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The Democratic Dimension of the EU–Mercosur Agreement*

Gustavo Ferreira Santos

(Professor of Constitutional Law, Catholic University of Pernambuco)

Juliano Mendonça Domingues da Silva

(Professor of Media and Politics, Catholic University of Pernambuco)

Abstract

This article examines the democratic dimension of the European Union–Mercosur Agreement, focusing on its role as a framework connecting economic cooperation with institutional conditions related to democracy, human rights, and the rule of law. It situates the agreement within a broader context marked by changes in the international order, increasing geopolitical tensions, and challenges to multilateralism. The analysis first considers the long and complex negotiation process, highlighting how the agreement has come to be understood not only as an instrument of trade liberalization but also as a platform for strategic coordination. It then addresses the relevance of democracy clauses for South America, a region characterized by relatively recent democratic transitions and persistent institutional fragilities. Drawing on empirical indicators and comparative perspectives, the article discusses how these clauses function as external reference points that may influence domestic political dynamics without determining outcomes. Finally, the article examines the relationship between freedom of expression and democratic quality, emphasizing how structural conditions affecting public debate are connected to broader patterns of democratic stability. The argument advanced is that the agreement should be

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understood as a limited but relevant mechanism that reshapes the environment in which democratic erosion may occur.

Keywords: EU-Mercosur Agreement; Democracy; Rule of law; Freedom of expression.

Abstract

Questo articolo esamina la dimensione democratica dell'Accordo tra l'Unione europea e il Mercosur, con particolare attenzione al suo ruolo come quadro che collega la cooperazione economica a condizioni istituzionali relative alla democrazia, ai diritti umani e allo stato di diritto. L'analisi colloca l'accordo in un contesto più ampio segnato da trasformazioni dell'ordine internazionale, crescenti tensioni geopolitiche e difficoltà del multilateralismo. In primo luogo, si considera il lungo e complesso processo negoziale, evidenziando come l'accordo sia stato progressivamente interpretato non solo come strumento di liberalizzazione commerciale, ma anche come piattaforma di coordinamento strategico. Successivamente, si analizza la rilevanza delle clausole democratiche per il Sud America, una regione caratterizzata da transizioni democratiche relativamente recenti e da persistenti fragilità istituzionali. Sulla base di indicatori empirici e prospettive comparative, l'articolo discute come tali clausole operino come punti di riferimento esterni che possono incidere sulle dinamiche politiche interne senza determinarne gli esiti. Infine, viene esaminato il rapporto tra libertà di espressione e qualità della democrazia, con attenzione alle condizioni strutturali che incidono sul dibattito pubblico. L'argomento sviluppato è che l'accordo rappresenta un meccanismo limitato ma rilevante, capace di incidere sull'ambiente in cui possono verificarsi processi di erosione democratica.

Parole chiave: Accordo UE-Mercosur; Democrazia; Stato di diritto; Libertà di espressione.

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1. Introduction

In May of this year, the first phase of the agreement between Mercosur and the European Union came into force. Initially, the trade provisions will be implemented, while the ratification process for the agreement proceeds on both sides. It is understandable that, at this stage, the focus is on the trade aspects. However, any analysis of the agreement should not be limited to trade. It also

brings important advances in clauses of a political character. Understanding it also requires a broader reflection on democracy, freedom of expression and the institutional conditions that support public pluralism. In a world where democratic crises within countries and attacks on multilateralism in relations between countries are evident, dialogue between the two regions is of particular relevance. Since the beginning of the twenty-first century, scholars have identified increasing challenges to the liberal international order, accompanied by growing geopolitical competition, pressures on multilateral institutions, and renewed forms of unilateral action (Bargués & Morillas, 2023). This trend has intensified in recent years, with explicit attacks on international organizations and attempts to replace multilateral frameworks with unilateral arrangements subordinated to the interests of a single state.

At the same time, there has been a decline in democracy in several countries around the world. There has been a reversal of a trend observed at the end of the 20th century, which pointed towards an increase in the number of people living under democratic forms of government. This drift towards autocracy is, to some extent, reinforced by the stance adopted by certain countries within the international order, which do not include the preservation of values such as democracy and the rule of law in their foreign policy. The weakening of democracies is aided by external support.

One example is the US government's support for Big Tech against the European Union's Digital Services Act (DSA), alongside pressure on other countries to avoid regulating digital services. Non-regulation creates space for disinformation, hate speech, and the consolidation of private actors as moderators of democratic debate. In this context, the Mercosur–European Union agreement is a relevant institutional development. Although primarily economic, it incorporates clauses aimed at the protection of democracy, human rights, and the rule of law, which must be understood in light of contemporary transformations in the international order.

Methodologically, the article combines legal-institutional analysis and comparative empirical interpretation. The first part examines the normative structure of democratic conditionality in EU external relations and in the EU–Mercosur Agreement. The second part situates these clauses in the South American context, where democratic institutions coexist with recurrent vulnerabilities. The third part uses freedom of expression, media opening, and violence against journalists as an empirical entry point to assess how democratic

fragility operates in practice. This structure is based on the assumption that democracy clauses cannot be evaluated only by their formal wording. Their relevance depends on the institutional environments in which they may operate and on the specific democratic vulnerabilities they are expected to address.

In this article, we aim to highlight the part of the agreement that strengthens democratic institutions. First, we will discuss the importance of such a clause, particularly for countries such as those in Mercosur. We will use the debate on freedom of expression in the region to illustrate this importance.

2. International agreements and democratic conditionalities: the practice within the European Union

The practice of making international agreements conditional upon respect for democracy and human rights is one of the defining features of the European Union's external action. It is not a circumstantial element, but rather part of the external projection of a legal order founded on values. Since the mid-1990s, the Union has systematically incorporated clauses that designate democracy and human rights as «essential elements» of agreements with third countries, establishing the possibility of adopting restrictive measures, including suspension of implementation, when these principles are violated (Shyrokykh & Solander, 2025).

These conditionality mechanisms may come into play before or after the conclusion of agreements. The European Union seeks to influence the behaviour of its partners through incentives. Economic benefits, such as market access or financial cooperation, are conditional upon compliance with minimum political standards. The literature describes this mechanism as a form of «reinforcement by reward», in which the granting of advantages depends on the institutional performance of partner countries (Shyrokykh & Solander, 2025). In this sense, the inclusion of democratic clauses in trade agreements, such as the EU–Mercosur agreement, is not an exceptional occurrence, but a practice already adopted at various points in European foreign policy.

However, there are questions regarding the effectiveness of these conditionalities. Shyrokykh and Solander (2025) point out that EU foreign policy combines a performance-oriented logic with an instrumental use of its instruments, which compromises the consistency and credibility of democratic conditionality. The

application of these instruments varies according to interests, which sometimes allows for the relativization of conditionality, enabling states with democratic deficits to continue accessing benefits.

Débora Silva do Monte (2023) demonstrates that the European Union's democratic conditionality must be understood in terms of its internal formation process. The evolution of this mechanism is linked to the enlargement cycles, in which criteria such as institutional stability, respect for human rights and the protection of minorities were progressively strengthened (Monte, 2023). Gradually, conditionality ceased to be a diffuse set of political requirements and came to be presented as a more structured system, founded on principles and procedures compatible with pluralist conceptions of democracy. The incorporation of these requirements into international agreements, including trade agreements, does not represent an isolated innovation, but rather the continuation of an internal logic already employed in the process of European integration.

As Rabitsch (2023) points out, the European Union seeks to incorporate democratic and human rights clauses into its cooperation instruments, linking benefits to the observance of political standards and, in some cases, to compliance with international recommendations. However, it must be borne in mind that the effectiveness of these clauses depends on the practical experience of implementing the agreement, which will require monitoring mechanisms capable of upholding their enforceability.

3. The Agreement EU-Mercosur and Its Democratic Dimension

Negotiations for an agreement between the European Union and Mercosur date back to the 1990s, with the formal launch of the negotiating process in 1999, and have extended over more than two decades, marked by interruptions, political reorientations, and negotiation impasses arising from divergent interests between the parties (Mata Diz, 2022). These difficulties became particularly visible in relation to environmental, distributive, and regulatory issues, with stronger mobilization from opposing actors than from potential beneficiaries of trade liberalization (Cesar de Oliveira et al., 2024).

This dynamic reflects a broader pattern in which negotiations have been simultaneously driven by the potential economic and geopolitical benefits of

interregional cooperation and constrained by environmental concerns and protectionist interests within both blocs, as identified in a report prepared for the European Parliament (Malamud & Schenoni, 2025). Over the course of the negotiations, the actors involved increasingly came to view the agreement not merely as an instrument of market opening, but as a platform for strategic coordination between regions facing shared challenges in a context of eroding multilateralism, intensifying geopolitical competition, and transformation of the international order (Malamud & Schenoni, 2025). They also recognized its potential as a mechanism for economic, political, and institutional articulation beyond trade, including in the promotion of regulatory standards and governance frameworks in areas such as sustainable development (Mata Diz, 2022; Cesar de Oliveira et al., 2024).

This trajectory helps explain the normative design of the agreement, particularly its emphasis on democracy and institutional guarantees as structural elements of the partnership. The agreement does not replace domestic safeguards, nor does it impose a specific constitutional model. Instead, it defines democracy, human rights, fundamental freedoms, and the rule of law as conditions of the partnership. More specifically, respect for these principles constitutes an essential element of the relationship between the European Union and Mercosur, forming part of its normative core and conditioning political and economic cooperation.

The agreement also links democracy to a set of minimum institutional conditions, including commitments to good governance, responsible public administration, anti-corruption measures, judicial independence, and the protection of rights. In addition, it establishes mechanisms of political dialogue, such as summits, joint councils, and specialized committees responsible for monitoring implementation. Taken together, these elements show that democratic protection does not operate through judicial enforcement or automatic sanctions, but through normative conditionality combined with political and procedural mechanisms that integrate democracy into the ongoing framework of bilateral relations.

4. Relevance for South America: Democratic Fragility and External Anchors

Democracy in South America is recent in historical terms. Most countries in the region transitioned from authoritarian regimes in the late twentieth century, often

through negotiated processes that preserved elements of the previous institutional order. As a result, democratic consolidation has been uneven and remains subject to fluctuation. This path toward democracy, marked by setbacks, faces an increasingly challenging scenario in the context of a global decline in democracy. In recent years, new anti-democratic movements have expanded, and a growing number of countries have come to live under autocratic regimes (Freedom House, 2026).

From a qualitative perspective, electoral procedures have largely stabilized, but persistent weaknesses remain, including institutional performance, the independence of oversight bodies, and effective rights protection. Quantitative indicators confirm this diagnosis, showing variation and, in some cases, decline in democratic quality (V-Dem Institute, 2026; Freedom House, 2026). Within Mercosur, Uruguay stands out as the only consolidated democracy according to these datasets.

In this context, democracy clauses in international agreements acquire particular relevance. They function as external reference points that connect economic cooperation to minimum institutional standards and increase the political cost of democratic erosion by shifting the issue from a purely domestic arena to an international one.

This mechanism does not guarantee democratic stability, but it reshapes the institutional environment in which democratic conflicts occur, altering incentives and expectations for political actors.

For this reason, the democratic dimension of the agreement should not be assessed solely in abstract legal terms. There are concrete democratic deficits that remain present in the societies to which it applies. In the South American context, one of the most visible indicators of these deficits is the fragility of the guarantee of freedom of expression. In particular, violence against journalists, political pressure on the media and impunity restrict public debate. The following section explores this theme in greater depth, focusing on one of the areas in which democratic conditionality has particular practical relevance. Freedom of expression is treated here as a test case for understanding how the agreement's democratic clauses relate to the institutional vulnerabilities existing in Mercosur countries.

5. Freedom of Expression and Democratic Quality

5.1. Freedom of expression, media opening, and democratic quality

In the context of democracies in crisis, the relationship between freedom of expression and democratic quality deserves special attention. A study conducted at the Catholic University of Pernambuco examined this relationship specifically through the lens of violence against journalists and media professionals in Latin America. The central hypothesis tested in this study is that there is a strong negative correlation between violence against journalists and media professionals and democratic quality, particularly in the Latin American context. The results confirm this hypothesis and indicate that the mechanisms behind this violence are linked both to authoritarian legacies and to the role of the executive branch in formulating freedom of expression policies (Domingues, 2025).

Here, we adopt an analytical framework based on the literature that establishes a link between democratic quality and media systems. In this debate, the diversity of information sources is considered a necessary condition for democracy, and previous studies have identified positive associations between democratic indicators and pluralistic and diverse media environments (Dahl, 2005; Dahl & Shapiro, 2015; Domingues-da-Silva et al., 2015). In this field, the concept of *media openness* occupies a central place, as it refers to processes of democratization and redemocratization characterized by two key dimensions: the representation of social diversity and independence from official controls (Lawson, 2002). Thus, democratization and *media openness* are interactive and mutually reinforcing processes. Political liberalism, competition between media companies, ethical journalistic practices and access to new technologies tend to favor more representative media systems and more effective accountability, while their absence contributes to closed media systems and a restricted democratic life (Lawson, 2002; Hughes & Lawson, 2005; Hughes, 2006; Porto, 2013).

Porto's (2013) political context model of media transformation highlights the interaction between democratic inclusion and the structure of media systems. According to this model, inclusive democracies tend to be associated with open media systems capable of fostering balanced electoral coverage, greater independence from government, and broader representation of citizens' perspectives. This produces a virtuous cycle in which accountability and political representation reinforce one another. By contrast, restricted democracies tend to

generate vicious cycles, marked by weaker accountability and more closed media systems. Hughes and Lawson (2005) develop this line of reasoning by identifying concrete barriers to *media opening*, namely violence against journalists, authoritarian legislation and policies aimed at investigative journalism, concentration of television ownership, inconsistency in journalistic norms, and limited access to print media and new technologies. The present analysis is situated within this broader agenda, but it focuses specifically on violence against journalists and communicators as one of the most consequential barriers to *media opening* in Latin America.

5.2. *Authoritarian legacies as an interpretive key*

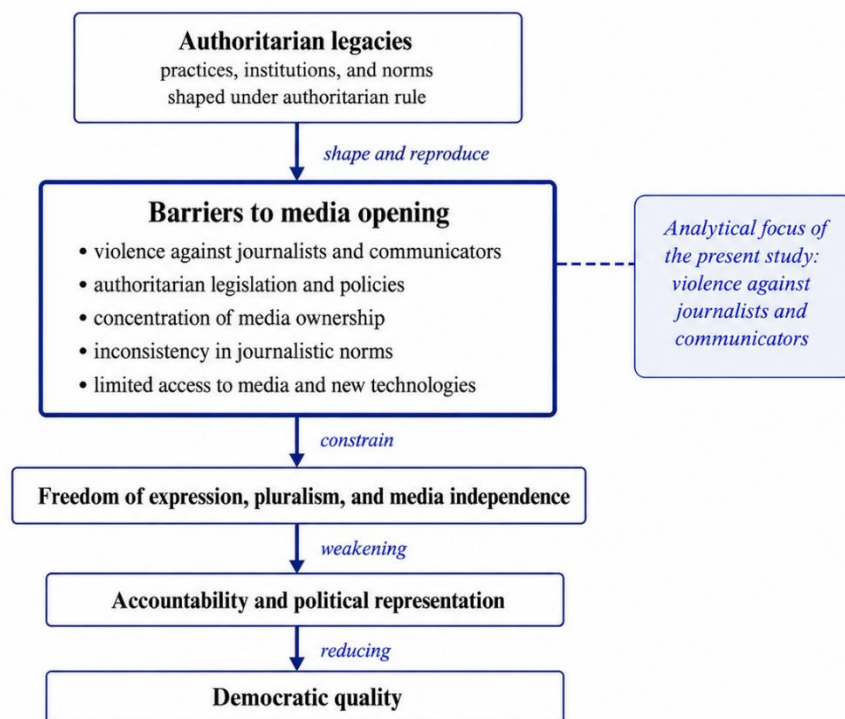
The central argument advanced here is that barriers to *media opening*, and the possibilities for overcoming them, should be investigated in light of authoritarian legacies. This articulation is particularly relevant in Latin America, where democratic transitions often coexisted with the persistence of institutions, norms, and political cultures shaped under authoritarian rule. In this sense, the article's contribution lies not only in mobilizing the two concepts side by side, but in arguing that they should be analytically connected. Barriers to *media opening* are not simply short-term dysfunctions or isolated institutional failures. They often reflect longer historical processes through which authoritarian practices and logics remain active within formally democratic settings.

The literature on authoritarian legacies helps clarify this point. Hite and Cesarini (2004) pioneered the discussion by showing how remnants of authoritarian regimes continue to influence political systems and societies in new democracies. Mahoney (2004), Casper (1995), Pion-Berlin (2005), Morlino (2010), and Neundorf and Pop-Eleches (2020) expanded the debate by examining how authoritarian pasts shape institutions, governance, social relations, identities, and long-term political attitudes. The article draws on this tradition to argue that, in the field of communication, authoritarian legacies persist in ways that affect freedom, diversity, and independence in media systems. The persistence of hostility to dissent, tolerance of violence against critical voices, and institutional weakness in protecting communicators should therefore be interpreted not merely as conjunctural developments, but as expressions of deeper historical patterns.

This articulation between authoritarian legacy and barriers to *media opening* is made explicit in the original article. The text argues that the body of research on

authoritarian legacies is closely connected to the debate on barriers to *media opening* because practices, institutions, and norms established during authoritarian periods continue to represent significant obstacles to freedom, diversity, and independence in new democracies. Porto's (2013) model reinforces this connection by showing that *media opening* and democratization are interactive processes influenced by authoritarian legacies that limit both the representation of social diversity and independence from official control. On this basis, violence against journalists, communicators, and media outlets is interpreted not only as a sign of democratic fragility, but as an authoritarian legacy in itself, capable of influencing both formal and informal institutions (Cesarini & Hite, 2004; Levitsky & Helmke, 2006; Porto, 2013).

The analytical articulation proposed here is summarized in Figure 1.



Source: Elaborated by the authors based on Lawson (2002), Hughes and Lawson (2005), Porto (2013), and Hite and Cesarini (2004).

Figure 1. Authoritarian legacies, barriers to media opening, and democratic quality.

Seen in this way, the argument is broader than a simple description of attacks on journalists. It concerns the institutional and historical conditions that make such violence possible, recurrent, and in some cases normalized. The relevance of this approach is twofold. First, it helps explain why freedom of expression remains

fragile even after processes of democratization. Second, it suggests that overcoming barriers to *media opening* requires more than isolated legal or administrative reforms. It requires confronting historical patterns that continue to shape relations between power, dissent, and communication in democratic life.

5.3. *Latin America and the Brazilian case*

The empirical strategy of the article combines this conceptual framework with a mixed-method comparative design. The quantitative stage tests the relationship between political context and media-system barriers through two variables drawn from the Quality of Government dataset: political pressure on the media and institutionalized democracy. Political pressure on the media measures the degree of political control over news content, including editorial independence, censorship and self-censorship, access to information and sources, vigorous media activity, and intimidation of journalists by the state or other actors. Institutionalized democracy is defined through effective citizen participation in political choice, institutionalized constraints on executive power, and the guarantee of civil liberties in everyday life and political participation. These two variables correspond directly to the article's conceptual dimensions: media-system barriers and political context or democratic quality (Teorell et al., 2022). As shown in Table 1, these variables correspond directly to the article's analytical dimensions, namely media-system barriers and political context or democratic quality.

Analytical dimension	Variable used
Media system / barriers to media opening	Political pressure on the media
Political context / democratic quality	Institutionalized democracy

Source: Elaborated by the authors based on Teorell et al. (2022).

Table 1. Analytical dimensions and variables used in the quantitative analysis.

The results are clear. Using a global set of 194 countries and a second sample labeled AL+10, which combines Latin American countries with the ten best-ranked countries in the Economist Intelligence Unit's democracy index, the study found a strong negative correlation between political pressure on the media and

institutionalized democracy in the global sample ($p < .001$; $\rho = -.830$). In the Latin American sample, the negative correlation is even stronger ($p < .001$; $\rho = -.896$). In substantive terms, this means that higher political pressure on the media is associated with lower democratic quality and that this relationship is particularly pronounced in Latin America (Domingues, 2025; Teorell et al., 2022).

The comparative distribution of cases situates Latin America within this broader pattern. Costa Rica, Uruguay, and Chile appear among the regional democracies with higher levels of institutionalized democracy and lower political pressure on the media, alongside countries such as Finland and Sweden. Cuba and Venezuela occupy the opposite end of the spectrum, combining low democratic institutionalization with high pressure on the media. Brazil appears in an intermediate position, together with Argentina and the Dominican Republic, suggesting a context of transition or unstable equilibrium in which authoritarian legacies still constrain media opening. Although Brazil does not exhibit the degree of authoritarian closure found in Cuba or Venezuela, it continues to face important obstacles to the consolidation of a fully open and democratic media system.

The qualitative stage of the study reinforces this interpretation through a comparative analysis of Brazil, Nicaragua, Venezuela, and Cuba based on the Chapultepec Index of Freedom of Expression and Press Freedom. These cases were selected because they combine persistently troubling levels of freedom of expression with strong negative executive influence on journalism and high levels of violence and impunity, although they differ in the degree of institutional closure and the possibility of reversal. Nicaragua, Venezuela, and Cuba are treated as consolidated authoritarian cases in which executive, legislative, and judicial powers act in coordinated ways to repress journalism and block the conditions for *media opening*. Brazil differs from them because it presents a more open institutional horizon, but the Brazilian case is still marked by recurring vulnerabilities that limit the consolidation of a fully open media system.

The Brazilian case deserves particular attention precisely because it illustrates how authoritarian legacies may remain active within a formal democracy. According to the article, between 2020 and 2022 Brazil experienced a period of strong restrictions on press freedom, with high negative executive influence, especially in the dimensions of violence and impunity and the exercise of journalism. The hostile rhetoric of President Jair Bolsonaro and his allies

functioned as a mechanism that legitimized aggression against the press, mobilized supporters, weakened institutional guarantees, and contributed to a permissive environment for violence. The article interprets this context as the activation of authoritarian legacies in which the press is treated as a political adversary and journalistic autonomy is constrained in both material and symbolic ways.

From 2023 onward, the article identifies a partial shift, with lower negative executive influence and signs of institutional containment of violence. Yet this shift is described as incomplete. Violence and impunity remain the most critical dimension in the Brazilian case, and vulnerabilities persist, especially in local settings and outside major urban centers. The article also notes that the risk is considerably higher for communicators located in cities with fewer than 100,000 inhabitants and linked to local media outlets, far from major media structures. This observation is especially important because it shows that democratic fragility is not distributed evenly across the national territory. It is often more acute in local contexts where institutional protection is weaker and impunity more pervasive.

From a legal and institutional perspective, freedom of expression cannot be treated solely as an abstract right, but must be examined through the institutional arrangements that shape public communication. The article argues that violence against communicators undermines accountability, which is central to democratic quality, and that the conditions enabling such violence are often rooted in authoritarian legacies embedded in formal and informal institutions. Accordingly, defending freedom of expression requires not only condemning specific attacks, but also addressing the institutional and historical factors that sustain barriers to media opening.

This is one reason why the discussion may be relevant to a broader reflection on relations between Latin America and the European Union. The original article does not present Europe as a ready-made democratic model, nor does it treat authoritarian pressure as an exclusively Latin American phenomenon. The comparative literature mobilized in the article itself includes works on both Latin America and Southern Europe. This matters because it helps avoid essentialist readings and places the problem where it belongs: in the study of how institutions, political histories, and public communication interact under democratic and post-authoritarian conditions. From this perspective, closer relations between Mercosur and the European Union may acquire significance not only in economic

terms, but also as part of a broader reflection on democratic safeguards, institutional accountability, and freedom of expression.

The article's main conclusion is therefore twofold. First, the concept of *media opening* helps explain how violence acts as a direct obstacle to the construction of plural, independent, and representative media systems. Second, the concept of authoritarian legacy helps explain why violence and repression may persist even in formally democratic settings. In authoritarian regimes, these legacies structure repressive practices directly. In formal democracies such as Brazil, they limit institutional transformation and keep important parts of the public sphere exposed to hostility, weak protection, and impunity. The relationship between violence against communicators and democratic quality is therefore not marginal. It is one of the central ways through which the fragility of democratic life can be observed and analyzed in comparative perspective.

Thus, the practical significance of democratic conditionality within the EU–Mercosur agreement seems clear to us. If violence against journalists, political pressure on the media and restrictions on pluralistic public debate are associated with lower levels of democratic quality, then the agreement's democratic clauses act as external factors that reinforce expectations of institutions regarding the protection of democratic freedoms. It is not expected that the agreement, on its own, can stop democratic erosion, but our analysis of freedom of expression suggests that democratic safeguards are relevant in the South American context.

6. Conclusions

The strengthening of relations between Mercosur and the European Union can play an important role beyond the economic sphere. If viewed solely as a trade agreement, some of the richness of the relationship between the parties is lost. However, if the relationship is also viewed within a broader framework encompassing democracy and the rule of law, its significance is amplified.

Of course, the EU–Mercosur Agreement does not offer a definitive safeguard against democratic backsliding. Its effectiveness depends on domestic political choices and the broader geopolitical environment. However, it tends to help redefine the institutional context in which democratic erosion can occur,

introducing external constraints and incentives that affect the political behavior of national actors.

Thus, the agreement should be understood as a limited but relevant mechanism for democratic protection. Even without being a guarantee of results, it reinforces a model, increases the costs of deviation and links economic cooperation to democratic institutional commitments.

The practical effectiveness of these clauses will depend on a genuine institutional commitment. Their impact is likely to be limited if they are confined to general statements of principle. To be meaningful, they require regular political dialogue, transparent monitoring, the involvement of civil society, attention to concrete indicators of democratic erosion, and the imposition of practical consequences when serious violations occur. In the field of freedom of expression, this would mean monitoring not only formal guarantees, but also levels of violence against journalists, patterns of impunity, political attacks on the press, concentration of media power, and the capacity of institutions to protect pluralistic public debate. The agreement must function as a channel for external pressure on behalf of democratic resilience.

The protection of freedom of expression, the reduction of violence against journalists and of impunity, and the strengthening of pluralistic public debate should be seen as key concerns in this cooperation project, which states that it seeks to support democracy.

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