



ReVista

HARVARD REVIEW OF LATIN AMERICA • FALL 2003

Human Rights

Latin America and Beyond

EDITOR'S LETTER

During the day, I edit story after story on human rights for the Fall issue of *ReVista*. During the evening, I work on my biography of Irma Flaquer, a courageous Guatemalan journalist who was disappeared in 1980 (*Searching for Irma*, Seal Press, Fall 2004).

The two activities feel disconnected, almost frustratingly so. I move from the process of polishing the informed words of Harvard professors, students and human rights activists about the latest in human rights to the recreation of the life of an outspoken journalist.

It's not that my book isn't about human rights. With her column "What Others Don't Dare Write," Irma Flaquer refused to remain silent in the face of terror. In Guatemala, as in most of Latin America during the 1980s, human rights by necessity had to focus on survival, on political and civil rights. The present democratic evolution of most Latin American countries has meant an accompanying emphasis within the human rights field on economic, social and cultural rights. As I begin the process of creating *ReVista*, I initially see human rights past and present as distinct—two different periods with distinct challenges.

My days and nights are disconnected, that is, until I began to read the eloquent article by Dr. Paul Farmer on health and human rights. He tells us about an exhibit "Structural Violence: A View From Below" at Harvard's Holyoke Center. He recounts the censorship of a photograph, a modern-day polite censorship—not like the kind that cost Irma her life. It's a subtle form of censorship that feels more like a slightly wounded mutual agreement, a desire not to offend. The not showing of a disturbing image to an intellectual middle-class audience results from a desire to avert our gaze from things that should make us uncomfortable, Farmer tells us.

And then I realize that the casting out of silence is the thread that holds the articles in this *ReVista* together. It is the thread that connects my editing days and my writing nights.

That is what Salomón Lerner is telling us in his moving presentation of the findings of the Peruvian Truth Commission. That is what Marifeli Pérez-Stable is telling us in her call for Cuban reconciliation. That is what Jacqueline Bhabha is saying in her compelling piece on children and asylum rights. And it is what James Cavallaro is telling us in his vivid account of one court case that will alter human rights history.

Today's human rights challenge is to break the silence.

June C. Erlick

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Human Rights

The Responsibility of Us All

BY LUIS MORENO OCAMPO

ON MY FIRST VISIT TO THE HOLOCAUST Museum in Washington DC, I received a copy of a passport of a young Polish boy. He had emigrated from Warsaw with his family, escaping the atrocities of the First World War. In the 1930's, all of them returned to their home and were exterminated during the Nazi occupation.

In the junta trials in my own country, Argentina, I met a woman whose parents were killed in the Nazi concentration camps. She wanted to have a peaceful life by emigrating to Argentina. Her sons were abducted and disappeared during the military dictatorship.

They were some of the many victims of the Argentine state's horrific response to an unprecedented period of political violence. In the 1970s, guerrilla groups killed more than 800 people. Death squads killed hundreds more.

But since the 1976 coup d'état, a criminal plan was implemented by the state. Members of the army and security agencies attacked the society they were supposed to protect. They used kidnappings and torture as undercover methods to investigate those they considered suspicious. Without a trial, they secretly assassinated

the criminals were both judges and punished. The information gathered by international organizations made it possible for the Argentine state prosecutor to pursue those responsible for the crimes, that is, military junta members. This is the principle of "complementarity"—the will to create a global institution respectful of the member states' sovereignty.

The International Criminal Court (ICC) was created out of the recognition that certain crimes—because of their nature—affect the entire international community. National borders cannot confine the investigation and punishment of such crimes.

The time and effort dedicated to find an appropriate solution to this problem made it possible to create an International Criminal Court out of the principle of complementarity:

The primary responsibility to prevent, control and prosecute these atrocious crimes belongs to the states in whose jurisdictions they are committed. The principle of complementarity compels the prosecutor's office to collaborate with national jurisdictions to help improve their efficiency—to help national jurisdictions fulfil their mission.

at the same time to be effective. The ICC is a case in point: it is independent and interdependent at the same time. It cannot act alone. It will achieve efficiency only if it works closely with other members of the international community.

Individual states will necessarily continue to play an active role so that the Court can enhance the wide support that it enjoys today and achieve universal participation. Whenever there is genuine state action, the Court cannot and will not intervene.

However, the responsibility for making sure that human rights are not abused lies not only with individual states and the international organizations. Business, and multinational companies in particular, must understand their own enlightened self-interest requires them to improve, respect and defend human rights, peace, and social justice, and to work against violence. In the long run, there can be no successful companies in failing societies.

The media can also contribute to prevent conflict and crimes by exposing injustice and violence, not only when they have already escalated into massive atrocities but also in the emerging stages. Genocide and crimes against humanity are often preceded by a long period of preparation. Too often the media and therefore the people ignore or deny the danger.

We must learn the lesson: there is no safe haven for life and freedom if we fail to protect the rights of any person in any country of the world.

Luis Moreno Ocampo is the Chief Prosecutor of the International Criminal Court. He was Robert F. Kennedy visiting professor at Harvard Law School (2003) and visiting professor at Stanford University (2002). He was assistant prosecutor in the trials of the Argentine military junta (1985), the Chief of Buenos Aires Police (1986), and Prosecutor in the Malvinas-Falkland military trial (1988) and in two military rebellions (1988-91). He was founder and president of the Argentine civil society organization, Poder Ciudadano, as well as President of Transparency International for Latin America and the Caribbean.

Citizens could not ask for state protection because the state was attacking them. That's why they joined human rights groups and sought international support.

ated more than 15,000 people and hid their bodies. The loss of life is the ultimate human rights abuse.

Citizens could not ask for state protection because the state was attacking them. That's why they joined human rights groups and sought international support.

International pressure played a key role in stopping the killings. Many countries, as well as United Nations institutions, and especially the Inter American Commission of Human Rights within the Organization of American States as a result of its local inspections in 1979, generated attention to the Argentine tragedy.

International action also helped ensure that

The International Criminal Court is intended to be global, but it is not yet universal. Civil society—and the Court itself—should deploy all efforts to enhance the Court's acceptance and to attract the participation of those states that remain reluctant today.

So many divergent interests co-exist in the world today that there is not even consensus about the basic goal of punishing the authors of genocide. An international criminal court totally independent and impartial brings hope, but at the same time raises reasonable fears and misunderstandings.

There is a growing paradox in human rights: it must be national and international

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Internationalizing Human Rights

A Look at the Americas

BY JOHN H. COATSWORTH

THE INTERNATIONALIZATION OF HUMAN RIGHTS STANDARDS, under way for decades, has accelerated in recent years. More countries than ever before have incorporated human rights norms and protections in their constitutions, legal codes, and judicial processes. New international courts with jurisdiction over human rights abuses have been created or strengthened, while international enforcement mechanisms have become more effective. International efforts to define and implement social and economic human rights have also intensified.

The trend toward increasing public and governmental support for human rights norms and institutions in much of the world, including most of Latin America, contrasts with the current drift of U.S. domestic and foreign policy. If current trends continue, human rights could become a significant arena of contention between the United States and its neighbors.

The internationalization of human rights implies that human

rights standards are universally applicable despite cultural and other differences between nations. Internationalization also embodies the idea that wealthy nations, corporations, and individuals have a responsibility to help alleviate the poverty, disease, and ignorance that afflict much of the third world. Internationalization also involves international enforcement mechanisms to punish transgressors when local and national courts are unable to do so.

In Latin America, the consolidation of democratic regimes after decades of authoritarian and military rule has led most countries in the region to embrace these trends. Democracy clauses in trade agreements and aid programs became common in the 1990s. Although such clauses are a relatively weak mechanism lacking specific standards, their adoption helped to underpin the increasing activism of the Organization of American States and contributed to modifying or reversing unconstitutional takeovers in Ecuador, Guatemala, Paraguay, Peru, and Venezuela.

PHOTOS: LEFT, CARLOS DOMINGUEZ; RIGHT, MONICA NEWTON; FROM THE EXHIBIT, "YUYANAPAQ: TO REMEMBER"



Left: A woman carries her belongings to a secure place after an attack by Shining Path guerrillas on Tarata St. in Lima, Peru; right: A November 3, 1989, peace march in Lima, calling for an end to terrorism.

Human rights treaties and agreements now make it possible for prosecutors to pursue human rights violators no matter where they are living or what their citizenship. International agreements, including the treaty that established the new International Criminal Court, generally give precedence to courts in the alleged perpetrator's home country. ICC prosecutors can intervene only when home country courts are unable to work; and like prosecutors in other settings, they have discretion to refuse to pursue frivolous cases.

Most of the governments in the hemisphere have ratified the treaty establishing the ICC. The new court's Chief Prosecutor is Luis Moreno Ocampo, who helped lead the prosecution of Argentine generals in the 1980s. A number of Latin American governments have also moved to fulfill their commitments under other agreements to cooperate with international efforts to track down, arrest, and extradite individuals accused of serious human rights

abuses. This year, for example, Mexico honored a request for extradition from a Spanish court. Mexican police arrested Ricardo Miguel Cavallo and turned him over to Spanish authorities on a warrant charging the former Argentine naval officer with kidnapping, torturing, and murdering hundreds of victims at the Mechanics School of the navy (ESMA) in Buenos Aires.

Strengthening of the international human rights regime has reinforced local pressures to prosecute alleged perpetrators in several Latin American countries. The case of Augusto Pinochet, for example, began with the arrest of the former Chilean ruler in Britain. British courts eventually refused to extradite him to Spain, because human rights standards forbid prosecution of people too sick or infirm to defend themselves. The prolonged controversy, however, changed the political climate in Chile dramatically. Prosecutions of other military officers implicated in atrocities committed during the dictatorship are now possible.

The changed international environment also contributed to the establishment of the Peruvian truth commission, which recently released a comprehensive report documenting massacres and other abuses that occurred in the suppression of the Shining Path and Tupac Amaru guerrilla movements in the 1980s and 1990s. The Inter-American Commission on Human Rights, which adjudicates complaints throughout the Americas, negotiated the creation of a special prosecutor for this purpose.

International support also facilitated the creation of truth commissions, investiga-

2001 terrorist attacks on New York and Washington. The U.S. administration announced in the spring that it would not submit the ICC treaty signed by President Clinton to Congress for approval. To the contrary, the United States began insisting that signatories to the ICC treaty, such as Colombia, sign agreements promising never to apply the treaty's provisions to U.S. personnel as a condition for receiving U.S. military and other aid.

In addition, the United States has sought to evade obligations under international agreements concerning the treatment of pris-

fell victim to 9-11. Several million undocumented migrants inside the United States remain in limbo, while more than 500 people die every year attempting to enter the country illegally at dangerous and remote locations.

The war on terror has also transformed the U.S. military aid program to Colombia. Until 2001, the U.S. aid was limited to the war on drugs; since then U.S. military aid has been extended on a massive scale to assist the Colombian government's efforts to crush the guerrilla movements. Human rights organizations in Colombia have expressed dismay at the deterioration of human rights conditions as the military conflict intensifies. They have also criticized the Colombian government for its expressed willingness to concede impunity from prosecution to members of the right-wing paramilitary groups, perpetrators of horrendous massacres, in exchange for their promise to disband. President Alfonso Uribe seemed to imply that human rights workers would be a legitimate target in the war on terror when he responded to the criticism by calling human rights groups a front for terrorists.

Finally, the United States' interest in a Free Trade Agreement in the Americas, which the western hemisphere nations agreed to negotiate and sign by 2005, has not been accompanied by any new commitment to assist the region in overcoming poverty and inequality. Social and economic human rights do not appear high on the U.S. agenda for Latin America.

These opposing trends make efforts to build a western hemisphere "community" of nations seem more utopian than ever. They suggest that over the long term, Latin American public opinion and governments are likely to turn increasingly toward other regions, especially western Europe, to forge more compatible partnerships than the United States is prepared to create. This gap in perception and policy is reversible, but it will take considerable effort, on both sides, to close it again.

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Human rights could become a significant arena of contention between the United States and its neighbors. Trends in U.S. policy and opinion have pulled in a different direction from its neighbors since 9-11.

tions and the release of government records in many countries, including Argentina, Brazil, Chile, Guatemala, Honduras, Mexico, and Peru. In every case, the release of authoritative information on past abuses has contributed to greater public understanding of the past and to enhanced support for future safeguards, including the implementation of international standards and enforcement mechanisms.

While evidence mounts of widespread impatience, even disillusionment, with elected governments that have failed to restore economic growth, reduce inequality and cope with other citizen demands, public support for human rights protections and enforcement remains high throughout Latin America. Public opinion in the region supports not only respect for civic and political rights, but also the development of social and economic entitlements.

The region's most serious problems stem from armed conflict, mainly in Colombia; the brutality and corruption of criminal justice systems; the preoccupation with security threats that undermine political rights in Cuba; and the weakness and inefficiency of social policy, particularly in countries where ethnic divisions correlate with social stratification.

Trends in U.S. policy and opinion have moved in a quite different and opposed direction, especially since the September 11,

oners of war and the responsibilities of victorious military powers. The United States has imprisoned some 600 men captured during the war in Afghanistan at its naval base at Guantanamo Bay in Cuba for more than two years. The U.S. government calls them "enemy combatants," a category unknown to international law, to justify denying them access to legal counsel and refusing them other rights to which they would be entitled as prisoners of war. Amnesty International's latest annual report referred to this as a "human rights scandal." Similarly, the U.S. president was advised not to claim "victory" in Iraq in order to evade international legal requirements of occupying armies; instead, President Bush proclaimed an end to "major combat operations."

U.S. policy after 9-11 has also posed challenges for civil liberties advocates in the United States, as well as human rights advocates around the world. New legislation gave the U.S. Attorney General the right to detain immigrants virtually incommunicado and without charge for extended periods of time. At least two U.S. citizens have been arrested and held in military jails without constitutional protections for many months. New executive decisions have extended to police agencies the authority to tap phone lines and conduct surveillance, even in the absence of any probable cause to think a crime is in prospect. Immigration policy also

Indigenous Rights

Configuring Citizenships

BY THEODORE MACDONALD

IN RECENT HUMAN RIGHTS PRACTICE, LATIN AMERICA'S INDIGENOUS peoples have fared better than its Army officers. While government efforts to apply the rule of law to military officers have been universally praised, indigenous steps toward defining and practicing multicultural citizenship may be more significant, as they lead to long-term normative development. Truth Commission reports in Peru and judicial challenges to immunity in Argentina and Chile have shown us that reconciliation cannot be achieved simply by official decrees. Yet, new legislation supporting indigenous rights moves beyond singular concerns with violations and efforts to check future abuses of power by elites. New legal and institutional measures—national and international laws, declarations, aid programs, and ratification of human rights conventions—establish standards that advance and secure the participatory democratic processes through which many human rights become established practices. The role of indigenous peoples in crafting them has furthered democratic practice.

SPOTLIGHTS

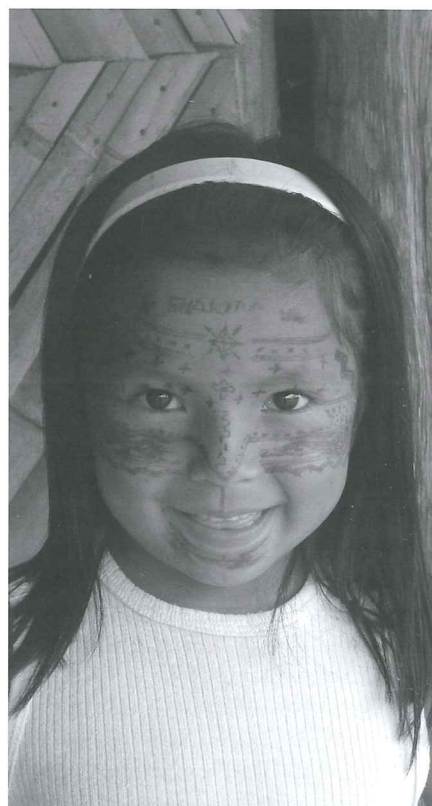
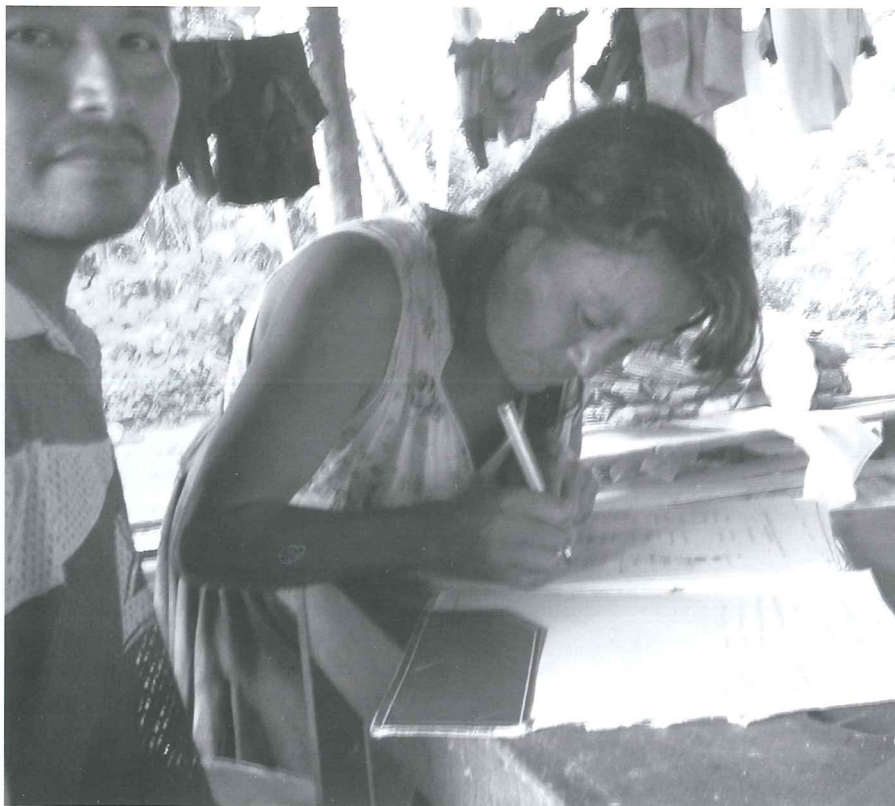
In early July, *The Economist* reported that Argentine President Kirchner's candidate for the Supreme Court vacancy stated that laws excluding further trials of military officials accused the gross human rights violations of the 1980s are unconstitutional. He suggested

that they may be struck down later this year. Lower Chilean courts have been attempting similar challenges. Peru's Truth and Reconciliation Commission's recently presented a final report documenting more than 69,000 killings between 1980 and 2000, nearly twice the previous estimate. (See page 25.) These recent announcements suggest the vigorous and free flow of sentiments that spurred the "cascade" of human rights legislation after the collapse of Latin American military dictatorships in the late 1980s and early 1990s.

Reining in abuses of power clearly protects indigenous people. As in Guatemala during the 1980s and parts of Colombia today, more than 85% (almost 60,000 men, women, and children) of Peru's victims of violence during the 1980s were indigenous peoples wedged between the guerillas and the Army.

However, while truth commissions worked to compile testimonies, indigenous peoples continued to alter their status, shifting away from faceless victims to active citizens. On June 20th the Organization of American States' (OAS) Committee on Juridical and Political Affairs, hardly noted by any media, presented its near-final text for a landmark new "American Declaration of the Rights of Indigenous Peoples." Such normative advances which,

A woman learns to write and an indigenous child shows pride in her heritage through CONFENIAE, an Ecuadorian indigenous organization.



moving less rapidly and visibly than a cascade, are, from an indigenous perspective, carving canyons into the bedrock of Latin America's political and economic status quo.

BELLWETHERS

Indigenous peoples and their concerns have become bellwethers for many others who feel equally marginalized. By advancing their own human rights project, indigenous peoples are not simply railing against past abuses but are moving formally and proactively toward inclusion in national political and economic life. This is clear as much from the *manner* in which formal documents are being drafted as in their *content*.

The June 2003 OAS declaration, Brazil's July 25 ratification of the International Labor Convention No. 169 on Indigenous and Tribal Peoples, the May meetings of the UN's Permanent Forum on Indigenous Issues, and the June announcement of the World Bank's "Grants Facility for Indigenous Peoples" (to be administered through the UN's Permanent Forum) could be seen largely as symbolic official efforts to acknowledge ancient wrongs, with few teeth to right them. They thus risk, and often gain, cynical interpretations like those that followed the elegantly worded but rarely implemented agrarian reform legislation that marked most Latin American countries during the 1960s. However, some critical differences mark the new standards. These declarations, conventions, and forums are international rights-based initiatives—not the product of State largesse or simple paternalism. They not only protect peoples of relative weakness but also encourage their active participation.

In the same sense, processes by which these documents have been conceived, drafted, and redrafted respond directly to some of the basic rights they proclaim—consultation, participation, and negotiation. For the Declaration of the Rights of Indigenous Peoples, the Inter-American Commission on Human Rights (ICHR) proudly and accurately noted that, since the first drafts in the 1990s, each version has included suggestions, comments, and proposals by indigenous peoples as well as States. When the June 2003 draft was presented the OAS again exhorted its Member States to undertake the wide and formal consultation demanded by indigenous peoples.

DILEMMAS OF PRESCRIPTION

Documents like that of the OAS represent a significant shift *away* for the nearly exclusive proscriptive approaches—"Stop doing what you are doing."—to indigenous rights to a more prescriptive—"Do something that you are not doing."—stance that also provides for citizen input regarding what should be prescribed. One can, and should, always decry violations and proscribe certain actions however, inclusive prescriptive standards may reduce the cries for protections by incorporating indigenous peoples and similarly situated groups into positions where they make or influence the policy and programs that affect them. But any shift in focus from proscriptive to prescriptive rights also raises new definitional problems for implementation. While it is relatively easy to say stop, it is quite another matter to prescribe measures when there are few precedents and when almost any measure must be tailored to specific cases.

To illustrate, land and resource rights have been and remain at the heart of most indigenous rights debates. These rights are now



Indigenous representatives participate in Colombian legislature.

clearly recognized in the OAS declaration ("...for the indigenous peoples their traditional collective forms of ownership and use of lands, territories, resources, waters, and coastal zones are a necessary conditions for their survival, social organization, development, spirituality, and individual and collective well-being") and treaties such as ILO Convention No. 169 ("... governments shall respect the special importance for cultures and spiritual values of the peoples concerned of their relationship with lands and territories."). Likewise, in its recent landmark decision in the case of *Awas Tingni vs. Nicaragua*, the Inter-American Court of Human Rights interpreted the American Convention on Human Rights such that the basic right to property included those indigenous peoples collective right to broad territories defined by "traditional use and occupancy." (See *ReVista* WINTER 2002) These rights are "special measures," that the International Labor Organization says are not *privileges* but rather the recognition of *difference*, in which "the distinction, as far as indigenous and tribal peoples are concerned, is that they often have their own cultures and ways of life which should be respected, in order not to destroy the societies which they have built up over the millennia." Building on these differences, political philosopher Will Kymlicka argues that rights for groups such as indigenous peoples—i.e., those "formed functioning societies, with their own institutions, culture, and language, concentrated in a particular territory, prior to being incorporated [usually involuntarily] into a larger state"—are not "unfair privileges or invidious forms of discrimination, but [are] compensation for unfair disadvantage and [are] consistent with, and even required by justice." In brief, from a legal and philosophical perspective, indigenous peoples have broad and unique land rights.

However, it is one thing to acknowledge a broad set of rights and quite another to specify them. In the case of *Awas Tingni vs. Nicaragua*, the Court prohibited any further resource extraction or similar development by the government until the tenurial situation was clarified. The Court also laid out a more difficult prescriptive requirement; rights are to be defined in collaboration with community members and by taking into consideration their unique social and cultural situation.

While this requirement is certainly supportive of the community's claims, it does not lend itself to easy implementation. Even if there were precedents, they could hardly be applied without significant modification, contextualization, and negotiation. One group's actual and perceived claims and rights to land are not necessarily those of another. Each must be analyzed, reviewed, debated, and subsequently negotiated within the communities and between the communities and the State. This is no easily prescribed process. It is thus no surprise that in many debates regarding the implementation of prescriptive human rights, consultation and participation rank high among indigenous lists of demands.

Until policies and patterns of effective and genuine participation and consultation—essential procedures that respond to highly contextualized rights—are satisfied, these rights may remain unrealized and failure to do so may increase the potential for unrest or violence. Demands for procedural clarity regarding participation and consultation now extend far beyond indigenous communities and form part of the many new Latin American constitutions, most noticeably that of Colombia. However, each group faces many of the same problems with implementation. Advancements in indigenous rights thus serve as bellwethers for democracy and human rights implementation throughout the region.

Demands for consultation and participation are now common, and efforts to respond to them are underway in countries like Peru, Colombia, and Bolivia. But perhaps the most clearly articulated and advanced work has taken place in Ecuador. Rather than wait to

opine on or reject government proposals, indigenous peoples there have positioned themselves so as to voice their concerns and launch participatory processes in highly creative and proactive ways.

AN ECUADORIAN INDIGENOUS APPROACH TO REALIZING RIGHTS

In 1993, the Confederation of Indigenous Nationalities of Ecuador (CONAIE), issued a clear proposal for a "New Multinational Nation" with multinational, democratic government attentive to the interests of all of the nationalities... of Ecuador and guaranteeing the material and spiritual well-being of the family, the community, and society in general." In calling for the recognition of and subsequent exercise of power by all sectors of the ethnically diverse country, CONAIE moved to alter non-indigenous perceptions of indigenous peoples as being somehow "separate" from the national society. Each indigenous group was to be understood as a separate "nationality" with a separate origin, history, tradition, and territory. By redefining themselves as "nationalities," Ecuador's indigenous peoples sought to institutionalize diversity through recognition of the differences that exist *within* the broad categorization of "Indians."

The lexicon of ethnicity later shifted from "multinational" to "plurinational" in which the organization consistently recognized nine indigenous nationalities—Lowland Quichua, Shuar-Achuar, Chachi, Tsachi, Siona-Secoya, Huaorani, Cofán, Awá, Epera and the largest and previously singular Andean/Amazonian "nationality" Quichua. The Quichua subsequently began to subdivide and identify themselves

THE EMERGENCE OF RELIGIOUS PLURALISM

A NEW APPROACH BY THE PERUVIAN GOVERNMENT

The International Covenant on Civil and Political Rights (ICCPR), signed in 1966 under the auspices of the United Nations, gives people the right to freedom of religion. Article 18 of the Convention outlines this right both by guaranteeing individuals' "freedom of thought, conscience and religion" as well as the right to manifest their belief individually and in community. The Convention also outlines that freedom of religion shall be recognized irrespective of race, color, sex, language, religion or political opinion. According to this international agreement then, not only do citizens have the right to hold and manifest their religious or other belief, but can also expect the state to ensure this right without discrimination.

As a doctoral student combining interests in Religious Studies and Human Rights, the right to freedom of religion as expressed and protected under the ICCPR is an international standard and thus becomes one important starting point in a discussion of freedom of religion. This is also the case in Perú where I had the opportunity to travel to this summer in order to conduct research for my dissertation.

I had always had in mind the idea of working in the geographical area of Latin America. My interest in Perú was peaked while reading a comparative analysis of the growth in the 1980s and beyond of non-Catholic religions throughout Latin America. I learned that Perú is one of the countries which had experienced the most dramatic growth of non-Catholic religions outside of the Caribbean. Given Perú's strong historical and contemporary inter-connectedness with the Catholic Church, I wondered how this shift was being lived, and what the possible repercussions were on freedom of religion and the wider political framework.

During my four-week stay, I had the opportunity to interview 35 people of many diverse backgrounds and interests: from human rights activists to religious leaders, elected congressmen to writers and artists. What I found was that the wording of the 1993 constitution translated into concrete privileges for the Catholic Church as opposed to the non-Catholic religions in Perú. This religious discrimination has been identified by the government and has resulted in the creation of a Division which gives non-Catholic religions a medium which allows them to collaborate with the government. The question which remains is, which non-Catholic religions should be considered?

While I agree that it is a notoriously difficult task to define religion, the Peruvian state has been defining religion since its inception as a Republic: it has been defining it as the Catholic religion. It is now time to develop this notion to include broader ideas of belief and move towards a less discriminatory model.

Melanie Adrian is a doctoral student at Harvard who received a DRCLAS research grant to investigate religious freedom in Peru. A much longer report on her findings can be found at <<http://drclas.fas.harvard.edu>>.

through a more diverse set of ethnic terms "peoples (*pueblos*).” Some of these Andean groups have long been recognized as somehow distinct and named, but now existing distinctions were institutionalized and new “ethnic identities” and related territories emerged for groups previously seen simply as Quichua-speaking campesinos. These “new” Andean groups distinguished themselves as smaller, distinct *pueblos*. To emphasize and conceptualize the point, CONAIE now classifies Afro-Ecuadorians and Hispanic-Ecuadorians as nationalities.

Social scientists might question the “lumping” and sharply defined ethnic boundaries between and within “nationalities” that characterize indigenous public discourse. Indigenous emphasis, however, rests on the outcomes of a dynamic, internally debated process,

By advancing their own human rights project, indigenous peoples are not simply railing against past abuses but are moving formally and proactively toward inclusion in national political and economic life.

not a definition of nationalities. Boundaries are defined not by geography or ancestry, but rather by the manner in which the various nationalities relate to and work with each other. Despite the complexity, the purpose of the discourse is absolutely clear – *indigenous peoples should be included as equals in a plurinational state marked by participatory and discursive democratic processes.*

Otherwise, indigenous peoples suggest, the country is a democratic façade, defined and controlled by elites and closed to most social sectors. The State should be one in which the different nationalities have agreed on a constitution and governing procedures. Democracy, in turn, is understood as permanent participation in political and administrative decision-making by all peoples and nationalities. These ideas are radical redefinitions only because they have not been practiced before.

In the 1996 elections, the newly formed Pachacutik indigenous political party promoting plurinationalism and inclusion, won eight congressional seats. But, long-term advances in indigenous rights occurred in the months before the 1998 election, as a constitutional assembly with a significant number of indigenous delegates drafted a new constitution. This drew heavily on International Labor Organization's Convention No.169, which established indigenous peoples as legal subjects with broad collective as well as individual rights, medical practices, law, identity.

Pachacutik and the indigenous movement in general were presenting themselves not simply as a new and legitimate political party but also as a vanguard for advancing broad popular participation and democratization. During the government of President Jamil Mahuad which followed the 1998 elections and, again after President Mahuad's sudden removal from office and installation of President Gustavo Noboa, CONAIE regularly pressed for, and often won agreements for regular government dialogues with indigenous peoples and another for a broader national dialogue. These *mesas de dialogo* would include CONAIE and numerous other civil sector groups. CONAIE thus advanced formal means of participation and inclusion as an official practice.

However, in late January 2001 CONAIE, seeing little progress in the dialogues, began to mobilize indigenous peoples throughout the

country for another general strike. This form of direct action had catapulted the indigenous organization over the previous decade to high national and international visibility, garnering wide support for their concerns and needs. Fully aware of CONAIE's subtle strategic power, Noboa and cabinet members, after several days of intransigence and demands that the strike actions be lifted before any talks could get underway, agreed to meet with CONAIE leaders on February 6. In one day they drafted and signed a 20-point agreement, the main points of which were small but significant gains. For CONAIE, perhaps the more important item was the administration's commitment, with established dates, to an open dialogue with CONAIE on the solution of Ecuador's financial, social, commercial, and monetary policies.

CONAIE once again had positioned itself for leadership status in the development of national policy. By including other sectors of civil society in the dialogues, CONAIE directly advanced the organization's broader agenda toward “plurinational” governance. Equally important was the social capital obtained by CONAIE from non-indigenous people sectors of society.

Ecuador's indigenous peoples continue to open space toward a more inclusive society through their representatives in Congress and local level politics. This has been a consistent pattern. While the organization's specific *actions* obviously change, there has been persistent political pushing, *all focused on inclusion and participation.*

The ideas and aspirations of “plurinationalism” and the related engagement with the State clearly demonstrate CONAIE's successful rejection and reconfiguration of State-managed corporatism. Any major economic “reforms” will most likely have to be negotiated rather than accepted as inevitable “globalization.”

CONAIE's proactive approach is certainly not “the” solution to regional human rights issues of participation and consultation, or land rights. It is simply “an” approach taken by one sector of one country. Realizing many such prescriptive human rights will require similar contextualization and resultant negotiation. The Ecuadorian case, nonetheless, illustrates a clear response to some of the concerns and dilemmas of prescriptive approaches to human rights. While consultation, dialogue, and negotiation are often difficult and time-consuming processes, they open the door to effective and appropriate approaches to many other issues. As Michael Ignatieff notes, human rights in general can be understood as a “commitment to deliberation... a willingness to remain in the room, listening to claims one doesn't like to hear, for the purpose of finding compromises that will keep conflicting claims from ending in irreparable harm to either side.” Many indigenous people seem to agree. Dialogue may be less spectacular than large public displays of outrage, but given the limited formal capacity to enforce human rights violations and oblige compliance, deliberation may be one of the most effective means to many ends.

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Transition to Democracy

The Lingering Debts

BY RENZO POMI

DURING THE 1970S AND 80S DICTATORSHIPS THROUGHOUT MUCH of Latin America, thousands were illegally incarcerated, tortured, summarily executed, disappeared or forced into exile. Young people, intellectuals, professionals, students, and workers were swallowed by the repressive machinery or left their countries without a trace for more secure destinations. Today, those with no alternatives choose the path into economic exile, leaving a vacuum that is difficult to fill. Among these economic migrants are very often those with something to sell, whether labor or intellect, those most recently trained in the under-funded national universities or simply the most desperate. In my country—Uruguay—during the 12-year dictatorship, nearly every family had a relative jailed or in exile for political reasons. Today nearly every family suffers the loss of a relative who has left the country in search of employment or better opportunities.

Although the dictatorships ended, the military in many countries retained sufficient influence to stifle efforts to review past human rights abuses by exerting pressure on political elites. To ensure demo-

cratic transitions, new civilian governments enacted or tolerated amnesty legislation or decreed pardons guaranteeing that crimes attributed to the security forces would not be prosecuted or punished. Thus, impunity is the price that the people of various Latin American countries have been paying ever since the 1980s. It has been the price for the transition to democracy, the recovery of their freedoms, and the promise of development and economic justice. As happens in all flawed transactions, 20 years later these societies have found the benefits have proven largely illusory. Large sectors of the societies that celebrated the return of elected civilian governments are today poorer, deprived of access to good schools or adequate health care, and generally disillusioned with the democratic system.

Most of the governments that took the reins of public administration after the dictatorships are doubly in debt. They owe a debt of truth and justice to the victims of military repression. They also

Relatives of the disappeared protest in Argentina.

owe a debt to their societies for failing to harness the creative energy that attended the return of democracy and improve social welfare. Both debts must be paid. The latter is most urgent as it deals with the very subsistence of entire families mired in the tragedy of poverty and unemployment. The former is equally essential as it bears on basic principles of democracy including equality before the law, separation of powers, and the independence of the judiciary. This lingering debt breeds injustice and corruption that in turn foster continued unemployment and poverty.

Electorate returns are beginning to castigate those politicians who merely frustrated people's hopes and expectations, but it remains for the courts to punish those for whom corruption became a form of government. Meanwhile, the long and arduous quest for truth and justice continues. It is possible that this debt can never be repaid: what is the truth and how many interpretations exist? What form of justice would satisfy victims who for decades have endured the added insult of official denial and neglect? And what would constitute satisfactory reparation for society as a whole, which has tolerated a perversion of the principle of equality before the law – and of democracy for that matter – and the existence of a judicial system that is precluded from reaching particular sectors of society?

IMPUNITY CHALLENGED

In presenting his human rights proposals this August, Chilean President Ricardo Lagos said, "The abrupt transitions, the impunity, the denial of truth and justice ultimately deteriorate and, as in the case of a poorly healed wound, recur in social life, generating more pain and even larger institutional complications." Nothing could be more evident. Nevertheless, recognition of this truth and the ways in which this "poorly healed wound" is confronted vary radically across countries that not long ago were united in their repressive approaches to governing.

The countries of the southern cone illustrate the diversity of response. The Argentine Congress recently declared the nullification of the Full Stop and Due Obedience laws and in Chile the executive presented a series of proposals to address "pending issues in the field of human rights." Uruguayan efforts to "seal the peace" led to the establishment of a "Peace Commission" and yet politicians persist in their defense of amnesty and impunity as the price of the democratic transition.

The election of President Nestor Kirchner in Argentina brought winds of change. When the Senate overturned the amnesty laws on August 2, 2003, the doors opened to the prosecution of thousands of cases of forced disappearance, torture, and extra-judicial execution committed during the period of military rule. Although this has been perhaps the most extraordinary recent development,



Policemen monitor a strike in Lima by keeping an eye on protestors.

one cannot underestimate the significance of additional measures such as the call for the resignation of a number of high-ranking military officers and Supreme Court justices and the ratification of the United Nations Convention on the Non-Applicability of Statutes of Limitation for War Crimes and Crimes against Humanity.

On August 12, 2003, the Chilean government announced its intention to "persevere in the delicate process of healing the wounds produced by the serious human rights violations" committed during the government of General Pinochet. Although President Lagos did not take the decisive step of annulling the amnesty decreed by the military regime in 1978, he did state his conviction that the courts of law "constitute the forum in which to seek truth and apply justice." He simultaneously announced a series of measures intended to: expose the full truth; ensure the independence and efficiency of the judiciary; review and improve reparations schemes; and improve the protection, promotion and respect for human rights. Several of the proposed measures are controversial. Perpetrators who had been following orders or who present themselves voluntarily to the courts and provide relevant information regarding human rights abuses stand to benefit from reduced sentences or full pardons. In general, however, these measures demonstrate the government's determination to overcome impunity.

In August 2000, Uruguayan President Jorge Batlle created the Peace Commission to "determine the situation of the detained-disappeared during the military regime," to fulfill an "ethical obligation of the state" and to forever "seal the peace among Uruguayans." The final April 2003 report contains information confirming at least 31 of the 38 complaints of detention-disappearance in Uruguay, as well as a significant number of the approximately 200 complaints of Uruguayan citizens disappeared in Argentina and other neigh-

boring countries. The report is the first official recognition of responsibility for the commission of crimes against humanity, yet it clearly falls short of ending the debate on the legacy of the dictatorship. First, the Commission's mandate did not extend beyond the cases of the detained-disappeared to include the far more numerous cases of torture and prolonged detention that so characterized the Uruguayan military regime. Second, the Commission's weak mandate and lack of collaboration from the armed forces precluded the Commission from fully clarifying the circumstances surrounding cases of detention and disappearance. Third, the Commission's report stops short of recommending formal justice for the victims' families. And finally, the Commission's procedures failed to engage the perpetrators themselves. In sum, this initiative has done little to foster reconciliation or, as the president hoped, "pacification" among Uruguayans.

Other Latin American countries are confronting past crimes with varying degrees of success. In Peru, for example, after the fall of the dictatorship of Fujimori and Montesinos, progress was made in several human rights cases. A Truth and Reconciliation Commission was established and, after two years of work, produced its final report. The report, presented in August 2003, describes almost 70,000 deaths attributed to insurgent groups and the various governments that confronted them, and recommended the implementation of an "Integral Reparations Program" and "the effective exercise of justice." Consequently, a certain number of cases were transferred to the Attorney General's office for prosecution.

The situation in El Salvador and Guatemala is less encouraging. In the former, justice remains elusive ten years after the signing of the peace accords. Last August, for example, the UN Human Rights Committee expressed regret that the 1993 General Amnesty Law continues to impede the investigation and punishment of those responsible for the commission of serious crimes during the armed conflict, including those substantiated by the Salvadoran Truth

and transcendent episode in this struggle in our hemisphere was the decision of the Inter-American Court of Human Rights on the illegality of amnesty legislation.

In early 2001, the Court, an independent organ of the Inter-American human rights system, considered the Barrios Altos case in which the government of Peru was accused of the commission of extrajudicial executions and of invoking an amnesty law twice to protect the individual perpetrators from trial. In November 1991, six heavily armed men had broken into a building in the Barrios Altos neighborhood of Lima, forced the people present to lie down on the floor and shot them. Fifteen people were killed and four gravely wounded. The ensuing investigation revealed that the attackers were members of the Peruvian army's "death squad" called "*Grupo Colina*." A serious judicial investigation was not conducted until 1995. However, just as the courts began to summon suspects who were members of the military to testify, the Peruvian Congress passed an amnesty law (Law No. 26,479), which exonerated the military, police and civilians of human rights violations committed between 1980 and 1995. When the legality of this law was challenged and the judges tried to continue with the proceedings, Congress adopted a second amnesty law (Law No. 26,492), broadening the reach of the previous amnesty law and declaring that the amnesty was beyond the scope of judicial review.

In its decision on the merits, the Inter-American Court reiterated the rationale found in pronouncements of other international bodies on the issue of amnesty laws and endowed them with judicial authority. Thus, the Tribunal established that "all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible because they are intended to prevent the investigation and punishment of serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law." Amnesty laws

prevent the victims' next of kin and the surviving victims from being heard by a judge, violate the right to judicial protection, prevent the investigation, capture, prosecution and conviction of those responsible for the violations, and obstruct the clarification of the facts. As a consequence, amnesty laws that "lead to the defenselessness of victims

and perpetuate impunity" are manifestly incompatible with the aims and spirit of the American Convention on Human Rights, lack legal effect and may not continue to obstruct the investigation of the grounds or the identification and punishment of those responsible.

Judge Sergio García-Ramírez, in his concurring opinion, affirmed: "I am very much aware of the advisability of encouraging civil harmony through amnesty laws that contribute to re-establishing peace and opening new constructive stages in the life of a nation. However, I stress—as does a growing sector of doctrine and also the Inter-American Court—that such forgive-and-forget provisions cannot be permitted to cover up the most severe human rights violations, violations that constitute an utter disregard for the dignity of the human being and are repugnant to the conscience of humanity."

Latin American democracies must begin to deliver on their promises. The debt of truth and justice must be repaid without further delay.

Commission. In Guatemala, after nearly a decade of UN verification of an elaborate set of peace accords, impunity still prevails. Worse yet, General Efraín Ríos Montt, responsible for the most serious violations committed during the armed conflict, might—with the complicity of a weak judicial system—have yet another chance to preside over the future of this battered country (see page 35).

INTERNATIONAL LAW AND THE AMNESTIES

The struggle to annul the amnesties in various Latin American countries began almost as soon as they were adopted. The UN Human Rights Committee and the Inter-American Commission of Human Rights quickly declared that governmental efforts to impede the investigation and sanctioning of the terrible rights violations committed during dictatorships or internal armed conflicts constituted violations of relevant international obligations. The most recent

LAW AND REALITY

Reality has not yet caught up with the dictates of the law. Victims or their relatives continue to confront measures that preclude justice and governments vary between those that are open to ending impunity and those that dogmatically maintain that impunity is essential to the preservation of democracy. Meanwhile society has

Latin American democracies must begin to deliver on their promises.

suffered a series of indignities, including blackmail by the military, limitations on the independence of the judiciary and the unequal treatment of citizens. As if to add insult to injury, the recent economic crises have forced the realization that absent honest leadership and wise economic management transition to democracy alone does not guarantee widespread economic and social well-being.

The debt of truth and justice must be repaid without further delay. Impunity might be addressed differently in each society, but I would suggest three guiding principles that ought to govern any country's approach. First, international law makes the nullification of amnesty laws and pardon decrees an imperative for all governments. Latin American countries cannot continue praising themselves interna-

tionally for their political systems and simultaneously flout their international human rights obligations. Second, whether impunity legislation is formally overturned by the Executive or Legislative branches or not, judicial systems must be granted full independence to adjudicate human rights claims. A government that calls itself democratic cannot attack or criticize the judicial system for adjudicating

past crimes. Finally, our democracies should rethink the role of the armed forces. If it is true that impunity was a response to pressure by the same military institutions that altered constitutional orders and imposed dictatorships, then their existence as a pressure group

must be revisited. Why should the people of Latin America maintain armies, even with reduced budgets under democratic governments? At the end of the day, in my country, Uruguay, the armed forces that did away with the constitutional system was much smaller than during the dictatorship it established.

Latin American democracies must begin to deliver on their promises.

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RECLAIMING THE DISAPPEARED

AN ARGENTINE HUMAN RIGHTS SAGA

The four women sat blindfolded and bound in the clandestine prison in La Plata, Argentina. Only one lived to tell the story. And her story, a reflection of the dark time of the 1980s Argentine dictatorship, was one U.S. journalist Margaret Grammer Vallejos was determined to tell. The American public needed to hear the emotionally powerful experiences of these women kidnapped in 1977 that the Argentine junta in its 'Dirty War' against subversion had attempted to silence forever.

And then Grammer, a 37-year-old single mother and ABC radio correspondent in Buenos Aires during the trial of the generals, was herself killed in a 1989 car crash. Again there was silence. But not for long. Her mother Virginia Grammer finished the writing, using the reporter's hundreds of hours of interviews and trial reporting. Family members and a friend edited and polished the manuscript. The book is finally complete. It weaves together the complex stories of four women in a compelling manuscript, *The Return of the Disappeared*:

With no diversions, the women in deepening conversation built a community. They discussed almost everything, first from one side, then another, elaborating with normally insignificant detail—the style of the clothing, the texture of the sand at the beach, the aroma of the hot pudding. Sightless, they enriched their existence with their memories. Color, light, sound, and odor took on new importance.

Their most time-consuming significant activity was preparation for the possibility that one might be released and be able to take word to the families of the rest. They performed a ritual memorizing how to make contact with each other's families.

Seated in a circle, each woman recited her strategy, pointing to another to repeat it. One might be represented by a phone number, a second by an address or the position of her father's name in the phone book. The ritual continued for hours at a time and gradually evolved into a strict memory exercise as recollection improved. They knew they must be prepared to send news out; they had no advance notice of transfers.

Return of the Disappeared vividly depicts real situations and real people in the compelling genre of literary journalism, combining memoir, court drama, documentary and human rights saga.

On the eve of the Argentine Supreme Court's declaring unconstitutional the laws that gave amnesty to the perpetrators of the Dirty War, *Return of the Disappeared* forcefully reminds us of the real people whose lives and whose families those atrocities forever altered. This is a story that needs to be told.

Elizabeth Marshall, the deceased journalist's sister, would welcome advice on getting the manuscript published. Please contact her at <elmarshl@ix.netcom.com>.

Rethinking Human Rights

Unshackling the Story

BY LILIANA OBREGÓN

I SIT IN MY BOGOTÁ OFFICE, CATCHING UP WITH READING IN INTERNATIONAL law. I sometimes wonder whether to bother. Here in Colombia, reality makes the language of human rights seem useless and stale one day—and absolutely necessary and definitive the next. Obfuscation has reached the point that some students in my international law class end up arguing *against* human rights because they perceive that it does not sufficiently address the complexity of the Colombian conflict.

Perusing Harvard Law School professor David Kennedy's recent article, "The International Human Rights Movement: Part of the Problem?," I find a series of (polemical) hypotheses that may help evaluate the costs and benefits of using human rights discourse as the main contemporary vocabulary for pursuing emancipatory objectives. Kennedy suggests that one of the problems of the effectiveness (or lack of) the human rights idea may be the blindness that its too abstract or too constrictive language conveys.

The article makes me wonder if the human rights movement in Latin America requires a reassessment. One starting point might be examining the regional foundational story with its claim that the first "human rights defenders" emerged from a Catholic tradition—disregarding the role of these men in the conquest and colonization of Spanish America.

It is compelling to revisit the arguments surrounding the legality of slavery authored by 16th- and 17th-century Jesuit, Dominican and Capuchin jurists and theologians. These religious thinkers framed their observations within a unified world-view seeking the "common good," presupposing that the distinction between good and evil was inherent to human reasoning and that the correct (or *just*) view could thus be legitimately deduced. The concrete concern about slavery was not whether the institution was unjust or immoral, but rather whether a person was enslaved with "just cause." Therefore, it was difficult to question the legitimacy of slavery since a number of theologians authorized the practice, ratified by custom and recognized as part of the law of nations. Nonetheless, a debate on the legality of the *enslavement process* existed, accompanied by theological, philosophical, historical, economic and even ethnographic arguments.

Spanish Dominican theologian Domingo de Soto (1494-1560) cast early doubt on the legality of African enslavement, although accepting the just cause argument for slavery. In *Iustitia et iure* (1569) de Soto admits hearing of the many illicit methods of tricking "Ethiopians" into captivity: "If this is true, neither those who take them nor those who buy them, nor those who own them can have a clear conscience until they set them free..."

Tomás de Mercado (c.1500-1575) questioned Spain and Portugal's participation in the slave trade—while also accepting the just cause argument for enslavement. In *Summa de tratos y contratos* (1571), a moral and legal guide for merchants, de Mercado states that since

the King of Portugal has "dominion and lordship," then it must be presupposed that he acts with reason and justice. Questioning his authority would be to "enter into a labyrinth." De Mercado prefers to accept that the Christian tradition recognizes several "causes by which one can be justly captured and sold": as a loser in a just war, when a crime carries the penalty of enslavement, and when poverty or extreme indebtedness causes an adult (or his creditors) to sell himself or his children into slavery. De Mercado considers that these causes were more often accepted by people in Guinea (Africa) because "they are vicious and barbarous" and "... there is no supreme ruler to whom all owe obedience and respect." However, he notes that "the Portuguese and Castilians...in giving it the entitlement of a just war...necessar-

"If the professors, theologians, confessors, religious men had not been silent dogs in the Indies, then iniquity and injustice would not have developed so enormously and without remedy."

— FRANCISCO JOSÉ DE JACA DE ARAGÓN

ily mix together ...a majority that are unjust... as [they] ... go hunting as if they were stalking deer.... In this way an infinite number of captives [are taken] against all justice." Slave traders increased their burden of sin by letting hundreds of Africans die in captivity during the transatlantic crossing or by not offering them any opportunities to be rescued on arrival in the Caribbean. At least in their land, says de Mercado, "although unjustly enslaved ... they would have hope of the better remedy of being freed." Therefore, de Mercado warns that the only way Spanish merchants could avoid sinning would be to avoid trading in slaves. "It is well-known that in taking the Negroes from their land to the Indies or to [Spain], two thousand lies, one thousand thefts ... and one thousand abuses are committed." De Mercado underscores that it was no use for Spanish merchants to try to obtain moral and legal absolution by writing to Lisbon. Visibly annoyed he warns them: "Do you think that we have here another law or a different theology? What is said there [in Lisbon], we say, and it seems to us even worse, as we have more information on the evil that is occurring." His statement confirms that from very early on, the Atlantic slave trade generated moral and legal debates both in Spain and in Portugal.

In 1555, Dominican Fernão de Oliveira (c.1507-1585) published *Arte de guerra no mar*, one of the first Portuguese texts denouncing Christians as inventors of "such an evil trade, never used nor heard of before among brothers." He argues that wars were being propagated in Africa with the sole aim of justifying the capture of Negroes to enslave them. "To me it seems that their enslavement is very imprudent...because they do us no harm, nor do they owe us anything, nor do we have a just cause for making war on them."

Some years later, the 16th-century Spanish Dominican priest Bartolomé Frías de Albornoz, the University of Mexico's first civil law pro-

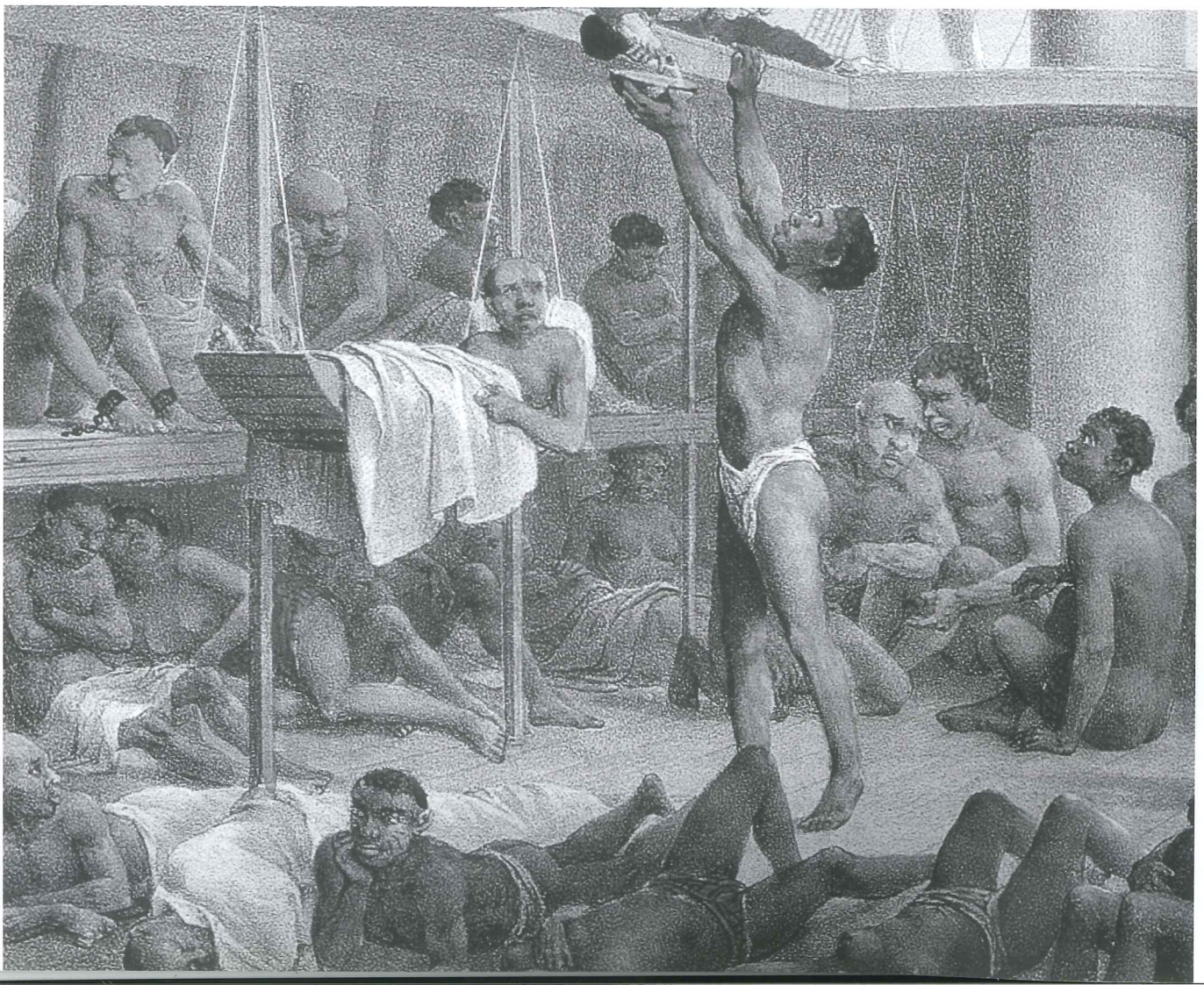
fessor, wrote in *Arte de los Contratos*, “[certain] sales not prohibited by law are ...dangerous to the conscience... such as the contracts referring to [the sale of] Negroes.” Like de Mercado, De Albornoz reasons that if the King of Portugal sanctioned the slave trade, and if priests bought and sold Africans, then it must be presumed that a justification exists. Nevertheless, he seems unsure that the causes widely understood as legitimate are truly just: “...whoever wishes to see some causes that justify servitude can peruse the ones outlined by de Mercado in his Treatise, though he does not seem to show much satisfaction in them; and I am even less satisfied with the ones he considers just than those he admits are not...” De Albornoz further questions the legitimate causes, saying “not even Jesus Christ” could justify enslavement because all men must be presumed free, and natural law favors the weak, contradicting any justification for the enslavement of women and children or those sold owing to hunger. He adds that to convert Africans to Christianity cannot be a just cause because Jesus would not have preached that to obtain “freedom of spirit it is necessary to pay with bodily bondage.” Therefore, de Albornoz recommends that merchants not continue to invest in such a “bloodthirsty” trade.

From 1594 to 1614, Jesuit Luis de Molina (1535–1600) published *De iustitia et iure*, using Aristotle's premises to argue the moral acceptability of slavery under limited conditions, but he employs a historical method to discuss slavery in the American context. De Molina does not venture to pass final judgment on the subject of the legality of the Portuguese slave trade, leaving its resolution to renowned the-

ologians. Nonetheless, de Molina claims to have extensively researched the slave trade through conversations with Portuguese slave traders. He concludes that sufficiently strong arguments existed for condemning the trade of Africans as “impious and unjust,” thus those who engaged in it “sin gravely and run the risk of being condemned for eternity.” Since de Molina considers the only benefit of slavery to be the conversion of infidels, he proposes that missionaries first prohibit the slave trade and then go directly to Africa to Christianize. In the end, de Molina exonerates those who bought slaves in good faith.

Other religious men preferred to direct attention to the excessive mistreatment of slaves. The Jesuits in Brazil—such as Antonio Vieira (1608–1697)—continued with this line of criticism throughout the seventeenth century. Vieira fought the enslavement of indigenous people, while accepting African enslavement as economically necessary and inevitable reality. In his sermons he preached the slaves' equal humanity, reprimanded the owners for mistreatment and asked that their evangelization be guaranteed. However, he urged blacks to resign themselves to slavery because it was the road to their salvation. Historian Ronaldo Vainfas asserts that the Jesuit's concern in Brazil began with the slave market boom and the growth of the Palmares runaway slave community. Until then, Jesuits opposed the captivity of indigenous people without exhibiting any indignation over the unjust detention or cruel punishment of

Johann Moritz Rugenda made this lithograph of a slave ship in 1835.



African slaves. Vainfas emphasizes that their concern was masked in the project of Christian-slavery because the conversion to Christianity was incompatible with freedom for slaves.

Further north, in Cartagena de Indias, Sevillian Jesuit Alonso de Sandoval (1576–1652) published a treatise in 1627, in which he carries out a detailed ethnological study of Africans in captivity. Though Sandoval condemns the mistreatment of slaves and argues that they are human beings equal before God, his purpose was not abolitionist. His mission was to evangelize and to console suffering slaves, work for which his assistant Pedro Claver (1580–1654) was canonized two centuries later. Like Vieira in Brazil and followers of de Molina, Sandoval and Claver did not agonize over the (un)just cause of captivity. They preferred to accept the legitimacy of slavery as a valid way of bringing Christianity to infidels.

In sum, none of the above religious men denounced the practice for its inherent immorality or called for an end to the slave trade. Therefore, it is extraordinary to find two Capuchin missionaries, Francisco José de Jaca de Aragón (c.1645?–1688) and Epifanio de Moirans de Borgoña (c.1644–1689), who clearly condemned the slave trade as violating all moral, religious and legal arguments. De Jaca and de Moirans preached that slaves were free by nature, called for the abolishment of slavery, and demanded ample economic compensation for all victims. As a result, several slave owners accused them of being seditious missionaries. Documents testifying to the Capuchins' story emerged from a trial that began in Havana in 1681 and finished in Madrid in 1686. They remained forgotten until 1982 when José Tomás López García published them in *Dos defensores de los esclavos negros en el siglo XVII*.

During their lengthy captivity, de Jaca and de Moirans wrote in their defense that the institution of slavery violates natural law, divine law and the law of nations. By referring to biblical texts and religious authorities, they carefully refute the arguments that justified slavery, calling it a "manifest robbery of the negroes' freedom." Basing their argument on Saint Thomas' doctrine of restitution, de Jaca and de Moirans demanded compensation as the only way of redeeming—in part—the "terrible sins" committed by all who had participated in the slave trade. De Jaca wrote "these negroes, and their ancestors, are free, not only as Christians, but also in their native land. And as such, ... the obligation exists to restore their freedom, but also, in pursuit of justice, to pay them what they would have inherited ..., what would have enriched them, the lost time, the labor and the damages that they have suffered... for their enslavement and personal service..."

De Moirans more fully develops his own arguments: "Slavery being unjust, the sale and purchase unjust, possession iniquitous and being... in bad faith against natural, divine, positive law and the law of nations, it is obvious that their freedom must be restituted...."

De Moirans explains that restitution derives from something unjustly received or unjustly held, thus extending responsibility to any who benefited or did not prevent the slave trade, including all slave-using societies: "... the kings, the Spanish merchants, Portuguese society, the Paris dealers, those who buy blacks and sell them to others, the transporters, the ship owners and the others who are effectively involved in this... in the Indies and in Europe... are obligated to retribute the freedom of the blacks, as well as the damages incurred and the value of their labor." Both were aware that the damages were so extensive that restitution would be impossible. De Moirans thus offers a solution in accordance with the Saint Thomas

doctrine: when the victim is known, his heirs and descendents should be compensated, but if he is not alive or his family is unknown, then *all* the owner's money and ill-gotten benefits should be given to the poor, "because these are the fruits of iniquity and ... they are obliged to do so under threat of eternal condemnation."

Most significantly, de Moirans and de Jaca concluded that the tragedy of slavery was not based on an erroneous theological interpretation, nor on the innocent acceptance of a just cause, but rather on the intentional deafness and blindness of all of those who participated in some aspect of the trade, be they as vendors or recipients of slaves. The two Capuchins repeatedly noted that there were enough legitimate arguments against the trade in human beings for all to have rejected it. Aristotle's just cause theory—it was widely known—did not apply to the case of the enslaved Africans brought to the Indies. The only possible conclusion was that the participants in the slave trade were acting in bad faith or, at a minimum, that so much injustice had blinded those who could otherwise have denounced and impeded it. De Jaca affirms "If the professors, theologians, confessors, religious men had not been silent dogs in the Indies, then iniquity and injustice would not have developed so enormously and without remedy."

Although de Jaca and de Moirans' daring was truly extraordinary, their texts update a series of suppositions already implicitly or explicitly formulated in previous work. It is therefore worthwhile to ask why this series of critiques did not prosper and how the 16th- and 17th-century debate on slavery came to be forgotten. We cannot simply suppose that these voices were too marginal, given that their texts circulated widely as later readers, such as de Jaca and de Moirans, demonstrated. Also, during the 17th century the Capuchins, Jesuits, and Dominicans continued protesting some aspects of the slave trade to the Congregation for the Doctrine of the Faith in Rome, thus confirming that there was enough debate to consolidate a solid intellectual opposition to slavery.

This context predates modern liberal concepts of human rights. Yet, it underscores how well-intended legal arguments or actions may actually support the status quo while disregarding those dissonant voices that could be shedding light on the core of the problem. The emphasis on the need to have a just cause for enslavement or the band-aid of tending to the suffering of slaves only resulted in drawing attention away from the real problem: the enslavement of human beings supported by the economic interests of a colonial system.

In light of Kennedy's nagging questions, we might re-consider how the sometimes confining language of human rights may not be sufficient to address situations which call for a deeper understanding of local realities and for more radical emancipatory ideas to flourish. Such a reassessment of the human rights discourse may be more effective in influencing the broader public (including students) by linking ideas of human dignity to the actual struggles that local communities have faced.

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Perspective on Human Rights

Social, Economic and Cultural Rights

BY ARIEL DULITZKY

IN THE LAST 20 YEARS, LATIN AMERICA HAS EXPERIENCED A SHIFT in the scope and debate regarding human rights compliance. In the 80s, Central America was immersed in civil wars, and South America was dominated by the swords of whichever military dictatorship happened to be in power at the time. The principal debate and the fundamental work of human rights movements focused on the struggle for effective compliance with civil and political rights. Massive and systematic violations of human rights predominated in the region as State policy, including disappearances, extra-judicial executions, torture, forced exile, and illegal and arbitrary arrests. It is not surprising that the human rights movement concentrated on preserving the right to life, physical freedom and integrity, the prohibition against torture, freedom of expression or the minimum and most basic rules of due process.

But the region has changed in these twenty years. Democratically elected governments are the rule and not the exception; the signing of peace agreements are a reality in Central America; in general, there are no officially-condoned State practices of human rights abuses. The strategies in the area of human rights in these two decades have also reflected these changes. At the end of the 80s and

in the decade of the 90s, the human rights movement faces challenges such as the appropriate response of a democratic society toward the massive violations of the past and the construction or reconstruction of countries' social fabric to consolidate stable democracies. Other challenges involve the strengthening of the independence, impartiality and efficiency of the judicial powers, the definition of the role of the Armed Forces, the construction of a doctrine of democratic security, and control and transparency of public administration. All of these themes are central, crucial and inescapable for the human rights movement. Therefore, the organizations that defend these rights continue to concentrate their efforts on civil and political rights.

Toward the end of the 90s, Latin America experienced processes such as the shrinking of the benefactor State, globalization, the opening of markets, economic integration, and the emergence of new actors. In this context, the egalitarian emphasis on ensuring economic, social and cultural rights—as well as political and civil

Children in Barahona, Dominican Republic, have poor parents who are unemployed. Many are orphans.

ones—is a political, judicial and ethical imperative. That imperative cannot be postponed or avoided.

Latin America's panorama gives us some indications of these necessities. According to 2001 United Nations Development Program statistics, life expectancy in Latin America and the Caribbean is 70.3 years, compared to 77.1 in developed countries. However, in Haiti, life expectancy was only 49.1 years; in Bolivia, 63.3 years, and in Guatemala, 65.3. Twenty percent of the Peruvian population does not have access to drinking water; 52.3% of the Ecuadorian population lives below the poverty line; malnutrition affects 21% of the Venezuelan population, 26% of those in the Dominican Republic and 29% in Nicaragua. These statistics extend through much of Latin America and show clearly how economic, social and cultural rights that guarantee some aspects of these basic needs are still only a dream.

The situation is even worse if one compares the fulfillment of civil and political rights with those of economic, social and cultural rights. While the civil and political rights in the region are more protected than 20 years ago, the same has not happened with social rights. CEPAL statistics show that 25% of all households in Latin America lived in poverty in 1980, but in 1999, the number had increased to 35%. In the same years, the number of unemployed increased from 6.1% to 8.4%. Of course, some rates such as infant mortality or literacy have improved, but in general terms, even those have stagnated rather than progressed. Therefore, some sectors of the human rights movement have timidly begun to direct their attention towards the guarantee of economic, social and cultural rights destined to achieve a more just, equitable, and fraternal society.

Faced with this panorama, there are some who argue that the best way to guarantee economic, social and cultural rights is through the protection of civil and political rights. Their reasoning is that only democratic societies, based on the full respect and application of public freedoms, can permit the economic growth that in turn will guarantee social rights. Others, on the other hand, understand that the work in defense and promotion of economic, social and cultural rights is a task that cannot be postponed. They sustain that there is no possibility of constructing democratic societies based on violation of the rights to equity or social rights.

Twenty years later, the challenge for the human rights movement continues to be the same: to make the promise of the Universal Declaration of Human Rights a reality. And that Declaration, it's worth clarifying, includes among other things, the right to work, to social security, to leisure time, to an adequate living standard, to education, to participate in the cultural life of one's country. The answer to this challenge requires the rescue of the most noble and traditional values of the human rights movement. These values demand the unyielding questioning of abuses of power, clamor in the face of injustice and the imaginative use of all the judicial and political instruments to question violations of all human rights—whether they be civil, political, economic, social or cultural.

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HARVARD FORUM ON HUMAN RIGHTS IN BRAZIL

A SEMINAR SERIES FOR 2003-2004

The *Harvard Forum on Human Rights in Brazil* spotlights Harvard faculty and research centers engaged in human rights and Brazil-related research. It also features Brazilian scholars and practitioners at the forefront of discussion and studies of these issues. The year-long human rights series seeks to create a forum for debating policies and practices in Brazil in regards to civil, political, economic, social and cultural rights, including rights to health, food, education and work. The series focuses on Brazilian institutions and processes through which rights and duties are articulated and the degree to which they are protected and enforced. The forum stresses the international and comparative dimensions of human rights and the ways in which conceptions of human dignity are realized or suppressed through legal and political structures in Brazil.

Since the end of military rule in 1985, Brazil has made significant strides in the promotion of human rights through the creation of legal and political instruments to protect civil and political, as well as economic, social, and cultural rights. While common crime has exploded and social conflicts over land, civil rights and abysmal living conditions continue, members of the police and armed forces charged with preserving order and security have often relied on violence, torture and murder as means of social control. These worrisome trends have led scholars such as former DRCLAS Visiting Scholar and Tulane University Professor Anthony Pereira to argue that a "state within a state" still exists in Brazil: a security apparatus that operates with impunity outside the control of the authorities supposedly responsible for it.

The seminar is composed of nine sessions. Five panels will take place in Fall 2003, with the remaining four during the Spring 2004 semester. Discussions in the fall will focus on human rights with respect to urban criminal violence, participation and representation in governance, antiretroviral treatment for people living with HIV/AIDS and food security. Two of the four panels in the Spring semester will focus on race. One of these sessions will focus on concepts of race and equality within Brazilian society, while the remaining session will focus on education and affirmative action quotas. The remaining two Spring panels will focus on women's rights and violence to children and child labor.

The series is sponsored by the David Rockefeller Center for Latin American Studies. The chair for the series is James Cavallo, Associate Director at the Human Rights Program and Lecturer on Law at Harvard Law School and member of the Center's Brazil Studies Committee.

The panels will take place at DRCLAS and at Harvard Law School, unless otherwise noted. The seminars will meet once a month. Further information will be found shortly at <http://drclas.fas.harvard.edu/>, or by contacting the DRCLAS Brazil Initiative Coordinator, Kelly Becker, <drclbr@fas.harvard.edu> or (617) 496-0155, or DRCLAS Program Associate, Lorena Barberia, <barberia@fas.harvard.edu> or (617) 496-4780.

COUNTRY FOCUS

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Coordinating Committee p.21

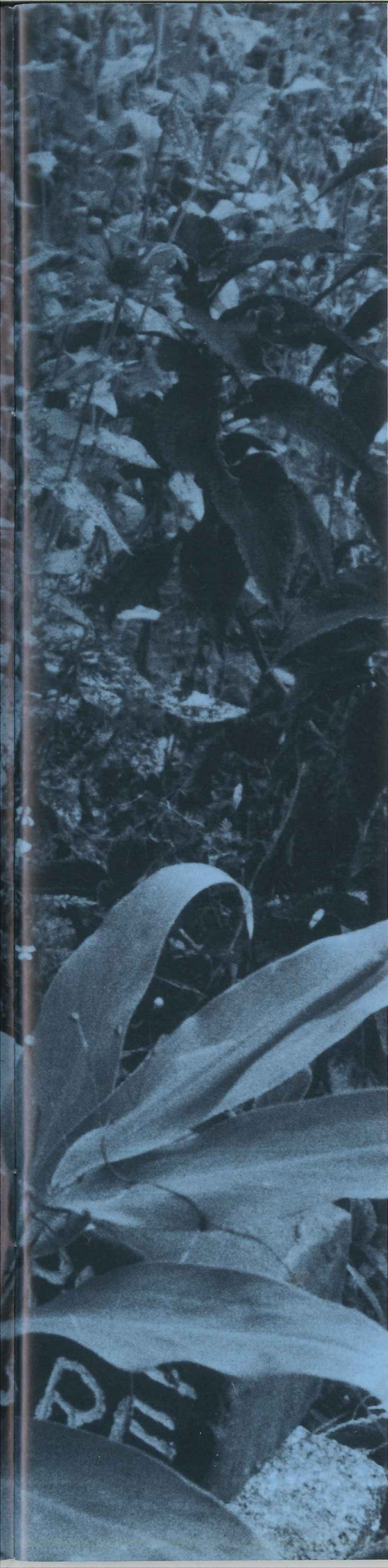
Photoessay: Peruvian Commission on
Truth and Reconciliation p.25

Chile: The Naked Emperor of the
Southern Cone p.31

Guatemala: A Violence Called Democracy p.35

Cuba: Human Rights and Reconciliation p.39





Almost every country in the hemisphere is contending with its past and coping with its future—from Peru with its powerful truth commission report to Guatemala with elections that may return a former dictator to power. Country by country, the hemisphere is facing human rights challenges. Here is a spotlight on a few.

Peru's Human Rights Coordinating Committee

Promoting Human Rights in Changing Circumstances

BY COLETTA A. YOUNGERS

The human rights abuses that devastated Peru from the early 1980s to the mid-1990s are once again an issue of debate in that country with the release of the Peruvian Truth and Reconciliation's final report. The Commission was created on June 4, 2001, by interim President Valentín Paniagua and subsequently ratified by President Alejandro Toledo. Composed of twelve members and one observer, its mandate included investigating human rights abuses by both government and insurgent forces, presenting proposals for reparations and human rights-related reforms, and establishing mechanisms for follow-up. One very important objective of the process underway is to promote reconciliation with the victims of political violence.

The report, presented on August 28, 2003, concludes that more than 69,000 people were killed in acts of political violence in Peru between 1980 and 2000, a figure that far exceeds the previously accepted total of 30,000 deaths. More than half of these killings were perpetrated by the Shining Path. Additionally, the report finds that three out of every four deaths were Quechua-speaking rural peasants. The commissioners strongly critique the political actors who either allowed or ignored the human rights violations committed by state security forces against the most vulnerable and marginalized sector of Peruvian society.

The Peruvian human rights community described below played an integral role in building popular and political support for the estab-

lishment of the Truth and Reconciliation Commission. The former Executive Secretary of Peru's Coordinadora Nacional de Derechos Humanos, Sofia Macher, was a member of the Commission and scores of human rights lawyers and activists were incorporated into its staff. Peruvian human rights groups provided support to the Commission throughout the course of its investigation and are now engaged in advocacy campaigns to promote the implementation of the report's recommendations.

THE COORDINADORA NACIONAL DE derechos humanos (National Human Rights Coordinating Committee) is an umbrella organization with more than 60 human rights organizations from across Peru. Since its 1985 founding, the *Coordinadora* has earned a reputation as one of the most effective country-based human rights movements in Latin America. Over the years, the *Coordinadora* has managed to function effectively as a coalition even as the situation in Peru dramatically changed.

The *Coordinadora* and its member organizations operated for years in a violent and polarized situation between the Shining Path insurgent group and Peruvian government security forces. Being caught in the crossfire gave greater impetus to the need for unity among Peruvian human rights groups. This time of extreme political violence was followed by a prolonged period in the mid-

1990s of authoritarian rule under President Fujimori. In this new context, the *Coordinadora* shifted from a more traditional agenda focused on political and civil rights to join broader citizen efforts to restore democratic rule in Peru during a time of regime change and transition.

Like other human rights groups in similar circumstances, the coalition faced four fundamental questions:

- How to maintain and sustain a coalition in situations where circumstances change dramatically?
- How to build unity between diverse groups within a coalition while at the same time ensuring input and participation by those members that are traditionally more marginalized?
- To what extent should human rights promoters seek out opportunities for constructive engagement with the State?
- When and how to build alliances with other sectors of civil society and with the international community?

THE PROLIFERATION OF POLITICAL VIOLENCE

May 18, 1980 marked a turning point in Peru's history. Elections were held after 12 years of military rule, and the Shining Path—the most ruthless insurgency to emerge in Latin America—launched its armed revolution against the Peruvian state in the highlands. Shining Path cadres burned ballot boxes in the small village of Chuschi, in the province of Ayacucho. Residents in Lima awoke to find dead dogs hanging from lampposts and traffic lights.

The Peruvian government's subsequent counterinsurgency tactics mimicked the violent methods employed in Argentina and Chile: reports began circulating of extrajudicial executions, disappearances, massacres and torture at the hands of state security forces. A vicious spiral of violence ensued.

In the years that followed, Peruvian citizens, particularly peasants, were caught between the armed forces' brutal counterinsurgency campaign and the Shining Path's terrorist acts. Small human rights groups, often called Human Rights Committees (*CODEHs*) were formed around the country to aid the victims of violence. They brought together government officials, religious leaders, teachers, lawyers, social workers, psychologists, leaders of unions and grassroots organizations, and sometimes political party representatives. Most



On December 26, 1980, dead dogs were found hanging from lampposts on some Lima street corners with signs reading, "Teng Hsiao Ping, son of a bitch."

CARLOS BENDEZU / CARETAS MAGAZINE ARCHIVE, FROM THE EXHIBIT, "YUYANAPAQ: TO REMEMBER"

CODEHs combined legal defense and human rights education, utilizing local media outlets to address human rights issues concerning the local population, often with the local Catholic Church's support.

In the emergency zones, victims' family members (*familiares*) formed organizations. Most *familiares* had loved ones who had disappeared; they were overwhelmingly poor, *Quechua*-speaking peasants from isolated rural areas—Peruvian society's most marginalized sector. The *familiares* organizations offered both solidarity and possibilities for joining with others to take action. Perhaps most importantly, as one woman stated, "There, we were told where bodies had been found and with that information, we would go out and look for the cadavers, in search of our loved ones."

CAUGHT IN THE CROSSFIRE

Like much of Peru's peasant population, human rights activists increasingly found themselves caught in the crossfire between the military and the insurgents. Conservative political leaders often viewed human rights as an obstacle to waging a successful war against the guerrillas.

The Peruvian military and police routinely targeted human rights activists, mistakenly linking them to the Shining Path. As in other

Latin American countries, state agents were responsible for most of the attacks on the human rights community. However, in contrast to the situation elsewhere, the Peruvian human rights groups were also brutally attacked by the guerrillas. Shining Path routinely sent death threats to local human rights groups and attempted to infiltrate their activities as a form of intimidation or with the intention of eventually controlling them. Shining Path "liquidation squads" killed scores of popular leaders every year.

THE FORMATION OF THE COORDINADORA

By 1984, momentum grew for the creation of a unified human rights movement in Peru. Key human rights leaders, particularly those from the provinces, recognized that unity could help open up political space, increase their effectiveness, enhance their credibility and perhaps offer some protection against the threat of both the military and the Shining Path.

In January 1985, 107 people representing more than 50 human rights organizations attended a national meeting (*Encuentro*). After much heated discussion, the meeting's final declaration denounced human rights atrocities committed by the security forces and the insurgents.

The *Coordinadora Nacional de Derechos Humanos* in Peru was formed at the *Encuentro* with the purpose "to coordinate and support the work in defense of human rights undertaken by organizations at the national level." (*Reglamento de la Coordinadora Nacional de Derechos Humanos*, May 20, 1985)

IMPACT OF EXTREME POLITICAL VIOLENCE ON THE COORDINADORA

Extreme political violence was a day-to-day reality for the *Coordinadora* and its members. Fear permeated the human rights movement across Peru. Those in areas hardest hit by the violence operated at great personal risk.

In the face of extreme violence by both sides, the space to carry out human rights work narrowed and closed altogether in some areas. Provincial groups, particularly organizations of *familiares*, felt marginalized and out-of-touch with activities in the capital, yet had to rely more and more on Lima-based organizations for assistance. Constant security threats and a climate of suspicion prevailed.

CONSTRUCTIVE ENGAGEMENT?

Given the high levels of political violence during the *Coordinadora's* early years, the extent to which human rights groups should seek opportunities for constructive engagement with the State was another hot debate. The civilian government had largely abdicated its responsibility for dealing with the insurgents to the military, then responsible

ning of eight years of authoritarian rule, most Peruvians viewed this iron-fist approach as necessary to confront Shining Path's terrorist violence.

Peruvian history took yet another dramatic turn in September 1992, when Abimael Guzmán, the messianic Shining Path leader, was captured and his unshaven, forlorn image broadcast across the nation. This prompted

The *Coordinadora* has managed to function effectively as a coalition even as the situation in Peru dramatically changed.

for the bulk of human rights violations. The *Comando Rodrigo Franco* (CRF) death squad allegedly operated out of the Ministry of the Interior. With the exception of a handful of outspoken deputies, the Peruvian Congress gave unbridled support to the military's counterinsurgency strategy.

In these circumstances *Coordinadora* discussions wrestled with the pros and cons of attempting to work with state actors to address the human rights crisis. Some viewed the State as the "enemy"; others argued that some state actors were potential allies. Each group within the *Coordinadora* adopted its own approach in dealing with the State. Many did interact with government officials at the local, regional and national levels. Some groups focused on denunciation and protest while others sought constructive engagement to push legislative reforms. Still others took the position that "one must confront, but also influence," combining the two strategies.

REGIME CHANGE AND TRANSITION

In the 1990 presidential elections—with the country in economic and political ruin—an unknown political outsider who donned a traditional Andean *poncho* and campaigned from a tractor, came out of nowhere to win. Despite his portrayal as a populist, Alberto Fujimori implemented his opponent's sweeping neoliberal economic reform and—with the assistance of his secretive and nefarious advisor, Vladimiro Montesinos—developed a tight relationship with the country's revamped intelligence services and the military.

In April 1992, Fujimori suspended the constitution, dissolved congress and temporarily closed the judiciary. Although the *autogolpe*, or self-coup, marked the begin-

a precipitous drop in violent acts committed by the Shining Path and, ultimately, its near demise. As a result, state-sponsored human rights violations declined proportionally, and human rights groups found themselves challenged by a new crisis of democratic governance and the rule of law.

The *Coordinadora* adapted its work to the changing scenario, analyzing the obstacles and opportunities the new circumstances presented for the movement. Relations with the national government were increasingly antagonistic and the regime's authoritarian nature meant human rights guarantees remained more distant than ever. However, the end of the crisis of political violence made it harder for the government to justify its strong-arm tactics. On issues that did not threaten Fujimori's pillars of power—the military and the intelligence services—he was sensitive to public opinion and there were limited opportunities for reform.

The *Coordinadora's* "In the Name of the Innocent" campaign exemplifies how the human rights community quickly adapted and carried out effective advocacy within Fujimori's repressive regime. Shortly after the *autogolpe*, Fujimori issued decrees creating military courts to try those accused of "treason"—defined as a form of aggravated terrorism—and "faceless" civilian courts (the identities of the judges were kept secret) to try accused terrorists. The draconian legislation all but eliminated due process guarantees and the right to an adequate legal defense. The number of people detained on terrorism charges skyrocketed.

The *Coordinadora* launched an extensive media campaign to release innocent Peruvians jailed as terrorists. By 1995, 87% of

Peruvians polled in Lima said they thought there were innocent people in jail on terrorism charges (*A la Intemperie: Percepciones sobre derechos humanos*. Lima, Peru: Coordinadora Nacional de Derechos Humanos, 1996). Politically astute, Fujimori noted the shift in public opinion and began a pardon process.

The role of human rights was still evolving. At the 1995 *Encuentro*, a major discussion took place about what role the *Coordinadora* should have in promoting economic, social and cultural rights (ESCR), and what priority they should be given in the coalition's work plan.

Coalition members also wrestled with how to respond to the crisis of democratic rule, agreeing that human rights guarantees could not be institutionalized before Peru returned to a more democratic path. At the 1997 *Encuentro*, the *Coordinadora* membership officially adopted a pro-democracy platform calling for strengthening democratic institutions and the rule of law, a logical next step in the coalition's evolution. The *Coordinadora* allied itself with social movements and other pro-democracy civil society organizations.

The *Coordinadora's* increased focus on democracy impacted the way it thought about and carried out its work. The 1997-1999 work plan adopted at the *Encuentro* incorporated the area of "democracy and human rights" to promote more active citizen participation in government. Much of this work was cast in terms of the reconstruction of the country's social fabric, creating spaces for civil society groups to come together and encouraging civic education. Then-Executive Secretary Sofía Macher noted a fundamental shift in "the central focus of our work from individual cases to the political system of the country and how it affects human rights." In the 2000 elections, the *Coordinadora* played a dramatic role.

Independent of political parties or movements, the *Coordinadora* was seen as an honest broker, above the political fray, yet clearly committed to the democratic struggle. Moreover, the *Coordinadora's* cooperative nature set it apart. While the Executive Secretary had a high profile public figure, the *Coordinadora* was not seen as imposing its point of view or trying to co-opt other civil society organizations. With a reputation for principled positions, its opinion was valued by domestic and international actors gauging the validity or fairness of government

actions with regards to the electoral process.

In contrast to its strategy in past elections, in 2000 the *Coordinadora* positioned itself in the eye of the electoral storm, questioning whether Fujimori would allow any other candidate to run, and potentially win, the elections. The *Coordinadora*, like many other civil society actors, came down firmly on the side of free and fair elections and against manipulations by the incumbent. *Coordinadora* member organizations helped document and denounce the electoral shenanigans taking place and shape national and international public opinion through a media campaign and the dissemination of information and analysis abroad.

The *Asociación Civil Transparencia*, an independent electoral watchdog group, was the primary organization reporting on the electoral process and mobilizing thousands of Peruvian citizens as election observers. The *Coordinadora* assisted in these efforts first by convening a broad cross-section of civil society, pulling together churches, universities, unions and other non-governmental organizations to support independent monitors' efforts. Second, provincial *Coordinadora* member organizations became an important source of election monitors at local polling stations—essential work during the first round of voting in April 2000—

and eventually the Fujimori government was forced to concede a run-off. The withdrawal of both national and international monitors for the second round meant that Fujimori entered his third term in office lacking domestic and international legitimacy.

After the election, the head of the Organization of American States (OAS) electoral monitoring mission in Peru, Eduardo Stein, applauded: "The work undertaken by the organizations that promote human rights in Peru, under the effective leadership of the *Coordinadora*" as being "one of the principal protagonists in the democratic transition that is, happily, under way in Peru today." (Letter by Eduardo Stein to Sofia Macher, July 4, 2001).

CHALLENGES FOR THE COORDINADORA POST-FUJIMORI

On September 16, 2000, President Fujimori announced he would hold new elections in which he would not run and that he would dismantle the feared intelligence service. Both Montesinos and Fujimori fled the country; Montesinos was extradited to Peru to face prosecution for dozens of crimes, while Fujimori remains in exile in Japan. The period of authoritarian rule ended abruptly and Peru entered yet another transition period, this time toward democratic rule.

Once again the *Coordinadora* faced the prospect of adapting to a changing political landscape ripe with new opportunities and challenges. Political space had finally opened to reform and the formulation and debate of concrete policy proposals. At the same time, the *Coordinadora* may find itself in the uncomfortable position of confronting former colleagues with long trajectories in the human rights movement now assuming government posts. How will the *Coordinadora* develop strategies for constructive engagement to influence reform processes while maintaining its independence vis-à-vis the State? The *Coordinadora's* challenge is to "identify and adequately locate the space for the human rights movement in a democracy," as former Executive Secretary Sofia Macher so eloquently stated. The *Coordinadora* and its members will grapple with this challenge in the coming years.

Coletta A. Youngers is a consultant for the Washington Office on Latin America (WOLA). This article is based on a case study prepared for the Hauser Center for Nonprofit Organizations/Program on Philanthropy, Civil Society and Social Change in the Americas (PASCA), Harvard University. Susan C. Peacock was also a consultant for the case study.

PHOTOESSAY: "YUYANAPAQ: TO REMEMBER"

A VISION OF HUMAN RIGHTS

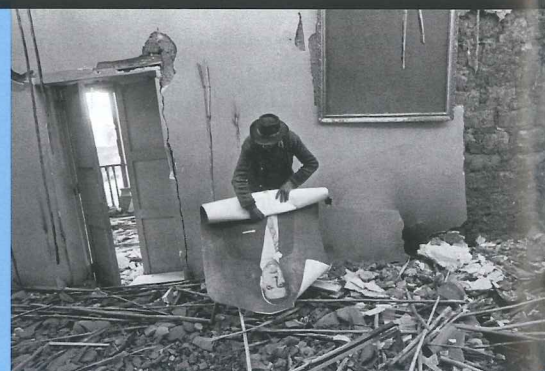
More than 200 stunning photographs from 1980-2000 make up the exhibition and book "Yuyanapaq: To Remember" by the Peruvian Commission on Truth and Reconciliation.

This issue's photoessay on the following pages features some of exhibit's images, along with an accompanying text by Salomón Lerner, the Commission's president and rector of the Catholic University of Peru. In the first two months, more than 45,000 people have visited the exhibit, which documents twenty years of violence in Peru, and is a strong testimony to the importance of visual presentation to human rights work.

In the exhibit, the viewer has the opportunity to experience history in 27 different thematic salons, documenting different cases of human rights abuses and events. A space has been set aside to remember the women—the mothers, the daughters, the sisters and the women who organized in the face of violence and the women who suffered in its wake.

The exhibit is being shown throughout Peru, including many of the towns and cities that were the focus of human rights abuses. The photos were culled from more than 80 newspaper, police, army, church, human rights and private archives, now making up an Image Bank that document the sad legacy of the era of fear with 1,700 photographs.

In the opening of the exhibit in Lima (Casa Riva Agüero, Malecón Grau 477, Chorrillos, until December 9, 2003), Lerner observed, "These photographs are instantaneous images, records of events, gestures, outcomes, occupying in the chain of time the very instant in which they were captured. And yet, these images of grief defy the logic of time—which merely occurs and then vanishes. These images manage to achieve a permanence that always intrigues us. They slow down time, imposing the past on our present to attract our attention, and—why not?—to wake us up."



A portrait of President Fernando Belaunde is recuperated after an attack by Shining Path guerrillas on the town hall of Vilcashuman, Ayacucho, in August 1982. One of the 200 photographs in the exhibition, "Yuyanapaq: To Remember. See pages 25-30 for more.

PHOTO: OSCAR MEDRANO/CARETAS MAGAZINE ARCHIVE FROM THE EXHIBIT, "YUYANAPAQ: TO REMEMBER"



A woman displays a photo of a disappeared relative in Ayacucho, 1984

Peruvian Commission on Truth and Reconciliation

Presentation of the Final Report: A Photoessay

BY SALOMÓN LERNER WITH PHOTOGRAPHY FROM THE PERUVIAN TRUTH COMMISSION

TODAY PERU IS CONFRONTING A TIME OF national shame. The two final decades of the 20th century are—it's necessary to say without beating around the bush—a mark of horror and dishonor for the Peruvian State and society.

When the Commission on Truth and Reconciliation was set up two years ago, we were given a vast and difficult task: to investigate and make public the truth about two decades of political origin that began in Peru in 1980. As we finish our labor, we would like to present this truth with a fact that—although it is overwhelming—is at the same time insufficient to understand the magnitude of the tragedy experienced in our country. The Commission has determined

that the number of fatal victims in the last 20 years most likely exceeded 69,000 Peruvian men and women, dead or disappeared at the hands of subversive organizations or State agents.

This figure, a statistic that seems ridiculously high even as I speak it, is one of the truths with which Peru today is going to have to learn to live if it truly wishes to become what it proposed when it became a Republic. That is, a country of human beings equal in dignity, in which the death of each citizen counts as its own misfortune, and in which each human loss from an attack, crime or abuse puts into motion the wheels of justice to compensate for the loss and to punish those responsible.

During the two decades of violence we were called upon to investigate, there were neither justice nor restitution nor sanctions. Even worse the memory of what occurred has never even existed. That leads us to believe that we are still living in a country in which exclusion is so absolute that it is possible for tens of thousands of citizens to disappear without anyone in the integrated society—the society of the non-excluded—even noticing.

Effectively, we Peruvians tend to say, in our worst previous case scenarios, that the violence left 35,000 lives lost. What does it say about our political community, now that we know that 35,000 more of our brothers and sisters are missing that no one missed then?



PHOTO: JORGE TORRES, GENTE ARCHIVES
FROM THE EXHIBIT, "YUVANAPAO: TO REMEMBER"

After a massacre in Chuppac, Huancavelica, on April 8, 1990, the people from the community organized into peasant patrols with the help of the Army.

A DOUBLE SCANDAL

We have had to document, year after year, the names of dozens of Peruvians who once existed, who ought to exist now and yet are no longer. And the list that we hand over to the nation today is much too long for Peru to keep talking about errors or excesses by those who participated directly in these crimes. And the truth that we have found is also too sweeping for any government authority or ordinary citizen to claim ignorance as a defense.

The report we hand over today, therefore, is a double scandal. To a large degree, it is the scandal of murders, disappearances and torture. It is also a scandal about the ineptitude, slackness and indifference of those who could have stopped this humanitarian catastrophe and didn't.

In this report, we faithfully carry out the task we were given, as well as the task we set for ourselves to publicly expose the tragedy as the work of human beings being made to suffer by other human beings. Of every four victims of the violence, three were peasants whose native tongue was Quechua, a large segment of the population that has generally been overlooked—and on occasions disdained—by the State and by the urban society that does enjoy the benefits of a political community.

Racial insult—verbal aggression against dispossessed persons—rings out like an abominable chorus preceding a blow, a son or daughter's kidnapping, a point-blank gunshot. One gets angry listening to strategic explanations for why this was indicated as a

byproduct of war to wipe out this or that peasant community or to subject entire ethnic groups to slavery and forced displacement under threat of death. Much has been written about the cultural, social and economic displacement persisting in Peruvian society. Neither State authorities nor citizens have done much to combat such a stigma on our community.

Concrete responsibility must be established and made public; the country and the State cannot permit impunity. We have found much proof and indications that point in the direction of those responsible for serious crimes and, respecting the proper procedures, we will turn our findings over to the appropriate institutions so they can carry out the law. The Commission on Truth

PHOTO: ABILIO ARROYO/CARETAS MAGAZINE ARCHIVE FROM THE EXHIBIT, "YUANAPAG: TO REMEMBER"



Army soldiers accompany the couple Ramon Laura Yauli and Concepción Lahuana, who declared that Shining Path had forced them to join the organization. La Mar, Ayacucho, June 1985.

and Reconciliation demands and encourages Peruvian society as a whole to accompany it in this demand that criminal justice system act immediately, without a spirit of revenge, but in an energetic way and without any hesitation.

However, there is something deeper here than accessing individual responsibilities. We have found that the crimes committed against the Peruvian population disgracefully were not isolated acts attributable to isolated perverse individuals who transgressed the norms of their organizations. Rather, our field research with testimonies from 17,000 victims has allowed us to categorically denounce the massive perpetration of crimes, in many cases coordinated or planned by the organizations or institutions taking part directly

in the conflict. In these pages, we show the manner in which the annihilation of communities or the devastation of certain villages were systematically anticipated in the strategy of the so-called "Communist Party of Peru—Shining Path." The invocation of "strategic reasons," which camouflaged the will for destruction above all basic rights, was a death sentence for thousands of Peruvian citizens. Such a will towards death embedded in the Shining Path doctrine cannot be distinguished from its essence as a movement in these twenty years. The sinister logic spelled out without evasion in the declarations of the representatives of this organization was ratified in their willingness to inflict death through the most extreme cruelty in order to achieve their objectives of bloody revolution.

There was an enormous challenge, and it was the obligation of the State and its agents to defend the life and integrity of the population with legal arms. Democratic peoples support and demand order, based on their constitution and legal institutions, but that order can only be one that guarantees the right to life and respect for personal integrity. Disgracefully, within the struggle that the State and its agents did not initiate and whose justification was the defense of the society that was under attack, those in charge of this mission sometimes did not understand their obligations.

Keeping in mind the norms of international law that regulate the civilized life of nations and the norms of a just war, we have sorrowfully concluded that agents of the



PHOTO: ERNESTO JIMENEZ/CARETAS MAGAZINE ARCHIVE
FROM THE EXHIBIT, "YUNAYAPAG: TO REMEMBER"

In July 1985, relatives of the disappeared gathered at the Huamanga, Ayacucho town hall to testify to the European Commission for Human Rights, which set up an office to collect testimony from victims of the civil conflict.

Armed Forces and the Police participated in the systematic or generalized practice of human rights abuses and therefore grounds exist to point out the commission of crimes against humanity. Extrajudicial executions, disappearances, massacres, torture, sexual violence, directed principally against women, and other equally condemnable crimes—because of their repeated and widespread nature—make up a systematic pattern of human rights violations that the Peruvian State and its agents must admit and rectify.

So much death and suffering cannot take place and escalate just because of some mechanical action by some members of an institution or an organization. It needs the complicity, the consent or, at the very least, the willful blindness of those who had the

authority and therefore the capacity to prevent these actions. The political class that governed or had some quota of official power in those years have to do a lot of serious explaining to Peru. The people who asked

It is a time of shame, a time of justice and a time of national reconciliation.

for the votes of the citizens to have the honor of leading our State and our democracy and who took an oath to enforce the Constitution chose too easily to surrender to the Armed Forces those powers the Nation had vested in them as elected officials.

The armed struggle unleashed in our country by the subversive forces bit by bit

involved all sectors and institutions of the society, causing terrible injustice and leaving in its wake death and desolation. Faced with this situation, the nation has known how to react with firmness, although tardily—

interpreting the sign of the times as an opportune moment to make a conscientious examination about the meaning and causes of those events. We have made the decision not to forget, to recuperate memory, to try to find the truth. This time of national shame must also be interpreted as a time for truth.

We have sought to commit the entire

ALL PHOTOS CLOCKWISE: OSCAR MEDRANO/CARETAS MAGAZINE ARCHIVE
FROM THE EXHIBIT, "YUYAYNAPAG: TO REMEMBER"



Clockwise from left: In the Ayacucho Regional Hospital, Celestino Ccente, a peasant from Iquicha, Huanta, recuperates from machete wounds inflicted by Shining Path guerrillas; presumed Shining Path members, transferred from Ayacucho after a March 1982 attack on the Huamanga jail arrive a month later to the reopening of the penal island of El Fronton in Lima; a bomb placed in the San Isidro shopping center as part of a Shining Path terror campaign in Lima in 1992 left no victims, but lots of damage.

nation to the activities of listening to and investigating what happened in Peru so that the truth will be recognized among all of us Peruvians.

At the same time we must negate oblivion, pulling away from the culture of covering things up. To bring to light that which has lurked in the shadows and to recuperate memory are different ways of referring to the same thing.

The transgression of the social order through war and violence is precisely the excess that forgets the essential, that hides the essence of our nature as human beings. Truth that is memory can only be fully realized in the carrying out of justice.

Because of this, this time of shame and of truth is also a time of justice.

WHO IS RESPONSIBLE?

In the strict sense of the penal code, the responsibility falls on those who directly cause the crime, on its instigators and accomplices and, above all, on those who—having the power to prevent the crime—evaded their responsibility. They will all, then, be identified, put on trial and sentenced according to the law. The Commission on Truth and Reconciliation has compiled for this purpose materials and files on specific cases, and will turn over this information to the judicial officials of this country so that they may act in accordance with the law. But in a deeper sense, precisely in the moral sense, the responsibility falls on all those people who through action or omission, for their position within the soci-

ety, did not know how to do what was necessary to impede the tragedy that was being produced nor did they stop the tragedy from reaching such magnitude. On their shoulders falls the burden of a moral debt that cannot be shaken off.

Now then, ethical responsibility is not restricted to our relationship with the acts of the past. For the country's future, that future of harmony to which we aspire, in which violence is brought to an end and more democratic relations reign among Peruvians, we all share responsibility. The justice that is demanded is not only of a legal nature. It is also a demand for a more rewarding life in the future, a promise of equity and solidarity, precisely because it is rooted in the feeling and conviction that we did not do what



Soldiers teach patriotic symbols to children at a refugee camp in Huaycan, Lima, during a campaign of "civic action."

PHOTO: ONESIMO BOTTINI/ ARCHIVE GOVERNMENT NEWSPAPER EL PERUANO FROM THE EXHIBIT, "YUNAPAPA: TO REMEMBER"

we should have at the hour of the tragedy.

The hour has come to reflect on the responsibility that is incumbent on all of us. It is a moment to commit ourselves to the defense of the absolute value of human life and to express with actions our solidarity with those Peruvians who have been unjustly treated. In that manner, our time is one of shame, of truth and of justice, but also one of reconciliation.

There is no doubt that the central question for the rethinking of the national memory is to link it closely with the question of future reconciliation. In order to truly take advantage of this opportunity to imagine the ethical transformation of society, many conditions will have to be fulfilled. The Final Report that we present now wishes to be the

first step in that direction.

We live in difficult and painful times in this country, but they are also equally promising times, times of change that represent an immense challenge to the wisdom and freedom of all Peruvians. It is a time of national shame in which we ought to shudder deeply as we become aware of the magnitude of the tragedy lived by so many of our fellow countrymen and women. It is a time of truth, in which we must confront ourselves with the crude history of crime that we have lived in the last decades and we also ought to become conscious of the moral significance of the effort to recall what was lived through. It is a time of justice: to recognize and repair to the degree possible the suffering of the victims and to

bring to justice the perpetrators of the acts of violence. And finally, it is a time of national reconciliation that should permit us to recuperate our wounded identity in an optimistic fashion to give ourselves a new opportunity to forge a social agreement in truly democratic conditions.

Salomón Lerner Febres, rector of the Pontifical Catholic University of Peru, is the president of the Peruvian Commission of Truth and Reconciliation. This essay is a shortened version of the speech he made in the presentation of the Commission's final report to President Alejandro Toledo in Lima on August 28, 2003. A longer version in English and Spanish may be found at <http://drclas.harvard.edu>.

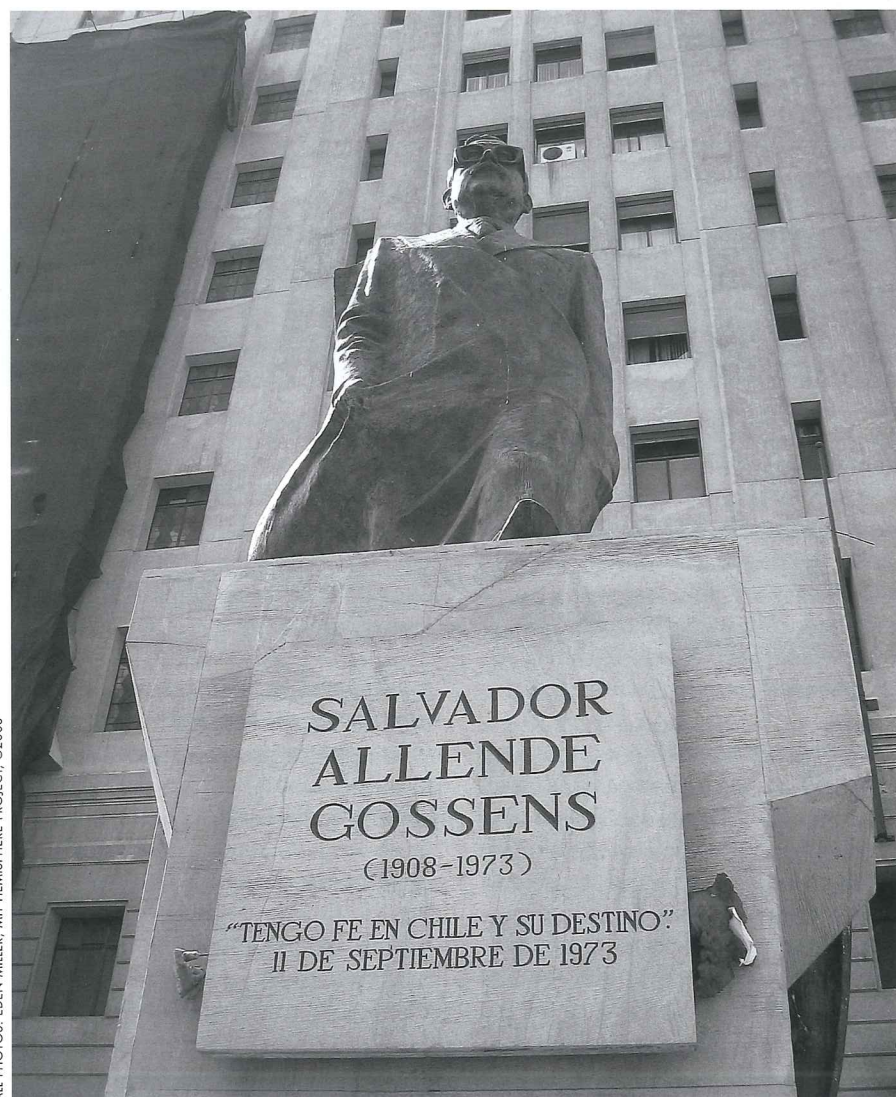
The Naked Emperor of the Southern Cone

Pinochet and the New Chile

BY JONATHAN TAYLOR

ON A HOT AND DUSTY JANUARY DAY IN Santiago de Chile, I was riding in my host father Alberto's pickup truck, passing the large factories and ramshackle homes that line the city's northern border, when I heard something on the radio about a Chilean military declaration regarding the Pinochet dictatorship. I was in Chile for only two weeks to conduct research for my senior thesis, exploring how the Pinochet case had affected Chile's re-democratization process. I immediately asked Alberto what had happened. "Oh," he responded, "Army chief Emilio Cheyre has just made an announcement in which he condemned human rights violations of the past and proclaimed that the Army belongs equally to all Chileans." My jaw dropped at the timeliness of this event; the last thing I expected, over four years after Pinochet's arrest in London, was an important moment in the history of the Pinochet case.

This event highlighted one of the most salient facts I've learned about the Pinochet case: it means radically different things for Chileans and non-Chileans. The image and legacy of Augusto Pinochet are indelibly intertwined with the triumph and tragedy of modern Chile. Thus, his international downfall would inevitably have serious implications for this nation, regardless of the case's impact on the rest of the world. Of course, Pinochet's arrest did change international standards, in ways that validated those who have clamored for domestic justice for human rights abusers, as well the concept of "universal justice" in national courts. The Pinochet precedent has become increasingly accepted, particularly in Latin America and Europe. Mexico's extradition of Argentine naval officer Ricardo Cavallo to Spain and Argentine President Nestor Kirchner's decision this July to permit the extradition of that nation's most notorious "Dirty War" criminals are recent examples. These men face justice from the same Judge Balthasar Garzón who indicted Pinochet himself.



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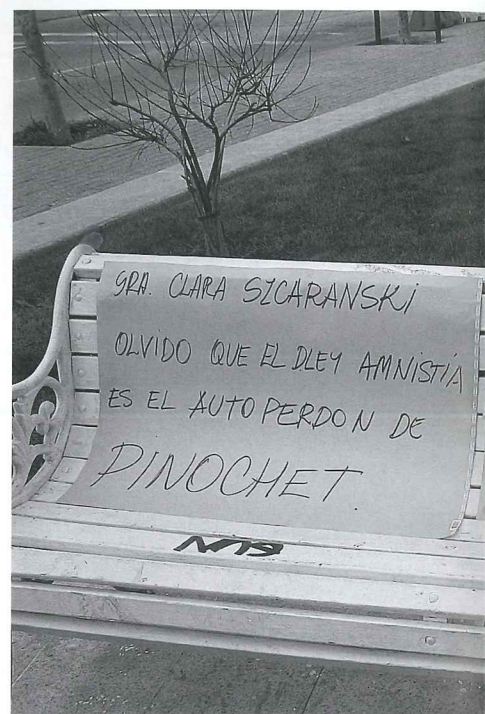
"Workers of my country: I have faith in Chile and its destiny. Others will overcome this gray and bitter moment in which treason imposes itself. We must proceed in the belief that, sooner rather than later, the great avenues, through which free people will walk to build a better society, will open again." (Salvador Allende, September 11, 1973). This statue was the first of Allende allowed in Chile in decades.

Despite intense press coverage, most people do not have a realistic view of what happened in Chile after Pinochet's return, nor the effects of the arrest on the nation's democracy. I personally was shocked when, researching the case for a seminar paper, I learned that Pinochet had been arrested

upon his return in Chile. I had been certain the government's prior claims that Pinochet could be tried at home were disingenuous at best. Although Pinochet never went to prison in Chile, it was only because he was found unfit to stand trial due to alleged senility. His defense never argued that Pinochet



Left: Viviana Díaz, ex-president of the Agrupación de Familiares de Detenidos y Desaparecidos, leads a march through Santiago on September 14 (the city refused to allow the march to take place on the 11th); right: Survivors of the Pinochet dictatorship blanket park benches outside the attorney-general's office with signs.



was not guilty of the crimes as charged, and public opinion solidly agreed with his domestic trial. I became fascinated with the international impact of the arrest and its implications within Chile itself—an encouraging story for democratization and justice.

DISSECTING TWO MYTHS

Many Chileans and Americans familiar with this topic told me about two mistaken ideas regarding the domestic political impact of the Pinochet case. The first is that the arrest of Pinochet represented a threat to the re-democratization process, a viewpoint famously articulated by Harold Muñoz and Ricardo Lagos (now Chile's president) in *Foreign Policy* and

ing mostly contempt for the Chilean judiciary and domestic politicians' efforts to increase democracy and address the human rights question.

DISMANTLING PINOCHET'S AUTHORITARIAN ENCLAVES

When Augusto Pinochet handed Chile's Presidential sash over to Patricio Aylwin on March 11, 1990, he did so reluctantly and with open contempt for the incoming democratic system. Forced to leave the presidency after defeat in a national plebiscite on his rule, Pinochet endured another defeat when his handpicked successor, Hernan Buchi, lost the following Presidential election to Aylwin.

as similar to the old regime as possible. They created checks on civilian power that came to be known as *authoritarian enclaves*, explained as an "interlocking system of non-democratic prerogatives" by Juan Linz and Alfred Stepan in 1993. This included bastions of authoritarian power built into the constitution, such as appointed Senators, preservation of the Amnesty Law of 1978 (which protects human rights violators), and continuation of a power base around Pinochet and other authoritarian actors.

Amazingly, Chile today operates under the same constitution written and promulgated during Pinochet's dictatorship. Pinochet was able to maintain this balance of power because significant portions of the public considered the outgoing regime to be a "successful" military dictatorship for wiping out Marxist opposition and fostering economic growth. Gross human rights violations of torture, murder and disappearances were almost exclusively committed against politically active leftists and mostly did not affect the general population, as in other Latin American dictatorships. Thus, it was easier for the government to deny or justify these actions and for the public to ignore them.

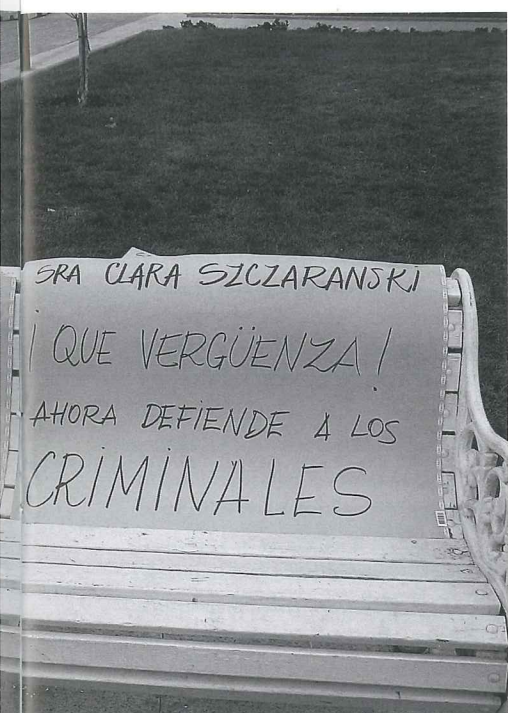
Despite dual losses for the military authorities in 1988 and 1989, Pinochet and his allies still held a great deal of influence

The image and legacy of General Augusto Pinochet are indelibly intertwined with the triumph and tragedy of modern Chile as democracy takes hold.

Chile's *El Mercurio* in 1999. Secondly, while Pinochet languished in London, observers began to notice that judicial independence in Chile was actually increasing, reflecting a newfound willingness to address human rights issues. Many Chilean and international scholars credited the British and Spanish legal systems and their political pressure, show-

Chile's return to democracy was assured.

However, military authorities soon designed a plan to restrict the reach and authority of democratic actors. Pinochet was always distrustful of what he called "musty" democratic institutions, and wanted to create a *protected* democracy. Essentially, Pinochet and his allies hoped to keep the new regime



Demonstrators on September 14 honor the memory of Salvador Allende at 80 Calle Morande—the door the president used the last time he entered La Moneda. The door had been sealed and blocked up by Pinochet after the coup; it was re-opened by President Ricardo Lagos on September 11, 2003, the 30th anniversary of the coup.

at the outset of the new democracy. Pinochet became Commander-in-Chief of the Army, a position protected by the Organic Laws, which were enacted to protect the autonomy of the military institution. He also issued an explicit threat against the incoming government, stating that the day he or one of his men was touched, the rule of law would end. Despite this serious peril, from the moment of Aylwin's inauguration, civilian authorities worked to increase the regime's democratic nature and to redress past human rights abuses as best they could.

In April 1990, President Aylwin created the Truth and Reconciliation Commission, which conducted a highly professional and detailed investigation and documented more than 3,000 serious human rights abuses perpetrated by the Pinochet regime. When human rights activists first learned that the word "Justice" was lacking from the commission's title, they were disheartened, noted Viviana Díaz, former president of the Association of Families of the Disappeared. The Commission had no authority to prosecute anyone. But today virtually all Chileans—from hardened human rights activists to those on the ideological right—acknowledge that the Commission was an important step forward in the Chilean reconciliation process.

Immediately before leaving office,

Pinochet had stacked the Supreme Court with justices who would be loyal to him, attempting to perpetuate the highly subservient role the judiciary had played throughout his dictatorship. Under intense pressure from Chilean human rights organizations, the courts began to require the full investigation of a crime before the application of the Amnesty Law. As time progressed, more and more judges were appointed by the civilian government, and after several years things shifted in regards to human rights trials. Most importantly, Manuel Contreras, the former head of Pinochet's secret police, was convicted in June of 1995 of conspiracy in the murder of prominent exile Orlando Letelier. After his conviction he was spirited away to a naval hospital, where a standoff ensued. In the end the military caved, and even though this case had been exempted from the Amnesty Law, it still showed Pinochet's previous threat to be hollow. After this conviction a steady trickle of human rights criminals joined Contreras at the special prison built for him in Punto Puelco, with more cases pending each day.

A CATALYST FOR CHANGE

After Pinochet's 1998 retirement as Commander-in-Chief, he kept his immunity by assuming the position of Senator-for-Life.

At this point most Chileans expected him to live out his days quietly, although he still cast a powerful shadow over the new democracy. But instead he chose to have tea with Lady Margaret Thatcher and undergo back surgery in London, not believing that a Spanish judge named Garzón represented a true threat to him. His October 16, 1998 arrest was met with complete incredulity in Chile. No one—left, right or center—could believe that this fearsome and omnipotent dictator was now a prisoner who might have to face trial for crimes against humanity.

A new sense of urgency was given to the processes of redressing the past human rights violations. While the courts had gradually become more willing to prosecute and punish for human rights crimes, the arrest accelerated this process, led by Judge Juan Guzmán's significant ruling that disappearances could be considered "perpetual kidnappings" and therefore extend past the Amnesty Law's cutoff point. Equally important, the then-ruling government of Eduardo Frei initiated the *Mesa de Diálogo*, a forum in which human rights advocates, religious figures, and military leaders would sit down and discuss past and present human rights issues. This Mesa sought to both obtain information on the whereabouts of the bodies of the disappeared and to get the

THE PERSISTENT INSANITY OF AUGUSTO PINOCHET

When Pinochet was given his freedom by the courts and ushered out of the Senate in July of 2002, it was always with the expectation that he would avoid the public spotlight and stay at home with his mouth shut for the remainder of his years. This deal seemed to hold until this long cold winter of 2003. With pressure building up for the 30th anniversary of the coup which brought Pinochet to power, human rights once again dominated the national agenda. Pinochet himself made headlines in June, when he was on vacation in northern Chile. A middle aged woman, who claimed that Pinochet was responsible for her brother's death, shouted "*asesino*" at him and attempted to slap him in the face. This incident was widely publicized throughout Chile, and the whole nation was reminded of both the extent of Pinochet's fall from grace and his continuing personal liberty.

At the beginning of August, Pinochet entertained General Cheyre in his home, purportedly to discuss the state of the human rights cases against military officers. Several days later he gave a five-minute speech to a luncheon for retired officers, saying "there is only one Army—that of yesterday, today, and tomorrow" in an obvious rebuttal of Cheyre's declaration distancing the Army from past human rights abuses. Within days there were calls for fresh medical examinations of Pinochet and prosecutors convinced Judge Guzmán to try again to strip Pinochet's immunity. This move was blocked by a Santiago appeals court a few weeks later, but inspired hope that Pinochet may be tried in Chile after all. Despite prior predictions that Pinochet would be spending this September 11th "in court" or "at home on the advice of his doctor," he made headlines again by donating his Presidential Sash to the Foundation which bears his name. He gave a short and relatively muted speech defending the military's intervention on what he calls the "decisive day." This was just seconds after President Lagos' emotional appeal to Chilean unity at La Moneda, where he re-opened the door through which Salvador Allende's body had been carried out 30 years earlier.

military to admit its culpability for human rights violations. In the first aspect, the Mesa failed completely. However, in the second it was such a success that Mesa participant Jose Zalaquett referred to it as a "civic sacrament." The Mesa's dual goals explain the human rights community's disparate views regarding its success. More radical activists denounced the Mesa as the legitimization of an "institutional lie," while others viewed it as a crucial step towards accepting the truth about past human rights abuses.

After Pinochet's detention, the Chilean right initially rallied around "the *jefe*," defending Pinochet's record and casting the prosecution as a socialist conspiracy. However, when I recently asked prominent conservative advisor Marco Antonio González of the Jaime Guzmán Foundation if he still considered Pinochet the leader of Chile's right, he compared my question to him coming to the United States and asking Republicans about Richard Nixon. That was part of Chile's past, he said; the right is con-

cerned about Chile's problems today; it is the left that needs Pinochet—to keep him around as a symbol.

THE EMPEROR'S NEW CLOTHES

When Pinochet returned to Chile in March 2000, it became evident that his international disgrace had destroyed his domestic image. Although he was received with full military honors, his first act was to stand up from his wheelchair and defiantly raise his cane in the air, in an attempt to recapture his "superman" image. This gesture, which disclosed that his health defense was a lie, shocked and offended a great majority of the Chilean public. Soon Pinochet was back in court, charged with more than 300 cases of human rights violations. The prosecution successfully stripped Pinochet of his immunity as a Senator-for-Life, but once again Pinochet escaped jail time after citing his age and alleged mental incapacity. Although Pinochet will never face jail time, even the once supremely loyal Chilean military has

distanced itself from him and the dictatorship. In the Mesa's June 2000 report, military representatives publicly admitted responsibility for human rights violations and declared that such acts were inexcusable. This fact was further emphasized by Cheyre's 2003 declaration.

In the end though, what is the relevance of Pinochet's arrest? In light of the progress that Chileans had been making between 1990 and 1998, it is plausible that the arrest simply served as a catalyst by accelerating the processes in effect since Aylwin assumed the Presidency. This was the opinion expressed by Zalaquett, who said that many of these processes would have happened without the arrest, maybe less so and more slowly, but they would have happened. In my opinion, however, something about the arrest itself set off a genuine and powerful psychological reaction in the Chilean consciousness. For years, Pinochet had been revered and reviled, but after crushing opponents, surviving upheaval and assassination attempts, he was universally viewed as the Untouchable. But then he blundered into the hands of the British and ended up at the mercy of a foreign court, creating a situation that was more than humiliating. The arrest was, according to scholar Gregory Weeks, a symbolic death. Pinochet could perhaps have survived this mistake, but his pleas of infirmity and incapacity sealed his fate. The Emperor was revealed to be naked, and his once-imposing image could not hold the same sway over the Chilean people and their democracy ever again.

Jonathan Taylor '03 graduated from Harvard in June with a bachelor's degree in government and a Latin American studies certificate. He is currently working for Poder Ciudadano in Buenos Aires, and in January will go to work for IDL in Lima. For a much, much longer discussion of this article, write to him at <jonathan_taylor@post.harvard.edu>.

Photographer Eden Miller, a member of the MIT Western Hemisphere Project (<http://web.mit.edu/hemisphere>), is an engineer and a doctoral candidate in the history of science and technology currently residing in Santiago. She is writing her dissertation on the relationship between political ideology and the early design, development, and application of computer technology in Chile.

A Violence Called Democracy

The Guatemala of Rios Montt

BY JENNIFER SCHIRMER

IT BECAME KNOWN AS GUATEMALA'S Black Thursday. Peasant demonstrators swept through the streets of Guatemala City. They smashed windows and burned cars, while some chanted "We want Rios Montt, because he is for the poor, the other candidates are for the rich." The allegedly spontaneous July 25 riots were a well-orchestrated and financed show of support for the presidential candidacy of former general Efraín Rios Montt and for the Frente Republicano Guatemalteco (FRG), the party he founded and now leads.

The Guatemalan Constitution states that no one involved in a coup d'état may run for president. Rios Montt, who oversaw the 1982–1983 massacre campaign after coming to power through a military coup, asserted that the law did not apply to him. He was registered as a presidential candidate July 14 by the FRG-packed Constitutional Court. However, the Supreme Court challenged this decision a week later, upholding the constitutional rule. The riots were intended to show "the will of the people" to have the former dictator run for president.

Newspaper *Prensa Libre* called the riots "mental insanity provoked by the impossibility of (Rios Montt) reaching the presi-

dency" and warned "The government, its resources, its institutions, were placed at the disposition of terrorism of the State, which represents an historical regression of such gravity that it only demonstrates what the FRG has become."

Military and police commanders stayed in the barracks as FRG-paid provocateurs looted, stoned, and threatened journalists, pedestrians, workers and embassies. One 65-year old reporter, Hector Martínez, died of a heart attack while running from demonstrators. As if the physical destruction and loss of life were not enough, the Constitutional Court promptly overturned the Supreme Court decision a week after the riots.

Rios Montt and the Portillo regime do not represent something new. They represent, rather, a more extreme version of a democracy premised on the pre-emptive logic of counterinsurgency and run by an army and a political elite that refuse to confront the repressive past. The institutional structures that derived from the doctrine of national security have not been dismantled in Guatemala. In attempting to only "normalize," minimize or ameliorate, rather than eradicate repression and human rights violations and truly reform the state, the

army succeeded in none of the above.

Speaking about guaranteeing human rights and the dismantling of military intelligence apparatuses in Guatemala at a time when anti-terrorism is at the center of global politics and right-wing governments dominate in both Guatemala and the United States is like tacking into a hurricane with a dinghy.

And yet the Guatemalan situation is a litmus test for human rights and democracy. Rios Montt, now Congressional leader, is already considered the power behind the throne in the Portillo government. One frequently told joke is that President Portillo has the last word, and it is "Yes general." It is no joking matter though. Rios Montt's political machinations have enabled him to penetrate Congress, the Constitutional Court and the army. His son, General Enrique Rios Sosa, rose meteorically from Chief of Finances of the Army to Chief of Staff of the National Defense in 30 months. The days of the riots, Rios Sosa ignored civil society's call for troops, keeping them in the barracks. Rumors circulated that Rios Sosa might even attempt a coup when his father's approval rating plummeted 60% in the opinion polls after the riots. It is little wonder then that there was a sigh

A local election rally for the opposition PAN party gathers workers.



of relief when Rios Sosa was removed from his post by President Portillo “for personal reasons” (*Prensa Libre* editorial, Sept. 2, 2003). Only a few days after U.S. Secretary of State Colin Powell stated that the U.S. had “serious reservations” about the Rios Montt candidacy (*Prensa Libre* August 14, 2003).

Intimidation continues nonetheless with threats against journalists and human rights activists, as well as candidates from other parties in the countryside. Lorenzo Sequec Juracán, a mayoral candidate who stepped down from the race due to death threats, declared, “Life comes before any elected office” (*Prensa Libre* August 14 2003).

The lesson in Guatemala is that you can’t establish democracy without confronting the preeminence of preemptive security and the forces empowered to guarantee it in whatever manner deemed necessary. Otherwise, one is merely establishing a violence called a democracy.

In Guatemala, the apparatuses of military intelligence were never dismantled. Individual officers were targeted for corruption, but not for human rights violations. The phenomenon of ex-General Rios Montt as presidential candidate illustrates the legacies of a transition to peace and democracy that was built on the scaffolding of a brutal counterinsurgency campaign in which 75,000 were killed. Rios Montt headed this massacre campaign and is a child of the marriage of counterinsurgency premised on the logic of national security. This logic within Guatemalan military intelligence included preemptive killings in the name of forced disappearances and what officers refer to as *matazonas* or “killing zones” with no distinction made between civilians and combatants.

The phenomenon of Rios Montt is also the result of the malnourished Peace Accords signed in 1996: the elite of Guatemala has systematically refused to take fiscal responsibility to implement the necessary economic and social reforms of the Peace Accords for Guatemala to become a liberal democracy. The army, for its part, responsible for creating a complicity of violence with a paramilitary of more than one million male indigenous villagers, was unwilling in the negotiations to give up its intelligence apparatuses.

Both actions have opened the political space of discontent for Rios Montt and the FRG to ride in on the coattails of army-identified, popular discontent. Equally as criti-

cally, it kept in place the doctrine of national security and the institution that such a doctrine empowered: the Army.

Closely associated with organized crime and murky intelligence networks established in the decades of naked military governance and dire human rights violations, the phenomenon of Rios Montt also has to do with using the structures of governance—the Army

The global order in which these events are happening is of some consequence. Human rights violations and protections do not operate in a vacuum.

and its intelligence apparatuses, the executive and legislative offices—to oversee corruption and drug trafficking in the millions of dollars. FRG government scandals indicate to what extent Rios Montt and his FRG-intelligence compatriots will go to win the election in order to retain their grip on power.

BACKGROUND: THE 1982 COUP

After three decades of naked military rule since 1954, the Guatemalan military had a political awakening. A group of “institutionalist” officers advocated a unique form of civil-military co-governance with which to win the counterinsurgency campaign both militarily and politically. With the 1982 coup, this group of officers set in motion a politico-military project that fashioned a democratic transition out of a counterinsurgency campaign: they “prepared the environment” for elections by way of massacre and once pacification was, in their view, accomplished after 18 months, ordered elections for a civilian presidency for 1985.

They looted the legal and parliamentary system as a way of maintaining the army’s prerogatives, creating a flexible yet bounded political opening in which intelligence is free to selectively repress, and if deemed necessary, eliminate potential “opponents of the state.”

Refusing to restructure the intelligence apparatus was a serious error on their part, as it opened the door for the re-ascendance of those officers who very much disagreed with this civil-military “mixed” approach: those wedded to the economic old guard, or *cofradía*, returned to power with the FRG in 2000.

The institutionalists had wanted to operate within the paradigm of a controlled democracy, maintaining control over intel-

ligence activities and ensuring a moderate *apertura*. They were hoisted on their own petard for two reasons. On the one hand, because they overestimated the ability of the left, they were unwilling to “reform” intelligence of its dirty war tactics. On the other hand, because they underestimated the ability of the right, they lost control of intelligence to the *ultra cofradía* deadset against the

civil-military “mixed” solution and the peace accords. These hardline officers managed to re-take power by way of a political party on the back of civil-military co-governance.

CO-GOVERNANCE AND CIVILIAN COMPLICITY

A symbiotic relationship exists in Guatemala through which the civilian president presides over the administration of the State, while the military remains in charge of security issues. Civilian presidents effectively are held hostage to “security” and “anti-terrorist” concerns by military intelligence. For example, neither the Arzu administration (1996–2000) nor the Army High Command cooperated in providing documents, testimonies or archives to the Commission on Historical Clarification (the truth commission)—as so established by the Peace Accords.

This situation allowed for the army, during the UN-directed peace process in the mid-1990s, to negotiate terms that were minimally inconvenient to the army and did not threaten its basic institutional power or autonomy. Thus, the military has remained firmly in control of intelligence activities, monitoring all forms of protest, overseeing police actions, ordering disappearances and killings, and then carrying out their own investigations of these activities to maintain oversight of their impunity. The military continues to define what constitutes internal as well as external security issues without meaningful civilian oversight, and maintain their ideological and operational justifications for doing so in direct violation of the Peace Accords.

Under the Portillo regime, the Presidential Chief of Staff (EMP), notorious in the 1970s and early 1980s for its operations of

disappearance and killing, serves as part of a 'parallel power' network—although the apparatus was to have been dismantled as part of the Peace Accords. The main players behind the scenes are a number of very hard-core intelligence officers, many of whom were cashiered from the army for their connections with organized crime and drug-trafficking. Disregarding internal army procedures, these officers make all recommendations concerning military staffing, budget, promotions, logistics and intelligence over and above the National Defense Minister and military zone commanders. Officers with FRG affinities were purportedly promoted to "maintain stability within the army"; yet given drugtrafficking flights into specific military zones, loyal commanders were appointed to serve as confidantes to the parallel power. In this role, they dispatch suitcases filled with millions of dollars to both the EMP and the executive office, according to officers interviewed (2003 interviews).

As one military officer has remarked, "The parallel powers within the FRG—contraband, organized crime, and hardline retired officers, many of whom were cashiered from the army for drugtrafficking—are contaminating the entire system of governance" (2002 interview). This extreme politicization of staffing and command positions has created a dangerous sense of uncertainty and frustration within the army.

With few ties to the traditionally elitist private sector, Portillo and the FRG began in office by actively pushing for a package of new

taxes and fiscal reforms bitterly opposed by the powerful lobbying arm of the established private sector (CACIF). The FRG turned to the political and economic network it had developed from its two presidential campaigns, referred to as the "hidden forces" behind Portillo. "I'm an outsider," Portillo confided to me with regard to the Guatemalan ruling elite, "so I've had to look to others for financial support" (2000 interview).

This volatile combination of the "parallel power" and "hidden forces" has rocked the Portillo regime with public scandals of top government officials involved in money laundering and drugtrafficking charges, prompting stinging critiques, as well as political pressures, from both the State Department and the U.S. Embassy.

Given this situation, it is even more problematic that under Portillo and in the wake of September 11, retired military intelligence officers have acquired enhanced powers with a new form of "integration of security forces." In November 2001, at the urging of the United Nations, Guatemala established a new anti-terror commission led by a retired military officer who directs a new interagency security committee dominated by military officers.

INTELLIGENCE-ENGENDERED VIOLENCE

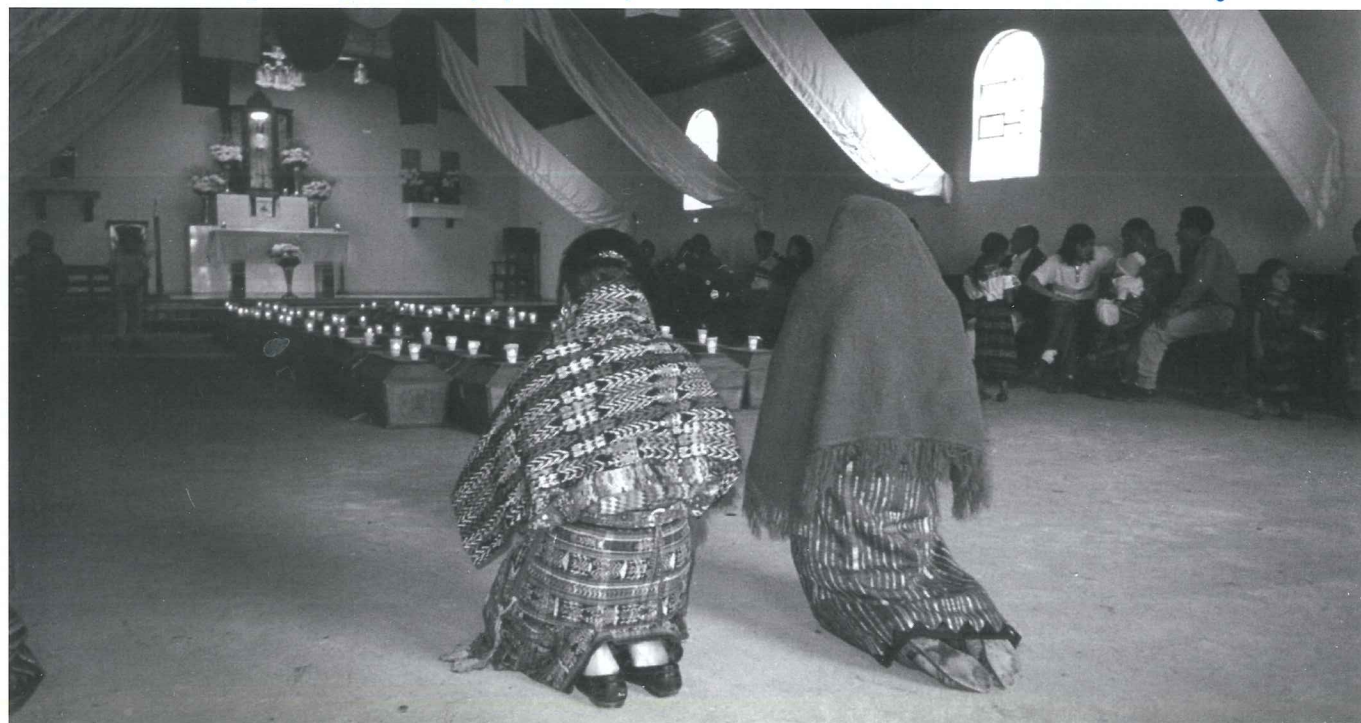
One might say that now, in the early part of the 21st century, officers are reaping what they sowed institutionally: intelligence-engendered violence, corruption and crime that has become the scaffolding of government.

But the global order in which these events are happening is also of some consequence. Human rights violations and protections, as we know, do not operate in a vacuum.

While the Bush administration claims its National Security Strategy has no historical precedents to the wars in Afghanistan and Iraq, the new doctrine in fact does not "exclude or eliminate other tools of national security" (Colin Powell testimony, Senate Foreign Relations Committee, September 2002). Parallels of NSS to counterinsurgent wars are worth noting: a) the notion of preemption: a logic of war premised on *potential* threats in the remote future; in the case of Guatemala, this took the form of forced disappearance and special tribunals in which lawyers could not meet with their clients and b) the deliberate lack of distinction between terrorist/combatant and civilian. The Argentine, Chilean and Guatemalan generals, if we remember, described their opponents as 'terrorist-subversives' to be liquidated. While the winning of hearts and minds "to gain the will of the people to cooperate voluntarily" is important, one officer informed me, intimidation and torture are not abandoned when it is deemed necessary to wage war against potential "enemies of the state"—who may be your local mayoral candidate.

In Guatemala, the U.S. supports the November 2003 elections, pressures Rios Montt's son to step down as Chief of National Defense, denies visas to military officers involved in drugtrafficking, and publicly sup-

Xalai Sanahí, a small village, recently reburied 68 people in one day from a 1982 massacre. The bodies had been tossed in a mass grave.



ports threatened human rights activists. However, it has also reaped what it has sown over the last half century. In identifying first communists, then drug traffickers, and now terrorists as the enemy that needed to be defeated even if it meant supporting a dictatorship like Rios Montt's in the 1980's and establishing and financing the repressive security apparatus throughout this tragic period, the US ultimately has provided a bulwark to state-sponsored repression and corruption in Guatemala. It needs to understand that its global campaign of national security strategy against terrorism, including military trials, provide officers like Rios Montt and his *cofrades* with a sense of vindication: we were right all along to fight terrorism in the killing zones and with special tribunals of the 1980s

and right to continue to repress Guatemalans through the "legitimate" institutions of a democratically elected government.

Finally, similar to the current Bush administration with its potential major scandals such as Iraq contracts and fabricated intelligence, were they to lose the elections, the scandal-rocked FRG and Rios Montt are out to win the elections at any cost to keep their grip on power.

Apart from developing effective strategies to expose and eradicate the 'parallel powers' and 'hidden forces' that work for impunity against corruption and human rights violations in this and future civilian regimes in Guatemala, the parallels between counterinsurgency and NSS, and the potential for killing zones and special tribunals in the

future, should not be ignored. In the end, without purging the murderous security apparatus, even moderate dissent remains a dangerous activity in Guatemala, jeopardizing this very fragile liberal democracy.

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GUATEMALA TODAY

MANY SHADES OF GRAY

As the rains fade and the heat returns, Guatemalans are preparing themselves for what many believe to be the country's most important election in recent memory. To hear it told on the street, the November presidential contest will be a clash between good and evil—though which is which seems to depend entirely upon who is doing the telling. Beneath the surface, however, a much more murky game appears, casting light and shadow on all of the candidates. During my time in Guatemala I saw the inspirational, like Pablo Ceto's quixotic campaign for native empowerment; I saw the appalling, like the savagery of that masked mob on the day of the riots; I saw everything in between. More than anything, however, I saw a pack of Jekylls and Hydes, all struggling toward the top office. As a locally-engaged Harvard student I had incredible access, and in the end, my time spent among the politicians of this turbulent isthmian nation convinced me that there are no saviors in the wings, nor does the Devil himself walk among the candidates. Indeed, I came away with the belief that the average Guatemalan stands on the verge of electing a president much like those that came before.

Three men have emerged as frontrunners in this election, and contrasting caricatures certainly do give the feeling of a major decision. The former military dictator Efraín Rios Montt, vilified in the press for the atrocities committed during his reign, leads the incumbent Guatemalan Republican Front (FRG). Though in third place, he is certainly the most talked-about figure in this race, and the papers routinely slam his party for corruption, intimidation, and plotting electoral fraud. These same papers hail Oscar Berger, former mayor of Guatemala City and candidate of the Grand National Alliance (GAN) as the man who can better the lives of all Guatemalans. Indeed, with a strong lead in the polls, it is hard to find anyone on the streets of the capital who can imagine Berger losing. Finally, there is Alvaro Colom, who leads the center-leftist National Unity of Hope (UNE), and promotes himself as a third way. In second place, Colom falls outside the clear right against wrong portrayal of his opponents: a political opportunist easily swayed by his advisors, Colom is also an idealistic champion of the poor with solid policy ideas.

The truth is that despite their differences, all of the candidates are much more like Colom than they first seem, and all display both the good and the bad of leadership. Indeed, a night spent in a local tavern is all it takes to understand that terror has gripped this country, that the men at the bar fear for the safety of their families, and that a whole generation remembers Rios Montt as a heavy-handed ruler who was able to put down the violent crime that now engulfs the country. So too do the rural poor remember that his government is the one that brings them fertilizer for their fields and subsidizes their pesticides. Outside the capital city, the crowds that gather in the little plazas want nothing to do with Berger. He is a creature of the oligarchy, they say, a puppet of the few who have put millions into his campaign, buying press and polls; Berger, they are certain, would do nothing for the poor.

Guatemala is neither fully a country of manicured lawns nor of hillside fields, and inherent in its diversity is the fact that this presidential election—regardless of the outcome—will again make winners and losers of different populations. To deny that the candidates all offer a mixed bag is to close one's eyes to reality. In the end, I boarded an airplane home feeling that despite all the excitement, I was leaving a country still painted in many shades of gray.

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Human Rights and Reconciliation

Forging the Cuban Path

BY MARIFELI PÉREZ-STABLE

I FEEL THE STRONGEST OF BONDS WITH Cuba. I was born there and left as an 11-year old with my family for the United States shortly after the revolution came to power. We thought our stay here would be brief. Though a proud U.S. citizen, I'm a Cuban at heart.

On the island and in the diaspora, Cubans—myself included—are well familiar with situations of polarization, of being either for or against. As a young adult, I became drawn to the Cuban Revolution for its ideals of sovereignty and justice. That made me a pariah among other Cuban exiles. During the 1980s, I gradually came to terms with the fact that Cuba wasn't working. I became increasingly and openly critical. In 1992, I signed an open letter (initiated by dissidents in Cuba) to the U.S. and Cuban governments, opposing the Cuban Democracy Act and calling for reforms on the island. Havana branded me *persona non grata* and now won't let me back to visit

my homeland. There is no middle ground.

But finding middle ground is what politics is all about. As an academic thinking about new democracies, I studied the ways in which these fledgling regimes dealt with a past of systematic, often horrendous violations of human rights. I started looking at the prospect of a democratic Cuba and the troubled past it will inherit. I concluded that engaging all Cubans in dialogue—about the coexistence of divergent memories, ways to establish truths about what happened, and seeking some justice—was the most constructive step for the time being. With Harvard University's Jorge I. Domínguez and Miami attorney Pedro A. Freyre, I set up the Task Force on Memory, Truth, and Justice. Financed by the Ford Foundation and the Open Society Institute, the task force—26 individuals of Cuban and other national origins—recently released *Cuban National Reconciliation*. Here is an extract from the report:

Reconciliation cannot be dictated nor decreed. It is, on the contrary, a long, multifaceted process that can only be duly consolidated under the rule of law. We strive for a necessary and sufficient level of reconciliation so that all Cubans—on the island and abroad—may live in peace, that is to say, in a democracy with strong institutions supportive of peaceful resolutions to political differences. A platform of reconciliation recognizes the pluralism of Cuba as nation, and that such diversity nourishes its patrimony. So that all voices may be heard in the arena of public discourse, Cubans must cling to a civic ethics that compels them to listen and to dialogue; no group, sector, or person has a monopoly on truth, and dialogue often changes people's minds. Librado Linares García, coordinator of the Cuban Reflection Movement and in April 2003

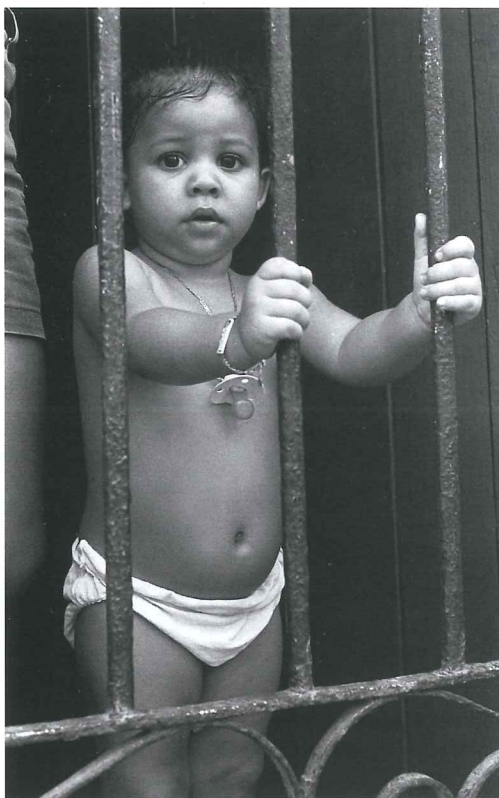
Miami is just ninety miles away, but a middle ground that bridges the ocean is hard to find.

condemned to a 20-year sentence, said as much in a letter to the Task Force from Camajuaní, Villa Clara:

Only a reasoned reconciliation, not vindictive...would ensure the creation and consolidation of a new national project, as well as the proper development of a pro-democracy movement that becomes a true counter-power, could ensure that the actual regime does not survive in the future. My position is clearly on behalf of reconciliation. However, the way such reconciliation is implemented will be determined by debate in the public arena, and all actors should be there. (Letter to the Task Force on Memory, Truth, and Justice)

Signs of a reinvigorated civic ethics can already be seen in Cuba: in independent civil society, in the flourishing of faith-based communities, in independent intellectual expression, in the courage shown by those imprisoned for reasons of conscience, in the integrity of those who have raised human rights as the unquestionable bastion of their civic and political life, imagining a democratic Cuba where the opposition would never be harassed as it is today.

Reconciliation requires an understanding of the polarization that tore Cuba apart, as well as a recognition and a commitment by the great majority of Cubans that it should never happen again. Upon reaching such understanding, recognition, and commitment, Cubans will have overcome the warrior mentality—a reflection of polarization—that still marks their political rhetoric. There are, however, indications of change. Unusual but notable was the use of the term “invaders” (instead of the established “mercenaries”) by the Cuban media to refer to the five Brigade 2506 veterans who attended a conference on the Bay of Pigs’ 40th anniversary. There are myriad signs of openness in Miami from the Cuban-community support of the Varela Project (even though its starting point is the 1976 Constitution) to the scholarship established at Miami-Dade Community College in honor of singer Elena Burke, who lived and died in Cuba. Public opinion polls indicate more open and inclusive attitudes among South Florida Cubans; two Cuban-American candidates for a 2002 congressional seat, Mario Díaz-Balart (R) and Annie



Awaiting the Cuban future.

Betancourt (D), even managed to hold civil debates on the usually heated subject of the embargo. Manuel Cuesta Morúa and Fernando Sánchez López, promoters of the Reflection Roundtable of the Moderate Opposition (MROM), observe similar changes in Cuba:

Behind their harsh and absolute discourse, Cubans find reconciliation within their families, in religion, in culture, in a healthy attempt to reach minorities, and in their informal, but powerful claim to be recognized as individuals. Before these facts, intolerance evaporates: and intolerance is the cultural fuel of our historical machinery of violence...

To counter the negative consequences of violence—psychological, physical, or verbal—reconciliation should start with an ethical vindication and a practical moralization of the main instruments of politics: dialogue, negotiation, transactions, and pacts...Dialogue at the social and political level and forgiveness at the moral level constitute possibilities for a successful reconciliation. (Letter from the Reflection Roundtable of the Moderate Opposition to the Task Force on Memory, Truth, and Justice)

In December 2002, Oswaldo Payá's message upon receiving the European Parliament's Sakharov Award for Human Rights in Strasbourg, France is clear and conclusive:

Cuba's civic combatant heroes—the ordinary people who have signed the Varela Project—carry no weapons. Not a single hand is armed. We walk with both arms outstretched, offering our hands to all Cubans as brothers and sisters, and to all peoples of the world. The first victory we can claim is that our hearts are free of hatred. Hence we say to those who persecute us and who try to dominate us: “You are my brother. I do not hate you, but you are not going to dominate me by fear. I do not wish to impose my truth, nor do I wish you to impose yours on me. We are going to seek the truth together.” This is the liberation we are proclaiming.

There are still those who perpetuate the myth that there is conflict between the exercise of political and civil rights and a society's ability to achieve social justice and development. They are not mutually exclusive. The absence of any civil and political rights in Cuba has had serious consequences, such as inequality, the poverty of the majority and privileges of a minority, and the deterioration of certain services, even though these were conceived as a positive system to benefit the people.

Even though the path imposed by official Cuba is not the way, within its ranks there are a good many people doubly capable—for their talents and because they will use that talent to ease the transition to democracy and national reconciliation. There were, and there are, Cubans of good will, of personal and professional integrity, on both sides. In the November–December 2002 issue of *Revista Vitral*, Dagoberto Valdés Hernández—a lay Catholic from Pinar del Río and the magazine's editor—provides a sharp analysis that should be embraced by all honest Cubans, wherever they may physically or politically be, because a future in peace cannot be built on the basis of the present.

Something is moving in Cuba. More and more often, we see political paralysis as the patrimony of the power structure, and we note that initiatives of all types characterize

the incipient civil society, and the simple citizens who choose to remain here and to open up different spaces for participation.

We should look beyond our day-to-day-survival and, for a moment, consider how far we have come. Hiding what moves, so that those who have managed to move a bit are discouraged, is the first trick paralysis plays. Franco, the Spanish dictator, used to say: "Whoever moves will not come out in the photograph." That is to say, whoever moves disappears, does not exist, does not count.

We should look ahead. This is the way I look at things, and I share it with the purpose of contributing an opinion that not only looks ahead, but also and above all, that helps raise the self-esteem of those citizens who seriously assumed their responsibility as protagonists (which means "first in agony"), that is to say, that helps those who have opted for sacrifice, for serving others, giving much of themselves, sacrificing their families and safety for the nation all Cubans constitute. ("Algo se mueve en Cuba: En camino hacia la madurez cívica." *Revista Vitral*. November–December 2002. See <www.vitral.org>)

Cuban National Reconciliation considers it helpful to delimit four main aspects of a reconciliation process:

■ *Reconciliation of Every Cuban with Himself or Herself*

There are enough reasons—on one side or the other—for the wounds and pain accumulated for all that has happened since 1959. No one has a right to ask victims to forgive and reconcile with oppressors. All Cubans, however, have the right to expect a social context that allows them to leave their children and grandchildren a Cuban homeland that is strongly protected by institutions and rights and, therefore, has banished political violence. Rancor and vengeance cannot set the guidelines for their national reunion. Restoring silenced or absent memories, unveiling truths, and seeking justice may be helpful so that each individual—victims and oppressors, Cubans on one side or the other—may make peace with himself or herself and with the past, so that all can look forward with only one weapon in hand: a civic conscience of citizen rights and responsibilities.

■ *Family Reconciliation*

Within families, reconciliation has advanced the most. It started in the late 1970s with family reunification travel and has continued ever more deeply and irreversibly. During the 1990s, family links increased due to the frequency of travel—the numbers of people who went to Cuba and the numbers of Cubans from the island who visited their relatives in the diaspora—as well as the remittances from the diaspora to their families in Cuba. In spite of the political context, Cuban families have practically left politics behind as a reason of discord and separation.

■ *Reconciliation in the Diaspora*

During the 1970s, the emerging pluralism—regarding the embargo, the use of violence as the principal means of opposition, and the opening towards the Cuban government—shattered the consensus that had characterized the exile community. These issues generated intense polemics that—suffused with a warrior mentality on all sides—did not constitute a dialogue. Though Cuban Miami today has left political vio-

sustained by a civic conscience regarding duties and rights of the citizenry. Then, the public arena will be protected by a state founded upon an ethics that upholds the rights of citizens to dissent, using their own and autonomous means, without fearing reprisals. Only then will there be room for all. When that happens, we will be able to say that Cubans are living in peace.

Because it will be a long process, reconciliation will take place one step at a time. As the poet Antonio Machado said: "Wayfarer, there is no path, you make the path as you go." However, we end this report with the hope that, some day, a promising and memorable ceremony of national reconciliation will be celebrated. The Escambray Mountains—main site of the armed resistance against the revolutionary government (1960–1966)—would be a good place for a solemn act to honor the memory of all Cubans who have fallen victim to political violence since 1959. There, Cubans could unveil a monument engraved with the names of each and every one of those dead, from one side and the other. Veter-

Signs of a reinvigorated civic ethics can already be seen in Cuba: in independent civil society.

lence behind, civic life in the diaspora still requires care and attention. Cubans abroad, especially in Miami, have the responsibility to make their discourse ever more civic, open, tolerant, and inclusive. Reconciliation in the diaspora is within reach and requires all political currents to make an effort to express their differences in such a way as to leave the warrior mentality behind. Only then will a true dialogue begin. If it happens, this reconciliation would demonstrate the ability of Cubans in the diaspora—who are also part of Cuba and have rights and duties regarding democratization and reconciliation—to coexist civilly.

■ *Political Reconciliation*

In the longer run lies a reconciliation based on a new pact agreed upon among political actors and with Cuban society, which will raise an ethics of means—respect for human rights—as the basic, unmovable cornerstone of politics. For this pact to come to life in Cuban society, it will have to be

ans of the civil conflict from both sides would participate in the ceremony, which would truly be a moment of harmony. In Trinidad, at the foot of the Escambray Mountains, the museum that now documents "The Struggle Against Bandits" would be modified: it would integrate memories from all sides so that it would offer an all-encompassing history of what by then may be called a civil war.

Should these things come to pass, Cuba would be on the right path, perhaps once and for all. With that new vision for the Cuban nation in our minds and in our hearts, we offer readers the report, *Cuban National Reconciliation*.

The full report may be found at: <<http://memoria.fiu.edu>> Marifeli Pérez-Stable chaired the Task Force on Memory, Truth, and Justice, which issued Cuban National Reconciliation. She is a professor of sociology at Florida International University in Miami.

HEALTH AND IMMIGRATION

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Economic, social and cultural rights have become an important focus in Latin America and in U.S. Latino communities. This section on health and immigration focuses on two aspects of those rights.

Suffering That is "Not Appropriate at All"

A Harvard-Haiti Lament

BY PAUL FARMER WITH PHOTOGRAPHS AND COMMENTARY BY DAVID WALTON

A FEW WEEKS AGO, A FEW FRIENDS AND co-workers from Partners In Health, a small Harvard-affiliated organization concerned with lessening health disparities, put together a photographic exhibit called "Structural Violence: A View From Below." Most of the pictures were taken in Latin America. The response to the exhibit was very positive, judging from comments in the guest book. Some of these photographs were of my own patients, and all of them were taken by my co-workers and students. Others chose the photographs and the title of the exhibit; others did the hard work of hanging them in the Holyoke Arcade and designing and mailing a simple and elegant invitation. I was either in Haiti or on medical leave after injuring my leg in a fall down a Haitian hillside. I'm ashamed to confess right here that I have not yet seen the exhibit at the time of writing. It is now hanging in a Harvard student residence, Eliot House, the Cambridge home to which I return in a few days.

When I see the exhibit, however, one photograph will have been removed at the request of a visitor who wrote in the guest book "not appropriate at all." This verdict was underlined twice and also telephoned to the building administration as a formal complaint. To avoid giving offense to this visitor and—presumably—others similarly affected, the photography show's organizers took the picture down. The offending photo is one in series of informal portraits taken by her doctor in the course of a home visit, of a Haitian woman struggling to survive

breast cancer and poverty.

Like most women living in dire poverty, Lorieze had been diagnosed tardily. In her case, the tumor had already consumed much of her breast. She had a mastectomy in the Partners In Health hospital based in Cange, here in central Haiti. Afterwards, another colleague carried some of the tissue to Boston in order to find out if Lorieze might benefit from chemotherapy. She would and she did. Surgery and chemotherapy—vanishingly rare in rural Haiti and available, to my knowledge, only in our hospital—have given Lorieze a second lease on life. The photo was taken (during a follow-up home visit) with her blessing, as were the other photographs in the display. Indeed, many of our patients here have asked that their pictures be taken; many have asked for copies of their images.

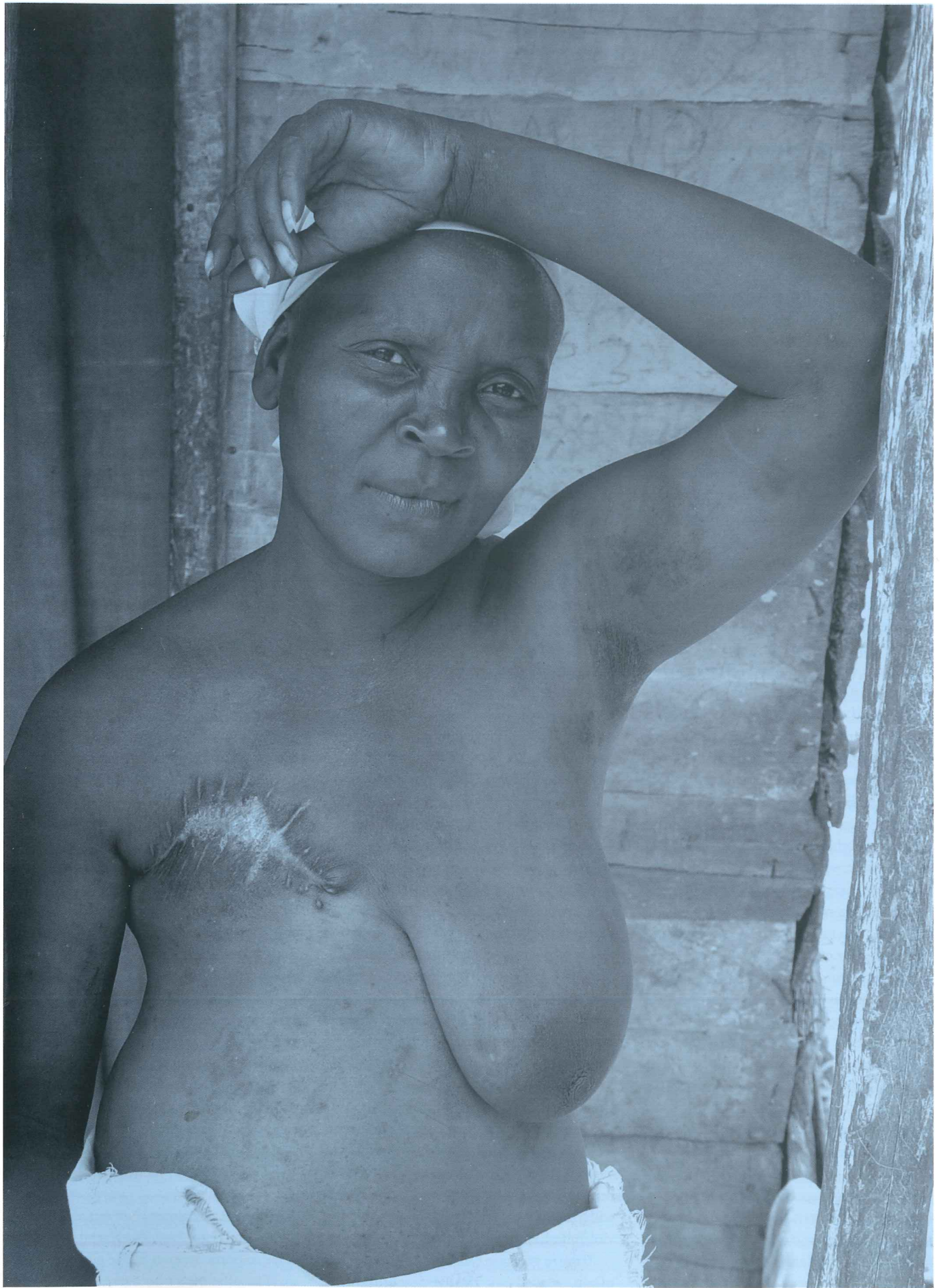
What about this photograph, I wonder, prompts such extreme reactions? It can't just be the depiction of a breast (a spectacle to which the general public is no doubt as inured as I, a medical professional). Is it the suggestion of disease, surgery, pain, and other things we prefer not to think about? Or is it the deeper history that the photograph expresses, if we only know how to decipher it?

I did some preliminary checking up on Lorieze. She was doing much better, according to her doctors in Lascachobas, about an hour and a half from here by Jeep. But the disease will still likely kill her. Our interventions were delivered with technical competence and hope and a great deal of love. But nothing will change the fact that this

woman wandered around Haiti's towns for more than a year, looking for someone to diagnose and treat her illness, and found nobody. Breast cancer is awful anywhere. So are AIDS, other malignancies, drug-resistant tuberculosis, and a host of other diseases that afflict the poor disproportionately. But once afflicted, the victims of structural violence are in a very different situation from others diagnosed with the same illnesses. As in Haiti, the poor everywhere rarely have access to even the most mediocre medical care. Partners In Health's mission is to lessen inequalities of access to care. So this image—of a rural Haitian woman with only one breast—addresses a special kind of human rights issue: the right to health care.

Surely the right to health care, like other social and economic rights, is important. Many of the people Partners In Health is privileged to serve in Haiti, Peru, Roxbury, and Siberia have told us in no uncertain terms that food, housing, jobs, and shelter—freedom from want—are the rights they care most about. Yet these are not the rights discussed often in the affluent world, where civil and political rights have long dominated the rights agenda, itself decidedly flabby in many of the wealthiest countries. But some people who don't think much about the right to food or housing are sympathetic to the right to health care, since almost anyone, rich or poor, can imagine what it would be like to be sick and without medical care. If the right

Lorieze: a special kind of human rights issue.



to health care is so basic, why, exactly, would a photograph rich with lessons for the affluent rankle or offend?

I heard of the photo incident while here in Haiti, where priorities of a completely different order prevail. Here, an hour and a half from Miami, civil and political rights are important but the daily struggle is mostly for survival. And although Haitians do not enjoy the right to health care, they do, in my experience, have systematic and comprehensive notions about such rights. Many are articulate in asserting *tout moun se moun*—every one is human. The currency of this proverb is striking in Haiti, the very land in which human rights have so long been denied. A rich human rights culture is now emerging, but it is coming from the poor. The subtext of this saying, *tout moun se moun*, is usually that poor people deserve access to food, school, housing, and medical services. I hear this sort of commentary almost every day in our clinic in central Haiti.

The political and moral culture of affluent universities such as Harvard seems, at times, not to share a planet with rural Haiti. Major campus struggles have sometimes concerned issues of representation. As a graduate student in anthropology, I heard frequent discussion of who has the right to take a photograph and display it. Of course academics have written tomes on photography, and anthropologists have a strange obsession with representation (in both artistic and political senses). But the Partners In Health photographs were not displayed to exploit the suffering of others but to bring people whose lives are different and far less difficult—that is, people like us—into a movement: a human rights movement in which people connected to a research university would have a great deal to offer.

Representation is inherently controversial. I can easily agree with the proposition that the photographer (even the physician-photographer) stands, through luck, privilege, education, and social standing, in an unequal relationship to the person photographed. But the point of the picture is not to reinforce that inequality. It is to testify to deep questions of history and political economy. A look at a photograph of a woman who has received far more medical care than more than 95% of most Haitian women with breast cancer, but far less than most Northern Hemisphere women with breast cancer, offers us all a chance to think

about health care as a right. Dismissing such images as “not at all appropriate” is an excellent way of stopping that conversation and of undermining serious studies of why, for example, the likeliest outcome for a woman in rural Haiti so afflicted would be death without even a diagnosis, much less therapy.

The anonymous visitor’s expression of anger cannot readily be glossed as “political correctness”—the blanket claim, often from conservative corners, that we should not place such images in public spaces. The comment in the guest book speaks, I believe, to a very different malady: a desire to avert our gaze from things that should make us uncomfortable. But regardless of what motivated the objection—after all, personal experience is undeniably valid as such, regardless of provenance—the images chosen were meant to afford us a chance to reflect on the lives of those assailed by both poverty and disease. So too should this second photograph, of a woman and her sleeping baby, make us begin to wonder why it should be so difficult for a young woman to keep her child alive. And why she should fail in her efforts, as she did, again because care came too late.

Of course we should also try, as an exercise, to approach this peremptory comment—“not at all appropriate”—with a hermeneutic of generosity. There is first, as I have said, the universal validity of personal experience. An announcement of discomfort can never be dismissed. But the Partners In Health photo exhibit was not about suffering in Cambridge or Boston, least of all about the suffering that viewing photographs might cause in Harvard-affiliated passersby. It was not shock art, not pornography, not a freak show; it was a report on the suffering of others. Wouldn’t it be wonderful if the comment was meant to tell us that it is “not at all appropriate” that some die of treatable diseases while others are spared that risk? That it is not appropriate that such exhibits, which might awaken the minds and passions of the students and faculty of a great university, do not occur more often?

Reflecting on this matter in Haiti, before I had even seen the photograph, led me to wish devoutly that such images would inspire solidarity and empathy, regardless of the viewers’ personal experiences. Because without such sentiments, we and our children will live in a world divided in an increasingly violent fashion between haves and have-nots.

If we’re going to talk about propriety, we might as well ask the hardest questions.

Should poor people have a right to health care? Should the hungry be able to eat? Should there be a right to life? The photographic exhibition went under the title, “structural violence” because it sought to remind those who do not live in poverty just how violent it is to die of AIDS or hunger or breast cancer. When linked to other forms of analysis (in the case of the photographic exhibit, to books and articles and seminars—the traditional products of a university) these photographs do not simply move people to pity or empathy or indignation, useful though those feelings are. The photographs are also meant to take us beyond superficial analyses of deep ills. When health services are for sale and the destitute are not, by definition, capable buyers, what happens to them? Some have said that the term “patient” is demeaning, and there’s a movement afoot in the United States to call the afflicted “clients.” What a slick ruse this is. It’s a subtle part of the commercialization of medical care. When we read on the walls of businesses that “the client is king,” the client is a customer. Someone who pays for services. And this means, of course, that the services in question are defined as commodities, not as rights.

Lest I seem to be going astray, allow me to argue that the commodification of medical care is one of the biggest human rights issues facing the “modern” world today. Why use quotation marks around “modern”? Scare quotes are typically a craven ploy, but I use them here because the woman whose picture offended the viewer, though undeniably our contemporary, lives in a low-medieval hut, with a dirt floor and a thatch roof. Modern health care is available, for a price, in the private clinics of the city, but she received it for free in a rural squatter settlement only after a long time spent knocking fruitlessly on the doors of those modern clinics as a client without money. She was effectively locked out of the modern world with all its shiny laboratories and amazing medications until she wandered into our clinic and hospital.

The experience of a Haitian woman dying with breast cancer, her death delayed by desperate but effective measures, offers lessons about structural violence, itself an effect of the dizzying social inequalities spanned by our lives and work.

Now for disclaimers. Not out of cowardice, I hope, although I am also pained by the negative response written in the guest book.

The offending photograph was removed



Every one is human: A Haitian mother and her dying child.

immediately and I learned that some of those who organized the exhibit were glad to take it down. But that action, comforting as it may have been in Cambridge, did not make this woman's cancer go away.

I was not involved in the decisions to place or remove the photograph, but sitting here in Haiti, the matter pains me. It pains my colleague who took the photograph ("Do you think I did something wrong?") as it might the surgeon who had insisted on providing, free of charge, the services. It would likely pain all of those involved in the transnational process of pathologic diagnosis and chemotherapy. These are people who believe they are fighting for the right to health care, as the patients, long denied this right, are quick to agree.

I decided to call the photographer, Dr. David Walton, from Haiti. This is his fifth year coming to Haiti. A recent graduate of Harvard Medical School, he could be paged through the operator at the Brigham and Women's Hospital. After a few minutes, his voice came on the line. He reminded me that he had not made the selection of photographs; he had merely offered up his vast trove of beautiful, often disturbing images (some of which have appeared in past issues of *ReVista*.) Walton and others had worked hard to obtain care for this woman, and knew that his picture of her had been removed from the exhibit. The telephone connection was fuzzy, but I sensed that he felt strongly about the issue: "What is the photograph about if not the violence visited upon poor women, every day?

What was the photograph about if not access to care?" He asked me if I thought that many rural Haitian women had received care for breast cancer. I replied that she was one of the few women ever to receive even palliative care for that disease, even though we have no data to suggest that breast cancer is all that rare in Haiti. (As readers will know, breast cancer is a ranking malignancy in the United States, where ribbons and marathons mark a broad and welcome societal concern with its diagnosis and treatment.)

Two weeks later—which is to say, today—I sent an electronic message to Walton. Now he was back in Haiti. Would he send me a paragraph about the photograph and what it meant to him to learn that his photograph had offended people in Cambridge? This is what he wrote:

"There are naysayers that would assert that treating breast cancer is impossible in rural Haiti. But we felt it was not only possible but absolutely necessary. Why should Lorieze be denied a chance at life because of her economic status? She needed a surgeon, so we found one. She needed a pathologist, so we carried the specimen to the States. She needed input from an oncologist, so we asked one of our Brigham colleagues to consult on the case. She needed chemotherapy, so we had some donated and brought it to Haiti. She had a radical mastectomy and four rounds of chemotherapy, all of which were provided free of charge. If she had to pay, she would never have

received this care. Lorieze is a rural Haitian peasant farmer with three kids. Her husband left her several years ago, and she is the only provider for her children. Her death would have been more than catastrophic for her children, because such an event would leave them without anyone at all to care for them.

"The equation was simple: treatable breast cancer must be treated, especially in resource-poor settings, where the stakes are even higher and the consequences of losing a parent include, often enough, death for those left behind. I have seen it happen to AIDS orphans. The variables included surgery, chemotherapy, and input from our colleagues in the States. The outcome of this particular equation has been, I believe, a success. To date, Lorieze is doing extremely well. She did not have any major adverse reactions to the chemotherapy and she does not show signs of metastasis or recurrence. She has returned to her daily activities and to caring for her children.

"How did I feel when I heard the photo was taken down? I wasn't really surprised. But knowing the details of this story, I felt a bit deflated. Not about my photo, mind you. Rather that despite the success of the whole endeavor in a place this poor, the photo, which shows Lorieze at her home, succeeded in offending at least one viewer. That the photo was taken down prematurely strikes me as an unsurprising reflection of our society and our priorities. Placing the sensibilities of viewers over the lives of others is a distortion of one of the most basic values that we all hold dear: the preservation of human life."

I met Lorieze during her stay in our hospital. She told me she was grateful to have ended up in here and grateful for the efforts of our Cuban surgeon. Since she was slated for chemotherapy, I spoke with her and learned that, unsurprisingly, she'd never known anyone who'd had chemotherapy. Cancer care is almost unknown among the world's bottom billion, and Lorieze sits on a rung very close to the bottom of that social category.

All those involved in her care agree that it is "not at all appropriate" that only a tiny fraction of the afflicted have access to proper medical care. We join our voices to those of our patients, who, not having visas to come to

the United States, cannot be “empowered” to come and tell their stories in Cambridge and so shake our complacency.

A modern research university, and especially one as wealthy and powerful as ours, has certain obligations to the rest of the world. From the days of muscular missionary Christianity to the post-post modern moment, this question—what does the university owe the world?—has always been fraught. But few would say that the answer to this question is “Nothing.” Some answers quiver with scarcely-masked neocolonial ambitions; others seem paralyzed by a weary cynicism fanned by relativism and certain recent academic fashions. No good answer to the question is forthcoming as long as those strolling the groves of academe can neither understand nor “represent” the struggles of people facing the poverty and disease that luckier people are spared.

Are photographs of awful suffering “not at all appropriate” because they break down boundaries erected in order to keep misery out of our grove? I refer not to the misery of breast cancer, which causes much suffering in the United States. I refer to the noxious synergy between sickness and poverty in a world in which health care is not a right but rather a commodity, an unattainable one at that. Are disturbing images of ongoing suffering “inappropriate” because they undermine facile and fashionable notions of “empowerment”—facile because the concept lacks any meaning if not linked to social and economic rights, including the right to health? Are such photographs disturbing because they do not depict “clients” but people who really are both destitute and sick, and would be so whether or not someone took their pictures?

The list of questions goes on and on.

The goal of Partners In Health’s photographic exhibit was to inspire, not offend; to tell the truth about intolerable conditions rather than whitewash them; to bring faculty and students and those who live or visit Harvard into a movement to understand what is happening in the world today and to turn them away from morally flimsy and analytically shallow relativism or “political correctness.”

Writing this essay far from, but for, Harvard, I hear a nagging voice in my head. Why cross swords with those who support you? Why pick a fight with liberal sentiment? But the answer is clear too: because this desire to whitewash or hide real suffering is a perversion of our tasks. To understand the gene-

sis of suffering is to reveal how structural violence is related (in its intimate details) to questions of human rights.

The relationship of poverty to human rights is no mystery to those who live in poverty. Every year for the past decade our Haitian co-workers have sponsored a conference on health and human rights. This year I almost missed it because of my own medical leave. I had returned to Harvard to receive the world’s finest medical care; we do not yet have an orthopedic surgeon here. My first foray out of the hospital was to return to Haiti for the health-and-human-rights conference. Sitting in a church—the area’s biggest building—I was surrounded by a few thousand people, only half of them able to fit in the hall. The rest were outside. The huge crowd included patients—definitely not clients—many of them the only persons with AIDS in Haiti who were actually receiving proper therapy for the disease. Those patients were from central Haiti, where we have been providing AIDS care at no cost to the patient because we believe that health care is a human right. Many more in the audience were dying of untreated or inappropriately treated AIDS. Those individuals—not yet patients, to their dismay—were from the capital city and were there to fight for their right to health care.

I sat in that church and thought about my own good fortune, which I confess had not been my mood upon leaving the Harvard hospital in which I received my care. My thoughts had been: Why did this happen to me? What if I were left unable to walk the hills of Haiti ever again? Would I walk with a limp? Would the pain ever abate fully? But these concerns faded as I sat and heard the comments of people living with both HIV and poverty. And when it was my turn to speak, I abandoned my planned discourse and instead spoke about a fractured leg. Not my own, but that of a young Haitian man, a Partners In Health employee who’d taken a bullet in the leg a few years previously. I had only months ago ended yet another angry book with the question, “Should people have the right to orthopedic hardware?”

Such a question would strike many of my colleagues in the human rights community as absurd. But I meant it then, before I had a titanium plate placed against my own femur, and I mean it now. Should poor women have the right to benefit from early detection of breast cancer? And when it is

detected, should they have the right to therapy? Should people dying of AIDS be spared only if they can pay for the antiretroviral therapies that will save them?

What exactly is this all about? For, clearly, David Walton is correct: structural violence and one of its sharpest blades (lack of access to care for poor women) were at the heart of his photograph. So the photograph itself could not be termed “not at all appropriate” to the display. Was it about the politics of representation? Again, this is an often debated debate, since external determinants of disease—poverty, inequalities of all sorts—are considered “off topic” by many seminar-room warriors. We need to ensure that our classrooms and public spaces make room for a discussion of human rights that includes the right to health care, schooling, food, and lodging.

The people living with HIV who spoke in the conference were aware of the long list of reasons marshaled by university-trained experts to show us why we cannot provide “cost-effective” care for AIDS or breast cancer in the world’s poorest communities. The list of reasons is not often overtly racist or sexist and does not include anything approaching frank contempt. The reasons (or excuses) for not addressing these complex diseases are framed more subtly. We’ve heard, for example, the Africans have a “different concept of time” and so cannot adhere to complex therapeutic regimens. Even a “lack of watches” has been advanced as a reason not to treat. The Haitian AIDS sufferers knew these stories and retorted, as they had done in a previous conference on health and human rights, “We may be poor, but we’re not stupid.” They were familiar with the thousand other excuses we dish up to explain the persistence of poverty, the growth of inequality, and the futility of trying to fight diseases as complex as breast cancer and AIDS in places as poor as Haiti.

Relativism is a part of the problem. Why is it impolitic in our grove to argue that dying of never-treated AIDS in a dirt-floored hut is worse than dying of AIDS in a comfortable hospice in Boston, after having failed a decade of therapy? I’ve been present for both kinds of death—at matside and at bedside. And no death of a young person can reasonably be called good. But I’ve seen almost nothing worse than dying of AIDS and poverty, incontinent and dirty and hungry and thirsty and in pain. That’s the fate that structural violence reserves for those liv-

ing with both poverty and disease.

Whether or not we see these horrible deaths, whether or not we take down the photograph, they are happening every day. We can continue to demand enhanced rights for those who have, already, many rights. But we cannot and should not allow relativism or fear to creep into our analysis or our activism. It may not come as a shock to you to learn that some of those living in great poverty believe you and I have too many rights (as one Haitian said to me, with what I thought was a bitter humor: "I suppose I'll never fly in a plane"). Those who must face structural violence every day encounter precious little in the way of support for the right to food, water, housing, or medical care. There is no

international struggle for the right to chemotherapy or even a mastectomy.

Shouldn't there be?

For such a movement to come about, we need to rehabilitate a series of sentiments long out of fashion in academic circles: compassion; indignation on behalf not of oneself but of the less fortunate; empathy; and even pity. And is it merely ridiculous to suggest, as Auden did decades ago, that we must learn to love one another or die?

Paul Farmer, a physician-anthropologist, has lived and worked between Harvard and Haiti for 20 years. Presley Professor of Medical Anthropology at Harvard Medical School, he divides his clinical time between

the Clinique Bon Sauveur in Cange, Haiti and Boston's Brigham and Women's Hospital, where he serves as Chief of the Division of Social Medicine and Health Inequalities. His most recent book is Pathologies of Power: Health, Human Rights, and the New War on the Poor (University of California Press). David Walton, is in his first year of a residency in internal medicine at the Brigham and Women's Hospital and divides his time between Boston and a public clinic in Central Haiti. Walton has worked in both of rural Haiti's first AIDS clinics, and has already launched a career in infectious disease. Farmer and Walton thank Leslie Fleming and Haun Saussy for their help with this essay.

WOMEN AND YOUTH'S RIGHT FOR QUALITY HEALTH SERVICES IN MEXICO

SIPAM, SALUD INTEGRAL PARA LA MUJER, A.C.

If you're walking through a market in Mexico City, you just might stumble on a health post for pregnant women. You might be surprised—as I was during a recent trip to Mexico City—of the impact of the women of SIPAM on quality health services in Mexico.

In a recent visit to Mexico City, I spent hours talking with staff members from SIPAM—which loosely translates as Women's Integral Health. I learned how this group of enthusiastic women from diverse academic backgrounds have worked directly with women and youth to make them aware of their rights and responsibilities regarding their sexual and reproductive health. They hold workshops, run a website, host radio programs and invent innumerable venues such as the mobile health posts to help women and youth achieve quality health care. One of the most interesting characteristics of SIPAM is its cultural approach to health issues.

SIPAM concentrates its efforts in three areas: (1) Reduction of maternal mortality, (2) Women and HIV/aids and (3) Youth's sexual and reproductive health.

SIPAM General Director Pilar Muriedas recalls how she and the other three founders started working in 1987 in Santo Domingo Coyoacán, a popular barrio in Mexico City, meeting informally with women and youth to discuss their health practices and concerns. From there, they built their working agenda which has expanded but maintains the same spirit.

Mercedes Ballesté, project coordinator for maternal mortality, one of SIPAM's biggest concerns, believes that most maternal deaths are preventable. In Mexico almost five women die for every 10,000 registered childbirths while in developed countries this rate is of 1/10,000. Mercedes, a SIPAM founder, notices that pregnant women on average attend three prenatal controls; the minimum should be five. Women, she says, do not find answers to their needs in prenatal controls so they quit going. Health providers, she adds, are frequently inappropriately prepared to communicate with women; they use technical language not accessible to the *usuarías* and do not acknowledge women's cultural knowledge and practices. Prenatal controls must be culturally appropriate so that providers and users can truly exchange information to reach more accurate diagnosis and deliver effective treatment.

To tackle this problem, SIPAM designed the *Puestos Ambulantes para la Detección Oportuna de Riesgos en el Embarazo*, first in Mexico City and now slowly spreading throughout Mexico. These *Puestos* are strategically located in markets, churches and other places frequently visited by women, and offer both information and gender and culturally appropriate medical checkups to pregnant women.

This cultural approach is also the heart of SIPAM's youth programs. Axela Romero, the coordinator of this department, strongly believes that to support young women and men empowerment regarding their sexual and reproductive health, it is necessary to make youth culture visible and to fight against the idea that youth's rights need to be subordinated to adult values. SIPAM approaches young women and men also at their gathering places: tattoo shops, music concerts and shops, schools, etc., to share with and interview them and to inform them about their sexual and reproductive rights.

Through these direct interactions SIPAM members have constructed a reality-based idea of how the public health system works and how women and youth experience their relationship with health providers. This has allowed them to deliver better health counseling and services, to inform policy makers and to design innovative intervention models and proposals which have contributed to change attitudes, policies, practices and even discourse patterns in issues affecting women and youth in Mexico.

Silvia Romero-Contreras is a Harvard Graduate School of Education doctoral student. She received a DRCLAS internship grant to work with SIPAM last summer.

Stigma, Discrimination and Human Rights

Health and HIV/AIDS

BY SOFIA GRUSKIN

SIX BABIES COME INTO THE WORLD DAILY with the HIV virus, many of them in Latin America. Last year, 1.5 million people with HIV were living in Latin America and another 440,000 in the Caribbean, according to UNAIDS.

Advocates have long proclaimed that the vicious cycle linking HIV and poverty—poverty breeds HIV; HIV makes poverty worse—is rooted in the lack of fulfillment of human rights. This cycle raises unprecedented challenges to human rights, to health, to development and to the very fabric of our societies. A pragmatic reality undergirds this advocacy for promotion and protection of human rights: governments must adhere to their legal obligations to fulfill civil, political, economic, social and cultural rights, but a human rights approach is also essential to effectively respond to the HIV/AIDS epidemic.

Advocates thus need to remain concerned with why HIV/AIDS infection remains on the rise and why the global distribution of disease is so unequal both across and within countries. We must ask ourselves why HIV now affects, almost exclusively, the most marginalized and discriminated against populations.

IN THE LATE 1980S, DISCRIMINATION OR human rights was first explicitly named in public health strategy, when Jonathan Mann directed the Global Program on AIDS at the World Health Organization (WHO). The first WHO global response to HIV/AIDS called for protecting the human rights of people living with HIV and AIDS, as well as for an attitude of compassion and solidarity. This went beyond a justified sense of moral outrage: it was found necessary also for public health and economic development. Discrimination against people with HIV was driving people underground, sowing fertile ground for people to be unaware of their status, to avoid testing and to further the spread of the virus.

Framing this global strategy in human rights terms anchored it in international law, and therefore made governments and intergovernmental organizations publicly

accountable for their actions toward people with HIV/AIDS. Governments became responsible from a human rights and health perspective to make every effort to develop policies and programs to reduce the impact of HIV and AIDS on people's lives.

These efforts require attention to the fact that people are vulnerable to becoming HIV-infected and, once infected, to receiving adequate care and support. Their ability to obtain services and to make free and informed decisions about their lives is directly linked to human rights. Individual, programmatic and societal factors affect people's likelihood of becoming infected, and once infected, of receiving adequate care, support and treatment. And it means recognizing that the extent to which all rights—

culty obtaining access to food, housing, and education. In others, they are denied health insurance, employment and access to medical care or are kept from traveling internationally. Many governments continue mandatory HIV testing of people assumed to be at high risk of infection. In some places, educators and outreach workers are arrested, while violence against people living with AIDS or HIV continues unpunished. Gender based discrimination, including the lack of equal rights in marriage and divorce and the access to inheritance or to education, increases women's vulnerability to becoming infected with HIV and affects the ability of women living with HIV to get treatment and care.

These forms of stigma and discrimination must be taken into account in devel-

The engagement with human rights is necessary not only because it is mandated by international law, but because the respect, protection and fulfillment of human rights is critical to mitigating the health status of HIV/AIDS on individuals and populations.

civil, political, economic, social, and cultural—are respected, protected and fulfilled, is relevant both to who gets infected and to what is done about it.

Providing condoms or even anti-retrovirals are critical but not sufficient steps. Strategies must consciously and explicitly set out to reduce the vulnerability of the marginalized: identifying and modifying laws, policies, regulations or practices that discriminate against certain populations. Work over the last 15 years has shown us that HIV-related discrimination and stigma are a key policy issue. This is true for both HIV related stigma, the process of devaluing people with real or perceived HIV status, and HIV related discrimination, the institutionalized denial to access to a multitude of things ranging from jobs to health care.

Examples of HIV-related stigma and discrimination abound. In some places, people living with HIV and with AIDS have diffi-

oping HIV policies and programs. Otherwise, behaviors will not change and the epidemic will continue to disproportionately affect society's most marginalized groups. Manifestations of stigma and discrimination and the processes used to address them are, thus, fundamentally human rights issues.

IN ALL CASES, HUMAN RIGHTS ARE CONCERNED with improving health and well-being in the context of international human rights law. Every country in the world is now party to at least one human rights treaty that includes attention to rights relevant to HIV/AIDS. Thus, every country is legally responsible and accountable under international law for human rights as they relate to HIV/AIDS.

These treaties focus on non-discrimination and on equality. They deal with civil and political rights, such as the right to information, and with economic, social and cul-

tural rights, such as the right to health. Some treaties focus on specific populations (like the Convention on the Rights of the Child), while others focus more on specific issues (like the Convention Against Torture), but all fall within this basic framework.

Consensus around human rights norms can make it possible to find common ground among very diverse partners—governments, NGOs and other civil society actors. The formal human rights system has an explicit focus on transparency and on government accountability to their populations and to the international community. It requires that concrete benchmarks and targets be set against which progress can be measured. In relation to health—and therefore relevant to HIV/AIDS—this includes attention to both underlying determinants and the availability, acceptability, accessibility and quality of health systems, as well as attention to their outcomes among different population groups. This helps in establishing priorities and strengthening accountability.

Governments are responsible not only for not directly violating rights, but also for ensuring the conditions that enable people to realize rights as fully as possible. Explicitly looking at governmental human rights obligations in relation to HIV/AIDS means recognizing that three elements of adherence to rights standards—to respect, to protect, and to fulfill—are essential, interdependent, and indivisible. Governments are legally responsible for complying with this range of obligations for every right in every human rights document they have ratified.

Governments have the obligation to:

Respect rights. States cannot violate rights directly in their laws, policies, programs, or practices.

Protect rights. States must prevent violations by others and provide affordable, accessible redress.

Fulfill rights. States have to take increasingly positive measures toward the realization of rights—this means everything from passing legislation to allocating resources.

In all countries, lack of resources and other constraints can make it impossible for a government to fulfill all rights immediately and completely. Prevention, care and treatment, and measures to diminish the impact of HIV/AIDS all require a level of financial expenditure that might not be immediately available. Putting rights into practice is generally understood to be a mat-

ter of "progressive realization," making steady progress towards a goal. But this is not an excuse for doing little or nothing. Benchmarks and targets must be set and monitored. There is a recognized difference here between government incapacity, which is understood, and government unwillingness, which is unacceptable.

The principle of "progressive realization" is of vital importance to resource-poor countries. However, it is also relevant to wealthier countries because their human rights obligations include engagement in international assistance and cooperation.

Governmental obligations in relation to HIV/AIDS focus not only on the right to the highest attainable standard of health, but on the whole range of rights included in international treaties. Realization of any right in isolation would obviously not be sufficient to significantly improve the impact of HIV/AIDS on a population. The responsibility for health lies not only with the health sector but also with all government sectors whose laws, policies and actions can impact health.

LATELY SOME HAVE ASSERTED THAT HUMAN rights and public health provide very different approaches to responding to the HIV/AIDS epidemic. The contention is that a human rights approach mandates protection of individual privacy rights at all costs, despite negative effects on public health. But privacy, like most rights, can be restricted if necessary to protect public health. To decide what is a legitimate restriction, a government has to address these five criteria:

- The restriction has to be provided for and carried out in accordance with the law
- The restriction has to be in pursuit of a legitimate objective of general interest, such as preventing further transmission of the HIV virus.
- It has to be strictly necessary to achieve the objective.
- No less intrusive and restrictive means is available to reach the same goal; and
- It can not be unreasonable or otherwise discriminatory in the way that it is written as a law or policy or in the way that it is applied.

The burden of proof falls on those who want to restrict rights. And it is in genuinely responding to these last three criteria that evidence is needed, in particular to show

that there is no stigma or discrimination in how the restriction is being carried out.

The imposition of any strategy must be debated openly so that public health decisions, whether or not rights are to be restricted, are made through transparent and accountable processes. This is necessary to protect against the imposition of unproven and potentially abusive and counterproductive strategies, even when such strategies are motivated by genuine despair—for example, in the face of rising rates of HIV infection in hard-hit populations. Introducing human rights into HIV work is about processes, not the imposition of any preordained result.

CONSCIOUSLY CONSIDERING STIGMA, discrimination and human rights has provided frameworks and instruments for organizing thinking and action about HIV prevention, care and treatment, and impact mitigation and the ways that this thinking can be applied to policy and program decisions. Human rights do not provide a different approach to HIV/AIDS work than the field of public health does; rather, human rights are relevant to the processes of determining and shaping HIV/AIDS interventions. The engagement with human rights is necessary not only because it is mandated by international law, but because the respect, protection and fulfillment of human rights is critical to mitigating the health status of HIV/AIDS.

Explicit attention to these issues not only strengthens our collective understanding, it also strengthens our collective endeavor to improve health and well-being. Through these efforts, the cries of newborns—in Latin America, the Caribbean and beyond—will be the collective cry of future generations as they contribute to the healthy development of society.

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Inter-American Court

Addressing Migrant Laborers' Human Rights

BY JAMES CAVALLARO AND DAN SCHLANGER

ON SEPTEMBER 18, 2003, THE INTER-American Court issued an historic judgment expanding the scope of protection of labor rights of migrant workers in the Americas. The decision is the most recent in a growing body of international law recognizing that fundamental labor guarantees may not be arbitrarily denied to persons solely on the basis of their migratory status. After months of reviewing briefs and hearing arguments—including those of a coalition of Harvard students and lecturers—the Inter-American Court ruled that migrant laborers were entitled to host of protections afforded other workers under international law.

BACKGROUND

Over the course of the past two decades, migration within the Americas has radically changed the face of much of the Western Hemisphere. In the 1980s, civil wars in Central America led hundreds of thousands to leave their homes in Guatemala, El Salvador and Nicaragua and head north to neighboring Central American states, as well as to Mexico, the United States and Canada. Scores of thousands have fled the seemingly endless civil war in Colombia in virtually every direction, leading to the presence of Colombian immigrant communities from Canada to Argentina.

Although war throughout the continent have largely ended, with the notable exception of Colombia, migrants have continued to cross borders in record numbers in the last decade. Natural disasters, economic stagnation, high levels of unemployment tied to endemic corruption and the adoption of neoliberal structural adjustment policies have led to high unemployment levels. Although many countries have received large numbers of immigrants over the past two decades, the United States stands out as the nation receiving the largest number.

According to the U.S. Census Bureau, there were more than 31 million immigrants—at least 11 % of the overall population—living in the United States in 2000. The Bureau estimates that 8.2 million of



James Cavallaro, Andressa Caldas, and David Flechner arguing before the Inter-American Court (Santiago, June 4, 2003). The Inter-American Court ruling follows a request by Mexico and legal arguments from rights groups, practitioners and Harvard Law students.

those immigrants are undocumented. Almost 60 percent of all unauthorized migrants are Mexican; approximately twenty percent more are Central American; the remaining twenty percent come from other regions (including South America). The U.S.'s undocumented immigrant population is thus overwhelmingly Latino.

The wave of immigration in the past two decades, together with developments in public international law and practice, have rendered migrant labor rights in the Americas a major human rights issue. In every major immigrant-receiving country in the Americas, migrant workers are disproportionately represented in low-paying, high-risk jobs. Non-payment of wages, on-the-job discrimination, inhumane work conditions, and anti-union repression are, unfortunately, routine. Yet, until relatively recently, human rights groups in the Americas have focused on civil and political, rather than economic, social and cultural rights, particularly abuses committed in the course of political conflicts, and have thus failed to place sufficient attention to the labor rights of migrants.

The international community has increasingly focused on the rights of migrant laborers. For example, on July 1, 2003, the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force. Fittingly it was a Latin American state – Guatemala – that provided the critical twentieth ratification.

ONE STEP FORWARD, TWO STEPS BACK?

Yet formal, international acknowledgement of the importance of migrant labor rights has not corresponded with the development and implementation of more receptive state policies and practices. On March 27, 2002, the United State Supreme Court issued its decision in *Hoffman Plastic Compounds v. National Labor Relations Board*. In that case, the National Labor Relations Board (NLRB) had ordered an employer to issue backpay to a laborer who had been wrongfully discharged as a direct consequence of his engagement in lawfully protecting union organizing. During the course of the NLRB hearing process the employee admitted that he had been in the country illegally at the

PHOTOGRAPH COURTESY OF FACULTAD DE DERECHO DE LA UNIVERSIDAD AUTÓNOMA DE MÉXICO

time of his dismissal and proffered false identification to his employer. On these facts, the United States Supreme Court held that the National Labor Relations Board (NLRB) could not order an award of backpay. In a 5-4 decision, the Court reasoned that in issuing a backpay award to an undocumented worker, the NLRB had impermissibly undermined federal policies aimed at discouraging federal immigration.

On May 10, less than two months after the *Hoffman* decision, the Government of Mexico requested that the Inter-American Court of Human Rights issue an advisory opinion on the intersection of migrant labor rights and national immigration policies. The Mexican government posed four detailed questions to the Court. Five states filed briefs with the Court, as did eleven non-governmental organizations, attorneys and law schools from throughout the Americas. One of these groups was a coalition from Harvard, led by the Harvard Law School Advocates for Human Rights, with the guidance of the Human Rights Program. (See sidebar.)

THE JUNE 4 SESSION

After hearing the arguments of State and the Inter-American Commission, the Court scheduled hearings for amicus petitioners for June 4. At that session, the rights and university groups present urged the Court to issue a broad ruling, emphasizing that the principle of non-discrimination should only be limited where vital state interests are at stake. Their arguments focused on the vulnerability of migrant workers, particularly on those without documents, and the need for the Court to establish a clear hierarchy of norms in which freedom from discrimination would trump state immigration policy.

Another key issue raised at the June session concerned the extent to which state law and practice in the Americas, in fact, discriminated against migrant workers. On this point, the brief of the Harvard coalition provided analysis of the practice of six countries in the hemisphere that receive large numbers of immigrants: the United States, Mexico, Chile, Argentina, the Dominican Republic, and Brazil. At oral argument, other amicus petitioners corroborated the Harvard coalition's testimony on the United States, Argentina and Chile.

THE RULING AND THE FUTURE OF IMMIGRANT RIGHTS IN THE AMERICAS

In late September, the Inter-American Court issued its decision in the case, drawing on the arguments presented by the responding States, the Commission and *amicus* petitioners. It noted, as the Harvard submission had emphasized, that migrant laborers are subjected to a wide range of abuses, in law and practice. In an historic advance, the Court held non-discrimination to be *jus cogens*, a peremptory or highest order norm in international law. In light of that, the Court ruled that States could not legitimately restrict or deny, based on migratory status, those rights acquired by virtue of an employment relationship.

While an important advance, the opinion in the case is no doubt part of a longer process. If past history in the area is any guide, the

Inter-American Court's legal recognition of the labor rights of migrants in the Americas will be but the first step in a long struggle to ensure dignified treatment for millions of migrant workers throughout the hemisphere.

James L. Cavallaro, Harvard College '84, is the Associate Director of the Human Rights Program and Lecturer on Law at Harvard Law School, as well as a member of the Policy Committee of the David Rockefeller Center for Latin American Studies; Daniel A. Schlanger, HLS, '04, is the President of Harvard Law Student Advocates for Human Rights.

The full text of the Inter-American Court decision (as well as the four concurring opinions) is available at <<http://www.corteidh.or.cr/index.html>>.

HARVARD STUDENT GROUP FOSTERS ADVOCACY

Over the course of the 2002-2003 academic year, a group of Harvard Law Students concerned about human rights in Latin America organized through regular meetings at the Human Rights Program. Since September 2002, the group has worked on a number of projects involving rights defense in the Americas. These include the drafting of model legislation to create a national human rights commission in Brazil, and petitions on behalf of El Salvadoran victims of human rights abuses filed with the Inter-American Commission on Human Rights.

After completing an intensive training session in Cambridge and traveling to Washington to observe sessions of the Inter-American Commission, the group decided to undertake the challenge of drafting an *amicus curiae* (friend of the court) legal submission to the Inter-American Court. Based on three months of research by twenty students and lawyers, the student group filed its brief jointly with the Centro de Justiça Global (Global Justice Center) of Brazil and the Harvard Immigration and Refugee Clinic. The brief surveyed the law and practice of six nations in the Americas, concluding that law and practice in the Americas systematically discriminate against migrant laborers in violation of international human rights standards. The brief called on the Inter-American Court to issue a strongly worded, broad statement in defense of migrant laborers' rights.

On June 4, having been granted leave by the Court, representatives of the Harvard coalition argued the brief to the Court in a special session in Santiago, Chile. James Cavallaro, associate director of the Human Rights Program and lecturer on law at HLS, David Flechner, student coordinator of the Latin American group of HLS Advocates and Andressa Caldas, legal coordinator of the Global Justice Center presented arguments before the Court.

"The chance to argue before the Court is tremendously exciting," said Daniel Schlanger, a third-year law student and the president of Harvard Law Student Advocates for Human Rights. "It has been phenomenal to watch student interest grow. Our original Latin American-focused work served as a model for initiatives on Russia, Africa, Roma Rights and Islamic Law and led to the formation of HLS Advocates to coordinate and promote their activities." This fall, more than one hundred students signed up to participate on HLS Advocates projects. More than half chose to focus on Latin America.

The 10% Solution

Bracero Program Savings' Account Controversy

BY BARBARA DRISCOLL DE ALVARADO

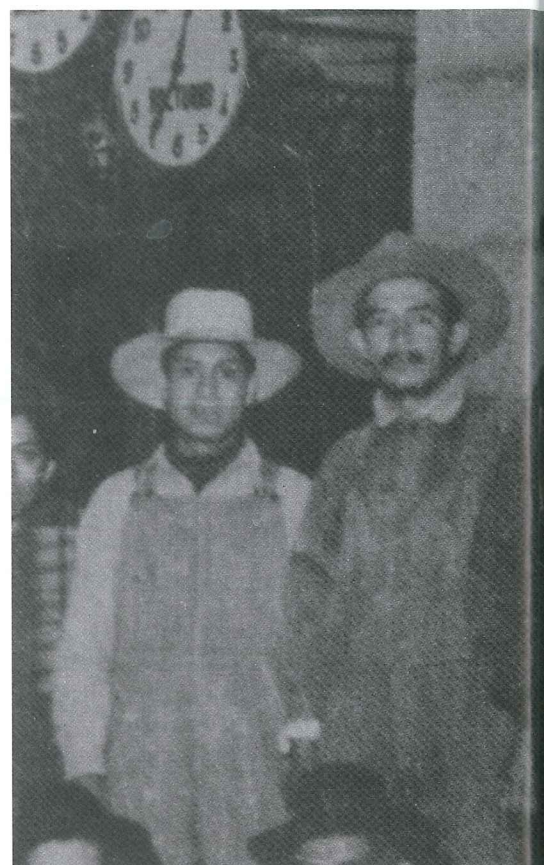
DISTINCTIVE AMONG RECENT DEMONSTRATIONS on the streets of Mexico City have been protests organized by retired and often impoverished men employed temporarily and under contract in the United States more than thirty years ago. On April 7, 2003, more than 400 members of the organization *Alianza Braceroproa* and their families blocked the entrance to the Congress. These former *braceros* then proceeded to the President's house to insist once again that the government compensate for its negligence during the bracero program (*La Jornada*, April 8, electronic version). With great hardship, ex-braceros travelled from all over Mexico to graphically present their complaints in the capital, reflecting their desperation, their determination and their belief that their cause is just. Moreover, their public presence serves a reminder of the often tragic human cost of migration to the United States.

Mexican and U.S. organizations representing these workers have repeatedly attempted to force the Mexican government to answer for its role in the bracero program, a guest worker program that dispatched Mexican immigrant workers all over the United States from the early 1940s to 1964. Denied other venues, these ex braceros have brought their pleas for justice before the public in both countries through demonstrations and public discussions. Indeed, a major class action lawsuit filed in U.S. district court in 2001 focused public attention on their plight and identified many relevant problems. The place of braceros in the long, complicated and sometimes tragic history of Mexican immigration to the United States is unique but their plight reflects many of the contradictions, problems and suffering faced by all Mexican immigrants.

The braceros were employed as temporary contract unskilled workers in agriculture in the United States from 1942 to 1964 and for a short time during the war time on the railroads. Originally conceived and negotiated during World War II by the Mexican and U.S. governments as a short-lived but significant component of Mexico's col-

laboration in the war effort, the bracero program was devised to solve rampant labor shortages in the United States. The Mexican government did not enthusiastically receive the first 1941 petitions of the U.S. government to permit the emigration of temporary workers for agriculture, mines and railroads; the memories of the painful repatriations of the 1930s were agonizingly close in time. However, the Mexican government eventually acceded. The formal binational nature of the U.S. government proposal and the full incorporation of the Mexican government into the migration proposal seemed to bode well for the program. Indeed, negotiators from both governments sought to include mechanisms that would protect the workers, guarantee minimum working and living conditions, and assure that they would return home safely at the conclusion of their contracts.

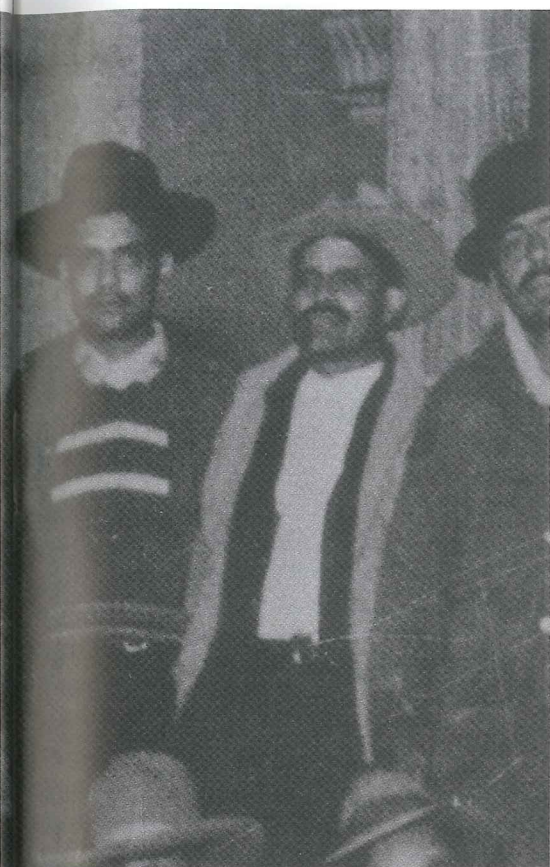
The first small group of workers to be recruited, contracted and transported to the United States headed toward Stockton, California in the summer of 1942 to harvest the sugar beet crop. However, the agricultural program spread quickly. Agricultural employers from all over the country wanted to avail themselves of the seemingly endless supply of workers from Mexico; the quota of agricultural braceros allowed to work in the United States at any one time would reach 75,000 by 1945. Despite pleas from many U.S. industrial employers to broaden the bracero program, only the railroads were eventually included. The highly organized and unionized railroad industry presented a particularly challenging scenario, but agreement was reached and the railroad braceros were dispatched to the United States in May 1943 for the Southern Pacific Railroad. The quota for railroad braceros reached 50,000 in 1945. Although the railroad program was immediately dismantled at the conclusion of World War II, the agricultural program survived. With pressure from agribusiness, the program underwent several bureaucratic transformations until 1964, when public outcry finally convinced the U.S. government to close it down.



Newly recruited braceros leave Buena Vista Station, Mexico City, 1940s.

The position of the Mexican government as a full partner in the bracero program only lasted through World War II. The desperation of many employers in the United States and the moral imperative of the war effort left no alternative for the U.S. government other than to approach the Mexican government as a peer during the war. Binational cooperation in a specific migration program of this kind is something the U.S. government does not generally do. During the special war environment, however, the U.S. government had to take Mexican negotiators seriously when they detailed their specifications for the working and living conditions of the braceros. It is true that the Mexican government could not completely anticipate how the contract requirements would be implemented or if they would be effective, but the documents indicate the contracts were negotiated in good faith.

Although the original agreement included many guarantees such as fair wages and subsidized transportation for the braceros, we will focus on the now controversial savings' account clause, the subject of a modern-day class action suit. Mexico proposed



COURTESY OF HERMANOS MAYOS COLLECTION, ARCHIVO GENERAL DE LA NACION (MEXICO)

that agricultural and railroad employers be required to deduct and forward 10% of the braceros salaries to a bank designated by the U.S. government, to be later transmitted to Mexican banks where the workers could recover that portion of their pay. The Mexican government feared an avalanche of undocumented migration to the United States spurred by the announced availability of jobs north of the Rio Bravo. They promoted the saving accounts in the hope that bracero program participants would have an incentive to return to Mexico. Further, Mexican negotiators sought guarantees of a certain nest egg “colchón” for repatriated braceros so that savings from their accumulated earnings could pay a mortgage or open a small business.

Not surprisingly, the mechanics of administering the savings’ accounts quickly became complicated. Regional government officials finally came up with administrative procedures for employers to comply with the required payroll deductions, which eventually were deposited in collective accounts in Wells Fargo Bank in San Francisco. The evidence tentatively indicates that railroad employers were conscientious about making and recording the savings’ fund deductions

and submitting them accordingly. We do know, though, that from 1942 to 1948 Wells Fargo headquarters in San Francisco received deposits from the bracero program to the tune of many millions of dollars, although probably short of the \$50,000,000 that would represent 10% of the total salaries of agricultural and railroad braceros for that period of time. The savings’ fund clause was not renewed after 1948.

Wells Fargo has produced enough documentation to prove that the bank did forward those braceros’ deposits to Mexico. Wells Fargo held accounts of the Mexican government in the United States during World War II, so presumably the institution already had reliable methods of assuring the safe arrival of funds in Mexico. Savings accounts were sent to the Banco de México, then to the Banco Nacional de Crédito Agrícola for campesinos, and to the Banco de Ahorro for the railroad workers.

Theoretically, after having completed their contracts and returned to Mexico, the braceros could easily retrieve their savings’ accounts. However, no guidelines had been developed for the actual return of the savings. Neither the contracts nor the original negotiators anticipated that the banks in question, sometimes conspiring with Mexican government officials and agencies, would fabricate elaborate obstacles that prevented the braceros from receiving their savings. For example, some braceros returned

Some braceros did retrieve their savings. A history dissertation written in 1984 claims that the Mexican banks did indeed return the bulk of the moneys. However, since the banking institutions have not produced verified individual receipts, the exact number will probably never be known. Moreover, given that the documentation of the wartime railroad program was more extensive, it is likely that more railroad braceros than agricultural workers received their savings’ accounts. However, the blame lies with the planning and implementation of the bracero program; the banks were not required to account for their distribution of the savings’ accounts.

The issue of the savings’ accounts faded for many reasons. After 1948, savings’ funds deductions were no longer taken. The binational character of the bracero administration virtually collapsed after World War II. The termination of the war emergency returned the balance of power to the U.S. government, thus neutralizing the potentially effective advocacy role of the Mexican government. Moreover, many ex braceros were not in Mexico to claim their money since an undetermined number either stayed in the United States or returned there to work. Still more ex braceros unfortunately came to accept that they would never receive their savings, although significantly they did not forget. However, it appears that the deposits remained in the designated accounts in Mexican banks for some time.

As ex braceros in both counties reached

Organizations representing these workers have repeatedly attempted to force the Mexican government to answer for its role in the bracero program, a guest worker program that dispatched Mexican immigrant workers all over the United States from the early 1940s to 1964.

directly to their place of origin far from Mexico City with no direct access to the designated banks. Likewise, the banks requested documents that the braceros would never have had; bank tellers cooperated with individuals to extort savings that had not yet arrived in Mexico and been posted to the accounts. Archives in both the United States and Mexico are replete with complaints lodged by repatriated braceros that they were unable to retrieve that 10% of their earnings for a variety of reasons.

retirement age in the early 1980s, they collectively began to reminisce about their work histories. Old memories easily surfaced that part of their hard earned salaries remained in limbo. While many other aspects of the bracero program deserve equally harsh criticism, the savings’ accounts controversy has come to epitomize the injustices directly experienced by the ex braceros.

The braceros’ local *reuniones* eventually involved younger generations of relatives. A core of supporters emerged to actively

organize retired workers and their families into associations that could articulate their anguish with this tragic side of the bracero program. Representing local bracero groups in both Mexico and the United States, California resident and bracero relative Ventura Gutierrez founded Braceroproa in 2000 as an umbrella organization gathering together local bracero groups and venting their frustrations with the eventual objective of seeking redress. While the organization's claims to directly represent 30,000

ernments, two Mexican banks, and Wells Fargo Bank to recover the savings' accounts. Estimates place at \$50,000,000 the approximate amount deducted from their salaries during World War for the savings' accounts. Today, after compounding interest, that amount could total \$500,000,000.

Unfortunately, after several rounds of arguments and motions, Judge Charles Breyer dismissed the suit for several reasons in September of 2002. Federal law prohibits legal actions against a foreign government

shift back to the Mexican and U.S. governments. In the end, the Mexican government assumed the role of advocate for the braceros and the U.S. government guaranteed compliance to the contract, which included full payment of wages.

What is the legacy of the savings' account controversy? First, the bracero program is finally receiving the attention it deserves. The public and active participation of ex braceros has bestowed an undeniably human dimension to Mexican immigration of the 1940s and 1950s that escapes journalistic or academic analyses.

Likewise, the controversy embodies the contradictions inherent in any guest worker program. Contemporary proposals of guest worker programs that might govern the temporary migration of Mexican workers may strive to avoid the abuses so characteristic of the bracero program but they cannot completely sidestep problems inherent in contracting the labor of immigrant workers isolated from their social networks and support systems. Only the labor of guest workers is temporarily hired, not the whole person.

Herein lies the violations of labor and human rights inevitably associated with guest worker arrangements and specifically with the bracero program. Ironically, the recent public demonstrations of ex braceros together with the formal, highly documented binational nature of the program during World War II provide a unique window into exactly how guest worker programs systematically undermine the human rights of guest workers by denying them access to the array of social networks, political resources and economic compensation that we usually associate with employment. Indeed, the experience of the bracero program clearly demonstrate that human rights are necessarily excluded from guest worker programs.

While many other aspects of the bracero program deserve equally harsh criticism, the savings' accounts controversy has come to epitomize the injustices directly experienced by the ex braceros.

ex braceros may be exaggerated, no doubt exists that Braceroproa accurately expresses the anger and desperation that many ex braceros feel at not being as recognized as productive workers during and after World War II. That many did not receive their savings' accounts underscores their dilemma.

However, the public discussions that local bracero groups and Braceroproa have generated since the late 1990s have resulted in much public interest in many sectors in both countries. Immigrants' rights groups, labor unions, agribusiness organizations and public officials continue to express consternation over the injustices wrought against the Mexican immigrants contracted through the bracero program. The Mexican *Cámara de Diputados* appointed a special commission spearheaded by the PRD to investigate the charges, and propose solutions. Newspapers such as the *Los Angeles Times*, *Dallas Morning News*, *La Jornada* and *Excelsior* have assigned reporters to investigate and inform. These and others have published editorials that assign the final blame for the unresolved problems arising from the bracero program squarely with the two governments.

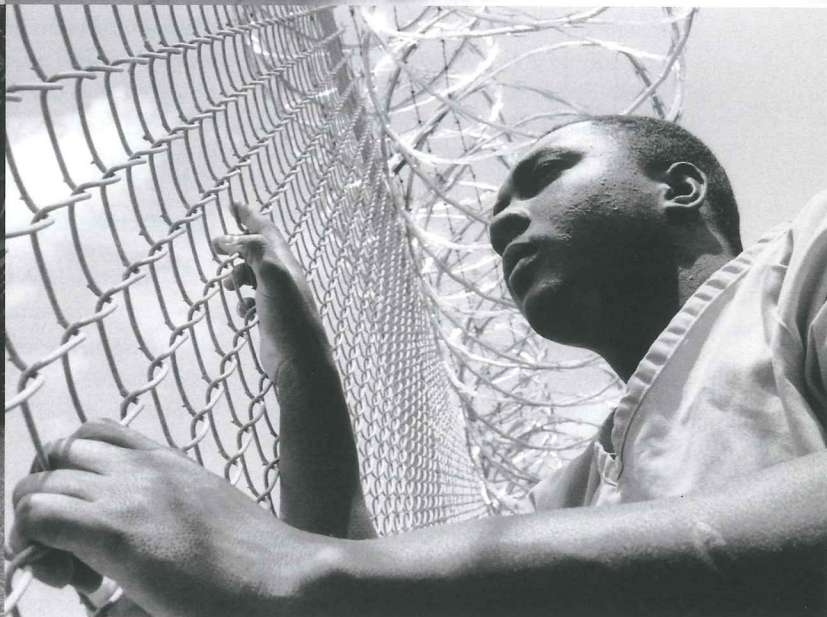
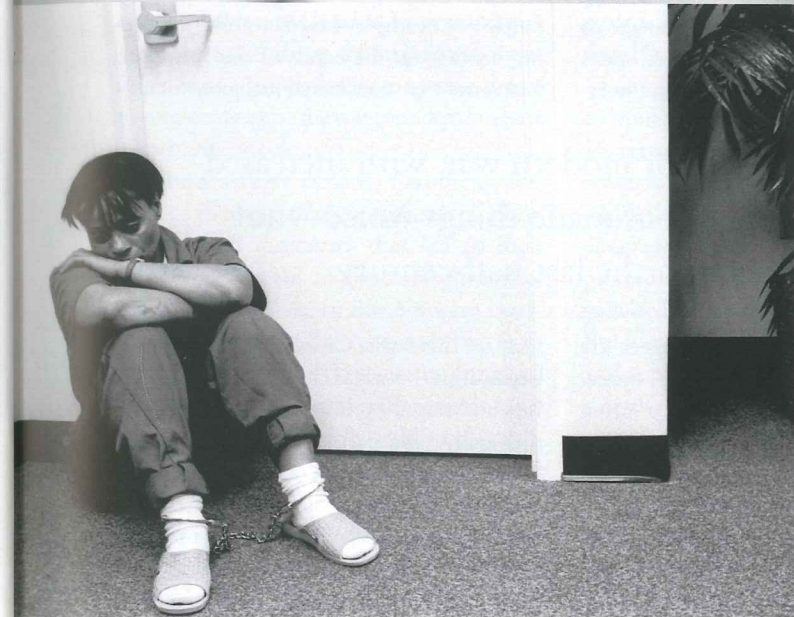
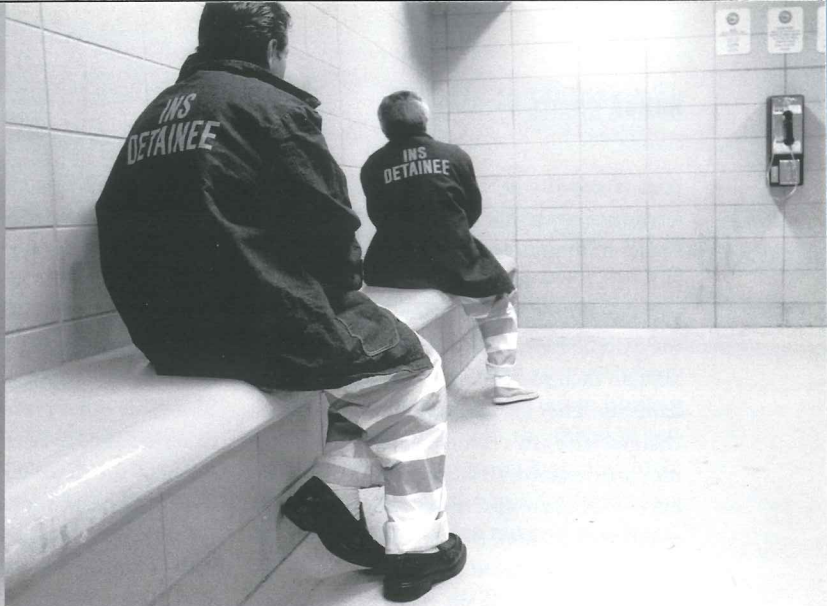
Eventually, the momentum created by the ex braceros buttressed by media coverage generated support for concrete legal action. Law firms in California and Illinois became interested in the issue, and working with Braceroproa and other ex bracero groups, eventually filed class action suits in San Francisco federal court in February of 2001 against the Mexican and U.S. gov-

in U.S. courts. Moreover, the suits against the Mexican banks were dismissed because those particular banks do not operate in the United States and finally the suit against Wells Fargo was disqualified because the institution provided some evidence that the moneys had been duly transmitted to Mexico. Most importantly, the judge openly sympathized with the plight of the workers and accepted the contention of their lawyers that the ex braceros in all probability did not receive the savings' accounts due them. He even suggested that ex braceros present individual suits against the U.S. government, which is certainly a challenge for workers and lawyers alike.

The bracero story did not end in August 2002. Almost immediately the California legislature approved a measure that extended the time limit for workers to present suits in the state. Lawyers for the plaintiff submitted arguments to overturn the ruling, although again in June of 2003 Judge Breyer ruled that the decision stood. Lawyers involved in the class action suit today continue to work with workers to achieve justice, although under different conditions. The project of presenting thousands of individual lawsuits against the U.S. government involves very different strategies.

However, the persistence of the ex braceros and their families means that the issue of the savings' accounts will not disappear. As more information presumably becomes available, and other organizations become involved, the responsibility may well

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Children Seeking Asylum

Homeland Security and Child Insecurity

BY JACQUELINE BHABHA

EDWIN MUÑOZ LEFT HIS NATIVE Honduras at 13 to seek asylum in the United States. Abandoned by his mother as a four-year-old, he had lived with a brutal cousin who forced him to earn money by working on the streets. "When I didn't earn enough money, he punished me, beating me with a noose, car tools and other objects, leaving scars on my body," Edwin testified before the U.S. Senate Committee on the Judiciary, Subcommittee on Immigration last year. He had heard "wonderful things" about the U.S. and so eventually he decided to make his way there by

begging, working on the streets and walking. But instead of El Dorado, he found more misery. Arrested as soon as he crossed the border, he was jailed in San Diego Juvenile Hall, together with juvenile offenders. He was mistreated by fellow detainees and by the prison guards: "The officers did not know why I or the other children picked up by the INS (Immigration and Naturalization Service) were there. They treated us... as criminals. They were mean and aggressive, and used a lot of bad words. Many of the other boys were violent, frequently looking for a fight." He applied for asylum and

was transported in full shackles every time he was taken to court. Even after he won his asylum case, and was—after eight months in detention—finally released from jail, he was shackled on the way to his foster family (Amnesty International USA, "Why am I here? Children in Immigration Detention," June 2003).

Like Edwin, many children fleeing gross human rights abuses in their home coun-

Clockwise from top left: Edwin Muñoz testifies before the U.S. Senate Committee; immigration detainees; an asylum seeker; Cuban Julia Gómez in jail.

tries fare badly at the hands of U.S. state authorities. In the Los Angeles Juvenile Halls, immigration authorities detain 200 children every year. They come from Mexico, Guatemala, El Salvador, China, India, the Middle East, undertaking perilous journeys on their own to escape persecution and hardship. They are not, and never have been, charged with any criminal wrongdoing. But they are detained, treated as criminals. They have inadequate access to medical care and outdoor recreation, they are prevented from enjoying regular contact with family members—and worst of all, there are frequent incidents of physical abuse in detention. According to a recent report by the Archdiocese of Los Angeles, “[these children] report feelings of despair, isolation and even suicide” (*L.A. Times*, 1/12/03). These stories are not the exception.

Child rights advocates often adopt a triumphalist tone in describing the dramatic expansion of the role of human rights since World War II. The account is familiar—the signing of the Universal Declaration of Human Rights in 1948, followed by the very widespread ratification of a significant corpus of international human rights conventions—on civil and political rights, economic, social and cultural rights, genocide, race discrimination, refugees and children’s rights. The UN appointments of a High Commissioner for Human Rights and of a special rapporteur to investigate child pornography, child prostitution and child sale are notable achievements, as are various humanitarian interventions. State sovereignty is not inviolable as it once was. The Convention on the Rights of the Child (CRC) in particular is often celebrated as a special milestone, the most speedily and universally ratified human rights instrument ever, transforming children from family possessions and objects of adult protection into persons, rights bearers, active agents in their own right. (Only the United States, among all the member states of the UN, has failed to sign or ratify this wide-ranging treaty.)

However, humanitarians, those who focus on conditions in times of war rather than peace, typically adopt a much more sober and sobering tone than their celebratory human rights counterparts. They point out that in many respects things have got worse—not better—for children in the last half century. Most significant is the changing nature of modern war, with increased

targeting of civilians. As UNICEF has pointed out, in the last decade alone about 2 million children have been killed, 10 million have suffered war-related trauma and 12 million have become homeless (UNICEF, *The State of the World’s Children*, 1996).

All wars impact heavily on children. Alongside other particularly vulnerable sections of the civilian population such as women, the disabled and the elderly, they feature disproportionately among the internally displaced and among refugee populations fleeing to neighboring states. At the same time, they are underrepresented among the population of refugees who manage to escape and seek asylum in developed states far away from the danger. Thus the over-

The changing nature of modern war, with increased targeting of civilians, has made things worse—not better—for children in the last half century.

whelming majority of child refugees are trapped close to the danger zones at home.

States—especially after 9/11—often respond to those fleeing war, persecution and civil upheaval in ways that make the situation worse. There are three negative aspects of the responses of receiving states that I would like to touch on. Each of them compounds the insecurity and trauma that children fleeing war already experience.

First, consider the legal position of children seeking asylum. Most child refugees who need asylum are accompanied by their family and are therefore included as dependents in the head of household’s asylum claim. No special legal issues arise in these cases. But, a large and growing number of separated children are forced to seek asylum on their own, unaccompanied by their families. There are about 250,000 such children in Europe and many thousands arrive in the U.S. every year. Many factors contribute to this growing problem: decimation of families by war; decisions by families to use their scarce resources to get a particularly valued member to safety; the escalation of the child smuggling and trafficking industry, and finally autonomous choices by children themselves to flee intolerable circumstances. Whatever the reasons producing their separation, these children have to apply for refugee protection in their own right and find a legal basis for getting that protection.

But instead of getting the preferential treatment one might expect given their particular vulnerability, these children have greater difficulty getting recognized as refugees than similarly placed adults. They have to fit their asylum claim into a legal framework developed around an adult norm. They have to persuade skeptical asylum or immigration officers that their experiences should count as a “well founded fear of persecution” within the terms of the 1951 Refugee Convention. Skepticism about children’s political activism, and their credibility and reliability as witnesses makes this hard. For example, Haitian children fleeing brutality at the hands of the Tom Tom Macoutes were considered ineligible for asy-

lum on this basis. Child-specific forms of persecution—such as child abuse, child selling, and sexual exploitation—have not traditionally been considered valid bases for securing refugee protection. A typical case is that of Alex, an abandoned Guatemalan street child, brutally abused by his parents because he was the darkest skinned of their eight children. By 15, he had become a “resistol” glue sniffer living on the downtown streets of Guatemala City, and a victim of gang threats and violence for two years before he fled to Texas to seek asylum at the age of 17. The INS arrested and detained Alex and declared him “removable” as an alien without a lawful immigration status, refusing at first to recognize that he qualified for protection as a refugee. As a result of sustained NGO advocacy and pressure the U.S. adopted a set of guidelines for child asylum seekers in 1998 which, though not legally binding on decision makers and still frequently ignored by immigration courts, do at least produce a framework for a new, more generous approach.

Second, despite their obvious need for social protection, refugee children are often targets of enhanced hostility and suspicion—considered more akin to juvenile delinquents than deserving victims of human rights abuses. A senior INS juvenile coordinator I once interviewed described unaccompanied children to me as “runaways or throwaways.” This

paradox is perplexing—why do particularly vulnerable children attract hostility rather than compassion? Officials often target child asylum seekers for punitive treatment, denying them access to legal advice, cajoling them with threats of detention to withdraw asylum claims and return home. According to Amnesty International, “unaccompanied children in the U.S. immigration system are routinely deprived of their rights in contravention of international and U.S. standards.” The report cites examples of perverse abuse of power: a boy placed in secure detention for 19 days for reaching over a table and tapping another boy on the head; a 14-year old girl, described as suicidal on the intake form, transferred from a shelter facility to a secure detention center because she was considered to have a “behavior problem.”

Third, refugee children find themselves subject to abuse that compounds the fear, trauma and insecurity that led to their refugee condition in the first place. For example, according to the Amnesty International report, children at a detention facility in San Antonio, Texas were punished by having their blankets and mattresses taken away, with “unbearably cold” air conditioning blasting. Children held in a secure unit in Pennsylvania were reportedly kicked, thrown to the floor, having their heads knocked into the walls for infractions such as “looking the wrong way, saying ‘can I use the bathroom’ instead of ‘may I’, or not being able to count properly.”

In the U.S., separated children who seek asylum are regularly and routinely detained, often for months on end. A third of the 5000 children detained each year are locked up in secure jails, alongside juveniles convicted of criminal offenses; they are subjected to handcuffing and shackling, and other intrusive and punitive measures (Women’s Commission for Refugee Women and Children, *Prison Guard or Parent? INS Treatment of Unaccompanied Refugee Children* (2002)). Since 9/11 detention periods of children have increased and the checks and obstacles delaying release to relatives have become even more burdensome. Refugee advocates report that children seeking asylum are used as baits to find, detain and eventually deport undocumented parents already in the country.

The impossible bind of choosing prolonged detention of the child or deportation of the parent is a clear violation of the CRC mandate that the best interests of a child

should be a primary consideration (maybe for good reason the U.S. has not ratified the CRC!) In spring 2003, the U.S. military revealed that they were holding children under the age of 16 as “juvenile enemy combatants” among the 660 detainees at Camp X-Ray, the high security prison for “terrorists” at Guantanamo Bay. According to U.S. military spokespersons, at least three children between the ages of 13 and 15 had been there for months, although the exact number of children and details about them were not disclosed. Although apparently being held separately from adults, the children spent long periods in virtual isolation. Under international law ratified by the U.S., children under 15 cannot be used to participate in hostilities; compulsory recruitment cannot occur below 18 years of age. States have an international obligation to demobilize and rehabilitate child soldiers, not punish them, and to give all child detainees access to lawyers throughout legal proceedings. The revelation that children were included in the population of what Donald Rumsfeld had called “the worst of the worst,” and subjected to indefinite detention outside the reach of constitutional protection caused public outrage, which eventually led to their transfer out of Guantanamo.

Several Homeland Security-related developments specifically affect children—although not all have been negative. Surprisingly the 2002 Homeland Security Act contains some positive provisions for children seeking asylum. The act, generally known for its consolidation of 22 existing government agencies into a frighteningly Orwellian monolith, incorporates sections of the bipartisan reform-oriented Unaccompanied Alien Child Protection Act—the result of a wave of political sympathy for asylum-seeking children spawned by the Elian González incident. The most important change is the transfer of responsibility for “unaccompanied alien children” from the INS to the Office of Refugee Resettlement, an agency oriented to welfare rather than enforcement. This is a very positive development, an exception to the otherwise bleak environment for asylum seekers. Although the legislation does not include some critically important provisions in the Unaccompanied Alien Child Protection Act such as the obligation to appoint guardians and provide counsel, future legislation is expected to rectify this. In addition, the Child Status Protection Act of 2002 improves children’s access to certain immigration benefits and pro-

tections them from “aging out” of eligibility for a wide range of benefits including protection under the Violence against Women Act.

Other developments compound the problems children have faced over the past few years. Sweeping new registration requirements imposed on foreign nationals from a range of countries considered to be associated in some way with the threat of terrorism, particularly from Arab and Muslim backgrounds, have specific impacts on children. Many foreign minors, usually students, are caught by the provision that all males over 16 must register. Some have been rounded up forcibly and detained. But, much more devastating, is the impact on a hidden but far larger population of children—the thousands of American citizen children born to undocumented or out of status foreign parents. As a result of the immigration dragnet being cast over the country, these children have been forced into hiding or exile from their own country with their terrorized parents. Rather than considering the children’s citizenship a basis for securing rights for the parents (as would happen if the parents were citizens and the children needed protecting), the parents’ irregular immigration status is the basis for the effective deportation of these citizen children. We have come full circle—adult citizens have, as their most precious attribute, the fact that they cannot be deported from their country—more precious in these times, I would argue, than the right to vote or to stand for public office. But child citizens do not, in practice, have this right.

Children’s political invisibility is at the heart of this disenfranchisement. The legacy of the war and the war on terrorism is particularly hard on children. The triumphalism of child rights advocates must surely be tempered by the sobering realizations of humanitarian workers: the promise of the CRC that the best interests of children and their voices will really count in decisions that affect them is more urgent and elusive than ever!

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The Law and Life

Battered Undocumented Women

BY MARGOT MENDELSON

VICKY ARRIVED WITH VISIBLE ANXIETY AT the legal assistance office where I was volunteering in our small Northern California town of Napa. Sitting uneasily across the desk from me, she whispered her answers to the long list of questions for new clients seeking relief and recourse for domestic violence. About halfway through the long list of yes or no questions, I asked Vicky (all names have been changed to protect confidentiality) if she had ever called the police for protection from her abusive husband or if she had ever obtained a restraining order against him. Looking at me sadly, she replied simply, "No tengo papeles." *I don't have papers.*

Our office was the first legal or public agency in which she had ever stepped foot in the several years she had lived in the United States. I still recall how terrified she was to be in that office, how she was at once extremely guarded and completely desperate for support.

Vicky, a Mexican immigrant who had come to the United States without family and with few friends, had married a U.S. citizen who turned brutally violent. He had refused to process the paperwork to regularize her immigration status. Vicky was acutely aware of her precarious legal status and of the constant threat of deportation. Her abusive husband often used undocumented status as a technique to control and subdue her. Vicky seemed torn between her profound fear of U.S. legal agencies and her need for institutional support. She shared all the fears, anxieties and needs of the many battered women I had seen walk through the office doors, but hers were compounded and exacerbated by her political and legal vulnerability as an undocumented immigrant.

Vicky is one of the many battered undocumented women for whom conventional legal and institutional processes are unavailable, even alienating and marginalizing. I decided to take a closer look at the women whose daily experiences, relationships, and life biographies are deeply shaped by their political and legal entitlements. For my senior thesis at Harvard, I drew on the

voices and narratives of ten battered undocumented Mexican immigrants in Northern California, who were self-petitioning for immigration regularization under the Violence Against Women Act (VAWA) to explain how their daily lives were structured by the laws, institutions and social discourses surrounding immigration and undocumented immigrants.

Each one of these women experienced first-hand the dramatic shifts in California laws and public attitudes towards immigrants over the last decade and a half. These women found themselves facing the context of a national crackdown on undocumented immigration, which was reflected in legislation surrounding drivers license eligibility, legal services funding, border control, and, most prominently, Proposition 187. Most of the women interviewed were living undocumented in California during the time period preceding and following 1994 passage of Proposition 187, which explicitly excluded undocumented immigrants from receiving public assistance, health care, even public education and required public officials to check the immigration papers of those seeking services. Although the law was declared unconstitutional by the Supreme Court, Proposition 187 reflected and perpetuated a culture of xenophobia in the state

tive paths which are largely contradictory. Whereas the former focuses on the immigrant community and family as retreats from social abuse, the battered women's literature views the home and family unit as sources of oppression. Read against each other, it is evident that neither literature fully takes into consideration how law and politics shape undocumented immigrants' daily lives and experiences.

The extensive literature about battered women talks about empowerment through public participation and social integration. A key to survival in the battered women's movement is to take refuge in public space. Women are encouraged to get jobs, utilize public benefits, join community groups and generally engage in the public sphere. However, that is precisely what the battered undocumented immigrant cannot do. Public space is to be avoided at all cost.

Leticia's story illustrates the extent to which she felt excluded from and marginalized in public space as an undocumented immigrant. A formerly undocumented mother of two, Leticia told me, "The only time I left the house was to pick up [my employer's] daughters. And she always told me not to go out because immigration would pick me up. She always said, '*la migrá* would be here, there.... I was scared to

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and sent an important warning message to undocumented immigrants.

Women such as those I interviewed have traditionally been viewed unidimensionally by scholarly literature—either as immigrants or as battered women. The sociological literature on immigrant settlement and the battered women's movement offer important insights into the experiences of battered undocumented women, but offer prescrip-

leave.... I felt the doors were closed to me."

Leticia's memories of being undocumented are painful. She recalled, with tears in her eyes, that her life in the eight years before receiving immigration papers was characterized by constant fear. She endured exploitation by her employer because she feared her undocumented immigration status would prevent her from finding another job. When she was physically abused by



Whether from the Dominican Republic, Mexico or elsewhere, undocumented immigrant women silently face the threat of domestic violence.

her husband, she did not call the police out of fear that she would be arrested and deported. Leticia would not even attend a support group until she got her papers because she didn't feel safe from INS detection there. Even when she wanted to leave the house, transportation was difficult because she was ineligible for a drivers license. In every way, Leticia's immigration status transformed the public sphere into a place of intense risk and marginality.

Leticia is not alone. The battered women I interviewed all spoke of this intense fear, both as a result of domestic violence and the terrifying constrictions of institutional hurdles and "illegality." The battered women's movement offers important insights into the gender dynamics of the home and family,

but the stories and experiences of these battered undocumented women challenge the movement's endorsement of the public sphere as a great liberator and a realm of equal entitlement and privilege.

The sociological literature on immigrant settlement, by contrast, specifically recognizes the marginalization of immigrants and the risks associated with participation in the mainstream society. The literature posits the family unit and the ethnic enclave as antidotes to discrimination and intimidation in the broader culture.

Although the sociological literature makes great strides in recognizing the resources of the immigrant family and the unique situation of new immigrants in the larger culture, that literature tends to over-

look the reality of conflict in the family, the gendered nature of conflict, and the specific laws and institutions which perpetuate immigrant marginality.

These women's accounts of the role that their friends and families played in perpetuating, responding to, facilitating escape from and otherwise dealing with the abuse in the women's relationship afford a particular opportunity to explore a unique—and largely overlooked—range of experiences within the social network.

Catalina, a pretty young woman from Jalisco who works in a San José hair salon, gave me a vibrant example of how her social network was even more remote from the idealized portrait of immigrants' social networks as coping mechanisms or places of retreat. At one point in the interview, while fumbling to describe the way her six brothers control and isolate her, Catalina pulled down her shirt and pointed to a large bruise: "In fact, there is one thing that happened very recently to me. One of my brothers hit me. I have some bruises. I have even more on my body, but I am ashamed to show you." Catalina proceeded to explain, in detail, the physical and emotional abuse she suffers from her family, which intentionally isolates her and prevents her from cultivating and pursuing relationships outside the family. Catalina described her family network as extremely controlling, possessive and unsupportive: "Not even then do I have any emotional support at home. [The people in my family] don't consider my emotional state." And although her relationships with her friends and extended family have not been as intensely negative, Catalina assured me, with tears in her eyes, that she had many stories of being manipulated, controlled and misled by family and friends.

Catalina's story offers an important counterpoint to the fundamental argument that social networks offer reprieve for immigrants from the challenges, abuses and insecurities of the outside world. The entire premise of social network theory has been that networks are, by nature, integrative and encouraging of social participation. But Catalina and others have found their social networks not only to be sources of intense abuse and insecurity, but also causes of isolation and alienation.

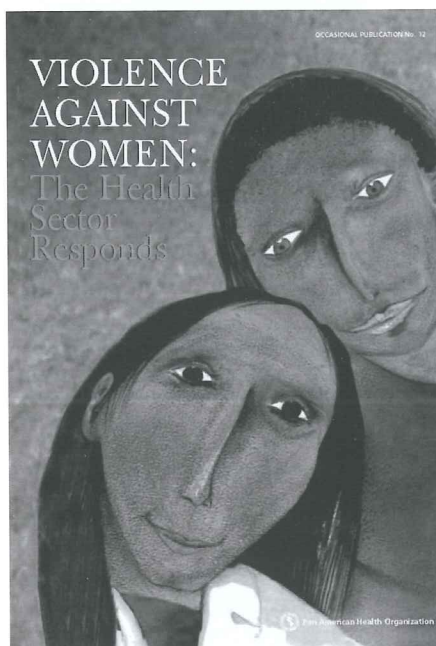
"Intentional isolation" has been recognized as a tactic of abusive spouses, who seek to control their partners by cutting off their social interactions. The much heralded "wheel

of power and control” which depicts cycles of violence and contrition in abusive relationships, for example, features intentional isolation as a stage of abuse. For the women who experienced that direct form of imposed social isolation, the network becomes even more entrapping and oppressive.

The conclusion of my interviews, of course, does not imply that all family interactions for immigrant women are abusive or manipulative. To the contrary, several of the women described their relationships with their siblings to be their greatest source of support and comfort. Female networks did, at times, provide information and support for the women interviewed. A few of the women reported relying deeply on friends from Mexico and new friends they had made in California.

However, in the complex interaction of domestic violence and “illegality,” the advice and attitudes of friends and family cannot be conceived of simply or in static ways. Margarita (not her real name) said it took her years to muster up the courage to divorce her husband because she was scared her friends and family from Mexico would find out and she was sure “they wouldn’t support me.” And Catalina said her family “think[s] I am the shame of the family because I am divorced... They accuse me. They said, ‘how did you do this?’ Even my mother, who knew about the abuse for all these years.”

Although these stories clearly show that social networks do not always support and encourage women to protect their physical and emotional safety, it is important to complicate the notions of well-being in these women’s lives and to recognize the context in which advice is offered by friends and family. Understanding these women in the context of their political, economic, and social experiences demands a broader approach to those questions of staying and leaving the relationship. Leticia, for example, explained that her friend’s advice “not to leave him” was based on the fact that “she knew it was too difficult to further myself without being documented” and because “I didn’t know anything or anyone. I depended solely on him.” Ana’s situation was similar; when asked what her friends advised her to do in response to the abuse, she said, “They wanted me to stay here in the US, so they understood I had a problem.” Roberta told me that her family was sad when she left her abusive husband because they



Gender-based violence—and how communities can put an end to it—is the focus of a recently released book by the Pan American Health Organization. Using an integrated community approach, involving the health sector, along with the legal, juridical, educational, religious and NGO sectors, the PAHO strategy has helped create more than 150 local anti-violence networks throughout Latin America. The book may be purchased at <http://publications.paho.org>.

believed it would be too hard and too lonely for her to be single and undocumented.

Parents, relatives and friends may act to enable the abusive relationship out of genuine concerns about the woman’s economic sufficiency, legal vulnerability, and cultural literacy. And it is this layer of politically imposed marginality and insecurity which neither literature fully takes into account.

The problem in the dominant social networks discourse on immigrant adaptation may not be limited to the *nature* of the qualitative generalization being made, but rather resides in the very attempt to make qualitative statements about immigrants without considering *immigration* as a legal, social and political process.

Simply put, immigrant families and networks may not be essentially different from any other families and networks. The only thing specific or *essential* about immigrant networks may be the immigration itself—the entitlements and identities that are created by the immigration process and the state. In fact, what distinguishes these undocumented immigrant women’s experi-

ences and relationships and warrants specific attention might not be anything essential about them, but rather the way they are influenced and constrained by the legal and social context in which they are set.

The diversity of social arrangements and personal relationships among the women interviewed attests to the fact that immigrant social relationships are not characterized by innate characteristics of immigrants as individuals, but rather by the common outcomes of socially imposed legal entitlements, political exclusions and social attitudes. Carefully considering these women’s experiences in their intimate relationships reveals that they are inextricably bound to their legal entitlements as undocumented immigrants. The thesis details how gender biases in federal immigration laws have intensified women’s dependency on their husbands and played into abuse in their marriages, how changes in federal funding regulations for legal services attorneys have deterred women from following traditional prescriptive paths for recovery from domestic violence, how changing drivers license laws have hindered women from conceiving of themselves as public actors and limited their possibilities for self-sufficiency, and even how national security measures have affected the experience of grieving for dying relatives.

All of these legal, political and institutional processes and practices shape the realities of these women’s lives in surprising and myriad ways which are largely unacknowledged by the dominant discourses. Understanding their lives and experiences demands critical attention to macrostructural processes and the complex ways in which they filter into experience.

Thus, there is a need for more critical and rigorous analyses of the social and political forces that shape immigrants’ lives and often deny them their basic human rights. Beyond all else, these women’s voices and stories reveal that law is not just additive, but formative. It does not just constrain or empower its subjects; it also creates them.

Margot Mendelson graduated from Harvard in 2003 with a self-designed major in Peace & Conflict Studies. She is currently living in Costa Rica and working at a human rights organization. She hopes to pursue a career advocating immigrant rights and, more immediately, to find a publisher for the full version of her thesis.

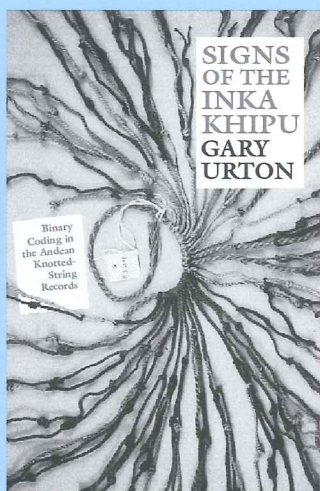
Knots of Knowledge

Gary Urton, *Signs of the Inka Khipu: Binary Coding in the Andean Knotted-String Records*, University of Texas, Austin, 2003, 202 pages

REVIEW BY THOMAS B.F. CUMMINS

HOW PEOPLE KNOW THINGS is as important for study as is what they know. Facts do not exist without a system of thought. How facts become facts, the basic units of knowledge, is crucial to any society. And because we don't all know things the same way, facts are different. To ask what is a fact, some element of truth that can generally be agreed upon for particular societal needs, is not something to be dismissed. So, when a culture takes a different path toward knowledge, and the means of recording that knowledge is radically different than our own, we should prize that path in and of itself as a thing of beauty. We should regard this difference as a path to a critical understanding of our system. Unfortunately, we too often tend to marginalize these differences as inconsequential, especially when the facts derived from observed phenomena of different systems can be demonstrated to be wrong according to our own "objective" scientific system of knowledge. To our way of thinking, the constellation of stars we call the Milky Way is not a river in the sky, and that is a fact because, in fact, the Milky Way is composed of stars scattered in the universe.

Gary Urton has made it his career to study and explain different systems of knowledge, perhaps esoteric to us and perhaps with no applied value for us, that enable societies to operate by creating facts within an organized system of thought. His work has explored the multiple ways that Andeans create the knowledge necessary to produce and main-



tain their society. Urton, now Dumbarton Oaks Professor of Pre-Columbian Studies at Harvard, has based his studies on intensive fieldwork, archival research and object analysis of museum collections. His earliest work focused on the archaeoastronomy of the Cuzco

that we exchange them for goods, but this exchange also requires a cosmic trust in a god. It is the intersection between phenomena and the system of their interpretation that is of interest. Urton therefore has also studied the Andean theory of numbers and the creation of history in an Andean village. His latest book *Signs of the Inka Khipu: Binary Coding in the Andean Knotted String Records* builds upon these studies in order to investigate a particular Andean form of "inscribing" information that was used by the Inka to administer their empire, the largest and most complex in the Americas.

The *khipu* is a textile device composed of a main cord to which are attached other cords along which a series of knots can be made. A seemingly simple object, it was capable of keeping precise pre-Columbian statistical information as well as recording religious and historical accounts. Spaniards also recognized its reliability, and *khipus* and those lit-

devices were constructed with conventionalized units of information that could be read by khipu makers throughout the empire." In other words, was the khipu simply a mnemonic device that enabled an individual to recall information and therefore was idiosyncratic, or was it a device that was transparent, capable of being "read" by any one versed in the "language" of the khipu?

Urton states clearly that he believes that the khipu was not simply a mnemonic device as many scholars have suggested, but that it could transmit precise information to a broad khipu-literate audience, independent of the author. And while Urton cannot yet prove his assertion, he lays out what he believes to be the "language" by which the khipu could be "read" independently. Writing in a clear, almost avuncular style, engaging the reader personally in his exploration, Urton describes the key elements of the khipu in which information could be encoded and extracted. The overriding principal

Gary Urton has made it his career to study and explain different systems of knowledge that enable societies to operate by creating facts within an organized system of thought.

area where, for the Quechua speaking people, the Milky Way is, in fact, a river that performs a critical function in the cosmic redistribution of physical and moral resources. To Urton and others, it is not important that the Andeans may be objectively wrong in their knowledge, but rather that they believe in their interpretation sufficiently to ensure the ongoing of a social and economic system for the wellbeing of all. This, after all, is a common necessity. For example, we believe sufficiently in pieces of paper, signed by a government official,

erate in khipus, *khipucamayocs*, were called upon to give testimony in legal court cases and to recount Inka history. What is remarkable is that while the *khipu* was understood to be as accurate as writing by the Spanish, there is no detailed explanation of how the *khipu* operated. Therefore, the driving question of Urton's study is "whether khipu(s) were respectively string-knot-based configurations whose purpose was to provide 'cues' to aid the Inka administrator who made any particular sample to recall a specific body of memorized information, or if these

is a binary code that is materially manifested throughout the stages of *khipu* making. The creation of each string is based on a conscious decision to spin and then ply it in one direction or another. That is, the binary units capable of encoding information begin at the creation of the khipu. Urton then goes on to demonstrate that every subsequent act in the khipu's creation is based upon a binary and capable of storing data. As Urton points out, this system is remarkably similar to the binary code that underlies our computers. In some ways this should not be a surprise, as

textile production in general begins with a set of binaries. The most primitive computer in the West was the Jacquard-Loom of 1801, that with punch cards allowed the loom to produce extremely complex patterns following an algorithm. However, the importance of Urton's detailed descriptions of the binary code used in the khipu is that he does not fall back upon some universal concerning the binary nature

of textile production. Rather, he locates the Andean capacity to encode information into the binaries of khipu construction because of their social knowledge. Here, Urton unveils his rich and subtle understanding of how Andean poetry, numbers and social organization employ similar organizing principals, and then drawing upon linguistic theory of "markedness" demonstrates the possibilities

of how the binary structures of the khipu could express information independently.

The strength of Urton's book is not that we can now extract facts from the khipus. Rather, Urton demonstrates the complexity of thought that went into the creation of the khipu itself. Whether someday we will be able to decipher and extract "facts" from khipus is unclear and perhaps less impor-

tant than the system that Urton has eloquently presented. His theory of how khipus work now must be tested and we await the results.

Tom Cummins is the Dumbarton Oaks Professor of the History of Pre-Columbian and Colonial Art and is the Acting Director of the David Rockefeller Center Latin American Studies. He has published widely on Andean Art and Architecture.

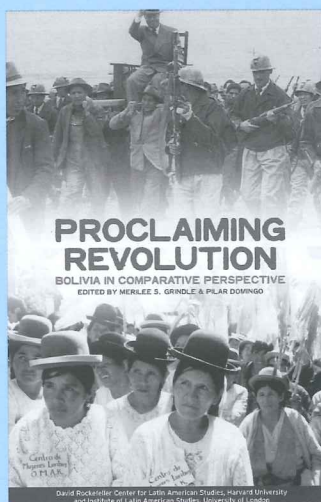
The Uncompleted Revolution

Merilee Grindle and Pilar Domingo, eds. *Proclaiming Revolution: Bolivia in Comparative Perspective*, David Rockefeller Series on Latin American Studies, Harvard University, and Institute for Latin American Studies, University of London. Distributed by Harvard University Press. 2003

REVIEW BY KEVIN HEALY

IN APRIL OF 1952, BOLIVIA, AN obscure, landlocked country with a mining economy and an impoverished indigenous majority in the heart of South America jumped to the front pages of the world press with the news of its social revolution. The rapid displacement of its mining and agricultural oligarchies through nationalization and the expropriation of the haciendas in its highly populated Western highlands and move by its leading National Revolutionary Movement (MNR) to establish a mass-based democracy was an earth-shaking event on the Latin American political landscape. Indeed, at this moment in mid-20th century, Bolivia was only the second country after Mexico ostensibly to have embarked on a course of national social revolution.

Yet 50 years later, as the country stews in the juices of economic recession, almost two-thirds of the population remains below the poverty line and various of its social indicator rankings are on par with sub-Saharan Africa. On the political front, traditional political parties continue their precip-



itous decline and social and ethnic polarization and conflict are the order of the day.

Was this another revolution betrayed or perhaps the historians got it wrong and this was simply "proclaiming the revolution" rather than generating genuine revolutionary changes? To address these and other important questions about this path-breaking historic episode and its continuing legacy, Harvard's David Rockefeller Center for Latin American Studies convoked a conference of leading

scholars in history, economics and political science conducting research in Bolivia over the past 40 years. The papers presented in this forum comprise this new volume, *Proclaiming Revolution: Bolivia in Comparative Perspective*.

Perhaps with such an outstanding line-up of several generations of junior and senior scholars—14 in total—who have devoted much of their careers to producing important publications on Bolivia in both languages, it is not surprising to find a volume of such high quality. *Proclaiming Revolution* offers the reader a fresh and rich menu of themes, insights, comparative perspectives, time horizons, revisionist histories, disciplinary lenses and new research for reviewing important and fascinating facets of the Bolivian revolution and its legacies.

The editors should be commended both for looking backwards in time to reexamine the building of cumulative social and political pressures beginning several decades prior to the period of revolutionary changes as well as forward right into the current political stew boiling over with social

and political conflicts. The volume brings together new conceptual frameworks for viewing change and state reform, new lines and sources of political and social inquiry and analysis, new ways of uniting and synthesizing seemingly disparate material, creative uses of data for examining social progress in a comparative framework and new ideas of thinking about revolutionary and historical change and reform in a Third World, especially Andean, society.

The recurring themes of nation and state-building processes and the variants of Bolivian nationalism are dealt with by these authors in a critical and penetrating manner. The authors present a persistent picture of weak state institutions and clientelistic-driven governance as inadequate and often counterproductive in grappling with so many of the country's unmet basic needs and related social and developmental demands bubbling up from civil society. Although several authors point to solid and important indicators of social progress over the past 50 years, it is clear from this volume that the record for delivering on the promises of this social revolution on the balance is disappointing.

In the chapters taking a more contemporary cut on these themes, there appears to be agreement that the root causes of the many negative results lie within the country rather than outside. This state-centered argument diverges partly

from various Bolivian opinion-makers and a large sector of the public who in addition to faulting the established political class identify the current economic "model," IMF-driven neo-liberalism, as a principal source of the country's woes. In a related vein, the unfulfilled role of Bolivia's private sector in propelling the country's economic growth onward and upward is viewed as another failure, albeit a direct legacy of the state capitalist model emerging from the revolution. Indeed, one has to dig deeply within the covers of this book to find a statement which critiques the current international market system and the way it is being shaped by the forces of economic globalization as many Bolivians are prone to do.

My major criticism of this volume is the absence of any detailed sociological and economic analysis of the capitalist growth of the Santa Cruz region with its political implications for the nation as a whole and the rural peasantry and indigenous sectors in particular. During the 1950s, the MNR laid down the tracks via land, credit, investment, foreign aid and infrastructural policies to expand agri-business, cattle ranching, logging and other extractive industries in this region and eastern northern Beni and their effects

subsequently have had huge environmental and social costs. A large neo-latifundia sector has emerged as another product of the ongoing process of the re-concentration of wealth and power among a relatively small elite. The MNR's policy bias toward Santa Cruz established another foundation for Bolivia's internal colonialism—transfers of significant income from international loans and highland mining enterprises along with "colla" labor to contribute greatly to the creation of this new wealth of the eastern lowlands at the expense of increased poverty and debt burdens for highland indigenous communities.

The comparative country perspectives highlighted in the book's title take shape in a variety of ways. There is a very lucid comparison with the Mexican revolution. This methodological tool is used with respect to educational reforms in Cuba and Mexico and various social indicators related to changes in education and health status for different time periods and countries/regions and between the MNR and other prominent political parties in the hemisphere. Also some of the MNR's historical record as an "economic and social reformer" takes some hits by revisionist arguments advanced by various authors of this volume. Yet in making cross-

country comparisons, the authors might have included Peru and Guatemala in relation to political violence rooted in racism and neo-colonialism toward indigenous victims of mass killings during the 1980's which have recently been documented by various truth commissions. Might not the "opening up of the democratic system" with the expansion of citizen rights beginning in 1952 have spared Bolivia such horrendous holocausts?

In pulling together the various strands of the salient, diverse contributions in her cogent concluding chapter, political scientist Pilar Domingo makes the case that perhaps the most enduring and important legacy of the revolution was Bolivia's political culture of "contestation and political mobilization from below." Indeed, recent evidence for this assertion is strong as Bolivia's anti-globalization struggles have led to rolling back efforts by governments and transnational corporations to "privatize water" in Cochabamba and massive challenges to the privatization and export of natural gas, from Latin America's second largest reserve, through Chilean territory. One of the most active institutions, the peasant indigenous *sindicato*, originally created by the MNR to carry out the social revolution, in today's global era noted

for growing social and economic inequalities, provide the nation's rural poor with one of the most effective networks in the hemisphere for putting political pressure on national governments to address their agendas. Yet as I write these words in late September, 2003, Bolivia is convulsed once again in another bitter conflict pitting the state against massive popular protests including blockades of important road arteries connecting La Paz to the altiplano. Today's front page photos from a Bolivian daily carry images of Aymara campesinos from the Lake Titicaca region brandishing the same mausers distributed in 1952 to carry out and defend the revolution. This worrisome picture is a vivid and very sad reminder, as the contributors of this fine book tell us, of how far the revolution remains from its goals of a participatory and peaceful democracy, a vibrant national economy and a just society.

Kevin Healy is an Adjunct Faculty member of the Elliott School of International Affairs of George Washington University. He is the author of *Llamas, Weavings and Organic Chocolate: Multicultural Grassroots Development in the Andes and Amazon of Bolivia*, published in 2001 by the University of Notre Dame Press.

This Howling

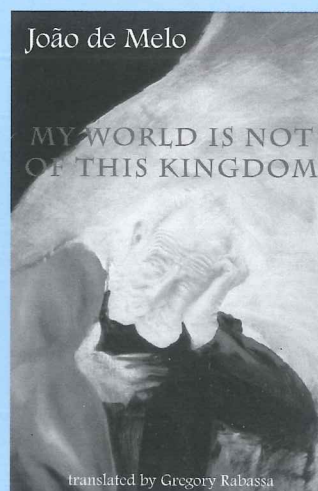
Gregory Rabassa, *My World Is Not of This Kingdom*, Aliform Publishing, August 2003, 248 pages

REVIEW BY KATHERINE VAZ

GREGORY RABASSA TRANSLATED *My World Is Not of This Kingdom* by João de Melo because it was the most astonishing novel he had read since *One Hundred Years of Solitude*. He undertook this huge artis-

tic task at his own insistence almost a decade before a publisher in America could be found.

In terms of stretched hopes, the book's long voyage is not unlike the journey that my relatives once mustered from the Azores to America



or bestirred your families from their own origins. Just when it seemed that arrival would never come, the shore appeared. And now *My World Is Not of This Kingdom* is home at last, brimming with sea air.

João de Melo is the prize-winning, best-selling author of *Gente Feliz com Lágrimas* (a splendidly dual meaning: *People Happy with Tears*, or *Happy People—with Tears*), in its nineteenth edition now in Portugal, in six foreign translations (not English); it's been a theater piece, television mini-series, and internationally distributed film.

But *My World Is Not of This Kingdom* is his masterpiece and garnered most of the literary awards immediately upon its release. The author himself felt it lodged him in the literature of his country.

This is a boiling, shocking story; it roars over the interstices of the sentences into a baroque impasto, rather like the volcanic creation of the Azores themselves. Language is applied with a palette knife, not a thin brush. I cannot name another novel in which a howl is more ferociously unleashed; you may never read a fiercer depiction of soul-crushing, body-mutating poverty.

Though it would be a mistake to classify the novel as merely Azorean, the geography of the archipelago roots the novel in isolation—and then the isolation delves farther into a bag of tricks. The fog-obscurd nine islands shimmer like a wonderland: Whelk and limpet shells form village signs, and azaleas wheeze out perfume. I know of a gazebo where words whispered into a far end of the dome enter the ear of someone on the opposite side. At night, children are wished “pink dreams.” The hydrangeas are a bracing purple (girls wear them as shoulder puffs during parades), the fields are a primavera green, the water glows like heated sapphires, and sky-blue tiles accent white-washed walls, but upheaval and violence loom—rumble in—via storm, tidal wave, volcanic eruption.

And kept in a confined space, humans seethe entrenched, disappointment metastasizes, and beauty refuses to save us. (João de Melo, a longtime resident of Lisbon but a native of São Miguel, offers a soaring antidote to this at the novel's end.) Azoreans to this day are reputed to be the best whalers and fishermen ever born, but in massive numbers they turned their backs to the ocean and became dairymen and farmers. Certainly the majority of those who settled in California, where I'm from, were of this island-cooked temperament. And California was

their self-same dream made vast.

A crucial historical reason for much of the exodus is that back when sailing ships rounded the Cape of Good Hope loaded with treasure—and, more valuably, treasure-locating maps—the winds blew them to the Azores. After a stop for repairs or trade or rest, sailors would ride longitudinal gusts back to Europe. This made for a virtual turkey-shoot for pirates; the remnants of lookout posts still dot the beaches. *My World* therefore cites the intrusive prophecies of João-Lázaro as inciting a rebellion similar to one “...against the corsairs and invaders and plunderers who had threatened the parish in other times...”

Then all hail the steamship, and no need for a stopping-over. There followed an advent of redoubled solitude, and death of industry, and emigration.

Though many Americans appreciate that Church and State are the twin lock and bolt of many cultures, it's near impossible to convey the rusted-in-place vise they create. João de Melo lets fly his most torrential rage at priests, “that fraternity of owls,” especially the syphilitic Father Governo, “...(with) the ugliness of a skull squashed by the hoof of a buffalo that had wandered off from the herd.” Why not ignore the priests, seek other avenues? It's said that Americans don't solve their problems as much as flee from them—but what if there's nowhere to run? What if, instead, you're in a water-sealed colony where first the criminals got shipped in to till the land, and then priests arrived to yoke the louts (and carve the land into parishes), and then the government swept in to assume its share?

The book's dramatic thread

almost of necessity deals with land usurpation. João-Maria de Medeiros emerges as the remarkable hero of *My World*, along with his wife Sara and two sons, José-Maria and Jorge-Maria, because he quietly, simply, but definitely protests when Mayor Guilherme José Bento begins to demand land deeds as a tithe throughout the village of Rozário in the parish of Achadinha. João-Maria is aware that his protests will doom him to shape-shifting ruin.

It's all I can do to curtail my impulse to go on at length about the utterly over-the-top, spellbinding imagery and the chain of events that lay out in print some of the most riveting, passionate

utation not only as a writer's writer, but as someone of enormous popular appeal: He's composed essays, poems, short stories, and travel books in addition to novels, joining his generation in forging a sensibility emergent from the Vietnam-like quagmire of the African wars and the collapse of Salazar's fascism.

I soon discovered that he's that rarity—a successful author of depth and affection; ours is an abiding friendship. I first included an excerpt from *My World Is Not of This Kingdom* several years ago in *The Iowa Review*, in a survey on contemporary Portuguese authors, but it's taken Aliform Publishing, with its specialty in Latin

In terms of stretched hopes, the book's long voyage is not unlike the journey that my relatives once mustered from the Azores to America or bestirred your families from their own origins.

evocations of a descent into penury and degradation and a thirst for revenge ever fit into the confines of words. But the book also suggests that we are constantly asked to enter horror stories and enact some resurrection of the dead. These tests can be brutally practical—Sara digs up a dead dog to feed her family—or defiantly graceful. When an American plane crashes in *My World*, creating a Bosch-like hell, it's evidence of America's force, but the accident is primarily a call for non-nationalistic tenderness: “Oh my God, my sweet God...an old couple had held hands and squeezed their fingers together to the point they were melded. Their names most certainly must have been Jim and Debbie, judging from the oval shape still showing on their lips....a (dead) girl was sitting on a log...a girl like that must have had a blue name like that of the angels...”

As for João de Melo, I first met him a dozen years ago at a conference on Lusophone literature in California. I already knew his rep-

American prose, to let sail home to us this trophy of global literature. I'm grateful that they've expanded its availability to an English-speaking audience, and to Gregory Rabassa for his artistry. Herein a “perfect moment” is coined as “a divine madness that's never repeated.” Divinely, madly filled—heavenly, earthly—this by rights would have to be called a perfect book.

Katherine Vaz is a new Briggs-Copeland Lecturer in Expository Writing at Harvard University. She is the author of *Saudade* (St. Martin's Press, 1994), a contemporary novel about Portuguese-Americans, and *Mariana*. Her collection *Fado & Other Stories* won the 1997 Drue Heinz Literature Prize. Vaz is a recipient of a National Endowment for the Arts Fellowship and is the first Portuguese-American to have her work recorded for the Library of Congress, housed in the Hispanic Division alongside recordings made by Pablo Neruda, Octavio Paz, Gabriela Mistral, and Gabriel García Márquez.

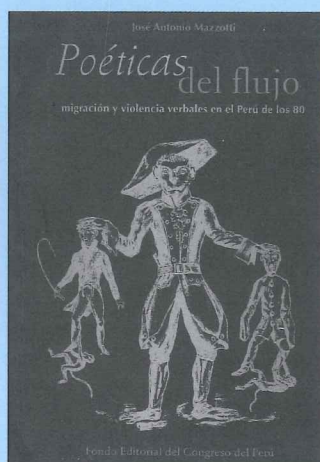
Peruvian Poetry

José Antonio Mazzotti, *Poéticas del flujo: Migración y violencia verbales en el Perú de los 80*, Fondo Editorial del Congreso del Perú, Lima, 2002, 234 pages

REVIEW BY RAFAEL ESPINOSA

JOSÉ ANTONIO MAZZOTTI, in his second book, *Poéticas del flujo: Migración y violencia verbales*, identifies the different trends in 1980s Peruvian poetry. With characteristic flexibility and a wide-ranging scope, Mazzotti offers the reader a fresh critical analysis of this period of literature. He also gives us innovative ways of looking at literature, culture and the national imaginary in Perú. His analysis can be taken as a reference point for future reflection on Peruvian literary production.

Mazzotti, an associate professor of Spanish in Harvard University's Department of Romance Languages and Literatures, recognizes the continuous intersections between art and society in which art fulfills the role of transcribing and portraying in movement what is happening within society. At times, Mazzotti points out, art can



also set the agenda and ignite the spark that actually puts into motion societal change. Through literary interpretation, the author recognizes new spaces of political representation that emerged in the 1980s, particularly in the realm of poetry. Each chapter takes a close look at these new spaces.

The study opens with an exam-

ination of Quechua poetry developed during that period. This phenomenon is closely related to the mass migration from the countryside to Lima, the so-called "Andeanization" of Perú's capital city. The Quechua poets are migrants themselves, and Mazzotti gives eloquent testimony to their fractured—although not tragic—existence. He portrays them as divided in an unresolvable ambivalence between the secularization of the modern city and the traditional mythic thought of the Andean world.

The second chapter of *Poéticas del flujo* focuses on poetry by women. This type of poetry reflects the attempt to achieve a genuine position within the patriarchal society through the transgression of the limits imposed on feminine sexuality. Mazzotti demonstrates great astuteness in perceiving this phenomenon as a growing trend in which the voice of the rebellious woman—still sullied by "phallogocentric" and "machista" canons—is demanding to be recognized in terms of absolute parity, that is, as an authentic political entity.

The third chapter takes a close look at Perú's insertion into the world of market capitalism and mass culture. Listening to the

words of urban poets with a fine stethoscope, Mazzotti demonstrates that the forms and schemes once considered foreign impositions or "alienating" have become an integral part of Peruvian culture without denigrating it. Indeed, these foreign influences have enriched the culture and have affirmed its many-sided nature. There is an implicit faith in the potential of Peruvian culture to readapt and take advantage of outside influences.

In contrast, the last chapter recognizes the trauma of modernity in Perú, as well as the conflictive road map created by hitherto unknown economic and social processes on a worldwide scale. The figures of the unemployed Peruvian, those trapped in the informal economy, and the drug addicts, emerge here painted in all their desolation, their fury, and their political nihilism. To them, Mazzotti dedicates his perceptive and critical gaze.

Rafael Espinosa is a Peruvian poet and a member of the Working Group on Culture in the Peruvian Congress. A version of this book review was previously published in the press release notes accompanying the launching of the volume in Lima.

Exploring the Relationship

Lara Putnam, *The Company They Kept: Migrants and the Politics of Gender in Caribbean Costa Rica, 1870-1960*, The University of North Carolina Press, 2002

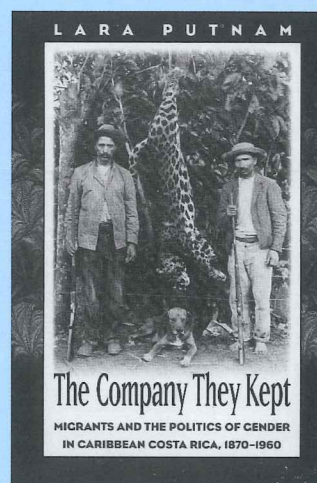
REVIEW BY REBECCA CANTU

FOR NEARLY A CENTURY, CENTRAL America and the Caribbean were the *mis-en-scène* of the *bananero* culture that thrived for nearly a century (1870-1960). The culture itself is famous for its unique mix of violence, chaos, and immorality—social conditions which created a culture exclusive to the *zona*

bananera. However, Lara Putnam's *The Company They Kept* is an exploration of the culture at the micro level, using primary sources and personal accounts to explore the intricate mores that directed the behavior of the people.

Putnam's title is particularly clever because of the double meaning carried by the word

"company." First, as it becomes clear in her study, the economy of Central American and the Caribbean—but particularly that of Costa Rica—was one that was highly dependent on the United Fruit Company (UFC). This foreign company has oft been depicted as a detrimental force in Latin America not only due to its



exploitation of cheap labor, but also because of the deep economic harm that resulted through-

out the region with its downfall in the latter half of the 20th century. Second, "company" refers to relationships and interactions themselves, forged amongst the people living in the *zona bananera*. Indeed, her study is, in essence, one which investigates how a specific economic environment affects the evolution of social mores.

Despite the rough and violent exterior of the *bananero* culture, Putnam's careful research depicts a society in which status and power, as well as economic wealth, are criteria which dictate behavioral patterns. More importantly, the actual culture across the *bananero* region and particularly Costa Rica, is one which is more ordered by established behavioral patterns than it appears to be at first glance. That is, while the economy was one in which the people constantly migrated to find paying work, the culture itself was consistent, as the people clearly understood the accepted and expected behaviors.

Due to the economic expansiveness of the UFC and its control of the region, the years between 1870 and 1960 are characterized by extensive migration of the people from country to country in search of well-paying work (though the actual existence of such is debat-

able). Migratory patterns not only increased within Costa Rica itself, but also between Guatemala, Honduras, Panama, Nicaragua, and the Caribbean islands. This migratory culture had two results: due to the extensive mixing of race and

tances with great frequency to wherever the UFC was thriving, and to where there was a demand for secondary services (cooking, laundry, liquor sale, and prostitution). However, despite this apparently weak family structure,

hierarchy and regulate their interactions with one another.

Likewise, the men in the *bananero* culture also ascribed to strict codes of honor and reputation, following well-known scripts and accepted violent behaviors to assert

The actual culture across the bananero region and particularly Costa Rica, is one which is more ordered by established behavioral patterns than it appears to be at first glance.

cultural heritage, the people were particularly loyal to their identity, clinging to it so as to differentiate themselves from the other sectors of society. Furthermore, the need to travel in search of work not only created a population which felt little or no affinity to the land they worked, but also profoundly affected family structures.

The family in the *zona bananera* is entirely unique to the area and the era, as the economy had affected both family structure and the people themselves. Putnam's study shows there were few ties holding the men and women of a household together, as cohabitation, divorce, and abandonment were common occurrences. This, however, is a direct result of the need to migrate across large dis-

Putnam is careful to emphasize the strong ties of kinship which motivated people to help family members, ties that remained strong regardless of the passage of time or the distances between members.

Another effect of the vast migration of workers across Costa Rica and Central America was the creation of vast gender imbalances, which fluctuated with the area and the time frame. Gender imbalances often profoundly affected the economic and social status of women. According to her study, Putnam finds that among working class women, the vast majority worked in different jobs throughout their life. Possible employment for women (again, depending on the area and the timeframe) varied from working their own fields, with or without their domestic partners, to cooking for UFC workers, to working for the UFC, and in many cases, prostitution.

Interestingly enough, it is in her study of prostitution that Putnam finds the strongest correlation between a particular population and its concern with reputation and honor. Paradoxically, it is among prostitutes, or *mujeres de la vida alegre* that honor was of the utmost concern. While most of society believed these women to live lives so tainted with sin as to be beyond reproach, the women themselves adhered to traditional concepts of sexual purity, even amongst themselves, to create a social

themselves and protect their honor. In addition to the violence among men, Putnam also studies the other end of the behavioral spectrum – the phenomenon of the *compañero*, or the trusted relationships between the men who worked and lived together, traveling across Latin America in search of work. For many men, the *compañero* was a crucial and inherent aspect of life in Costa Rica and Central America. Companions served not only for companionship (as many men did not often see their families), but also for mutual protection, and for networking reasons (using connections to obtain work).

In the end, Putnam describes a world that while chaotic because of economic hardships, was clearly regulated in the social arena. The *zona bananera*, though violent and brutal, was not human culture reduced to its primal state, but rather a culture in which social interactions were as complex, if not more so, than the cultures in other areas of Latin America. Ultimately, because the people had little to offer themselves or others economically, honor and social status became the all-important currency in which human interactions were exchanged.

Rebecca Cantu is a senior concentrating in Government who is also working towards a Certificate in Latin American Studies. Besides working on ReVista, she is also a member of the Harvard Varsity Fencing team, and of Harvard's Ballet Folklorico de Aztlan.

UPCOMING BOOK REVIEWS

Robert L. Selman, *The Promotion of Social Awareness: Powerful Lesson from the Partnership of Developmental Theory and Classroom Practice*, Russell Sage Foundation, 2003

A REVIEW BY RICHARD MORA

Diane E. Davis and Anthony W. Pereira (editors), *Irregular Armed Forces and Their Role in Politics and State Formation*, Cambridge University Press, 2003

A REVIEW BY MERCEDES HINTON

Richard N. Cooper and Richard Layard, editors, *What the Future Holds: Insights from Social Science*, MIT Press, 2003

A REVIEW BY LORENA BARBERIA

Mala Htun, *Sex and the State: Abortion, Divorce and the Family in Latin America*, Cambridge University Press, 2003

A REVIEW BY LISA BALDEZ

Researching Gender Quota

A Student Voyage

BY LISA BALDEZ

LAST SPRING, AS THE MEXICAN political parties began compiling their candidate lists with mandatory quotas for women for the first time, I was teaching a Freshman Seminar at Harvard called "Women's Movements in Latin America." I was also writing an article on the Mexican case as part of a project I call "Elected Bodies," a region-wide study of gender quota laws. I had a sudden inspiration to take my students to Mexico City to conduct research with me. The 11 students in the class struck me as mature and interesting; they had all traveled abroad, and they asked smart questions in class. They would make a great team of research assistants. DRCLAS generously provided us with a grant to cover the students' airfare and the Freshman Seminar program agreed to pay my expenses. The students were ecstatic. Periodically one of them would interrupt class discussion to say "Hey! We're going to Mexico," and everyone would cheer. We arrived in Mexico City at the end of May, right after the semester ended.

We were all going into a new situation. In April 2002, Mexico became the twenty-second country in the world—and the twelfth country in Latin America—to pass a gender quota law requiring a minimum percentage of all candidates for congress to be women. The Mexican Congress has 500 deputies, 300 elected in single-member districts, and 200 elected in 5 multi-member districts of 40 deputies each. According to the new law, 30% of the candidates for the single-member district seats must be women, and at least one of every three spots on the multi-member lists must be a woman. The



Women are part of the political scene; a woman's campaign poster reads "a time of hope."

law contains a strict enforcement mechanism; if a political party fails to comply, it will be denied permission to submit any candidates at all. The law was applied for the first time in the mid-term legislative elections held July 6, 2003.

The trip gave the students firsthand experience doing field research in political science. Before we left, we prepared by generating a list of questions we wanted to ask and hypotheses about what we expected to find, and contacted people to interview. We were fortunate to be able to conduct an interview before we left, with Margarita Gonzalez-Gamio, the Mexican Consulate and former deputy from the Mexico City legislative assembly. The students saw how getting access can depend on knowing the right people, on persistence, on the cachet of the Harvard name or sometimes just serendipity. Many doors opened for us; we conducted nine interviews in just six days, and gave out a lot of Har-

vard pens as gifts in our wake. Jacqueline Peschard, one of the nine councilors of the Federal Electoral Institute (IFE), explained the intricacies of the quota law to us. Mexico's leading feminist, Marta Lamas, spoke to us candidly about abortion politics. Journalists at the Center for Communication and Information for Women gave us a behind-the-scenes tour of <cimacnoticias.com>, an excellent online source for reporting on Mexican women's issues. Margarita Zavala, a member of the central committee for the National Action Party (PAN) described how her party changed its recruiting tactics in order to get enough female candidates to fulfill the quota law. We had a private tour of the Supreme Court that proved to be so extensive that one of the students passed out from exhaustion. We squeezed in cultural events when we could—including a trip to the Basilica of Guadalupe and to Teotihuacan.

While one week's worth of

research was not enough to prove or disprove our hypotheses, we heard some instructive stories. Gabriela Cuevas, a 26 year-old PAN candidate for the Mexico City assembly, spent weeks doing door-to-door canvassing in her district. She walked so much she went down two dress sizes. She said that when women would answer the door, many would say, "Oh, let me get my husband. He's the one who knows about politics," an indication of the limited degree to which ordinary women identify with female politicians.

Karla Morey, one of the students in the class, reflected on what she learned during the trip. "One of the most important questions that our class was hoping to research in Mexico City was whether or not the women running for office would be experienced and qualified enough for positions in government," she said. "If inexperienced women were to make poor decisions in office, it could have a negative effect for the future of female politicians in

Mexico by discouraging people to vote for women or for parties where women are most highly represented. On the other hand, without imposing laws like the gender quota laws that require better female representation in government, gender inequality may continue to go unaddressed." As Karla continued, "We posed this question to the government officials we met with. The response most always seemed to be that women were just as equally prepared to handle the job as men; they just needed their par-

ties to put them in seats where they would not just be relegated to positions dealing only with domestic issues. In fact, González-Gamio put this idea into words by saying that people are quick to jump on women who are inexperienced or unsuccessful in government without stepping back to see that there are just as many men who are guilty of the same problem."

In most cases, the parties complied fully with the letter of the law but disregarded its spirit. Despite our concerns that the parties

would find ways to skirt the law, IFE Councilor Peschard assured us that the parties complied fully, "even overcomplied . . . because the penalty was so severe." Our contacts concurred that the parties had placed the majority of their female candidates in districts where they had little chance of winning—but women did well nonetheless. Women won 23% of the seats in congress—116 of 500. This constitutes a 7% increase from the previous legislature. As student Maria Pilar Bar-

reto remarked, "Many of the people we interviewed, including PAN leader Margarita Zavala and feminist activist Marta Lamas, maintained that gender quotas are the 'lesser of all evils,' but nonetheless an important tool to advance gender equality in Mexico."

Lisa Baldez is Associate Professor of Government and Latin American, Latino and Caribbean Studies at Dartmouth College. She was Visiting Assistant Professor of Government at Harvard in Spring 2003.

Harvard Medical School Spanish in Chile

Service Learning

BY AMANDA AUSTIN

DURING THIS PAST SUMMER, seven first-year Harvard Medical School students got the unique opportunity to hone their Spanish skills in the orphanages and schools of Santiago. They were participants in an innovative two month program in Chile which integrated Spanish instruction through immersion and international service learning (ISL). Inaugurated by the Harvard Medical School (HMS) and DRCLAS, the program built on the efforts of Dr. Guillermo Herrera, who for more than 25 years has created opportunities for over 500 HMS students to work in Latin America in different clinical and non-clinical settings and improve their Spanish proficiency. The DRCLAS Regional Office in Santiago, Chile organized this program in close collaboration with Harvard Medical School faculty and staff.

The first month of the program focused on enhancing the students' existing knowledge of Spanish through full immersion. During this time, emphasis was placed on oral communication and the vocabulary the students needed in order



A community health center in the town of Coronel.

to converse with Spanish-speaking patients. In the program's second month, medical school students participated in an intensive ISL project—either working with children in orphanages or in after school settings in poor neighborhoods around Santiago. Some students volunteered at Manos y Naturaleza, an organization that provides a safe environment for children when school is not in session. During their experience, the HMS students discovered that service learning, a volunteer experience in

a social setting, involves incredible commitment, flexibility, patience and examination of both oneself and one's surroundings. As one student explained, "I expected it (service learning) to be just another thing we would do to learn more language. However, I really did enjoy my time in a 'different side of the tracks' . . . [I]t was extremely relevant to my understanding of Chile and poverty in general."

Many HMS students were drawn to the program due to their desire to improve their Spanish skills

and their enthusiasm for practicing medicine in areas of the world where medical care is often less accessible than it is in the United States. In addition to the curriculum of the program, many students discovered that their host family was an invaluable educational tool—the home of the host family was described by a student as "one of our most important learning environments" while other students commented on the kindness of their host families who treated them as though they were family.

Perhaps most importantly, it appears that the experience that began in Chile for these seven students will continue long after their return to Cambridge. Upon leaving Santiago, many students expressed their determination to continue their Spanish education and some even plan to return to Chile in both professional and personal capacities.

Harvard Law School student Amanda Austin, a member of the DRCLAS publications department team, and Steve Reifenberg, director of the DRCLAS Chile office, wrote this report.

Harvard Graduates

Improving Schools in Latin America and Beyond

BY CAROL DA SILVA

"I want to help my family, I am learning different things that I want to teach to my brothers and sisters and I want to teach English and how to use the computer to my community."

—Mayra Hernández.

14 years old,
San Juan Tabba, Oaxaca.

MAYRA IS ONE OF MANY RURAL Mexican students benefiting from the work of Harvard Graduate School of Education (HGSE) Alumna Mariali Cardenas EdM'02. Living in the northern mountains of Mexico, Cardenas felt helpless in the face of the extreme rural poverty she witnessed there. But attending the International Education Policy (IEP) program at HGSE changed her feelings of desperation into hope. "I felt renewed and confident because I had learned how to use tools and skills to improve social conditions through education," Cardenas says. Now Cardenas works to increase access to education for adults and children such as Mayra by establishing community learning centers in rural Mexican villages as the Director of Education in the Division of Social Programs at Monterrey Tech (ITESM).

Graduates of the one-year master's program in International Education Policy are working everyday to improve educational quality in Latin America and around the world. In its fifth year, the program focuses on understanding education's role in promoting equal opportunity and in reducing poverty. It attracts students interested in education in developing countries, as well as those who want to study education policy issues comparatively.



Children and adults study together in rural Mexican school.

The program's international and comparative focus is a central component to its success in producing effective graduates. IEP alumna Florencia Mezzadra, EdM'02 says, "The IEP program contributed to my professional life in several ways. I especially appreciated the chance to discuss educational policies with professionals from all over the world and see that in Argentina we can learn from other countries' experiences." Mezzadra is now putting her degree to work researching educational inequity for the Center for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC) in Argentina.

Cardenas and Mezzadra are prime examples of the impact IEP graduates are having in the field of international education. "The leaders who graduate from the IEP are working, in every corner of the planet, to support education reforms so that schools contribute to peace

by developing opportunity, understanding and the expansion of all human capabilities and talents," says IEP Program Director and HGSE Associate Professor Fernando Reimers whose own field of research is the impact of teaching quality on the academic opportunities of low income children.

Graduates of the program have taken on a diversity of professional assignments, which include conducting policy analysis for ministries of education, working as faculty members and researchers in universities and research organizations, and working as education specialists in international development organizations. Upon graduation, most graduates remain in contact with each other and with program faculty, thus maintaining a strong community with a shared purpose to expand educational opportunities for the most disadvantaged children throughout the world.

Applicants to the Masters Program in International Education Policy must follow the regular application requirements of the Harvard Graduate School of Education. A personal statement of purpose, transcripts of past academic work, test scores (GRE, TOEFL and TWE), and letters of recommendation must be submitted, along with a completed application form.

For additional information, contact: Barbara Perlo, Program Coordinator, The Masters Program in International Education Policy, Harvard Graduate School of Education, 4th Floor Gutman Library, 6 Appian Way, Cambridge, MA 02138.

For more details on the master's program consult the program's website at: <http://www.gse.harvard.edu/iep/index.html>.

Carol da Silva is a doctoral student at the Harvard Graduate School of Education and an intern for ReVista.

Reader Forum

COLOMBIA ISSUE

Hello I got the opportunity to read *ReVista* dedicated to Colombia I am from Colombia and I think that yes some of those things that you wrote on *ReVista* happen in Colombia but there are also good thing that people don't want to see about that beautiful country. You have to open you eyes and search more about Colombia is not good to give a bad image of Colombia in everywhere because there are things that are not true, like a picture of some people with Tirofijo in san vicente del caguan, that doesn't exist anymore it existed in the last goverment. So please don't always say the bad things about Colombia because wherever you go there is going to be violence and poorness, if I make a *ReVista* dedicated to Boston or the US there are many bad things to say but I just want to see the good things about US because I love it, because we all are human being, we all live at the same world so we should help the others not talk bad about them.

Thank you.

—ANA MARÍA GÓMEZ

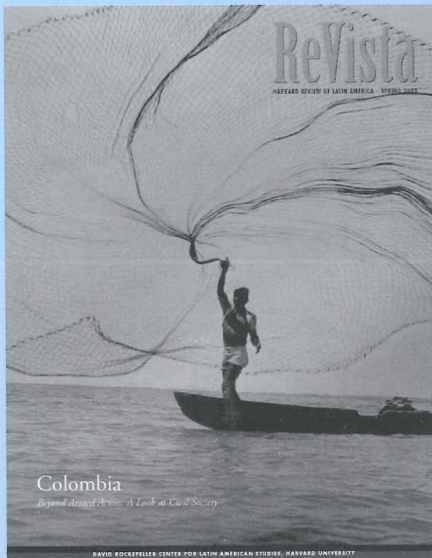
Ana María Gómez, 14, is a student at the Colegio Nueva Inglaterra in Bogotá. She and her classmates presented their project Bogotá 2015, which envisions a positive and creative future for her city, at the Gutman Library at the Harvard Graduate School of Education this fall.

Congratulations for your very relevante issue!

JOHN SUDARSKY
BOGOTÁ, COLOMBIA

Esa posibilidad que nos brinda a los Colombianos el DRCLAS con tu excelente revista de saborear nuestro puchero, de mirarnos con un espejo diferente es invaluable. Quiero compartir unas ideas con *Re-Vista* sobre el gigante dormido.

Para el pasado 20 de julio el canal 7 de television de Boston reunió a un grupo de colombianos para hacer un programa sobre la realidad ampliada de Colombia. Hablo de la realidad ampliada porque en un estudio de hace un año con 657 norteameri-



canos, cuando se les pregunta en qué piensan cuando se menciona a Colombia, el 87 por ciento respondió drogas y terrorismo.

El ampliar esta realidad conlleva a hablar de las cuatro revoluciones que hierven en este momento en nuestra nación. En el programa, Alberto Vasallo, el conductor, se refirió a Colombia como el gigante dormido, pero quiero referirme a cuatro revoluciones que están despertando a ese gigante: La revolución cultural, la del empoderamiento, la de la juventud, y la de la diáspora.

La revolución cultural tiene una fuerza catalizadora inmensa, pues genera un efecto espejo que cambia la autoestima de un pueblo. Nos da la oportunidad de tener una nueva narrativa para construir una identidad diferente.

En Colombia la revolución cultural está en pleno furor: García Márquez, con su realismo mágico; Botero ha mostrado una Colombia grande en las plazoleas de todo el mundo, una Colombia imponente que se muestra como es. Shakira simboliza la Colombia auténtica, energética, única. Montoya ejemplariza una Colombia luchadora, ágil y persistente; Silvia Tcherassi, la Colombia bien diseñada, con buen gusto; Fanny Mickey, la Colombia protagonista, hospitalaria, dramática y divertida y Betty la Fea la Colombia diferente, dispuesta a sacarle jugo a lo que se tiene, dispuesta a tomar lo que hace con seriedad pero no tomarse a sí mismo tan en serio.

Y es en esa Colombia dispuesta a sacar el jugo a lo que se tiene, que nace la segun-

da revolución, la del empoderamiento.

Hay cientos de otros casos de esa revolución de empoderamiento en la que se encuentra Colombia. Vale la pena resaltar las 110,000 entidades sin ánimo de lucro, las instancias de resistencia pacífica a los insurgentes como la reciente de los Paeces, los colegios en concesión en Bogotá, los consejos comunitarios del actual gobierno y la gestión empresarial rompe-paradigmas en industrias como la palma y el banano.

Esta chispa de empoderamiento ha iniciado una tercera revolución: la de la juventud. El movimiento de niños por la paz es uno de sus primeros propulsores. Dos millones de niños colombianos lideraron un referendo por la paz. Toda una nación de 40 millones de habitantes reconoció que su juventud tenía la razón.

Y la cuarta revolución, más reciente, menos protagonista aun, pero con un potencial inmenso es la revolución de la diáspora. La fuerza de una diáspora de cinco millones de colombianos, gente emprendedora, deportistas, estudiantes, científicos, artistas, y trabajadores colombianos es algo que el gobierno actual ha reconocido y está trabajando para capturar.

Colombia es una país revolucionario, cuna de 4 revoluciones en plena ebullición. Los 200,000 televidentes que vieron ese programa el 20 de julio, en cinco estados de el noreste de Estados Unidos, escucharon sobre estas cuatro revoluciones y sobre el concepto del gigante dormido. Colombia un país que se está despertando. Ayudémoslo!!!

Saludos,

PEDRO MEDINA
DIRECTOR, FUNDACION YO CREO
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CITIES ISSUE

Mil gracias por la preciosa *ReVista* que me enviaste! Los excelentes, diferentes enfoques sobre diversas ciudades de Latinoamérica me hicieron pensar—re pensar—mi propia ciudad, Guatemala. Tal vez en alguna época, caminar por las calles de esta ciudad fue uno de los placeres favoritos para muchos de sus habitantes. Acaso fue, cuando entre tañidos de campanas y silbatos de trenes lejanos,

Guatemala amanecía y anoecía quieta-mente. La ciudad, es cierto, era pequeña. No había crecido en la forma confusa en que lo ha hecho, ni había sido invadida por hordas migratorias endémicas, como ha pasado en los últimos tiempos.

Ahora, a veces una vaga melancolía me lleva a caminar por esta ciudad, a la que en poemas dispersos he llamado "ciudad de mis pesares". Pero, Guatemala no es solamente la ciudad de mis pesares, es, a la vez, ciudad de contrastes en la que las precarias vivien-das aferradas a los barrancos sobreviven a corta distancia de los edificios de vidrios azu-lados, ahumados o cobrizos, que se yerguen orgullosos como símbolos de modernidad y prosperidad. Como toda ciudad latinoamer-icana, Guatemala es una amalgama de esti-los arquitectónicos, un lugar en donde con-vergen el neoclásico y el "art-deco", y las altas paredes y cercos resguardan la intimidad de la gente. Pero en las calles, esta ciudad desam-parada nos ofrece diariamente un retablo incomparable poblado de seres cuyas vidas florecen penosamente en medio de las ven-tas, de mendigos, de niños trabajadores o desamparados. Aquí, el hormiguero humano pulula, trabaja de sol a sol, se gana el pan verdaderamente con el sudor de la frente. Sin embargo, caminar por la ciudad aún nos depara pequeños regalos inesperados que se ofrecen gratuitos a nuestros ojos: una calle totalmente florecida de matilisguates; las cúpu-las de sus viejas iglesias que dora el sol de

la tarde; los muros tapizados por buganvil-las de un rojo insultante; o tal vez, alguien al paso nos da un "buenos días" amable. Aquí vivieron—y viven—poetas atormentados, músi-cos geniales, maestras con alas, pintores alu-cinados, herreros, panaderos anónimos, modistas de barrio, pequeñas tenderas. En esta mi ciudad desenfrenada, incesante, caóti-ca, menesterosa, alucinada, viciosa, violenta, y algunas veces hermosa, nunca hubo mural-las para defenderla de extraños. Sin embar-go, hay muros inmensos contruidos ladrillo por ladrillo con desigualdades, que irreme-diamente separan a sus habitantes.

CARMEN MATUTE
ESCRITORA GUATEMALTECA

Me dirijo a ustedes a fin de felicitarlos por la calidad de la revista. Es una de las mejores publicaciones que he leído en los últimos tiempos.

Cada artículo es original y me permite encontrar aportes al conocimiento.

Trabajo sobre temas de seguridad en la ciudad, soy la coordinadora del área de seguridad humana en la asociación El Agora.

Encontré excelente el artículo de Julieta Lemaitre, "Walking the Latin American City." Es importante que sigan existiendo publica-ciones en soporte papel, ya que permite tener un contacto muy diferente que lo que circu-la solo en internet.

Mi agradecimiento y mis cordiales saludos,
CLAUDIA LAUB, SOCIÓLOGA
ASOCIACIÓN EL AGORA,
<HTTP://WWW.ELAGORA.ORG.AR>
CÓRDOBA, ARGENTINA

I might also be a good idea to print this excel-lent ReVista in Spanish. Don't you think so?
Congratulations!

DR. HUMBERTO C. RODARTE-RAMÓN
PROFESSOR OF ENVIRONMENTAL SCIENCES
UNIVERSIDAD NACIONAL AUTÓNOMA DE
MÉXICO

As a matter of fact, I do. But we're up against the economic reality that it would take twice as much paper, not to mention more editing capacity. For now, we are trying to post as many articles as possible in

Spanish and Portuguese at <http://drclas.fas.harvard.edu>.

Gostaria de parabelizar você pela excelente publicação obtida com a Revista, Winter 2003.

É de extrema importância para a Améri-ca Latina que um veículo tão importante este-ja informando sobre nós nos Estados Unidos. Uma revista multicultural é de extrema importância.

Acabo de voltar do International Writing Program, University of Iowa, onde fiquei por três meses como escritor visitante. Durante um mês eu viajei pelos EUA, fazendo palestras em diversas universidades como Berkeley e Novo Mexico. Fiquei realmente supreso sobre o pouco que se sabe sobre a América Latina.

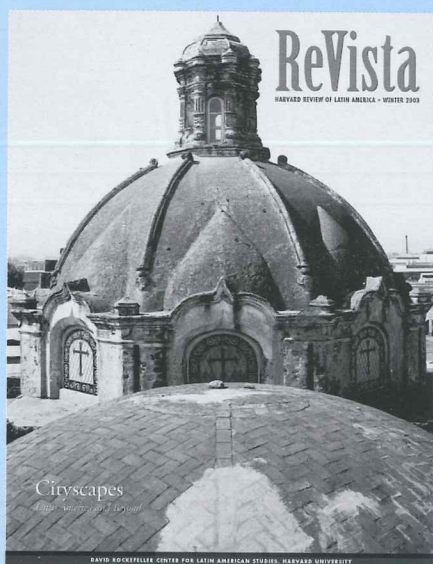
Mesmo quando se sabe, sabe-se de forma estereotípica, arquetípica.

Esta Revista, pois tem um papel decisivo de ampliação do universo latino americano na sociedade americana.

No meu caso, foi triste notar o quando o Brasil é desconhecido. Mais parece um alienígena no meio da América do Sul. E as causas disso, dentre outras, são o fato de nós sermos o único falante de português na América e o fato de, por isso mesmo, tremos nos ensimesmado a um ponto muito alto, quase nos tornando uma ilha cercada de his-pânicos por quase todos os lados.

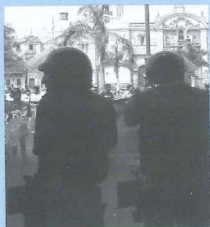
Por isso, lhes peço uma especial atenção para com o Brasil. Peço também que ajudem a mostrar que há várias faces a serem mostradas, além do tráfico de drogas no Rio, a violência provocada pela miséria, etc. mais uma vez, meus parabéns,

NARLAN MATOS
UNIVERSIDADE FEDERAL DA BAHIA
SALVADOR, BRASIL



Letters to the editor are welcome in English, Spanish or Portuguese! Please send your comments, sugges-tions and complaints to: June Carolyn Erlick <jerlick@fas.harvard.edu> or DRCLAS, 61 Kirkland St., Cambridge, MA 02138. <http://www.drclas.fas.harvard.edu>

HUMAN RIGHTS



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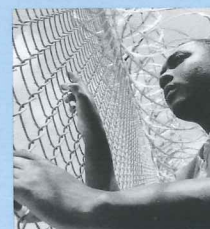
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