

Conferencia Interamericana de Seguridad Social



**Centro Interamericano de
Estudios de Seguridad Social**

Este documento forma parte de la producción editorial del Centro Interamericano de Estudios de Seguridad Social (CIESS), órgano de docencia, capacitación e investigación de la Conferencia Interamericana de Seguridad Social (CISS)

Se permite su reproducción total o parcial, en copia digital o impresa; siempre y cuando se cite la fuente y se reconozca la autoría.

REVISTA CIESS

PUBLICACIÓN DEL
CENTRO INTERAMERICANO DE
ESTUDIOS DE SEGURIDAD SOCIAL

EDICIÓN
BILINGÜE
BILINGUAL EDITION

PRIMERA ÉPOCA

JULIO

2003

NÚMERO

4/5



R E V I S T A

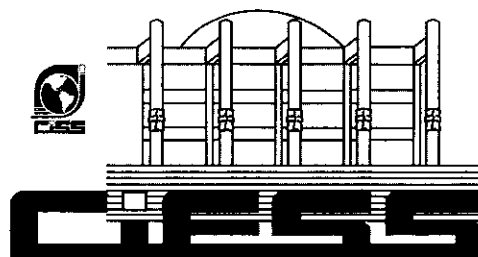
CIESS

Revista
CIESS

4/5

July
2003

SEMI-ANNUAL PUBLICATION



**INTER-AMERICAN
CENTER
FOR SOCIAL
SECURITY
STUDIES**

Educational, training and research organ of the Inter-American
Conference on Social Security

40 years at the service of social security in America

INTEGRATION AND SOCIAL SECURITY SYSTEMS

*Antonio Ruezga Barba**

General aspects of integration

In our days, it is necessary to study social security within the context of the evolution of international economic relationships, through the analysis of the globalization process of the world economy.

Integration has become one of the characteristic features of economy at the start of the century. Its importance is based on two aspects:

- Its impact on the activities of the markets and on public policies.
- Its usefulness to formulate diagnoses on the changing equilibrium of the relationships between the State and the market, an orientation of public policies.

* Mexican, Doctor of Laws, Professor-Investigator of the National Autonomous University of Mexico (UNAM) and of the CIESS.

However, national States continue being the central organization unit of regulatory actions, although committed to an extensive inter-connection with the institutions that integrate the world system. Interdependence leads the States to give emphasis to a collective approach rather than to a unilateral approach, in the light of a very important number of topics. The State tends to adapt to this new situation, becoming a “mediator” between internal and international pressures.

The State, within integration, is a political entity in a complex system of power, which incorporates supranational and local levels. It still is, however, the main political actor. It is the unit from which spaces of international, regional, national and local governability can best be integrated. Hirst, Paul and Graham Thompson state: “The nation-States can do this in a manner that other agencies cannot do. They are pivots between international agencies and sub-national activities, because they provide genuineness as the exclusive voice of a territorially limited population”⁽¹⁾.

The states have new roles to perform, because the conditions exist to play a relevant role on foreign matters, assuming greater international responsibilities.

Integration has its fundamental impulse on the capacity to reduce the cost of goods, services, persons and information. It is characterized by the capacity of enterprises to geographically fragment the productive processes and increment international trade and investment.

However, the costs that the integration process imposes on national economies, are not well known:

- Limitations in the effectiveness of national policies.
- Conflict between the government structures

and the *global* nature of certain economic flows and interactions.

On the other hand, the integration process offers important opportunities:

- It improves the conditions for access to markets.
- It increases the mobility of information, technology and capital flows.

Undoubtedly, integration is a process abundant in contradictions. The most important one is the disparity between the political structures of the nation-State and the global inter-actions and flows that link the different national economies. The diminishing of *autonomy* involves challenges to the political sovereignty notion.

Although the scenery of a *world without frontiers* is not very probable at this time, no one has doubts about the potential advantages of globalization, which are evident in the access to more integrated markets. Therefore, when speaking of economic globalization, the political, cultural and social dimension must not be disregarded.

Social aspects of integration

In any process of integration, in addition to the economic considerations, the social legitimization based on adequate responses to social problems is very important. In the social study, Bruno Podestá⁽²⁾ says, it is necessary to take into consideration basic points:

- As promotion,
- As compensation vis-a-vis the negative repercussions of integration,
- As a response to unsatisfied basic social demands and,

- As legitimization of the process.

As promotion

Improving competitiveness in an integration process depends on multiple factors but which from a social perspective, may be summarized in one only: the achievement of a stable social environment. This implies, from the perspective of the social organization, a State governed by law that will guarantee the rules of the game and will ensure a certain stability for medium and long term planning and thus reduce risks.

From the perspective of population in general, it is necessary to have available acceptable human resources to face the process. This implies approaching the topics of health, education and training, including the internationalization of norms and values for competitiveness and the preparation of a permanent training system.

As compensation vis-à-vis the negative repercussions of integration

The process of integration brings about a series of consequences which, if not contemplated in due time, may become negative. In this sense, we can say that the social area is very sensitive to this type of impacts and that it is necessary to neutralize the negative repercussions of the process, among which stand out: the closing of enterprises, an increase in unemployment and under-employment, primacy of competitiveness and the consequent exclusion of those that do not adhere to the new requirements, appearance of more vulnerable groups or sectors and increase in marginalization, added to the absence of control mechanisms that will include the members of the community.

As a response to unsatisfied basic social demands

The most classic approach is related to the need to respond to the basic requirements of population, farther than the process of integration in motion. But, in addition to the above, it is at present essential to include the demands arising as a result of the integration process that have an impact on the social situation. We should take into consideration that not all social aspects are linked to integration and not all integration aspects have impact on social aspects.

As legitimization of the process

For a full integration, taking into account the achievements of social cohesion, the topic arises of the participation of people. Three important points come to light. Start with sensitization: education for integration, promotion of social responsibility, transmission of values and democratic upbringing, in addition to competitiveness oriented to the acquisition of skills to perform productively in the new situations. Simultaneously, generate participation and implement actual participation mechanisms, mainly with respect to information instances and permanent communication between the decision takers and builders of integration and the professional and consumers sectors. Then, democratization through institutionalized participation is fundamental. There is no democracy without a conscience of belonging to a political collectivity. Democracy lies on the responsibility of citizens.

In Latin America, economic growth has become a lesser incorporator of the working force, especially in the low income strata. The Economic Commission for Latin America and the Caribbean (CEPAL) asserts that "the current rhythm of economic growth is generating a lower

number of jobs than those necessary to absorb the growing working force in a productive manner. Initially, this phenomenon was interpreted as a consequence of the first phases of the process of reform, but now it seems to be in the process of consolidation, even in those cases in which this process is progressing and the rates of growth are high. At the same time, the heterogeneity of employment is maintained or increased, both from a productive point of view and from the viewpoint of its distribution in the homes of the different income strata....

“In many countries the rate of open unemployment in the first deciles (poorer) is four times higher than the average unemployment rate, and as compared to that corresponding to the 20% of the poorest homes it is three or more times higher....”⁽³⁾.

Armando Di Filippo and Rolando Franco in a paper presented at the seminar *Regional integration and the challenges of competitiveness and convergence: requisites, strategies and perspectives*, held in Caracas, Venezuela from March 3 through the 6th 1997, stated that in Latin America there is an increase in the relative deterioration of employment conditions in the strata with lower education and income. It could be hypothesized that the changes in the world organization of production are already having a significant effect on the principal capital cities of our region and are added to other long standing endemic factors that have influenced this topic.

At the same time, reforms in the labor, welfare and social protection regimes have emerged which point towards the flexibilization of the labor markets.

Summing up, the equilibrium of labor markets and the salary convergences depend basically on two orders of factors. The first one is linked to the manner in which the new technologies are absorbed and assimilated to generate employment opportunities for the lowest rating labor strata.

If productivity does not grow in these strata, there will be no actual possibility for attaining progressive convergences in salary levels. The second order of factors relates to the institutional changes that affect the labor, welfare and social protection regimes, because even with important growths of labor productivity, the conditions are not guaranteed that will make possible a progressively equitable distribution of the fruits of technical progress at all salary levels.

With respect to technical progress, the acuteness of employment problems could be alleviated in the measure that the economic growth is accelerated with higher investment, especially in activities with a greater creation of jobs per capital unit. As the rhythm of incorporation of technical progress increases, the coefficient of investments with respect to the product should be higher, to avoid that economic growth is not accompanied by the growth of employment. Likewise, the higher the absorption of technical progress is, the higher the reorientation and efficiency of social expense in training and recycling of the labor force should be.

With respect to labor and social security reforms, the following methods should be used to reduce costs:

- A manner of handling welfare and social security that, without sacrificing basic rights and guaranties, will be more efficient and less onerous for the State, for enterprises and for contributors in general.
- The training and reconversion of enterprises to take advantage of new technological alternatives.
- A new rating of the labor force to assign it to employment opportunities in more technologically advanced activities.
- An exploration of participative forms of productive organization that will encourage the responsibility and the creativity of all human resources.

Latin American Integration

Latin American integration is a relatively recent phenomenon, which has developed fundamentally during the last fifteen years.

In the political field, it starts with the Grupo Contadora, the Grupo Esquipulas and the Grupo Rio, and is consolidated with the process of renewal of the Organization of American States (OEA). A new dynamism of exchange has been strengthened in the reunions created as from the First Presidential Summit of the Grupo Rio in Guadalajara in 1987, the annual meetings of the Grupo Rio (Chiefs of State) and of the OEA (Chancellors), the Latin American Summits and the Hemispheric Summits.

In the economic field, very important levels of integration have been achieved. The ALADI has continued to be a frame for negotiations of duty tariff preferences and has remained in the Pacto Andino. Also, new initiatives of integration were developed, such as the MERCOSUR, the CARICOM, the Central American Common Market, the Group of the Three, the NAFTA, multiple bilateral agreements and, since the Hemispheric Summit of 1994 the perspective exists of the integration of an Hemispheric Free Trade Zone –the ALCA– for 2005.

However, as Alicia Frohmann states, “Latin America has not reached Bolivar’s dream of integration and is still very far from the supranational mechanisms perfected by the European Union. However, it is undeniable that, no matter which integration indicators are considered –political cooperation, goods, capital and persons flow and also cultural and communications flows– the levels of integration reached at present in Latin America are far superior to anything in the past and seem to have a quite promising future. In this process which is no longer than ten years, the Grupo Rio has been a fundamental actor”⁽⁴⁾

The ILO and the International Labor Norms

For the Secretariat General of the SELA, one of the first proposals to achieve international commitments in the matter of labor norms was formulated by Switzerland in 1905, which resulted in a series of agreements. Notwithstanding it was not until the Treaty of Vienna of 1919 and the creation of the International Labor Organization that stronger concerted international efforts were made, aimed at establishing international agreements on labor norms. The preamble of Part III of the Treaty of Versailles already referred to the *social Dumping*, as well as to the need to consider, for the good of the efficiency of the ILO, the adoption of common economic and social norms, because the first norms receive the influence of the second and vice-versa. One of the principal activities of the ILO has been the wording of agreements and preparation of recommendations around an ample range of aspects relative to labor. The agreements constitute mandatory international commitments while the recommendations do not create obligations, but are aimed at providing orientation to the governments in the preparation of labor legislations and social policies.

The debate on labor norms becomes complicated due to the difficulty in distinguished in practice among three different concepts or concerns. In the first place, there are the human rights in the most fundamental sense of the words, for example, protection against forced labor. In the second place, there are aspects related to social well-being, such as the health and the safety of the working population, as well as labor conditions. In the third place, there are the directly economic interests, which have to do with the effects of low salaries in the competitive position of the international market sectors.

The governments in the process of development are concerned with the fact that the demand of groups of interest and governments of

industrialized countries in favor of international labor norms constitutes a disguised modality of protectionism.

The human rights topic is a problematic one. At a certain fundamental level there could almost be an international consensus around what constitutes an acceptable behavior, and therefore many countries might agree to undertake actions against a breaching party. That was the case, for example of South Africa in the years of the Apartheid and the sanctions went much farther than merely commercial sanctions. But it is virtually impossible to reach a global agreement on inalienable human rights other than at the level of principles and there will always be great differences of opinion as to whether a certain behavior in a given situation was an acceptable attitude.

As regards labor norms as a topic of social policy or –in other words– as a matter of social well-being, there have been argumentations to the effect that when one country forces another country to modify its labor norms through a threat or through the application of commercial sanctions, the results could be perverse in terms of social well-being, defined at a national level. Instead of improving the position of workers, these pressures could leave them without a job. This is another manner of saying that the concern of a country for the well-being of the workers of another nation, should not be approached in a restricted sectorial context, nor should it reach its satisfaction through commercial sanctions. A genuine concern in favor of the improvement of well-being would be concentrated in the social security aspect and, in particular, in long term social policies physically sustainable, as well as in

Principal areas covered by the agreements and the recommendations of the ILO

Human rights	<ul style="list-style-type: none"> • Freedom of association • Forced labor • Equity of opportunities and treatment
Employment	<ul style="list-style-type: none"> • Labor policy • Employment service and agencies • Vocational guide and training • Rehabilitation and employment for disabled persons
Social policy and labor administration	<ul style="list-style-type: none"> • Labor inspection • Labor statistics • Tripartite consultation
Labor relations and working conditions	<ul style="list-style-type: none"> • Salaries • General working conditions • Occupational safety and health • Social services, housing and recreation
Social Security	<ul style="list-style-type: none"> • Norms • Protection of several areas of social security
Women employment	<ul style="list-style-type: none"> • Maternal protection • Night work • Illegal work
Children and adolescents employment	<ul style="list-style-type: none"> • Minimum age • Night work • Medical care • Working conditions in illegal jobs
Emigrant workers	<ul style="list-style-type: none"> • Indians • Workers in rural territories • Specialized occupational sectors

Source: International Labor Office, Geneva, Switzerland

the conditions faced by the working population in general. The argument of social well-being points, therefore, towards the transfer of resources that may contribute to alleviate penury and to create conditions for the future growth of income; it is not through pressure tactics from which only a few can benefit, quite probably at the expense of the working population as a whole.

With respect to the labor norms as a competition factor, it is important to set forth that the differences observed in salary rates have to do normally with economic fundamentals and not with *injustice*. Labor productivity is the key variable, but salaries will also be affected by the underlying conditions of supply and demand in the economy. In general, salary levels will increase to the extent that the labor force will acquire greater skills and will become more productive. Thus, imposing labor norms as a topic of the commercial agenda would undermine one of the most basic objectives of the multilateral commercial system: the promotion of growth and the development through international specialization.

Labor agreement of the NAFTA

At the start of the decade of the nineties, the conclusion of the negotiations around the NAFTA resulted in the first international labor agreement negotiated within a commercial context. As part of an unprecedented free trade agreement between two developed countries and a country in the process of development, Mexico entered into an ample agreement on topics related to the rights of the workers known as the North American Labor Cooperation Agreement.

The labor agreement of the NAFTA seeks, among other things, to promote better working conditions and better living levels in the region, to promote the innovation and the increment of productivity and “to promote the observance and the effective application of the labor legislation

of each one of the Parties”. (Article 1). Although the agreement does not provide for the harmonization of norms nor for the establishment of minimum norms, it does promote the convergence of labor norms towards higher levels. To that effect, article 2 provides as follows:

“Ratifying the full respect to the constitution of each one of the Parties and recognizing the right of each one of the Parties to establish, internally, its own labor norms and to adopt or modify, in consequence, its labor laws and regulations, each one of the Parties will guarantee that its labor laws and regulations will provide high labor norms congruent with high quality and high productivity working locations, and will continue in its efforts to improve said norms within this context”.

Labor principles of the NAFTA

Annex 1 of the North American Agreement on Labor Cooperation contains the preamble reproduced below, which is followed by a list of eleven labor principles.

“The following are the guidelines that the Parties bind themselves to promote, under the conditions established by their internal legislations, without constituting minimum common norms for said legislation. Its purpose is to delimit ample areas of attention in which the Parties have developed, each one in its own way, laws, regulations, procedures and practices that protect the rights and the interests of their respective labor forces”.

1. Freedom of association and protection of the right to organize.
2. Right to collective negotiation.
3. Right to strike.
4. Prohibition of forced labor.
5. Restrictions on the work of minors.
6. Minimum working conditions.
7. Elimination of occupational discrimination.

8. Equal salaries for men and women.
9. Prevention of occupational injuries and illnesses.
10. Indemnification in cases of work injuries or occupational illnesses.
11. Protection of *migratory* workers.

Labor relations in the MERCOSUR

For Oscar Ermida Uriarte ⁽⁵⁾, the MERCOSUR constitutes, together with the European Union, one of the only two regional customs unions in force in the world. This circumstance that could be qualified as formal, becomes of full content when observing that, between 1990 and 1995, intra MERCOSUR trade increased by 200%, while the foreign trade of the block increased by 80%. Undoubtedly, for the time being, the MERCOSUR is the first successful trade block of underdeveloped countries that is in turn starting to hold or negotiate duty tariff preference or free trade agreements with other groups or countries (European Union, Chile, Bolivia).

However, this commercial development reached by the MERCOSUR in such a short period, has not been accompanied by a proportional social development. In fact, social and citizenship rights are not included in the agreements constituting the MERCOSUR, except and very scarcely in the labor aspect, in spite of recognizing the existence of an important social dimension in integration.

In fact, any experience of regional economic integration, more or less developed, brings about multiple social effects and, among them, those effects related specifically to labor. Thus, while positive labor effects are expected in the long term, as a result of the economic and political growth of the block, in the short term it is almost unavoidable to suffer certain negative social effects such as sectorial unemployment and the risk of *social dumping* among the countries that are members of the group, in their competition for the internal market or before third countries.

At the same time, in the medium term, reciprocal influences can occur among the relations systems of the integrating countries, in addition to the obvious surging of a new level – international/regional – of labor relations.

The MERCOSUR has not generated for the time being its own supra or international labor Law, although the *Action Program of the MERCOSUR up to the year 2000* established that “the evolution of the process of integration demands the examination of an agreement on labor and social rights. The topic has been present, very predominantly, in the work of Commission No. 8 (Principles) of the former work team No. 11. The Principles Commission of the former group 11 went to the extent of recommending common ratification, by the four countries of the MERCOSUR, of a list of agreements of the ILO that would thus constitute a minimum common international labor regulation, and of debating the probability of adoption of a Social Document of the MERCOSUR. Both initiatives had been proposed by professor Hector Hugo Barbagelata, in a report requested by the ILO.

On the other hand, the Multilateral Agreement of social Security, could become the first substantive international norm of the Labor and Social Security Law approved directly by the MERCOSUR.

Integration and Social Security

According to Marcelo Viana Estevao de Moraes, Social Welfare Secretary of Brazil in 1996 ⁽⁶⁾, the challenge now is to make the productive restructuring effort compatible with the search for social equity, in accordance with the recommendations of the Economic Commission for Latin America and the Caribbean (CEPAL). Hence the need for regional integration processes to be accompanied by measures tending to the progressive coordination, not only of macro-economic policies, but also of policies relative to social protection.

Thus, any consideration on the future of social security, in order to be successful –even in the regional ambit– must contemplate the following aspects:

- The need to institutionalize global processes for the taking of collective decisions, through a closer and more effective articulation of the different national and international public spheres, so that they will counteract the harmful effects of a globally free market economy.
- The adaptation to the aging processes of global population, even though demographic transitions could observe their own rhythms in each national reality, so that they will adapt to the new rates of dependence among elders and the active population.
- The achieving of compatibleness with the new models of economic development and with differentiated growth rhythms by reason of ecological conditioning factors, in search for a sustainable articulation, based in the more rational utilization of natural resources and on the integration of healthier and safer work environments.
- The search for competitiveness not only with a micro-economic optic but also in an ample perspective that will consider the global efficiency of the national or regional economic space.
- The reorganization of the labor market, so that the gains in productivity resulting from the accelerated process of technological innovation may reflect on a more equitable distribution of employment opportunities by the creation of new jobs with shorter working hours, as well as by the adoption of active policies of professional re-rating aimed at functional polyvalence, in such manner that the profile of the supply of labor will be compatible with the nature of the new demands in productive systems intensive inknow-how.
- The diversity of sources of financing for social security, with reduction of the burdens that

have incidence on formal employment and an optimum combination between distribution and capitalization financial regimes, in such manner that the effectiveness of social protection policies will be maximized by the favorable macro-economic effects resulting from the integration of long term savings.

- The preferential option of public systems to the benefit of the poor, with the elimination of the different *invested solidarity* mechanisms created for corporative reasons, so as to maximize the efficiency and the effectiveness in the utilization of the scarce existing resources.
- The review of the current managerial paradigms in the public sector, aimed at instituting more agile and flexible organizations, with a more efficient utilization of information, in structures of a horizontal order, guided by quality and productivity patterns.

One thing is clear, even now-a-days not even in the social Law of the European Community is there a legal reality similar to a social security system, as implemented by each one of the 15 members, that is, a uniform system applicable to the respective nationals that would substitute national systems.

Sebastiao Nobrega Pizarro, Director of the International Relations Department of the Social Security of Portugal states, in addition to the above, that “neither is there a regime applicable to the workers that circulate in the Community, that will directly regulate their situations on the matter of social security, without the intervention of national systems. In the ambit of community Law, even after the 1992 European Union Treaty and its Agreement on Social Policy, it can be properly said of social security that it still belongs to the sensitive domains of *social sovereignty* of the member States and, is therefore intact.

“In other words, in spite of the process that resulted in the European Union, there is no

unique social security system but, on the contrary, the national legislation of the member States are still in force”⁽⁷⁾.

For Fidel Ferreras Alonso⁽⁸⁾, after several years of effectiveness, application and experience of international social security norms, such as bilateral or multilateral agreements, there are no longer discussions and controversies about their incorporation in the internal order.

It should be remembered, however, that social security bilateral agreements have a very relative similarity both with the norms born from the European Union and with those originating in the International Labor Organization. The similarity is that they are incorporated in the internal Law and, also, that they are not norms which bind only the States, but that have direct effects on the interested parties themselves.

With respect to community norms, it is the institutions of the communities that approve them (essentially the Council). The norms of the ILO arise from their annual conferences and are submitted subsequently for their ratification by the respective member States, which are free to ratify them and incorporate them to the internal Law. Bilateral agreements are the expression of the will of two States that bind themselves to apply the covenants.

The norms originating in the International Labor Organization: the State may reject their application by the mere fact of not incorporating them to the internal Law. Their interpretation correspond to national courts and can even be submitted to a process of unconstitutionality, both before being ratified (in the process of parliamentary discussion or by the government itself) and even after having been ratified.

With respect to bilateral norms, that is, the agreements, it is obvious that the process of incorporation to the internal Law is discussed exclusively by the respective governments. There

exists an absolute protagonism on the part of the governments and, although in theory it is the parliamentary chambers that have to give their approval, this is not so in practice, because any modification that the legislative power would like to introduce, would require a new negotiation among the States. As in the case of the norms originating in the ILO, their interpretation corresponds exclusively to the national courts. The substantial difference between agreements of the ILO and bilateral agreements is that, with respect to the latter, only the two States that ratify the bilateral agreement are bound thereby, while for the ratification of an Agreement of the ILO, in principle, it is the State ratifying which becomes bound.

Latin American Social Security Code

In 1992, the ministers responsible for social security in Latin America signed in Madrid a work program for the preparation of the Latin American Social Security Code, within the frame of the II Latin American Summit of chiefs of State and of Government. It was the start of an ample, participative and consensual work carried out by the Latin American Social Security Organization that culminated with the preparation of the Code which was presented in Madrid in September 1996.

The ministers approved the draft prepared by the Latin American Social Security Organization and subsequently sent it to the summit of Chiefs of State and of Government held in Bariloche, Argentina. In the Declaration of this Summit, the presidents pointed out the importance of the Draft of Latin American Social Security Code, as well as its transcendental purposes and objectives.

The final version of the Code was the result of an ample, plural and participative process of analysis, debate, reflections and mutual contributions; a process in which, together with

the representatives of the ministers responsible for social security of the Latin American community, the following have participated:

- International organizations: International Labor Organization and Latin American social Security Conference.
- The specialized university ambit (Latin American social Security Academy)
- Social interlocutors (enterprise and union representatives)
- The ample institutional spectrum of Latin American social security.
- Social security experts.

Eugenio Solano Calderon⁽⁹⁾ wrote that at the Summit of Chiefs of State and of Government held in Guadalajara, the convenience of an effective international rapprochement on the matter of Latin American social security was discussed, and this idea was supported by the successive Summits of Madrid, San Salvador de Bahia and Cartagena de Indias. The first thing that came to sight was the need to overcome the possible obstacles that could be posed by an international instrument such as the Code, and the most evident manner to overcome them was by jointly finding acceptable and effective formulas.

These formulas should conciliate both the questions related to the different levels of development of the countries and their respective sovereign wills, and this conciliation, this productive reaching of common objectives and ideas, should be the fruit of the most general consensus possible.

In this context of ample participation, two magic results arose: flexibility and progressiveness.

Flexibility

The Code shows, as one of its wise achievements, that the norms contained therein contemplate all the present realities of our Latin American landscape and its bosom gives fair and appropriate shelter to the different models of administration applied in our countries. This is why it was possible to contemplate –without detriment to the modalities themselves, nor to the Code as a whole– from private administration models through centralized public models.

Progressiveness

The other phenomenon of importance set forth by the Code in its set of norms, is progressive application.

In accordance with its provisions, and taking into consideration the individual realities, each country ratifying the Code may expand, progressively, both the quality and the scope of its protection, through the gradual expansion of the parts of the code that it may decide to assume.

Both flexibility and progressiveness as above mentioned, more than sufficiently prove that this instrument is absolutely respectful of national realities. This respect extends, and it could not be otherwise, to the respective sovereignties, which we can find in the formula of the repeated appearance in the text of the Code of a reference to *national legislation and practices*.

The Latin American Social Security Code, due to its normative quality, maintains a position not only respectful but, even, promoter of integration processes, a point that stands out as one more of its virtues.

The code is not only a mere declaration of principles, nor a well intentioned normative frame, but it extends to the creation and consecration of support and control institutes:

Governmental Control organ, Experts Organ and Support Organ.

However, up to this date, the Latin American social Security Code has not become a living and dynamic instrument.

Bibliography

1. Ferguson, Yale and Richard Mansbach, **Political Space and Westphalian States in a World of Policies Beyond Inside/Outside**, Global Governance, No. 2, 1996.
2. Podestá Bruno. **Seis comentarios sobre la cuestión social**, Seminar on the social dimension of integration, CEFIR (Educational Center for Regional Integration) 1995 Chile.
3. Economic Commission for Latin America and the Caribbean (CEPAL) **Panorama social de América Latina**, 1995 issue, Santiago, Chile.
4. Frohmann, Alicia, **Sentando las bases políticas para la integración económica del Grupo de Río y la concertación regional**, Social Policies Series No. 14, Economic comisión for Latin America and the Caribbean (CEPAL), 1988, Santiago, Chile.
5. Ermida Uriarte, Oscar, **Instituciones y relaciones laborales del MERCOSUR**, Social Policies Series No. 14, Economic Comisión for Latin América and the Caribbean (CEPAL), 1998, Santiago, Chile.
6. Viana Estevao de Moraes, Marcelo, **Globalización, integración regional y protección social. La seguridad social y el MERCOSUR**, Magazine of the Latin American Social Security Organization, No. 2, 1996, Madrid, Spain.
7. Nóbrega Pizarro, Sebastao, **Notas sobre el sistema de coordinación de las legislaciones de seguridad social de los Estados Miembros de la comunidad Europea. Nociones generales, principios fundamentales y campo de aplicación.**
8. Ferreas Alonso, Fidel, **Manifestaciones específicas de la coordinación internacional en materia de seguridad social. Síntesis.**
9. Solano Calderón Eugenio, **El Código Iberoamericano de Seguridad social: una respuesta a las realidades actuales.**

