Energy integration still looks distant, but could become essential to improving the region’s geopolitical position internationally.

So concludes Ariela Ruiz-Caro in her study, Cooperación e integración energética en América Latina y el Caribe (Energy Integration and Cooperation in Latin America and the Caribbean), published as Recursos naturales e infraestructura series No. 106, by ECLAC.

She notes that efforts to progress toward energy integration using multilateral instances have not been very successful and finds more progress at the bilateral level.

The report analyzes energy cooperation agreements for supplying oil, gas and electricity, as well as examining strategies used by the main proponents of energy integration in the region.

Energy integration has not even occurred among Canada, Mexico and the United States, in North America. These countries have adopted measures to create functional systems for providing some mutual support.

In Latin America, progress has been limited and efforts have gone mainly to building electric and gas interconnections, and signing agreements for the provision of hydrocarbons in preferential conditions.

Three Decades of Dreams

The issue of integrating energy markets in Latin America has been debated for three decades. The creation of several regional organizations - ARPEL (Asistencia Recíproca Petrolera Empresarial Latinoamericana), a Latin American oil business association - (continued on page 3)

WTO AND FREE TRADE AGREEMENT DISPUTE SETTLEMENT MECHANISMS PROGRESS

In effect for a decade now, the World Trade Organization’s dispute settlement mechanism (DSM) has become key within the multilateral trade system. Its equivalents, included in agreements negotiated by the United States, the European Union and Japan with Latin American and Caribbean countries, have likewise proven to be important.

There is consensus that the WTO dispute settlement procedure has met its goals, despite the emergence of some problems, Sebastián Sáez notes in Las controversias en el marco de la Organización Mundial de Comercio: de donde vienen, en dónde están, a dónde van (Disputes Within the World Trade Organization: Where do They Come From, Where do They Stand, and Where do They Go), Comercio internacional series No. 63, from ECLAC. This report analyzes incentives for participating in the system and complying with decisions, along with the reasons why some of these work, while others do not.

Since the WTO came into effect, more than 80 decisions have been reached, representing the consolidation of over 27,000 pages of jurisprudence, thereby encouraging agreements and above all achieving more open trade for several sectors, including agriculture and textiles.

Some challenges have arisen, however. The first involves the duration of procedures, which is almost 30% longer than provided for (continued on page 6)
Since 1998-1999, Central America has experienced a 14% average decline in its terms of trade, for an overall annual loss to these countries of US$5.66 billion (4.5% of the region’s GDP).

A fraction of this decline can be explained by low export prices, partly reflecting structural changes in this sector, triggered by the growing presence of China and India worldwide.

Most, however, reflects higher prices for oil and its derivatives. The average oil bill for these countries tripled between 1998-1999 and 2005, primarily due to the higher price, since import volumes rose just 10% on average in the same period. In fact, calculations for the oil bill’s price effect yield a total of US$4.915 billion (3.9% of GDP in 2005), indicating that the higher price of hydrocarbons explains 85% of total income loss due to the terms of trade effect.

Negative impacts of this magnitude are enough to offset the benefits of a free trade agreement, such as CAFTA, in the case of Central America.

According to different studies and depending on the assumptions used in the general equilibrium model scenarios, this trade agreement is thought to have brought with it increases of from 1.5% to 4.4% in signatory countries’ long-term GDP. a/

Therefore, to ensure that the benefits of trade agreements are fully realized, the international community should complement them with economic assistance to these countries, to help soften the impacts of the adverse shocks that they are experiencing. This assistance should be considered part of a transition toward, for example, the development of alternative energy sources.

One alternative would be for the international (or regional) financial community to arbitrate economic assistance to countries. Financing could be provided at the normal, near prime rates typically offered by multilateral bodies or at concessioned rates, whose resources should be obtained from developed countries and, eventually, oil exporting countries.

For example, we have calculated how much it would cost to finance 30% of the per barrel price of hydrocarbons to countries with a loan maturing in 20 years (10 years grace, followed by repayments over 10 years) at 2% annual interest. Financing costs would ultimately total US$ 3.152 billion and the economic cost would be US$ 1.116 billion annually. At 4% interest, the cost of a loan would reach US$ 418 million annually. b/

Venezuela is involved in a similar initiative, financing at concessioned rates when prices rise above US$50 per barrel.

These exercises are mere examples to call attention to the fact that without initiatives of this nature the benefits from agreements such as CAFTA may be outweighed by negative effects of a similar magnitude. These economic and political consequences could discredit trade agreements, which, in any case, should not be seen as general cure-alls but rather as opportunities. 🏢

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**The average oil bill paid by the countries of Central America tripled between 1998-1999 and 2005**

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a/ According to the World Bank, the economies that sign free trade agreements tend to see their total growth rates rise almost 0.6% annually during the first five years after their implementation.

b/ The price used was US$ 70 per barrel of hydrocarbons. The cost of financing is the result of comparing the Net Present Value (NPV) of the loan with the NPV of a US Treasury bond maturing in 20 years, at a rate of 3%.

The author is ECLAC Executive Secretary.
From page 1) Regional Energy...

mutual aid), CIER (Comisión de Integración Eléctrica Regional, a regional commission for electric power integration) and OLÁDE (Latin American Energy Organization) - in the 1960s and 1970s are examples of these efforts.

The most concrete steps were the building of binational hydroelectric projects (Salto Grande, Itaipú and Yacyretá), encouraged by the governments that owned the companies involved.

Several agreements for supplying oil in preferential conditions exist, however, among them the San José Agreement (1980), under which Mexico and Venezuela deliver oil to 11 Central American and Caribbean countries, using lines of credit that finance development projects. The Caracas energy cooperation agreement (Acuerdo de Cooperación Energética de Caracas, 2000) is also in effect, between Venezuela and ten Central American and Caribbean countries.

Gas and Electricity

The gas market is less developed. In Central America, the demand for gas is practically non-existent, although there are plans to build a Mexico-Central America-Colombia gas pipeline and a regasification plant, to create an integrated system for distributing natural gas throughout the region.

In the Andean Community, national gas markets have just begun to develop. Colombia and Venezuela have the most developed markets and eventually expect to connect.

The most advanced gas market exists among the countries of Mercosur and between Argentina and Chile, where gas pipelines were built in the 1990s, although this occurred without a common agenda for integrating national markets.

In the electric power sector in the late 1960s, hydroelectric generating stations were built binationally, especially in the Southern Cone. In the second half of the 1990s, regulations were developed to interconnect the electric markets in the subregions of Mercosur, the Andean Community and Central American countries. In the case of Mercosur, the author points to the need to include provisions for dispute settlement and to manage crisis situations.

The 1990s: Liberalization and Deregulation

Liberalization and deregulation in the 1990s created a new environment for regional trade in energy, based on a more liberal approach within a broader continental framework. A hemispheric energy initiative (Iniciativa Energética Hemisférica) was launched during the first Americas Summit (Miami, 1994).

To different degrees, countries made their investment and utility regimes more liberal. In energy, they eliminated obstacles to operations by private national and foreign firms in areas ranging from exploration through production of gas and oil, to distribution and sales of oil products in the final market.

Common measures included focusing subsidies; correcting electric power and fuel prices; reforming organizations to rationalize spending; identifying business units, making use of outsourcing, and creating holding companies.

Countries undergoing the most profound economic reforms were Argentina, Bolivia and Peru. Today, the first two are in the process of reviewing and reversing earlier measures.

In this policy framework, a more open approach to markets was expected to lead to substantial expansion of business opportunities for private players in the building of infrastructure for energy interconnections. Energy projects received financial support from the World Bank, the IDB, and the US’ Export-Import Bank (Eximbank).

Currently, the region is also making a significant effort to build physical energy interconnections in the electricity, natural gas and oil sectors.

Re-introducing a More Active Role for the State

Sector reforms, however, “did not lead to the expected results, especially those involving privatization of state oil companies,” notes Ariela Ruiz-Caro. The Hemispheric Energy Initiative lost momentum and there have been no annual meetings of energy ministers since 2001.

Now liberalized energy policies are under review and energy integration proposals based on privatization of firms, more openness to trade and deregulation have become obsolete.

The author notes a tendency to return to a more active role for the State and to make state planning of energy markets an instrument for channelling and coordinating the investment of both private and public sector agents.

Governmental statements on energy integration have moved away from the hemispheric level, toward a more strictly Latin American and South American focus. The scenario and the focus have both changed.

New proposals call for the State to play a stronger leadership role in energy integration. This is apparent in statements issued by the Latin American Energy Organization from 2003 onward, among them the Caracas Declaration (2005), supported by energy ministers and ratified by presidents at the First Summit of the South American Community of Nations, held in Brazil in September 2005.

These conditions also gave rise to Venezuela’s PetroAmerica initiative. Agreements reached within this framework propose the integration of the region’s state-owned energy enterprises for reaching agreements and making joint investments in explorations, operations and sales of oil and natural gas.

These initiatives also seek greater economic complementarity and the reduction of the negative impacts of energy on the region’s countries. It is being implemented through bilateral and subregional actions and initiatives.
INTEGRATION SCHEMES IN CRISIS AND THE CONVERGENCE OF TRADE AGREEMENTS

OSVALDO ROSALES

The contention that bilateral free trade agreements (FTAs) have triggered a regional integration crisis is unrealistic and ignores the severe shortcomings exhibited by the region’s integration schemes.

The integration crisis actually predates these FTAs by a large margin, and their negotiation is quite possibly what has hastened the pace of efforts to update the region’s integration schemes. The prevailing view in Central America is that CAFTA is paving the way for a renewal and deepening of integration, but this conclusion is less widely shared by South American Governments. North-South agreements have greater coverage and contain broader, more binding commitments than those provided for by our regional integration schemes. Their advocates therefore believe that they play a more important role in building the region’s competitiveness. Clearly, in any case, their economic and political value is the object of a wide-ranging debate.

Latin America’s FTAs can also be interpreted as a reaction on the part of countries which, faced with the uncertainty surrounding the WTO negotiations and the stalled progress of their integration schemes, are seeking out opportunities for growth through bilateral negotiations rather than exhibiting any actual disinterest in regional integration.

What South America needs to do is to arrive at a shared analysis of the weaknesses of existing integration schemes and to develop proposals for bringing them up to date while accepting the diversity of trade strategies, maintaining the gains that have been made, and facilitating a gradual convergence of the differing types of agreements. These steps should all form part of a realistic timetable and work programme that are underpinned by an awareness of the pressing need for a revitalized regional integration drive.

1. Regional integration is both necessary and urgent

In addition to the reasons that are customarily advanced for pursuing integration, the current phase of globalization has generated a number of other demands that point up the importance of forming closer ties, such as the growing need for strategic international alliances in production, logistics, marketing, investment and technology. The demands associated with gains in competitiveness and technological innovation are mounting, while the competitive leap made by China, India and other Asian countries has redrawn the world map of trade flows and comparative advantages. Larger markets, legal certainty and the convergence of standards and disciplines, in conjunction with advances in infrastructure, energy and connectivity, are now prerequisites for growth with equity.

In addition to the benefits associated with free trade, integration entails a gradually increasing degree of coordination in respect of macroeconomic variables and various sorts of policies and norms in a range of areas, including not only trade but also infrastructure, energy, regulatory systems, migration, pension systems, health, education and the environment, to name only some of the most important ones. The European Union’s experience has also included policies aimed at reducing economic asymmetries among its members in order to foster social cohesion within their societies and build a common institutional structure that is a balanced reflection of the various countries’ views and beliefs.

2. South America’s dissatisfaction

The results of our regional integration efforts fall far short of the above, and dissatisfaction is widespread. This discontent is particularly marked in South America, where a failure -sometimes repeatedly- to live up to agreements has eroded the political credibility of integration schemes and their legal certainty, thereby deterring the siting of major investment projects within the framework of such schemes.

In the absence of an appropriate approach for dealing with existing asymmetries, the smaller countries do not feel that present integration schemes are the best means of promoting their economic growth and export diversification.

Existing integration efforts have also failed to address issues of key importance for competitiveness, such as services, investment, e-commerce, technological innovation, trade facilitation, or air and maritime logistics and transport. Nor are these schemes providing a learning platform to help countries begin exporting to outside markets or engage in serious, effective negotiations with major partners, even though integration had been touted as a way of gaining greater bargaining power vis-à-vis industrialized economies.

3. Central America revitalizes its integration schemes

In Central America, the debate has a different focus. Here the line of reasoning is one of variable geometry, as the integration process and acceptance of negotiations between member and non-member countries proceed at varying speeds.

When they were negotiating CAFTA, the Central American countries decided to apply the provisions that each one has agreed upon with the United States among themselves, as well. They see this as a way of modernizing their own integration scheme while incorporating new commitments in services, investment and other areas.

This approach paves the way for the creation of a larger economic area with common disciplines conducive to the formation of trade alliances. These alliances can then be used to capitalize upon the broader Central American market and its access to the North American market. Central America is thus using its trade
4. North-South negotiations take on added meaning in the light of weakness in the integration process

With no good news in sight on the multilateral front or in relation to regional integration, it should come as no surprise that small and medium-sized countries are seeking free trade negotiations with industrialized economies such as the United States or the European Union in the hope of increasing their access to major markets.

In all, 40% or more of 11 Latin American and 14 Caribbean countries’ exports are destined for the North American market, and it therefore makes economic and commercial sense for these countries to deepen their access to this market. It makes much less sense to ascribe political connotations to their actions. As the debates in the United States Congress regarding foreign investment, Chinese manufactures and outsourcing take on what can only be described as a protectionist tone, bilateral accords with that country also provide some insurance to hedge against the possibility of a less free-flowing environment for trade in the future.

5. Fostering convergence

Given the existence of differences in size and trading patterns, the inroads made by the countries’ integration processes must be maintained while promoting convergence in trade-related and other areas. It is also true, however, that the countries belonging to each integration scheme should ask themselves just how much it has contributed to their growth and competitiveness.

Integration processes should be brought closer to the private sector, and an effort should be made to align that sector with public initiatives designed to spur integration. This will not restrict the scope for public policy action, but will instead redirect it towards the resolution of market and governance failures and the promotion of a necessary public-private partnership. Both of these areas of endeavour have played a crucial role in successful integration experiences.

Placing emphasis on the creation of spheres of common action and making the operational ground rules for integration schemes more flexible will contribute to policy convergence in, initially, the fields of energy and infrastructure and, later, in relation to the environment, tourism, connectivity, ICTs, e-commerce, regulatory practices and other issues.

Within the framework of this wide array of options, we have the opportunity to build bridges between the various intraregional trade agreements by defining a set of core obligations that are shared by all while providing for flexible timetables, particularly for the smaller economies, and special infrastructure, trade facilitation and connectivity programmes that include provisions for special and differential treatment.

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by the system. A second problem area involves dispute-related costs. Implementation can also be complex, especially when it involves policies associated with health, the environment or agriculture, all subjects that are highly sensitive to public opinion.

**Actions by Latin American Countries**

The countries of Latin America and the Caribbean have been very active in using the DSM and have achieved some significant results in terms of the protectionism affecting some of their main exports (sugar, cotton, bananas, textiles), according to another report from ECLAC, *Una década de funcionamiento del sistema de solución de diferencias comerciales de la OMC: avances y desafíos* (A Decade of Functioning of the WTO Dispute Settlement System: Progress and Challenges), by Juliana Salles Almeida, *Comercio internacional* series No. 65.

Of the 335 consultations presented, 21% (71) were from countries in this region, a higher percentage than that of many developed countries. Latin Americans were also the defendants in 68 disputes. The countries of South America are the most active, followed by those of Central America, which participated in 11 cases as plaintiffs and six as defendants.

Brazil (35 cases), Mexico (28), Argentina (25) and Chile (20) were the most active, both in terms of the number of consultations and because they have also been defendants in the most cases. Likewise, they hold a larger share of world trade.

The starting point for a DSM in the WTO and equivalent mechanisms in bilateral and subregional agreements is the same: these are structures of international law based on cooperation, not subordination, among States.

However, each has its own peculiarities. Some take a more judicial or “legalistic” approach, based on adjudication, as the WTO does, while others are considered more practical and negotiation-oriented (often within bilateral agreements).

The WTO’s DSM contains the most rule-oriented elements, including a quasi-automatic approach to major procedural decisions and the availability of an appeals body (AB). Bilateral agreements with the United States rely more on diplomacy-based solutions.

The WTO mechanism is only for governmental use, while some bilateral or subregional agreements allow private individuals to initiate a case in a specific area, such as investment.

The WTO’s DSM tends to be quasi-automatic, requiring a negative consensus to stop the automatic advance through the different stages involved. This is not the case with bilateral and subregional agreements, which require a consensus among the parties to continue.

Within the WTO, parties to a dispute can appeal decisions to the AB. This instance does not exist within bilateral agreements. It is clear that compared to similar mechanisms applied through bilateral or subregional agreements and given its structure and the number of member countries, the WTO system offers better chances of compliance.

**A Power Imbalance**

In her report, *La solución de controversias en los acuerdos regionales de América Latina con países desarrollados* (Dispute Settlement within Regional Agreements between Latin American and Developed Countries), *Comercio Internacional* series No. 68, Anabel González analyzes six agreements: NAFTA, 1994; the Free Trade Agreement Between the United States and Chile (TLC EU-CL), 2004; the Free Trade Agreement Between Central America, the Dominican Republic and the United States (CAFTA-DR), 2006; the Free Trade Agreements between the European Union and Mexico, 2000; the Agreement for Economic Association between the European Union and Chile, 2003; and the Agreement of Association between Japan and Mexico, 2005.

In agreements signed by the United States, the official report is not binding. Rather, the parties involved attempt to reach a settlement in line with report recommendations.

In agreements between the EU and Japan, the report from an arbitrator is considered definitive and compulsory, thereby encouraging compliance. More recent agreements between the United States and the EU include monetary compensation as a way of pressuring compliance, something which is not included in the WTO.

The three authors of these studies agree that the mechanisms within bilateral and subregional agreements and those of the WTO can be improved in several ways: more automatic procedures for appointing panelists; making compliance with panels’ reports compulsory; improving the options for promoting compliance, including the retroactive payment of damages and legal costs; strengthening the support from bodies responsible for administering these systems; improving transparency; and developing less traditional alternatives, such as simplified procedures for low-value complaints and small countries; and the provision of regional technical assistance to bring developing countries’ ability to participate up to par with developed countries when disputes occur.
tend to be indigenous or an Afro-descendant in Latin America and the Caribbean is practically a synonym for poverty, precarious participation in the labour force, less education, reduced access to health care, higher fertility rates, and more migration. These situations are the result of a long history of discrimination, denial and exclusion.

According to a recent ECLAC report, in light of these conditions, the extent of direct action in favour of indigenous peoples and Afro-descendants has risen during the early years of the new millennium, in terms of both the institutions and judicial arrangements that recognize their rights.

“There are signs of more political willingness [to address these issues],” note Martín Hopenhayn, Álvaro Bello and Francisca Miranda in *Los pueblos indígenas y afrodescendientes ante el nuevo milenio. (Indigenous Peoples and Afro-Descendants in the New Millennium)* Políticas sociales series No. 118.

At the same time, these actions are hampered by policy limitations, above all the lack of public resources to deal with the most urgent issues.

Moreover, much of this progress comes without clear changes in daily living, where discrimination is most rife. New initiatives have had little impact on the population and the mass media. And for minority groups, the main principle for achieving greater social integration requires recognition of and support for cultural diversity.

All this, state the authors, generates frustration and there are indigenous movements that question governments, arguing that these new institutions are merely a way of doing something without changing anything.

### Emerging Issues

Latin America’s indigenous population stands at 40 to 50 million people, from 8% to 10% of the total population, divided into 400 linguistic groups. The countries with the most indigenous people are Mexico (10% of the population), Bolivia (62%) and Guatemala (43%).

The black population and the mestizo Afro-American population together account for some 150 million people, about 30% of the total population. They live mainly in Brazil (50%), Colombia (20%) and Venezuela (10%).

In recent years, the longstanding demands of these ethnic minorities have been increased to include new ones related to the defence of their own identities, greater access to social opportunities, and a judicial system that protects their heritage and reflects their values.

Demands for land and territory remain crucial. They are associated with the importance of identifying, defining the borders of, registering and granting title to indigenous lands and those belonging to Afro-descendants. Managing and caring for natural resources and biodiversity on indigenous lands is a central point that the region’s countries must deal with.

According to the authors, to increase the presence of these groups within public deliberation and governmental policies, more information on their status is required. Currently available data is insufficient to build clear indicators. This, combined with their longstanding absence from the State and the political system have for a long time hidden the disadvantaged conditions in which these groups live. The creation of data bases by country, disaggregated by sex, race, ethnic group, or age group is vital to progress.

Today, international bodies and the region’s countries agree on the need to advance toward greater pluralism and respect for cultural diversity. This requires recognition of individuals and groups as subjects and holders of universal and specific rights, which give rise to the promotion, the development and the full and integrated enjoyment of economic, social and cultural rights.

Among the institutional advances highlighted in the ECLAC report:

- In Honduras, since 2003, the ten federations representing nine black and indigenous peoples have a new instance for communication with the central government, through a new regulation governing consultations with and support for indigenous and black people (*Reglamento Operativo de la Junta Consultiva del programa de Apoyo a los Pueblos Indígenas y Negros de Honduras*), whose purpose is to evaluate the implementation of projects for these peoples.

- In Mexico in 2003, the national institute for indigenous issues (*Instituto Nacional Indigenista*) became the national commission for the development of indigenous peoples (*Comisión Nacional para el Desarrollo de los Pueblos Indígenas*), whose main programme was developed based on a consultation with those affected on their views and aspirations for development, which involved 4,269 members of 59 indigenous peoples organized into 28 federated bodies.

- Brazil also created new institutions and policies for these groups, with its special secretariat for promoting racial equality (*Secretaría Especial de Políticas de Promoción de la Igualdad Racial*), also in 2003, which has contributed to reducing racial inequality.
1. **Empleos para los jóvenes** (Jobs for Youth), by Juan Chacaltana, March 2006 (LC/R.2129, Spanish). This paper reports on the current status of jobs available to Peruvian youth, who have grown up amidst economic changes, crisis, political violence and some periods of growth. It includes interviews with young people themselves, the businesses that employ them, and the programmes that support them, and then goes on to outline and strengthen specific policies for youth’s participation in the work force.


3. **Relación de dependencias del trabajo formal y brechas de protección social en América Latina y el Caribe (The Relationship Between Dependencies Within the Formal Job Sector and Social Protection Gaps in Latin America and the Caribbean),** by Andras Uthoff, Cecilia Vera and Nora Ruedi. Financiamiento del desarrollo series No. 169, February 2006 (LC/L.2497-P, Spanish). This paper contributes a variation on the traditional indicator for demographic dependency, used to estimate how the demographic transition should be combined with labour market dynamics when designing social protection systems.

4. **Los ejes centrales para el desarrollo de una minería sostenible (Issues Central to Developing Sustainable Mining),** by César Polo Robilliard. Recursos naturales e infraestructura series No. 107, May 2006 (LC/L.2520-P/E). This report studies first-generation reforms in the mining sector, which gave priority to economic aspects and competitiveness in attracting primarily foreign investment, in the context of the Washington Consensus. The paper points out the limitations of this approach in terms of achieving sustainable development.

5. **Características de los hogares y de su principal perceptor de ingresos en Centroamérica, México y la República Dominicana: su papel en la desigualdad del ingreso (Characteristics of Households and Heads of Households in Central America, Mexico and the Dominican Republic: Their Role in Income Inequality),** by Matthew Hammill. Estudios y perspectivas series No. 45, February 2006 (LC/MEX/L.709). This study examines inequality in individual and household income in these countries using an innovative simulation technique. It concludes that the evidence suggests that income inequality is mainly caused by the labour market and changes associated with education.

### CALENDAR

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