelli delle organizzazioni regionali. Questa situazione potrebbe causare l'indebolimento dell'ordine internazionale e la proliferazione di norme e regolamenti che potrebbero risultare in contrasto con le legislazioni proposte in ambito regionale. Il regionalismo potrebbe anche minare la sovranità nazionale degli Stati membri, ma solo se le organizzazioni regionali cercassero di far prevalere la propria influenza sulla gestione degli affari interni dei Paesi membri. Al fine di evitare l'insorgere di tali problematiche il diritto internazionale, riconoscendo il valore del regionalismo, fornisce un quadro normativo per regolamentare le attività delle organizzazioni regionali, garantendo che le loro azioni siano conformi alle disposizioni di legge.

Inoltre, il regionalismo, fondandosi sull'incremento della cooperazione e dell'integrazione di più Stati, si adatta alle nuove sfide imposte dal mondo contemporaneo, che richiedono forme di governo più flessibili ed efficienti. L'importanza del bi-regionalismo, in particolare tra l'America Latina e l'Unione Europea, risiede nella sua capacità di porsi a fondamento di una modalità cooperazione politica ed

economica. Questa collaborazione avrebbe il merito di consentire il mutuo scambio di conoscenze e tecnologie, applicabili nel tentativo di trovare una soluzione a delle problematiche comuni, come il cambiamento climatico o la povertà. In aggiunta a ciò, il bi-regionalismo potrebbe essere un'opportunità per l'UE e l'America Latina per accrescere la propria influenza a livello globale e per promuovere gli interessi regionali.

L'America Latina ha intessuto delle relazioni con la Cina e gli Stati Uniti, che però non hanno lo stesso potenziale del rapporto stretto con l'UE, dal momento che sono limitate agli interessi politico-economici ed alla condizione geografica di vicinanza. In tempi recenti è stata posta una maggiore attenzione da parte dell'America Latina nei confronti della collaborazione con l'UE, in particolare per la questione delle gravi carenze alimentari ed energetiche conseguenti alla guerra in corso in Ucraina. A dimostrazione della reciproca volontà dell'America Latina e dell'UE di rafforzare il loro partenariato, vi è la possibilità di apportare un miglioramento a questa relazione prospettata nel secondo semestre del 2020, durante la presidenza spagnola del Consiglio dell'UE. La rilevanza dal punto di vista strategico di questo rapporto per l'UE deriva dal potenziale ruolo che i Paesi latinoamericani potrebbero ricoprire come produttori ed esportatori di idrogeno verde e di materie prime.

Nonostante il ridimensionamento del peso dell'Unione Europea come partner commerciale dell'America Latina rispetto alla Cina, le imprese europee continuano ad essere una rilevante fonte di investimento nella regione latino-americana. Ciononostante, i governi latinoamericani, nei futuri accordi di libero scambio, tenderanno a richiedere una maggiore protezione per le loro industrie nazionali e un maggiore sostegno finanziario da parte dell'Europa per le iniziative atte alla protezione ambientale e al cambiamento climatico.

Le relazioni tra l'Unione Europea e l'America Latina hanno subito l'influenza della conquista coloniale. Malgrado ciò, le idee ed il sistema politico e socioeconomico condivisi dalle due regioni non hanno subito delle variazioni a causa dell'indipendenza latino-americana, avvenuta all'inizio del XX secolo, ma hanno fornito le basi per un loro prossimo avvicinamento. Negli anni Novanta del Novecento, in seguito all'aumento delle attività statunitensi in America Latina, l'UE ha incrementato il proprio livello di cooperazione con questa regione, includendo negli accordi di collaborazione anche gli aspetti umanitari, legali ed ambientali.

Recentemente, il partenariato tra l'Unione Europea e il Mercosur ha fronteggiato diverse difficoltà, tra cui quelle attinenti alla ratifica dell'Accordo di associazione UE-Mercosur del 2019. Questo accordo prevedeva l'eliminazione graduale delle tariffe su una serie di prodotti commerciali tra l'UE e i paesi del Mercosur (Argentina, Brasile, Paraguay e Uruguay), con l'obiettivo di creare una zona di libero

scambio tra le due regioni. Alcune organizzazioni della società civile, gruppi ambientalisti e legislatori europei però hanno espresso i propri timori sulle tematiche della deforestazione, delle violazioni dei diritti umani e sugli standard lavorativi nei Paesi del Mercosur. Per questo motivo, il Parlamento europeo nel 2020 ha adottato una risoluzione che chiedeva all'UE di non ratificare l'accordo nella sua forma originaria, adducendo come motivazione le preoccupazioni per l'impatto ambientale ed umanitario. In conseguenza di ciò, alcuni Stati membri hanno dichiarato di non voler sostenere l'accordo, a meno che non vengano apportate le dovute modifiche per risolvere gli aspetti ritenuti problematici.

Malgrado questa situazione, entrambe le parti hanno continuato a collaborare in altri settori come la ricerca e lo sviluppo. Anche se la ratifica dell'Accordo rimane una priorità, i negoziati hanno offerto l'opportunità di esplorare altre vie di cooperazione e rafforzare l'impegno comune per un partenariato stabile e sostenibile.

Il bi-regionalismo tra America Latina e Unione Europea si basa sul Titolo V del Trattato sull'Unione Europea (TUE) e sui Titoli I-III e V del Trattato sul funzionamento dell'Unione Europea (TFUE). In particolare, il Titolo V del TUE stabilisce la politica estera e di sicurezza comune dell'UE, ponendo attenzione alla promozione degli interessi e dei valori dell'Unione nella comunità internazionale ed includendo gli obiettivi e i principi guida per l'interazione dell'UE con altre nazioni e regioni, come l'America Latina. Inoltre, il Titolo V del TUE costituisce la base giuridica per la collaborazione dell'UE con l'America Latina in settori come il commercio, gli investimenti economici, la cooperazione allo sviluppo economico e sostenibile, la democrazia, i diritti umani e lo Stato di diritto. Ad esempio, l'UE ha negoziato diversi accordi di libero scambio con i Paesi dell'America Latina, che si basano sui principi delineati nel Titolo V del TUE. Il mercato interno dell'UE, delineato nel Titolo I del TFUE, incentiva il commercio e la cooperazione economica tra le due regioni, mentre il Titolo II del TFUE affronta le questioni relative alla libera circolazione delle merci. Il Titolo III del TFUE, invece, riguarda l'agricoltura e la pesca e svolge un ruolo fondamentale nell'ambito della sicurezza alimentare e della crescita sostenibile delle industrie nell'UE. Diversamente, il Titolo V del TFUE concerne la libertà, la sicurezza e la giustizia, includendo anche l'immigrazione, l'asilo e la gestione delle frontiere. L'insieme di questi titoli fornisce una base giuridica solida per le relazioni tra l'UE e l'America Latina, concorrendo a sostenere la cooperazione, la collaborazione e gli interessi reciproci tra le due regioni.

Nel 2017 la Commissione europea ha creato il programma di cooperazione bi-regionale EL PACCTO, coinvolgendo un gruppo di organizzazioni provenienti da Italia, Francia, Spagna e Portogallo, al fine di coadiuvare i Paesi dell'America Latina nelle azioni atte a contrastare la criminalità organizzata

transnazionale. L'iniziativa si propone di aumentare il livello di sicurezza dei cittadini e di combattere la criminalità organizzata in diciotto Paesi dell'America Latina, la quale rappresenta una minaccia globale per i sistemi democratici nazionali e le economie delle nazioni coinvolte. In questo modo si venne a creare un ponte tra l'UE e le nazioni dell'America Latina, che dimostra l'importanza della cooperazione nel fornire gli strumenti legali mancanti ad una regione per impedire un'attività illegale, che potrebbe indirettamente danneggiare altri paesi.

Grazie al programma, per la prima volta sono state create delle accademie penitenziarie bi-regionali ed attivate delle reti di cooperazione penitenziaria e di lavoro per combattere la criminalità organizzata. EL PAcCTO ha anche migliorato il coordinamento tra le istituzioni, formando Comitati tecnici interistituzionali e Squadre specializzate multidisciplinari che hanno affrontato situazioni complesse come i crimini ambientali, il traffico di esseri umani e la lotta alla corruzione e al riciclaggio di denaro. Dal momento che il progetto favorisce il dialogo e la promozione di valori condivisi tra l'UE e l'America Latina, si può affermare che El PAcCTO sia in linea con l'obiettivo dell'Unione Europea di portare avanti una salda collaborazione con i suoi partner globali per promuovere la pace, la sicurezza e la stabilità, come stabilito nella sua Politica Estera e di Sicurezza Comune (PESC).

L'Unione Europea ha aderito all'Agenda ONU 2030, un programma d'azione mondiale elaborato nel 2015 al fine di affrontare diverse tematiche in modo universale ed inclusivo, tra cui quelle economiche e sociali come la povertà ed ambientali come lo sviluppo sostenibile. L'UE ha esercitato un ruolo fondamentale nell'elaborazione di questo quadro mondiale, definendo tre azioni da compiere per raggiungere i traguardi fissati dall'Agenda ONU 2030. La prima pertiene all'integrazione dei "Sustainable Development Goals," (SDGs) ossia gli Obiettivi di Sviluppo Sostenibile, in tutte le politiche e le iniziative europee, la seconda afferisce alla consegna di relazioni periodiche sui progressi compiuti, mentre l'ultima concerne la creazione di una piattaforma multilaterale per discutere le politiche e le loro modalità di attuazione. In tale maniera, l'Agenda ONU 2030 ha riunito le strategie dell'UE verso lo sviluppo sostenibile.

Nel 2018 la Commissione europea ha selezionato, per i cinque anni successivi, sei fattori considerati prioritari per lo sviluppo sostenibile, mostrando un particolare interesse verso le questioni ambientali. Ciò è stato formalizzato nell'European Green Deal del 2019, un piano che ha l'obiettivo di rendere possibile, entro il 2050, la transizione dell'UE verso un'economia sostenibile e la neutralità climatica, attraverso la completa eliminazione delle emissioni di gas serra. Il Green Deal europeo ha anche l'intento di separare la crescita economica dal consumo di risorse, attraverso lo sviluppo di un'economia circolare. Le aree di interesse includono la biodiversità, l'energia pulita e l'industria sostenibile. In questo caso la cooperazione tra l'UE e l'America Latina riguarda principalmente

l'energia rinnovabile, un campo di applicazione tecnologica in cui l'UE svolge il ruolo di guida e di promotrice. L'Unione Europea, lavorando con le nazioni latinoamericane per promuoverne l'uso, ne riduce la dipendenza da fonti di energia non rinnovabili.

Un rapporto dell'agenzia energetica Global Energy Monitor ha ipotizzato che l'America Latina possieda tutti i requisiti necessari per diventare uno dei maggiori produttori di energia rinnovabile al mondo, grazie alle sue abbondanti risorse naturali. I progetti in corso nelle nazioni latinoamericane, tra cui l'installazione di circa un miliardo di pannelli solari entro il 2030 e la quadruplicazione della produzione di energia pulita, porteranno la regione a generare 319 gigawatt di energia, ossia il 70% della sua attuale produzione energetica. Attualmente il Brasile è il principale produttore di energia rinnovabile della regione, poiché genera circa 27 gigawatt di potenza, mentre entro il 2030 giungerà a fornire più di 240 gigawatt. Questa crescita esponenziale è conseguente all'approvazione di una legge nel 2012, che ha incentivato la produzione di energia solare. Anche il Cile ha già fatto notevoli progressi poiché, ad oggi, l'energia eolica e solare rappresenta il 37% della produzione energetica totale del Paese. Invece, si presuppone che la Colombia arriverà a produrre 37 gigawatt di energia pulita entro il 2030. La collaborazione tra Europa e America Latina è fondamentale per far fronte al riscaldamento globale; dunque, è necessario che l'Europa segua l'esempio dell'America Latina nel settore delle energie rinnovabili e che le due regioni collaborino per raggiungere gli scopi condivisi. Le aziende energetiche europee presenti in America Latina possono fornire competenze e risorse all'Unione Europea, contribuendo ad accelerare la transizione verso un sistema energetico più sostenibile e a basse emissioni di carbonio.

Le azioni volte alla collaborazione tra l'America Latina e l'UE hanno influenzato le relazioni commerciali e di investimento tra le due regioni. Le ragioni dell'attuazione di queste azioni risiedono nella volontà di rafforzare i legami politici e culturali tra le due regioni, di stimolare la crescita economica e di migliorare gli scambi commerciali. Il 27 marzo 2020 l'UE e altre quindici nazioni, di cui la metà provenienti dall'America Latina, hanno avviato un'iniziativa multinazionale, istituendo un meccanismo temporaneo per la risoluzione delle controversie commerciali. All'interno dell'Organizzazione mondiale del commercio inclusero un organo di appello indipendente e imparziale, avente lo scopo di contrastare la progressiva perdita di credibilità ed efficacia dell'organizzazione stessa.

Ad oggi l'Europa e l'America Latina riconoscono l'importanza di consolidare la rete di accordi commerciali bilaterali e bi-regionali, preferendo gli accordi di associazione che prevedono anche la trattativa di capitoli di collaborazione politica, economica e cooperativa. L'Accordo di associazione tra l'UE e il Mercosur concernente il capitolo commerciale, firmato il 28 giugno 2019, è il più

significativo in tale ambito, poiché mira a creare la più vasta area di libero scambio mai istituita dall'UE. Le imprese europee incontrano numerose barriere commerciali quando esportano prodotti nei Paesi del Mercosur, come i dazi d'importazione elevati, le procedure onerose e i regolamenti tecnici non conformi agli standard internazionali. L'accordo liberalizzerà in modo significativo il commercio di beni, agevolando la competitività delle imprese europee e la loro capacità di esportare e sostenendo l'industria di entrambe le parti a mantenere la competitività sul mercato globale.

Il Fondo investimenti per l'America Latina (LAIF) rappresenta un modello esemplare di collaborazione tra l'Unione Europea e l'America Latina nel campo degli investimenti. Il LAIF si adatta alle mutevoli esigenze e obiettivi della regione, offrendo un supporto specializzato ed innovativo agli investimenti dell'UE in America Latina. Per di più, ha come obiettivo quello di sostenere la crescita della regione, promuovendo lo sviluppo economico, il progresso sociale e la sostenibilità ambientale. Il LAIF viene patrocinato grazie ai prestiti di diverse istituzioni finanziarie, sovvenzioni e altre risorse dell'UE e dei suoi partner, in base al grado di innovazione dei progetti proposti.

La crescente espansione dell'influenza commerciale cinese in America Latina desta la preoccupazione dell'UE. Dunque, per competere con gli investimenti cinesi, l'UE dovrebbe offrire incentivi finanziari, promuovere una maggiore integrazione commerciale ed economica e sostenere iniziative infrastrutturali che migliorino i collegamenti regionali e promuovano il commercio dei Paesi latinoamericani. In tal modo, l'UE si proporrebbe come una valida alternativa rispetto alla Cina e rafforzerebbe i propri legami con l'America Latina.

L'analisi dei rapporti tra l'America Latina e l'Unione Europea rivela l'assenza di un saldo e stabile sistema di cooperazione tra le due regioni. A riprova di questa tesi vi è il fatto che le ambizioni di reindustrializzazione dell'America Latina potrebbero entrare in conflitto con gli interessi europei di importazione di materie prime. Invero, se i paesi dell'America Latina decidessero di limitare o controllare l'esportazione di queste risorse per supportare la crescita delle loro industrie nazionali, si potrebbe assistere ad una ridotta disponibilità di beni come il litio, un minerale utilizzato nella produzione di batterie per i veicoli elettrici. Inoltre, se le nazioni latinoamericane decidessero di costruire le proprie infrastrutture energetiche, il loro ruolo come esportatrici di fonti di energia rinnovabili e combustibili fossili si ridimensionerebbe.

Allo scopo di rilanciare la politica estera europea verso l'America Latina, potrebbe essere funzionale la creazione di meccanismi normativi e finanziari bi-regionali, che permettano all'UE di pianificare in modo più efficace le proprie attività nella regione. Ad esempio, la creazione di una banca di sviluppo e di un quadro normativo bi-regionali potrebbe favorire una maggiore cooperazione tra l'UE e l'America Latina su questioni quali l'integrazione regionale, il cambiamento climatico e i diritti umani.

In conclusione, il successo di queste iniziative sarà determinato dalla capacità dell'UE e dell'America Latina di cooperare in maniera proficua ed efficace. Il 2023 potrebbe avere in serbo una grande opportunità per l'Europa, ossia quella di accrescere la propria presenza in America Latina, ma anche per il Mercosur, che potrebbe incrementare la propria influenza nell'orbita del commercio internazionale.

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