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**Colombia: Peace and Beyond
Trade and Jobs After TPP
Geography and Latin American Cities**

BERKELEY REVIEW OF LATIN AMERICAN STUDIES

SPRING – FALL 2016

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Cover: Coffee plants being bred to resist climate change in Cauca, Colombia.
(Photo by Neil Palmer/CIAT.)

Comment

The unexpected — many would say shocking — victory of Donald Trump in the United States' 2016 election puts a big question mark over what is likely to take place in the U.S., Latin America, and the world in the coming years.

Against this backdrop, we begin this issue with an article about Colombia, a country that ended more than five decades of bloody conflict with a peace agreement in late 2016. Sergio Fajardo, the former mayor of Medellín and governor of Antioquia, speaks eloquently about the importance of the country moving “from fear to hope.” Fajardo, one of the most innovative political leaders in Latin America and a former university professor of mathematics, has contributed to this journey in impressive ways. While at the Center for Latin American Studies (CLAS), he asserted that “peace plus legality plus education equals opportunities,” a fitting description of much of his public policy.

Javier Couso, a professor of law at the University of Diego Portales in Chile, maintains that judicial independence goes beyond “constitutional and legal rules,” concluding in the spirit of E.P. Thompson that it is “a cultural achievement of universal significance.”

Both Fajardo and Couso taught month-long intensive seminars in Spring 2016 in a collaboration between CLAS at Berkeley and Bolívar House at Stanford. These courses, as well as public lectures, all generously supported by the Tinker Foundation, brought together students and academics from the two universities.

Human rights are a central theme that runs through this issue. Professor Rosemary Joyce and Russell N. Sheptak, two scholars who have done extensive research in Honduras, provide a context for the tragic murder of environmental activist Berta Cáceres. They point out that “Honduras had become a killing field for environmental activists,” even before her death.

Professor Angelina Snodgrass Godoy, the Director of the Center for Human Rights at the University of Washington in Seattle and the founding editor of this Review, writes about her project “on crimes against humanity committed during the Salvadoran armed conflict,” in which 75,000 people died at the hands of the state and right-wing death squads. In seeking to uncover the fate of the “missing,” Godoy emphasizes that “as academic researchers...we, too, have a role to play in helping families heal.”

Professor Edward Paulino from CUNY bears witness to a modern genocide in the Dominican Republic, where



Photo by Jim Block

CLAS Chair Harley Shaiken at Berkeley with Ricardo Falla.

15,000 Haitian men, women, and children were killed in 1937 in what was “arguably the largest mass murder in the Americas targeting people of African descent in the 20th century.” He examines the current relevance of this catastrophe, “underscoring how history and the lack of honest reckoning informs contemporary politics.”

We were very pleased to host Ricardo Falla, a Jesuit priest and noted Guatemalan anthropologist (pictured above), who has spent a lifetime working with and supporting the most marginalized and persecuted Guatemalans, often at great risk.

On a different note, Professor René Davids looks at “the built environment [as] an expression of culture in material form.” He takes us through time from pre-Hispanic “sophisticated systems of irrigation canals” to the contemporary sprawl of Mexico City.

We close this issue with Professor Soledad Falabella’s exploration of the remarkable poetry of Gabriela Mistral on the 70th anniversary of her Nobel Prize in Literature, the first Latin American to win the award. Lines from a Mistral poem accompany a group of ballet dancers on our final pages.

— Harley Shaiken



COLOMBIA

Building Places for Peace to Grow

By James Gerardo Lamb

Buildings can embody dignity.” In this simple statement, Sergio Fajardo, former mayor of Medellín and governor of Antioquia Province in Colombia, summed up a central tenant of his progressive vision of governance. It is this focus on dignity and hope, exemplified in what he described as “the most beautiful places for the most humble people,” that unifies Fajardo’s ideas on education, infrastructure, development, and the role of the state in supporting peace in Colombia.

Fajardo is best known for his investments in education, his support of public architecture, like the *parques educativos* (educational parks) and *parques bibliotecas* (library parks), and his involvement in the struggle against corruption and for transparency in government. At a CLAS event in March 2016, the Colombian leader shared his views on the integral connections between education, public investment, hope, and peace in his country.

For Fajardo, 50 years of armed conflict and 35 years of narco-trafficking — both of which Antioquia experienced in disproportionate measure — as well as four years of negotiations have left Colombia at a critical juncture. Fajardo called this moment “peace: now or never” because of the seriousness of the Colombian national government in securing an agreement as well as the fact that negotiations with the main rebel group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC, Revolutionary Armed Forces of Colombia), have progressed further than ever before.

As Fajardo noted, “we have seen violence, we have lived under violence in many different moments of these last 50 years, and basically, every Colombian alive has suffered violence” in one way or another. In addition, he observed that many Colombians remember and were discouraged by the failure of the last major peace process attempt under former Colombian President Andrés Pastrana in the year 2000. Fajardo called this experience of failed peace negotiations “very painful.” In fact, Fajardo explained, negotiations have been going on in one form or another since 1982 without an end to the violence.

According to Fajardo, the major effects of this conflict for the people of Colombia have been a metastasizing culture of illegality and profound inequality in addition to violence.

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Sergio Fajardo (center) helps break ground for a new university building in Antioquia.

Another crucial outcome of these experiences has been a pervasive fear throughout Colombian society. “We live in a society where fear has been a component of our lives,” explained Fajardo. This fear has bred social fragmentation and isolation, as well as feelings of impotence and distrust among much of the population.

Yet, Fajardo insisted, these experiences have forged a nation characterized by a resilience born of the struggle for survival under such dramatic and difficult circumstances.

A root cause of the inability to ameliorate these outcomes has been the unequal geographic distribution of state capacity within the Colombian territories. Fajardo noted that some parts of Colombia enjoy a modern, capable state, while other parts of the country suffer from a weak, very weak, or even non-existent state. Therefore, Fajardo insists that an indispensable part of “building for peace” will be rebuilding — or even introducing for the first time — state capacity and authority in many areas that have never known a secure and stable environment underwritten by a competent and impartial state. This enhanced state capacity is a necessary precondition for Fajardo’s broader approach to building a sustainable peace.

The key to this approach is a comprehensive strategy Fajardo summarized as “peace plus legality plus education equals opportunities.” Arguing that these factors should be scaled up even before a peace agreement is signed, Fajardo identified these necessary “preparations for peace” as the “movement from fear to hope.” To this end, as governor of Antioquia, Fajardo established a program called *Preparémonos para la paz* (Preparing for Peace) at the outset of the negotiations four years ago.

Fajardo’s strategy involves significant and effective public investments in areas that can provide shared, tangible, and rapid benefits to broad swaths of the population, thus creating a stake for many people in a new post-conflict Colombia.

He explained that many people in Colombia are skeptical of or opposed to permitting the FARC acceptance into mainstream society and politics and therefore needed to see real benefits from the peace process quickly in order to maintain support for it and avoid a return to violence. This attitude is not only inspired by the violence perpetrated by the FARC and other armed groups, but also by a recent decrease in violence that has distanced the conflict for many Colombians. “Because of the way we

have improved,” clarified Fajardo, “for most people today, we are living peacefully.”

“There is an agreement with FARC, there has been no combat for the last year,” Fajardo said of the most recent period of negotiations. Violence, he went on, “has definitely decreased. For most people, as I say, things are O.K.”

Many Colombians might thus perceive any accommodations to those who engaged in violence as a loss without a corresponding benefit. “The country right now is very polarized about what is happening,” said Fajardo of the peace process. “Many people don’t believe in what is happening.”

“If you only give benefits to ex-fighters and not others, it’s not fair,” explained Fajardo, who oversaw demobilization of right-wing paramilitary units in Medellín as mayor. “There will be violence. It is a very difficult issue to have the whole society in Colombia committed to peace.”

Fajardo was therefore emphatic that there need to be “a lot of programs, simultaneously,” with the implementation of a peace agreement that will swiftly impact the lives of ordinary citizens. “Everything has to be seen and quickly,” he insisted. For Fajardo, this shared experience of improvement and enhanced prosperity will underwrite a stable and long-lasting peace.

When a bomb damaged the statue on the left, Fernando Botero donated another to Medellín.

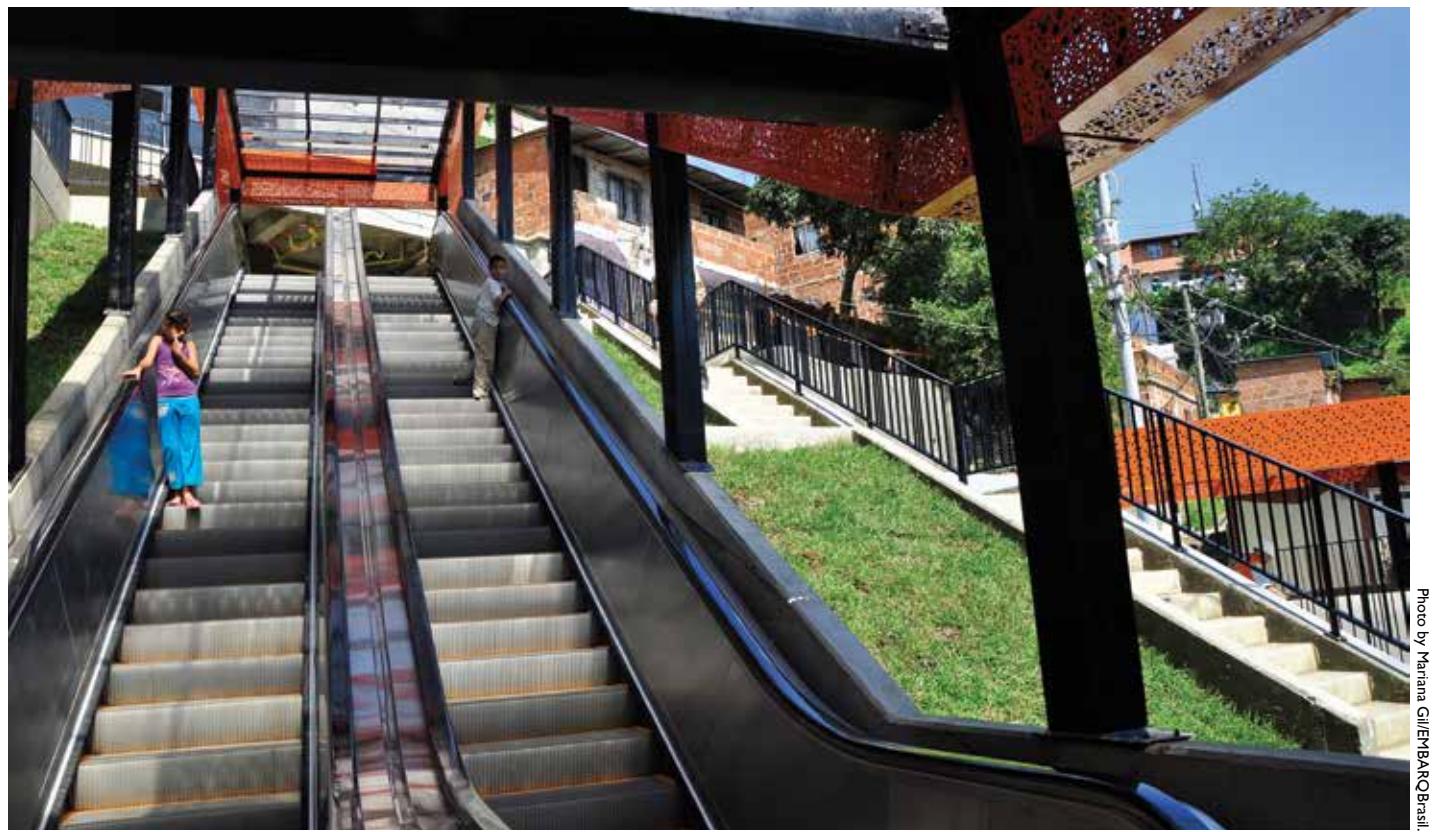
The implementation of Fajardo’s vision for peace involves multiple levels of society, from the individual to the whole Colombian nation.

Education is the central pillar of this vision, from programs that target individuals, such as *Jóvenes con Futuro* (Youth With a Future), to increased allocations for education spending by the national government. “Education is the engine of social transformation,” Fajardo argued, and as a political leader, he put this philosophy into practice. His major programs as mayor and governor were called, respectively, “Medellín: The Most Educated” and “Antioquia: The Most Educated.” These investments in the human capabilities of the population are intended to foster dignity and hope and to spur economic development, which will provide a stake for many more people in a new post-conflict Colombia.

Indeed, Fajardo has indicated that his theories of governance, development, and social progress are strongly influenced by the capability approach, an economic theory developed by Nobel Prize-winning economist Amartya Sen in the 1980s. This approach has since become a crucial paradigm in human development policy debate and inspired the creation of the United Nation’s Human Development Index, a metric Fajardo has spoken highly

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One of the escalators built to serve poor hillside communities in Medellín.

Photo by Mariana Gómez-Robledo

of and which incorporates indicators of health, education, and income.

In addition to education, Fajardo emphasized the investments in public infrastructure that were an important part of his development strategy as governor. During his tenure, the state invested in infrastructure ranging from bicycle paths in small hamlets to new highways reaching previously isolated and violence-ridden rural communities. Amid the dramatic topography of Medellín, provincial capital and second-largest city in Colombia, Fajardo's administration built innovative public transit infrastructure, such as escalators, gondola lifts, and pedestrian bridges.

Not only are these projects integrated, like the educational parks and greenbelt areas being developed around Medellín, they are focused on creating jobs as well as beautiful buildings. Many of these employment opportunities go to those in the local areas where the projects are built, for example in the economically marginalized neighborhoods around the periphery of Medellín.

In Medellín, this program was characterized as "social urbanism" and involved the shifting of funds so that the lion's share of the municipal budget — some 85 percent of \$2.2 billion in 2014 — went to infrastructure and services concentrated in the city's most marginalized, historically violent, and impoverished areas. Projects like these provide the resource counterpart to the spiritual

and psychological uplift of hope and dignity. And the economic opportunities such investments could yield at a larger scale are central to Fajardo's vision of a more stable and prosperous post-conflict Colombia.

The other major pillar of this strategy is what Fajardo terms "legality." This component is a combination of the rule of law, transparency in public administration, and justice (rather than impunity) for state corruption.

As both mayor and governor, Fajardo's administrations gained wide acclaim for efforts towards dismantling clientalistic political networks and promoting transparency, for example, through the innovative use of "transparency fairs" at the municipal level and "The White Book," a report on public administration, as governor of Antioquia. Indeed, during his terms in office, the city and province won a bevy of awards for transparency and administration as well as innovation.

For Fajardo, building the citizenry's trust in the government was among his highest priorities. This objective has informed his stance towards the traditional political parties, locally and nationally. When he first won election as mayor of Medellín, he ran as an independent, backed by a civic movement called the *Alianza Social Indígena* (Indigenous Social Alliance) and without the support of the traditional parties and their patronage networks. Fajardo noted in his talk that "the least-trusted people are politicians and political parties," yet, "whether we like them or not, politicians make the most important

decisions in society." Therefore, fostering trust in the state is an essential ingredient in fostering hope for the future, an attitude that is crucial for sustainable progress. "We have built something that has no price," Fajardo explained, "which is trust."

In addition to the need to foster confidence in the government and encourage hope, Fajardo also stressed that policies against corruption have an immediate material benefit for citizens, especially the marginalized and impoverished. Corruption, he noted, is "the main tax that the poor pay." Moreover, the amount of money that was being lost to corruption and patronage arrangements drained already-limited resources from the municipality and province. When asked during audience questions where the funds had come from to undertake such impressive building projects, Fajardo emphasized that efforts to eliminate corruption were central to funding new investments.

Another major task at the national level is the issue of "transitional justice," or how perpetrators of human rights violations and violence will be dealt with in the context of a peace agreement. This challenging undertaking includes truth finding, accountability for perpetrators, and reparations for the victims. Fajardo commented that this task is among the most controversial aspects of the proposed pact. Many Colombians fear perpetrators will not be punished sufficiently or at all, while some international human rights institutions may disallow absolutions that are a politically necessary part of any deal. Public opinion polling has recently indicated low support for President Juan Manuel Santos, the crucial catalyst of negotiations on the government side, as well as skepticism about the negotiations, particularly these transitional justice aspects. As such, this issue remains one of the most significant possible vulnerabilities of the peace process.

Moreover, at the national level, the state must provide security for all the people in an impartial and professional manner, in many places for the first time.

At intermediate levels of community and regions, Fajardo identified key tasks as including integration and support of victims of violence and community empowerment through such institutions as participatory budgeting linked with public investment, community educational spaces, and beautiful architecture. An apt example is the striking *Remanso de Paz* (Oasis of Peace), a social and community center in Turbo municipality. Like many of the projects that Fajardo oversaw, this building was constructed in the poor shantytown of Pueblo Bello with the direct grassroots participation of a local community that has seen tragic levels of violence during decades of conflict.

Participation and responsibility are conjoined for Fajardo. Local communities and directly affected populations are invited to participate in the planning and oversight of projects, and many of these undertakings require the stakeholders to be proactive in their set up. So, new schools or library parks were often awarded through a competition or application process in which the community itself had to generate and propose ideas. When projects were awarded, Fajardo made great use of one of his signature policy tools: "civic pacts." These pacts are agreements between the administration and local communities. They incorporate public feedback, commit government officials to fund and execute the plan, and formalize the contribution of the community to the project. The aim was to increase transparency and generate "buy-in" from the community. The process itself also serves as an educational experience in civic participation.

Overall, Fajardo summed up the lessons for national peace that his team had learned from experience at the municipal and provincial level. "We have learned about dignity, capacities, respect, and recognition," he told the audience, "in order to build hope."

Postscript

In the months since Fajardo's speech, many dramatic events have taken place surrounding the Colombian peace process.

On June 23, Colombian President Juan Manuel Santos and FARC leader Timoleón "Timochenko" Jiménez signed a ceasefire agreement in Havana, Cuba. This agreement was the final step before the signing of a comprehensive peace accord. It tackled the most sensitive remaining issues, including disarmament and demobilization of rebel fighters.

On July 18, the Colombian Constitutional Court approved a plebiscite to popularly ratify the deal.

On October 2, Colombian voters delivered a narrow and surprising rejection of the peace pact by 50.2 to 49.8 percent in a low-turnout event (less than 37.5 percent) characterized by an environment of social, political, and cultural polarization.

Senator Álvaro Uribe, a conservative former President (2002–2010) led the "No" campaign. The "No" vote also received important support from socially conservative religious leaders and organizations, a coalition of evangelical Christians and Catholics who used the vote in part to reject the government's socially liberal agenda.

The result threw the peace process into flux, while President Santos, the FARC leadership and the international participants remained firmly in support of the deal.

In the days following the referendum, students and other concerned citizens protested across Colombia in

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favor of peace, often drawing attention to the fact that those most directly affected by the conflict supported the accord in high numbers.

On October 7, President Juan Miguel Santos was awarded the Nobel Peace Prize in recognition of his efforts to end the conflict in Colombia. The following week, he extended the ceasefire through the end of the year.

On November 12, the Colombian government and the FARC announced a “new final accord.” In an aim to revive the peace deal, this agreement incorporated proposals from the Uribe-led political opposition and religious leaders as well as suggestions from large rural landowners and agribusiness, among others.

The changes were significant, with the government proposing some 500 modifications, most of which the FARC accepted in marathon negotiating sessions. The most important of these adjustments relate to provisions of the transitional justice system and to crimes committed during the war. The new document also strengthens private property guarantees, reduces benefits promised to the FARC, and attempts to clarify gender issues that proved controversial. After the new text was released, former president Uribe initially claimed that the changes were not sufficient, while

FARC head Rodrigo Londoño continued to firmly support the accord.

On November 30, Colombia’s congress approved a revised peace agreement, bypassing a second referendum. Although the votes in both chambers, controlled by President Santos’s party, were overwhelmingly in favor of the accord, members of ex-President Uribe’s party abstained.

Sergio Fajardo remains a prominent supporter of the peace process.

*James Gerardo Lamb
December 15, 2016*

Sergio Fajardo served as the governor of Antioquia (2012–2015) and the mayor of Medellín (2004–2007) and was a vice-presidential candidate for Colombia in 2010. He was a Tinker Visiting Professor at UC Berkeley in March 2016 through a program co-sponsored by the Center for Latin American Studies, UC Berkeley, and the Center for Latin American Studies, Stanford University. He spoke for CLAS on March 15, 2016.

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Medellín schoolchildren participate in an exercise program.



Photo courtesy of Secretaría de Movilidad de Medellín.



Photo by Ximena Navarro/presidencia.cl

COLOMBIA

Latin American presidents celebrate the signing of the initial peace accord in Colombia.

The Turbulent Path to Peace

By Lauren Withey

The unpredictable roller coaster of a peace process that Colombians have experienced over the last four years has taken on a new, concentrated form of chaos and uncertainty.

On September 26, 2016, enemies of more than 50 years, standing in front of leaders from around the world, committed to ending the longest war the Western Hemisphere has seen. Victims of some of the most horrific violence pardoned the perpetrators. Children sang as the FARC’s leader, Rodrigo “Timochenko” Londoño Echeverri, and Colombia’s president, Juan Manuel Santos, signed an accord that had been negotiated over four tumultuous years, enduring cycles of broken trust and broken ceasefires and the collapse of the president’s approval ratings. Santos guaranteed the right of the FARC (Revolutionary Armed Forces of Colombia) to have their voices heard in the political arena; Timochenko guaranteed that he and his followers would take that

responsibility seriously and hinted at ways they hoped to contribute to the country in peacetime.

On the evening of October 2, the positive feelings of this moment were dramatically tempered by citizens’ rejection of the accord by a slim margin in a national plebiscite. Voter turnout was low: some 13 million made the decision for the nearly 50 million Colombian citizens. Some analysts have blamed the polls for the result, which consistently indicated that the “Sí” vote approving of the accord was likely to win by a generous portion. The plebiscite would serve, the narrative had promised, as a helpful mandate for lawmakers to work under while passing the legislation necessary for the accord to take effect. Though Santos received warnings early on that the plebiscite was a gamble, given the concessions he would surely have to make, many observers in Colombia and around the world were shocked when “No” eked out a win. No member of any party seemed to possess a clear “Plan B.”

Populist former president Álvaro Uribe and his Central Democratic party led the “No” campaign, after opposing the peace talks from the beginning. Uribe and his party have accused President Santos of agreeing to “impunity” for the FARC and have convinced their followers that the accord would lead the country into a state of “Castro-Chavismo” by, among other things, giving the FARC guaranteed political seats for the first two elections after the accord was passed. Uribe traveled around the country, hosting town hall meetings to convince people that, as he put it, “We want peace, but not this peace.”

In one major revelation since the vote, the manager of the “No” campaign, Juan Carlos Vélez, bragged in an interview about how cost effective the campaign had been by appealing to people’s indignation about concessions to the FARC. This effectiveness was clear from conversations in the street with those who cast a “No” vote. “Why should these guys be sitting around getting paid 2 million pesos a month from the government for having terrorized the country?” Four people on the streets of Buenaventura expressed this concern to me over the course of an afternoon. No matter that this is not exactly what the accords would have provided, nor that the costs of the war are much higher for Colombians: the opportunities to play into citizens’ frustrations with the government and the FARC’s use of imprecise sound bites were all too easy for the “No” campaign. Many have suggested that such misinformation means a “No falso” actually won the campaign. In much of the country, too, the plebiscite was less about the 297-page accords, which few surely read, and more about political ambitions in the next elections.

Despite these factors, the symbolism of how different populations had voted hit many “Sí” voters particularly hard. The center of the country (with the exceptions of Bogotá and the state of Boyaca) fell to the “No” side, while the peripheries voted overwhelmingly for “Sí.” It was not lost on anyone that citizens in the peripheries are indeed those who have suffered most over the last 20 years of this conflict and those who understand better than anyone that this accord is just one step along a much longer road to peace. It was a stated mission of many of them to lead the country toward forgiveness with their example, with the peace deal as a crucial step. They fulfilled their end of the bargain, but like many of their “Sí”-supporting



Photo by Gab Marnell

Graffiti in Colombia after the failure of the plebiscite.

compatriots, were horrified as results were finalized just over an hour after the polls closed.

“I couldn’t sleep. I feel like we and all those who have been working for so long toward peace have been dealt a low blow,” a leader from an Afro-Colombian community told me a day after the vote. She is one of the many community leaders who have received death threats as a result of their efforts to protect their communities from violence over the years. Other leaders, like the one I accompanied to the polls on Sunday, were left only to contemplate the vagaries of democracy and hope that out of this crisis, a more perfect union might emerge.

While frustration and uncertainty immediately followed the vote for the “Sí” side, a series of events since have brought hope. First, Timochenko has reiterated various times the FARC’s commitment to ending the conflict, even suggesting a willingness to make some additional concessions to do so. Second, thousands upon thousands of Colombians have taken to the streets to march for peace. The marches are likely to continue until a new deal is finalized and implementation begins. Third, the Colombian government and the country’s other main guerrilla force, the ELN, revealed in a press conference that they will begin peace talks at the end of October in Quito, Ecuador. Finally, President Santos was awarded the Nobel Peace Prize by the Norwegian Nobel Committee. Some in the “No” camp say the award vindicates the rumor that the peace process for Santos is more about his international legacy than taking care of Colombia. For those hoping this will be the last negotiation between the government and the FARC, however, it is a positive sign that the international community is still behind Santos and the

process and recognizes the personal and political sacrifices he has made to get to this point.

Despite these hopeful signs, insecurity still looms over the country. President Santos’s negotiating team has taken on board representatives from the “No” campaign to help integrate their ideas into the renegotiation process to continue in Havana. Two weeks after the vote, the Center Democratic party shared their demands of the process, but politicians from other parties have expressed concerns that these requirements are unrealistic and vague. Recognizing that pleas to close out the process as quickly as possible may be too optimistic, Santos extended a ceasefire with the FARC through the end of December.

What all in Colombia recognize in this polarized moment is that even with an accord passed, there are many issues that will continue to challenge those living in the periphery. The so-called “paracos” (neoparamilitary narcotics trafficking gangs who control drug routes and illegal gold mines and seek land and power through violence) pose a greater threat to rural people in many parts of the country than any other group. Public services do not reach many regions of the country or are of very poor quality, and massive wealth gaps remain. Official statistics suggest a third of the country lives in poverty. No crop is as lucrative for farmers as coca, while difficult transportation routes and poor support for cash and commodity crops make these products even less valuable in comparison. Latent

The author with Colombian children after a peace march with a banner bearing the names of local victims of the conflict.



Photo courtesy of Lauren Withey

fear and mistrust are hard to overcome after so many years of trauma instilled by all parties to the conflict — an obstacle reflected in the plebiscite result.

The moment, then, could not be more important to move forward ambitiously with this peace with the FARC. The agreement as signed on September 26 not only aimed to put an end to that fighting, but also sought to begin to address some of these grander challenges of uniting the “Two Colombias.” As the daily marches across the country make clear, just about everyone here is tired of the fighting. The children in the communities where I work, who have only known a time of war, sing songs to each other about how beautiful peace would be. Their parents are sick of having to protect them, sick of having to pass through military checkpoints with them as they try to go about their daily lives. The next few weeks will indicate whether the country’s polarized parties are capable of coming together to advance an agenda that recognizes this exhaustion and helps the country toward a more inclusive and peaceful future.

Lauren Withey is a Ph.D. candidate in Environmental Science, Policy, and Management at UC Berkeley. She is currently based in Cali, Colombia, where she researches forest conservation programs along Colombia’s tropical Pacific Coast.

**TPP & NAFTA**

In Whose Interest? Inclusive Trade vs. Corporate Protectionism

By Harley Shaiken

The photo on the opening page of The New York Times business section in late September 2016 is striking. A woman in a bright-yellow t-shirt and blue pants stacks cans for a food bank at a local union hall with her back to the viewer. Emblazoned on her t-shirt is the slogan “Fair Trade Is Our Future.” The caption for the photo reads “Cathy Marsh, a former employee of the steel mill in Granite City, Ill., organized donated food for laid-off workers this month.” These laid-off workers include almost 900 of the 1,250 who used to work at the U.S. Steel plant in Granite City, and their prospects are bleak.

In the article following the photo, titled “More Wealth, More Jobs, but Not for Everyone: What Fuels the Backlash on Trade,” New York Times reporter Peter S. Goodman correctly points out that “economists

failed to anticipate the accompanying joblessness and governments failed to help.” As he observes, “across much of the industrialized world, an outsized share of the winnings has been harvested by people with advanced degrees, stock options, and the need for accountants.”

Meanwhile, ordinary workers from Rotterdam to Granite City — where advanced degrees and stock options can be scarce — are feeling the pain and dislocation of lost jobs. In the United States, they fueled a sharp political backlash that resulted in the upset victory of Donald Trump as president in 2016. In emerging economies, workers from Ciudad Juárez to Hanoi may be finding new jobs — a welcome development — but wind up with few rights, low wages, and harsh conditions, in any case.

The Distorted Debate Over TPP

While proponents cast the debate over trade agreements as a titanic struggle between those embracing a global future and those seeking to retrench behind national borders, the reality of what’s going on is profoundly different. The fierce debate in the United States over the Trans-Pacific Partnership (TPP), a mega-deal between the U.S. and 11 other countries, including Canada, Mexico, and Japan, is a case in point. The agreement encompasses almost 40 percent of global GDP and about 25 percent of global trade. Equally important, the TPP was meant to set the standard for trade across the globe for decades to come.

While the TPP already appeared to be on life support after a bruising electoral campaign in which both major presidential candidates opposed it, Trump pulled the plug weeks after the election when he announced, “I am going to issue our notification of intent to withdraw from the Trans-Pacific Partnership, a potential disaster for our country.” That said, the U.S. Chamber of Commerce, an army of corporate lobbyists, most Republican members of Congress, and some Democrats would still like to see the TPP happen in one form or another. The Cato Institute’s Daniel Ikenson pleaded in Foreign Affairs “for

Jobless English workers suffer as merchants are made rich by free trade in this cartoon from 1885.

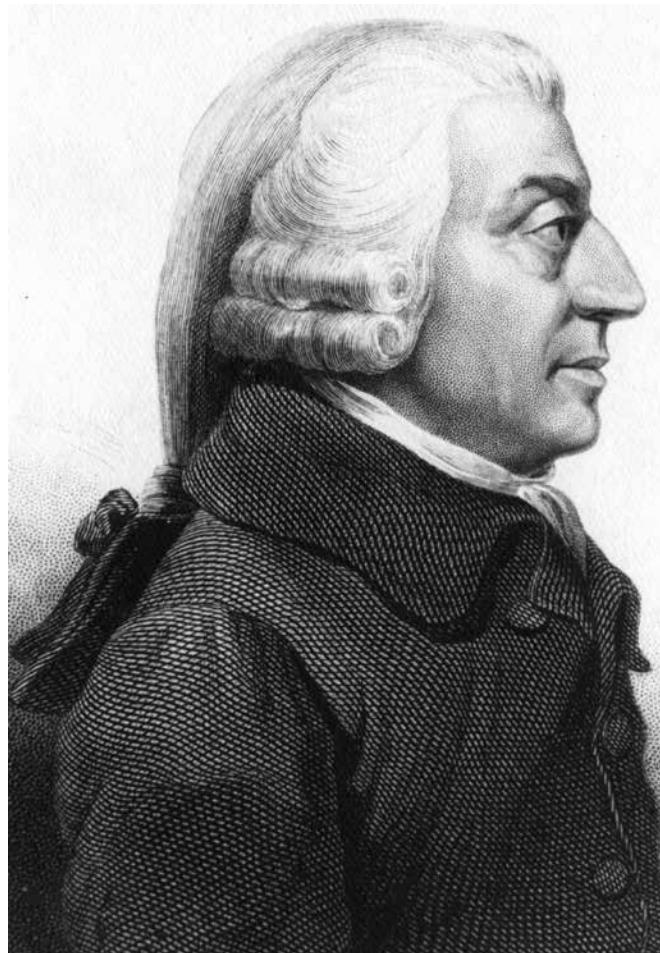


Mr. Trump to put the TPP on the back burner and keep open the option to reconsider it in the future, when the deal’s geostrategic imperative becomes more apparent.” Whatever happens with this agreement, the issues in this debate are vital for defining the role of the U.S. in the global economy going forward.

Critics of the TPP fall into two camps, one nationalist and the other internationalist. In his campaign, Trump hammered bad trade deals as the problem undermining the U.S. economy and threatened high tariffs as a critical part of the solution, a perspective that clearly resonated. However, for many others, including political leaders, labor leaders, academics, and environmentalists, the issue isn’t “free trade” versus protectionism — a fascinating 19th-century debate to be sure — but rather who wins and who loses in a far more complex 21st-century global economy. These critics argue for rules of the game insuring that trade benefits workers, consumers, communities, and the environment.

Supporters of the TPP assume that “everyone wins” pretty much automatically — theoretically, production goes where it is most efficient, allowing goods to become cheaper and real incomes to rise. Yet real people with

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Smith engraving from medallion by James Tassie. Ricardo portrait by Thomas Phillips. Both from Wikipedia.

Economists Adam Smith (left) and David Ricardo.

regular jobs in Granite City or Milwaukee tend to be unconvinced by the “everyone wins” argument and rightly so. Popular thinking (and Donald Trump), however, assume winners and losers are defined primarily by national borders in a zero-sum game. In nationalist terms, “we” win because the United States negotiates well, or “we” lose because the United States negotiates badly. But the nationalist view is as far from the truth as a reflexive “everyone wins” globalist view. The division between winners and losers is within countries rather than between them. Under the structure of modern trade agreements, ordinary people in both poor and rich countries can lose, while the wealthy and the powerful win. Mexico didn’t win with Nafta, and the United States didn’t lose, as Donald Trump put it, but plenty of ordinary people in both countries missed the gains, and many were devastated, losing jobs, homes, college educations, and much more.

Despite these new global realities, “economists can be counted on to parrot the wonders of comparative advantage and free trade whenever trade agreements come up,” Harvard economist and trade advocate Dani Rodrik points out. Congressman Sander Levin, an influential

member of the U.S. House Ways and Means Committee, concurs when he observes that “the 18th- and 19th-century notion of comparative advantage tells us almost nothing about modern trade agreements.” He asks, “What do David Ricardo and Adam Smith have to say about the inclusion of investor-state dispute settlement (ISDS) in our trade agreements? About biologics data exclusivity?”

Nonetheless, TPP proponents tend to launch into lectures on the abstract benefits of free trade. “Through the creation of economies of scale and the exploitation of comparative advantage, nations involved in trade become more efficient producers,” a Wilson Center study informs us. “We see these benefits play out clearly in U.S.-Mexico trade.” Such benefits, however, are not seen as clearly in the food bank lines in Granite City or among workers earning sharply depressed wages in Ciudad Juárez. “It’s off-point and insulting to offer an off-the-shelf lecture on how trade is good because of comparative advantage and protectionists are dumb,” Paul Krugman writes. He isn’t arguing against the potential benefits of expanded trade by any means, but rather against the simplistic notion that textbook theories translate seamlessly to broadly shared benefits on Main Street.

Free trade as a mantra has driven the TPP debate to a surprising degree. New York Times columnist Thomas Friedman reportedly admits in a television interview, “I wrote a column supporting Cafta (Central American Free Trade Agreement) ... I didn’t even know what was in it. I just knew two words: free trade.” Typical of much media coverage, Washington Post columnist Robert J. Samuelson refers to all opposition to the TPP as “anti-trade sentiment” rather than sentiment against the skewed terms of this agreement. One can have an internationalist vision, embrace expanded trade, and oppose rules of the game that ravage working families and communities.

The reality is that all trade is highly managed today. MIT economist Simon Johnson, a former chief economist at the International Monetary Fund, cautions that “who gains and who loses is very much dependent on...the details of the agreement.” The TPP has a lot of details: 30 dense chapters and appendices are spread out over 6,000 pages. A classic free trade agreement could be laid out on a postcard: all parties agree to eliminate tariff and non-tariff barriers. What then comprises the remaining thousands of pages in the TPP? The agreement sets out enforceable rights and protections for corporations and investors — necessary in global trade to be sure — but crafted in an excessively

narrow way to privilege corporate interests over those of consumers, workers, and the environment.

The outcome reflects the negotiating process. “With 500 official U.S. trade advisers representing corporate interests having been given special access to the policy process,” Jared Bernstein and Lori Wallach write, “it is not surprising that corporate interests have thoroughly captured the negotiating process...” The result? Provisions such as investor-state dispute settlement (ISDS) panels reflect the sharp corporate tilt.

“This is not a trade agreement,” Krugman points out. “It’s about intellectual property and dispute settlement; the big beneficiaries are likely to be pharma companies and firms that want to sue governments.” Proposed three-person panels — composed of corporate “experts” — allow international investors to sue in private arbitration. While the stated goal is fair treatment, Joseph Stiglitz suggests a darker purpose: “to make it harder to adopt new financial regulations, environmental laws, worker protections, and food and health safety standards.” Foreign firms would be able to sue the U.S. government in these tribunals as well, he points out. “Two arbitrators can, in effect, undermine decisions of Congress and the president.” The net result is corporate protection at the expense of democratic values and the well-being of ordinary people.

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A color guard marches in the 2015 Labor Day parade past the local union hall and the Granite City Steel Building.



Photo by Doug May.

“Inclusive Trade” vs. “Corporate Protectionism”

If the choice is not between “free trade” and “protectionism,” what is the debate really about? The real choice is between “inclusive trade,” in which most people benefit, and “corporate protectionism,” in which transnational firms and savvy investors reap the gains. Expanded trade does not have to be a zero-sum game but will become just that with provisions that channel the lion’s share of the gains to the top. Inclusive trade would increase the gains from trade for far more people across borders because of the shift to higher-road strategies. Ironically, those who embrace corporate protectionism are called “free-traders” while those who favor inclusive trade are referred to as “anti-trade,” providing an Orwellian dimension to the policy debate and limiting the options.

While several TPP chapters have drawn sharp, substantive criticism — on issues from currency manipulation to intellectual property rights — I focus on labor rights, an issue generating intense concern among workers, unions, and human rights groups. This area is critical given a new dimension of globalization: the ability to locate high-productivity, state-of-the-art factories in low-wage economies. Well, you might be thinking, what’s wrong with that? Nothing at all. It can be a very good thing for both emerging and advanced economies. The problem is when wages are not simply low, but depressed by state policy and a lack of labor rights. This structure creates the comparative advantage of exploitation, which is in no one’s long-term interest.

Economists have long argued that low wages in emerging economies reflect low productivity, which was certainly the case when Ricardo was writing in 1807. Now we are seeing something very different around the world: rising productivity and sliding wages. Some benefit handsomely from this approach — whether domestic elites or international investors — but workers and families suffer real pain. In emerging economies, the result is high-productivity poverty, and the damage goes beyond its immediate victims. The flip side of depressed wages is low purchasing power, which throttles economic growth. In advanced economies, workers face shuttered factories, lacerated communities, and a downward pressure on wages and unions. In the U.S., “median income for full-time male workers is actually lower in real (inflation-adjusted) terms than it was 42 years ago,” Joseph Stiglitz concludes. “At the bottom, real wages are comparable to their level 60 years ago.” In the long term, these results generate highly polarized societies and squander the promise of trade.

The Nafta Experience

The two-decade experience of the North American Free Trade Agreement (Nafta) in general and the auto industry in particular provides a critical perspective for understanding what’s wrong with the Trans-Pacific Partnership, regardless of whether it’s dead or alive or hibernating. The three Nafta partners — Mexico, the U.S., and Canada — generate three quarters of the proposed agreement’s GDP, and Mexico alone accounts for a third of TPP country trade with the U.S.

Within Nafta, the auto sector is the flagship manufacturing industry, accounting for 20 percent of manufacturing GDP in Mexico and almost a third of that country’s merchandise exports. Moreover, what happens in the auto sector mirrors broader pressures throughout manufacturing in the U.S., from the Rust Belt to Los Angeles.

Legal protections for labor rights have gotten no real traction on the ground since Nafta’s inception. Despite this dismal record, proponents point out that the TPP labor chapter would be the solution. It has better language, they argue, which is included in the main body of the agreement rather than appended as a side agreement. The lack of labor reform in Mexico’s export sector, however, has little to do with either the language or its placement. Whatever the promises during the Nafta debate, once the agreement was signed government incentive for reform evaporated, and powerful economic interests exerted considerable pressure to block change. As a result, the current dysfunctional labor system remains in place — newly proposed cosmetic reforms notwithstanding — and also provides the standard for other countries.

The damage is felt not only in Chihuahua, Aguascalientes, and Toluca in Mexico, but in a highly integrated economy across the border in Flint, Cleveland, and Toledo in the U.S. “Donald Trump’s come-from-behind victory over Hillary Clinton signals that the state of the U.S. auto industry was clearly on the mind of the American voter,” Automotive News wrote the day after the U.S. election. “Not the industry that is reporting record profits and sales after a near-death experience, but the one that shed dozens of plants and tens of thousands of high-paying jobs in the years leading to the 2008–9 crisis, leaving just a shell of itself in once-thriving manufacturing communities across America.”

Nafta has supercharged Mexico-U.S. merchandise trade beyond what proponents or critics anticipated when it went into effect on January 1, 1994. Cross-border trade soared from almost \$80 billion in 1993 — the year before the agreement was implemented — to \$480 billion

in 2015, a six-fold increase (based on domestic exports and imports for consumption). An important dimension of this trade surge is what one might call “revolving door” trade. Existing U.S.-based supplier factories export parts to Mexico, which are assembled into cars or televisions or washing machines and then shipped for final sale in the U.S.

During the Nafta debate in the U.S., proponents argued that expanded trade along with the labor side agreement would create jobs in the U.S. and transform labor conditions in Mexico. Neither has happened. The Economic Policy Institute estimates that the U.S. shed close to 850,000 jobs between 1993 and 2013 because of Nafta, and virtually no independent unions have been created in Mexico’s export sector. Instead, serious labor-rights violations remain widespread and destructive.

The U.S. trade balance with Mexico went from a \$1.6 billion surplus in 1993 to a whopping \$110 billion deficit with Mexico in 2015. In the auto sector alone, the U.S. registered a record \$72 billion trade deficit in 2015. Auto workers’ pay in the U.S., which paved the way to the middle class for millions in the last half of the 20th century, slid almost 13 percent from January 2009 through 2015, according to Steven Rattner, who led President Obama’s Task Force on the Auto Industry. The lower quartile of workers at auto parts companies earned just \$12.63 per hour in real wages in 2013, approaching fast-food pay in many areas.

Amid strong trade growth, Mexican workers have seen more jobs created but falling real wages across manufacturing. The result is families that have a hard time getting by — auto parts workers in Ciudad Juárez can earn as little as \$40 a week — which doesn’t contribute much



Photo by Jim West/Alamy Stock Photo

A protester questions the quality of jobs created under Nafta.

to what legendary U.S. labor leader Walter Reuther called “high velocity purchasing power.”

Nafta and the Auto Industry

What happened to the promise of Nafta? In terms of economic integration, the agreement created two very different North Americas as the business climate improved, while labor standards deteriorated. For investors and corporations, Mexico has become comparable to Ohio — minus the tough winters — while for

workers in Mexico, labor rights are more like those in Honduras.

The result is the “Nafta paradox” — as Mexican workers produce more, they earn less. Manufacturing productivity rose 80 percent between 1994 and 2011, while real compensation (wages and benefits adjusted for inflation) slid almost 20 percent. In the auto sector, Mexican labor productivity rose 7 percent from 2008 through 2015 — despite the severe disruptions of the Great Recession

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Photo by Robert Daemmrich/AF/Getty Images

This busy Delphi auto parts plant produces steering wheels in Matamoros, Mexico.

— and median hourly real compensation for workers fell 13 percent, widening a severe long-term gap.

The experience of the last two decades underscores two critical factors: first, a new auto plant in Mexico can achieve quality and productivity comparable to a plant in the U.S. or Canada; and second, wage costs will be low and stay low. In 2013, wages in a state-of-the-art auto assembly plant in Mexico were only 19 percent of U.S. levels, and wages in the parts sector in Mexico were 12 percent of U.S. levels.

Mexico-U.S. Labor Costs

Hourly wages, 2013

	Auto Assembly	Auto Parts Plant
Mexico	\$5.21	\$2.40
U.S.	\$27.27	\$20.21

Source: Center for Automotive Research; Bureau of Labor Standards.

Steven Rattner seems to agree with the Nafta paradox: “The vast preponderance of American job losses has come simply because emerging-market countries have gotten much better at making stuff with workers earning far less.” The often-unasked question, however, is, why are “workers earning far less”? The implication is that low wages are a

part of the natural habitat — they come with the territory — in the way that favorable land and climate might be good for coffee production. In fact, a lack of labor rights fractures the link between rising productivity and wages, which in turn becomes a magnet for investment. Lost in this calculation is not simply the damage to workers and communities, but the larger cost of this strategy: the flipside of low wages is anemic purchasing power, which slows economic growth. In contrast, firms can be highly competitive and, at times, more productive with higher wages — turnover is lower and morale is higher — and the economy benefits. Moreover, low wages in Mexico put a downward pressure on wages in the U.S. and Canada.

Some argue that wages are no longer important in advanced manufacturing. Consider, however, a \$1.5 billion investment in highly automated auto factory, which still could employ about 3,000 hourly workers. At \$56 compensation per hour — wages and benefits for senior workers in a United Auto Workers (UAW) plant — the annual labor cost would be \$336 million dollars in the United States. At \$8 compensation per hour in a Mexican plant, the annual labor cost would be just \$48 million, and the annual labor-cost savings for the corporation would approach \$300 million.

What would happen if workers in Mexico had the right to form independent unions and bargain collectively in the export sector? The lives of Mexican workers would improve considerably and a more balanced trading relationship would result as Mexican workers purchase more from the U.S. and elsewhere. If the wage bill in the hypothetical plant above doubled in Mexico, the savings for the corporation would still be \$240 million relative to the U.S. Moreover, significant additional corporate labor cost savings come from salaried and supplier workers nearby and throughout Mexico. Some costs — such as security or transportation — will be higher in Mexico, but the overall corporate gains remain high.

Isn’t linking high productivity to growing wages a bit utopian? It wasn’t for Henry Ford. In 1913, he combined the soaring productivity of the moving assembly line with the \$5 day, double the prevailing wage at the time. Editorial writers, economists, and competitors warned this move was a dangerous scheme and said Ford would bankrupt the industry. Instead, profits rose and workers entered the middle class. In the aftermath of World War II, powerful industrial unions linked rising productivity to higher pay and benefits across the U.S., creating a vibrant economy. In

Some of the auto production facilities in Mexico.



fact, the most important model to roll off Detroit assembly lines or come out of Akron rubber plants or Pittsburgh steel mills was a rapidly expanding middle class.

Absent this wage/productivity link in Mexico, Nafta has reshaped the geography of the North American auto industry. In 2005, the U.S. produced 73 percent of all light vehicles in North America, Canada produced 16 percent, and Mexico 10 percent. Projections for 2021 indicate that while the overall volume of auto production will increase in North America, the U.S. share will fall to 64 percent, Canada will plummet to 10 percent, and Mexico will more than double to 26 percent.

North America Light Vehicle Production Share

	2005	2020 (projected)
Canada	16.7% (2.6 M)	9.9% (1.9 M)
Mexico	10.1% (1.6 M)	26.4% (5.1 M)
U.S.	73.2% (11.5 M)	(63.7% 12.2 M)

Source: The Wall Street Journal.

It’s hardly a surprise that international automakers have chosen to site nine of the latest 11 major North

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Photo by Jesse Loughborough

A statue of Justice holding her balanced scales.

LAW

Judicial Independence as a Political Virtue

By Javier Couso

Of the many technologies of governance that characterize our era, judicial adjudication is crucial, since it ends up arbitrating all sorts of conflicts. From electoral disputes to corruption scandals to determining the scope of fundamental rights enjoyed by the people, courts are often the arenas where the final, authoritative word is uttered. In fact, their role is so critical that the very notion of a constitutional democracy would be unworkable without a set of properly functioning courts.

In order to do its work, however, the judiciary needs to be impartial vis-à-vis the different parties to a legal or constitutional conflict. And when one of the parties is the government, impartiality demands that courts be independent from the latter. With the emergence of modern-age constitutionalism, the notion that the courts ought to be autonomous from the government became entrenched in the popular imagination in the form of

the principle of separation of powers. Indeed, due to its relevance, the principle of judicial independence has been given constitutional and supra-national recognition ever since it was first acknowledged in England's Act of Settlement (1701), which protected judges from dismissal by the government without good cause.

There are many definitions of what counts as an "independent" court. One of them states that an autonomous judicial body is one where "judges are the authors of their own opinions [so that] the output of the judicial process reflects sincere judicial preferences." In this rendering, the point of judicial independence is that the courts will not be corrupted by the pressure of the government or by economic and social interests, actions that would prevent their impartial analysis of the law and the facts at hand.

This conception of judicial independence has been recently complemented by Randazzo, Gibler, and Reid,

who have this to say regarding the relevance of judicial independence:

"Most individuals would agree that the ability of courts to provide legal checks against other branches of government without undue political influence is important; this judicial independence offers protections for minority rights and checks against abuses of power by the political branches of government. Indeed, it may be one necessary component for the development of democracy ... and for the protection of democracy against autocratic reversals."

What makes judicial independence from the government so difficult, however, is the fact that judges are public officials. Therefore, the constitutional and legal rules aimed at protecting the autonomy of judges try to make possible the improbable. Indeed, it is rather paradoxical that after centuries of recognizing the constitutional and political value of judicial independence, we still know very little about what makes courts autonomous.

One of the most recent attempts to explain the factors leading to judicial independence (from the already-mentioned Randazzo et al.) is rather frustrating. After a rigorous analysis of the issue in 145 countries during the period of 1960–2000, the authors conclude that judicial independence is correlated with high levels of political competition and democracy:

"Our empirical results indicate that the development of judicial independence is related to levels of political competition in the legislature and the political landscape encountered by the executive. Moreover, levels of democracy also conditionally affect the latter."

Although it is enlightening to know that judicial independence is related to the high levels of political competition typical of a well-functioning democracy, there is something of a chicken-and-egg problem here. In other words, even if we know that an independent judiciary is key to defending the freedoms and liberties that make democracy possible, we also know that without a well-functioning democracy, there will be little chance of having a truly independent judiciary. Here's one way of putting it: democracy and judicial independence are mutually re-enforcing, but the problem for many transitional democracies is how to get to the point where this process of reinforcement takes place.

The Elusive Quest for Judicial Independence in Latin America

In a continent where, as Brian Loveman reminds us, there have been many constitutions, but very

little constitutionalism, judicial independence still represents a difficult challenge. Indeed, decades after Méndez, O'Donnell, and Pinheiro denounced the dangers of the "(un)rule of law" in Latin America, judicial independence remains an elusive goal in many countries of the region.

To take stock of the serious consequences resulting from the lack of impartial courts, Daniel Brinks's study on judicial responses to police killings in Latin America is extremely illustrative. His research suggests that an autonomous set of prosecutors and judges can play a crucial role in punishing — and thus diminishing — the practice of police killings, which is so widespread in some countries of the region that they amount to what I have called elsewhere "mass-killing democracies." In the past, observers of Latin American politics were accustomed to the fact that authoritarian regimes would engage in the systematic killing of dissidents. What we did not expect, however, was for democratically elected governments to tolerate the killing of its own people by public officials. Unfortunately, three decades into the processes of democratic transition and consolidation in Latin America, there are countries in which government officials continue to commit such crimes.

Aside from the contribution that an independent set of courts can make to reduce — and eventually eliminate — the practice of mass killings, an autonomous judiciary can play a crucial role in many other challenges that Latin American democracies face. Indeed, in a continent ravaged by political corruption, the lack of an independent judiciary means that there is no way to determine with certainty whether corruption allegations against elected officials are true or false, with the tremendous political implications that such uncertainty brings. Furthermore, in an era in which citizens demand the implementation of labor, public health, and environmental protection legislation, whose enforcement often affects powerful economic interests, the existence of judges capable of resisting pressure from the latter is crucial for the actual enforcement of such important regulations.

Making the Rule of Law Work

Having made the case for the relevance of judicial independence in any constitutional democracy and having stressed the trouble experienced by courts in Latin America, we now turn to the question of which public policies might contribute to the introduction of more autonomous — and impartial — judiciaries in the region.

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Body bags are used to represent victims in a protest of police violence in Brazil.

Photo by Silvia Izquierdo/AP Photo

When it comes to the issue of judicial independence, there is a marked difference in the way different social sciences approach the problem. On the one hand, historians and anthropologists tend to be skeptical of quick fixes, viewing any change in this domain to be painfully gradual. On the other hand, economists, political scientists, and public policy scholars tend to be seduced by the promises of constitutional and institutional engineering.

A different approach can be seen in the work developed in the field of socio-legal studies, which identifies crucial actors that could help jump-start the process of judicial independence, while taking into account the weight of history. One example of such an approach is the work by Halliday, Karpick, and Feeley, who have identified actors that can push for autonomous courts (such as bar associations, law schools, and non-governmental organizations working in the legal field). According to the authors, these institutions, which comprise what they call “the legal complex,” have long been interested in promoting independent courts for professional reasons.

Under this approach, the legal complex tends to invest in autonomous courts in order to avoid — or diminish

— the corrupting effect that a politically dependent judiciary has on the ethos of both judges and lawyers. A biased judiciary weakens the role of law schools and the very dignity of the legal profession. The following example will serve to illustrate this point. In a context of non-independent courts, lawyers advance in their careers not as the result of legal knowledge, but insofar as they are able to lobby the government or, in the most outrageous cases, to actually bribe prosecutors and judges. Such practices not only devalue the importance of legal education, but also debase legal practice.

In contexts of non-independent courts, law schools are reduced to sites where aspiring lawyers go to make connections, not places where they will acquire legal knowledge. Thus, the lack of professionalism furthered by the type of judicial corruption associated with non-autonomous courts affects the core of the legal profession. On the contrary, a set of reasonable, independent judges offer the opportunity to actually use the legal knowledge so laboriously acquired in law school.

This suggests that E.P. Thompson was right in asserting that judicial independence is, in the end, a cultural achievement of universal significance, not just the result of a formal set of constitutional and legal rules. Of course,

the constitutional rules regulating the judiciary ought to be reasonably well drafted, but they will be dead law without the support of the legal actors mentioned above.

By way of conclusion, some historical evidence from Chile helps provide a fuller picture of how courts became independent. As in most Latin American countries in the early decades following emancipation from Spain, Chile’s president was a sort of “king in republican robes.” For 30 years (starting in 1833), he controlled not just the executive, but also the legislative and judicial branches. The only constraint that the president accepted — in what amounts to a kind of “constitutional miracle” — was to step down when his term was over. This apparently small step, however, allowed for the gradual creation of opposition parties in congress.

Then, decades later, when the opposition managed to exert a majority in the legislative branch, the first law professionalizing the judiciary was enacted in 1875. Thus, at least in Chile, it was necessary for the legislative branch to acquire some degree of autonomy from the executive in order for the judiciary to gain its own.

Without an independent judiciary, Chile’s Judge Juan Guzmán might not have indicted Augusto Pinochet.

If Chile’s constitutional history contains one valuable lesson, it’s that when it comes to judicial independence, shortcuts seldom work. Thus, the highest hope for achieving judicial independence is to strengthen the autonomy of the legislative branch and to mobilize both the legal complex and civil society.

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References for this article are available online.



Photo courtesy of the Institute for Policy Studies.



HONDURAS

Unquiet Waters

By Rosemary Joyce and Russell N. Sheptak

In 2009, the Honduran military forcibly took President José Manuel Zelaya Rosales to Costa Rica, initiating a coup d'état muddled in popular understanding by claims of constitutional succession. In an effort to address "the confusion encouraged by lack of basic knowledge about Honduras" and to continue to call attention to the work of Honduran writers and scholars who are best positioned to place the struggle into broader context, we began a blog — Honduras Coup 2009 — that we sincerely hoped would end when the crisis did. Since this crisis never ended, this is a hard report for us to write.

A boat on the waters of Río Patuca in an indigenous bioreserve in Honduras.
(Photo by Marcio Martínez.)

Seven years later, we continue to write a successor blog: Honduras Culture and Politics. From time to time, we are inspired by the evidence that activism using the information we can provide has an influence on policy making in countries like the United States and Canada, which provide support for a Honduran government that is systematically dismantling civil society and whose international corporations are profiting from the post-coup changes in Honduras.

We no longer expect to see a day when the crisis in Honduras has ended and our work is done.

Probably no one engaged in advocating for policy changes concerning Honduras or seeking to improve

understanding of the complicated terrain in that country would claim to be optimistic today. The national government elected in 2009, while a de facto regime was in place, handed over power in 2014 to another government from the same party in an election in which the winning candidate received far less than a majority of the votes. That government has pursued an even more drastic approach to consolidating power, institutionalizing militarization of civilian policing and supporting projects that trample protections of the environment and indigenous rights under the guise of economic development.

As UC Santa Cruz professor of history Dana Frank argues, U.S. financial assistance has allowed the current Honduran president to maintain power, even in light of mounting evidence regarding the corruption of his government. With U.S. policy in the region narrowing its focus to two issues — drug interdiction and stemming the flow of unaccompanied minors and

others migrating to the United States in search of safe haven — the Honduran political and economic elite has enjoyed almost complete impunity.

No event of the past year more clearly underscores the failure of international policy toward Honduras than the assassination of Berta Cáceres, an internationally recognized indigenous leader, environmental activist, and Goldman Environmental Prize recipient.

Berta Cáceres was a co-founder of COPINH, the Civic Council of Popular and Indigenous Organizations of Honduras, originally organized in 1993 to fight logging in Lenca territory. She first gained visibility as a leader of resistance to the construction of dams that would disrupt access to water traditionally used by Lenca communities. The International Work Group for Indigenous Affairs identifies the Lenca people as the single largest indigenous group in Honduras, by their estimate numbering more than 700,000 people. Other sources place the number of



Photo courtesy of the Goldman Environmental Prize.

Berta Cáceres in the Río Blanco region of western Honduras in 2015.

Lenca at around 100,000 individuals in more than 600 communities. These Lenca towns, located in the southwest part of Honduras, have long been remote from the main corridors of land developers' economic exploitation. This distance has spared the Lenca some of the challenges that confront other traditional groups, like the Garifuna of the north coast where tourism projects have appropriated traditionally held land.

Yet the natural resources of the mountains in central and southern Honduras provide major incentives for development of mines and hydroelectric energy projects. Such projects became more feasible after the 2009 coup, when the Honduran Congress reversed commitments to environmental protection. In September of that year, the de facto regime created a fast track for environmental approvals: the time expended in reviewing license requests, including environmental impacts, fell to nine days. These shortcuts led a succeeding government official to worry that some permits would need to be rescinded. Due to proposed construction of dams on the Río Patuca despite objections from the local indigenous people, UNESCO placed the Río Platano Biosphere in eastern Honduras on the list of "World Heritage in Danger" in

2011. One source says there are 17 dam projects currently proposed in Lenca territory alone.

The Honduran government routinely turns a blind eye to the lack of substantive consultation with indigenous communities affected by such projects, even though this step is required under the International Labor Organization's Indigenous and Tribal Peoples Convention 169, which Honduras signed in 1995. As we discussed during our talk for CLAS in October 2016, in reporting compliance with ILO Convention 169, Honduras makes claims that are, at best, misleading. As one example, we considered a 2013 report of consultation with Miskitu and Garifuna communities that would be affected by oil and gas prospecting in eastern Honduras. Drawing on public records, we showed that in this case, "consultation" took place after the government had approved the project and the contractor. By not including the actual timeline in its submission, Honduras gave the impression it had complied with ILO Convention 169 while, in fact, violating the requirement for consultation to come first.

The same report by Honduras skated over the situation of the Agua Zarca dam, the very project that Berta Cáceres

was leading opposition against when she was killed on March 3, 2016. Some of her accused murderers were employees of the Honduran company that was a partner in construction of the dam. The Honduran agency charged with environmental protection approved this dam project in 2011, but as legal sources in the country show, the "consultation" in this case, while at least preceding project approval, was also deficient:

...there was no prior consultation in the case of the Agua Zarca dam on the border between the municipalities of Intibuca and San Francisco de Ojuera. The court said that SERNA did carry out consultation with the residents of San Francisco de Ojuera on December 8 and 9, 2010, but they live downstream from the project. The residents of Río Blanco, in Intibuca, where the dam was to be constructed, were never consulted, nor were they invited to the consultation session in San Francisco de Ojuera.

In the immediate aftermath of Berta Cáceres's death, Honduran government statements tried to portray her murder as a crime linked to personal — not political — circumstances and blamed her for

A COPINH protestor marches against U.S. military bases in Honduras.



Photo by Felipe Canova.

supposedly not notifying them of her whereabouts so they could "protect" her. Meanwhile, there was a clear trail of threats on her life from the military, police, and employees of Desarrollos Energéticos, S.A. (DESA), a closely held Honduran company that was co-developer of the Agua Zarca dam with the Chinese energy company Sinohydro. Under international pressure, Honduran authorities finally made six arrests in the case. Among those arrested were two men described as military or police, and two identified as present or former staff of Desarrollos Energéticos. The remaining two were said to be hired assassins, brothers from the northern port city of La Ceiba. The accused included Sergio Rodríguez Orellana, described as DESA's "manager for social and environmental issues," a man we noted in our March 2016 blog post as having previously threatened protesters with death.

Activist Annie Bird captured the sense of disbelief we all felt at this crime: "If they can kill Berta in this way, they could kill anyone who's working for the same causes that she was working for."

Yet, while the assassination of Berta Cáceres was shocking, it was not unthinkable. Prior to her death,

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Honduras had become a killing field for environmental activists. Indeed, we are unsure whether we have managed to keep track of all the victims. In June 2015, the international NGO Global Witness reported that five environmental activists had been killed just in the community of Locomapa, which is occupied by members of another indigenous group, the Tolupan, who are fighting illegal logging and mining in their territory. Global Witness previously tallied more than 100 deaths of environmental activists in Honduras between 2010 and 2014. While there were earlier killings of activists, the recent deaths represent an acceleration in the wake of the 2009 coup: 101 of 111 murders identified since 2002 occurred during the 2010–2014 period. As a result, Global Witness has labeled Honduras “the most dangerous country to be an environmental defender.”

Global Witness also noted the deaths of three fellow activists against the Agua Zarca dam before Berta Cáceres was targeted. Since her killing, the murders of other activists from her own group have continued. Also in March 2016, COPINH leader Nelson García was killed the same day as a violent eviction of indigenous opponents of the Agua Zarca dam. In July 2016, there was another victim: Lesbia Yaneth Urquía, a COPINH activist working to stop appropriation of water for power projects in another part of southwestern Honduras. Again, the police suggested a personal motive for her death.

International attention to the killing of Berta Cáceres may have led to arrests, but there is no certainty that prosecution of those arrested will be successful or that anyone will pay for the crime if convicted. In the latest twist on the case, the entire original of the case file was stolen from the car of a Honduran Supreme Court judge on September 28, 2016. Judge María Luisa Ramos states that her car was stolen at gunpoint as she drove home with the case file in her trunk. A spokesperson for the Honduran Supreme Court said Ramos was taking the case file home to draft her decision on an appeal by the defense lawyers challenging the evidence offered against their clients. The spokesperson said that taking home the original case file was a normal practice of judges when a decision was due. The Universidad Autónoma Nacional de Honduras issued a statement decrying the removal of the original case file as unconscionable, particularly given that the judge had access to a certified copy, and calling the incident a “severe blow to the credibility of the justice system and the government.” Whether this setback will compromise prosecution is, as yet, unknown.

“The police obstructed the investigation; the head of homicides threatened the prosecutors on the case (...). He’s the person who is in charge of investigating murders, and he told the prosecutors that they had to stop investigating — that they didn’t know what sort of trouble they were getting into.”

— Julieta Castellanos, Rector of the National Autonomous University of Honduras, on the investigation into the Honduran national police’s murder of her son

While the situation of environmental and indigenous activists is bad enough, the climate of impunity in Honduras and the move to more conservative policy after the coup has endangered an even wider gamut of activists. In April 2016, Index on Censorship examined the evidence of systematic violence against the LGBTQ community in Honduras. Relying on Honduran NGOs, this publication reported a sharp upsurge in fatal violence against members of the LGBTQ community after the 2009 coup: deaths rose from an average of two a year between 1994 and 2008 to an average of 31 every year since the coup. Some of this violence followed the association of gay rights activists with resistance to the coup, partly due to recognition that the overthrow of a government that was endorsing rights of minorities opened the door to a renewed suppression of sexual minorities.

Women’s rights advocates also have faced extraordinary increases in violence. After the coup, the de facto regime reversed legislation favoring reproductive rights, banning the morning-after pill that had been in use for more than a decade. Since then, pressure on women’s rights activists has continued. Gladys Lanza was convicted of defamation in 2015 for her role in supporting a woman fighting sexual harassment by the head of a Honduran government development agency. Reporting on her case, The Guardian cited 525 cases of harassment endured by women’s rights activists in the two-year period of 2012–2013 alone. As with Berta Cáceres, the Honduran government failed to provide the protection for Lanza requested by the Inter-American Court of Human Rights.

All of this violence has unfolded against a backdrop of U.S. government-funded militarization of civilian

policing in Honduras under the guise of solving police corruption. When the U.S. Congress passes legislation to fund Honduran government programs, it includes a variety of measures tracking government effectiveness and transparency that the Secretary of State is supposed to certify before funds are released. Before the murder of Berta Cáceres, we commented on the authorization bill from December 2015 that:

The Secretary of State will have to certify that the Honduran government is taking effective steps to “create a professional, accountable civilian police force and curtail the role of the military in internal policing.”

One could not certify that for Honduras today. Not only is there no viable mechanism for removing corrupt, crime-linked police officers...but the current government is expressly in favor of militarizing the police and abolishing the civilian police force by progressively defunding it in favor of increased funding to the militarized police force it is building up from scratch.

The death of Berta Cáceres may have been an international scandal, but it has not yet been enough to Berta Cáceres’s daughter, Berta Zúñiga Cáceres, at a commemoration of her mother.



Photo by Daniel Cima/Comisión Interamericana de Derechos Humanos.

push the United States to cut off funding to the Honduran state that took actions leading to her murder.

In June 2016, a group of U.S. Congress members introduced a bill, “The Berta Cáceres Human Rights in Honduras Act,” that would “suspend United States security assistance with Honduras until such time as human rights violations by Honduran security forces cease and their perpetrators are brought to justice.” It has yet to be advanced from congressional committee, and the website Predict.gov gives it a one-percent chance of passage.

Meanwhile, activists remain at risk, and no one expects that justice will be done in the deaths already registered.

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URBAN DESIGN

Working With the Lay of the Land

By René Davids



Image from Wikimedia.

The built environment is an expression of culture in material form, and the land upon which cities are built is a dynamic surface manipulated to enrich urban culture with varying degrees of success. Throughout the history of human settlement in Latin America, topography and the ecological conditions produced and affected by it have both inspired significant environmental ingenuity and aggravated the region's unique social, economic, and political struggles. The examples of Bogotá, Medellín, Caracas, Mendoza, Rio de Janeiro, and Mexico City, among many others, demonstrate how topographical settings, which have supported richly diverse patterns of settlement since pre-Hispanic times or newer cities like Valparaíso, continue to strongly influence their urban fabric and infrastructure.

While all continents feature mountain chains, the particular configuration of the southern half of the American Cordillera — an almost-continuous sequence of mountain ranges on the western portions of North America, Central America, South America, and Antarctica — as well as the existence of mostly temperate and subtropical climates at higher elevations, provide water sources and cooler temperatures at tropical latitudes.

Almost two-thirds of Mexico consists of plateaus and high mountain ranges, which continue through Central America to form a nearly unbroken sequence with the Andes along the west coast of South America. These mountains connect with the large landmass of the Guiana Shield and extensive Brazilian highlands along the east coast of South America to form a huge rim around the relatively flat continental interior.

Interspersed among the coastal mountains and foothills west of the Andes and lower interior ranges to the east are vast high-elevation plateaus of which the Bolivian *altiplano* is the best-known example. The South American perimeter, consisting of the Andean highlands to the west and the Brazilian highlands along the Atlantic, has a cooling effect on otherwise torrid equatorial climates and divides the region into interdependent terrestrial geosystems and hydrological networks, which together with the rich soils from the erosion of the Andes influenced

regional settlement patterns of the continent's most advanced pre-Hispanic civilizations: the Inca Empire and its immediate predecessors.

Contrary to prevailing myth, the Americas were heavily populated prior to the arrival of Europeans, and indigenous exploitation of terrain, vegetation, and wildlife had produced significant erosion, as well as an astonishing variety of earthworks, roads, and settlements dispersed in a relatively dense pattern of farmsteads, villages, and larger cities. Earthworks were built for religious purposes but also as manipulations of the land to form terraces or elevated platforms for farming and irrigation that were often also necessary because of the indigenous population's frequent preference for the rugged terrain of the higher elevations, which featured cooler temperatures and were easier to defend. According to geographer William Denevan, there may have been as many as several hundred thousand pre-Hispanic artificial mounds constructed of adobe or stone throughout the Americas in different shapes and sizes for effigies, burials, temples, and habitation. Many of these mounds had been long abandoned by the time the Spaniards arrived in 1492, but they remained conspicuous landscape features (Denevan, 1992).

The Europeans were astonished by large flourishing indigenous cities, such as Tenochtitlan, Quito, and Cuzco, most with more than 50,000 inhabitants, as well as extensive ruins of older, abandoned cities, such as Cahokia, Teotihuacan, Tikal, Chan Chan, and Tiwanaku. Less impressive, or perhaps less surprising, were the numerous small villages with a few hundred or a few thousand people, hamlets made up of several families, and dispersed, solitary farmsteads.

Pre-Hispanic peoples developed sophisticated systems of irrigation canals, agricultural terraces, and other elaborate earthworks. They built large raised fields and platforms to improve agricultural output. Deserts and arid mountainsides produced abundant crops that included hundreds of varieties of tubers, roots, and nutritious grains like quinoa and corn. Improved roads, often paved with stone, were constructed over great distances. The Inca road network extending from southern Colombia to central Chile is estimated by archeologist John Hyslop to have measured about 40,000 kilometers or 25,000 miles (Hyslop, 1984).

Many existing settlements were destroyed or built over by the Europeans, causing such devastation and disease

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Detail of Diego Rivera's mural of Aztec city life at Mexico's Palacio Nacional.



Photo by kg88/Wikimedia.



Terraces in Pisac, Peru, turned mountainsides into arable land.
(Photo by MudflapDC.)



The urban sprawl of Mexico City (above) replaced the well-watered land that still supports *chinampas* (floating gardens) in Xochimilco, less than 15 miles away.

Above: Mexico City.
(Photo by Kasper Christensen.)

Left: Agriculture in the chinampas of Xochimilco.
(Photo by Pablo Leautaud.)



A steam-powered ascensor in Valparaíso circa 1916.

Photo from the Library of Congress

that by 1650, the indigenous population of the Western Hemisphere had been reduced by about 90 percent (Denevan, 1992). Abandoned fields and settlements eventually vanished, and once-cleared forests reclaimed the grasslands. The eyewitness descriptions of wilderness originate from a period 300 years after Europeans first arrived, many of these observations from between 1750 and 1850 when the continental interior was just beginning to be explored, the number of European settlers was not yet significant, and previously decimated settlements had not yet begun to recover.

Although not all pre-Hispanic settlements featured earthworks or buildings on sloping land, those that survived usually had involved considerable earth moving and terrain modification, but most scholarship has focused on the buildings, while the land on which they were constructed is rarely discussed (Hyslop, 1990). It is therefore not surprising that the impact of regional topography and ecology on the pre-Hispanic built environment has also been mostly ignored, perpetuating the notion that the significant built works that survived had emerged in a few isolated spots, often surrounded

by what was presumed to be untouched, endangered, but still transcendent nature, as the only surviving vestiges of cultures that had vanished long ago. As William Cronon has observed, the wilderness is as much of a human construct as the works themselves, and the same physical conditions that contributed to the much-admired pre-Hispanic architecture continue to inspire formal and technological innovation (Cronon, 1995).

When cities of newly independent Latin American republics began to expand on sites chosen by the Spaniards for their colonial settlements or in new locations, the expanding urban centers confronted rugged terrain that required creative solutions and some improvisational ingenuity to overcome formidable topographic obstacles. At the end of the 19th and beginning of the 20th centuries, the city of Valparaíso, Chile — settled on a narrow strip of flat land between coastal mountains and the Pacific Ocean — could grow only by conquering the surrounding slopes. This expansion was achieved by installing a series of 30 *ascensores*, or inclined elevators, an innovative means of transportation that allowed residents to travel back and forth from their hillside neighborhoods to the commercial

district on the flat land surrounding the port. In the era when ships navigated around Cape Horn to reach the West Coast of North America, prior to the opening of the Panama Canal in 1914, the *ascensores* were instrumental in Valparaíso's rise to prominence as the most important port on the Pacific coast of South America.

Roughly 125 years after Valparaíso installed its first *ascensor*, the Colombian city of Medellín solved a similar problem of hillside-to-hillside access with the installation of the Metrocable, the world's first gondola lift system dedicated to public transport, linking the informal housing on the slopes of the Aburra Valley to the rest of the city with only minimal disruption of the existing urban fabric. Along with other infrastructural improvements — schools, libraries, public spaces, and bridges — the Metrocable has significantly improved the quality of life in impoverished neighborhoods and helped transform Medellín's reputation from that of a haven for crime to one of the world's most progressive cities. Medellín's success has influenced the initiation of similar projects in other Latin American cities, including Rio de Janeiro and Caracas, where conveyances

similar to the Metrocable were integrated with existing networks of cable cars and stations.

An integral part of Valparaíso's civic identity, as well as an essential component of the transportation network, the *ascensores* eventually became the city's most recognizable feature, and the cable cars in Medellín, Caracas, and Rio have all gathered enthusiastic critical attention, but other infrastructure projects in Latin American cities were instrumental in completely transforming the urban landscape. By far the most dramatic of these was the construction of canals begun in the early 16th century, which almost drained the Mexico City basin, fundamentally changing the character of a place once known as "the Venice of the Americas" into a megalopolis of 20 million people with a looming water shortage.

Surrounded by forested mountainsides that channeled abundant precipitation into five lakes, the Valley of Mexico had no natural outlet for the accumulated water, but pre-Hispanic hydrological engineering developed a productive environment for Aztec agriculture, which was subsequently destroyed by the Spanish conquerors.

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Medellín's Metrocable links poor hillside communities with the urban center.



Photo by Alan



The destruction of the Morro de Castelo in Rio de Janeiro.

Photo courtesy of Instituto Moreira Salles.

The *conquistadores* also deforested the surrounding hillsides and filled in Lake Texcoco, site of Tenochtitlan, the Aztec capital. The catastrophic flooding that ensued forced the construction in 1788 of a massive canal that diverted water to rivers flowing to the Gulf of Mexico. In the mid-1850s, the government approved the construction of the Gran Canal. Eventually completed in 1900, this aqueduct successfully drained most of the lakes, but summer flooding continued until a drainage system installed deep underground was finished in 1970. With much of the city now covered in asphalt and denuded of trees, rainwater is prevented from percolating into the ground to replenish the aquifer, which today is almost depleted. At more than 7,000 feet above sea level, Mexico City is forced to pump its water nearly a mile uphill from as far as 125 miles away.

An opposite series of challenges confronted the arid Argentine city of Mendoza, located on the leeward side of a secondary range of the Andes. When the Spaniards founded the city in 1561, Mendoza inherited a system of irrigation canals, built by the indigenous people to make the land arable, that distributed snowmelt water from the Andes flowing into the Mendoza River. After a catastrophic earthquake destroyed Mendoza in 1861, a new city that extended the existing canal network was built near the

ruins of the old colonial settlement. Broad streets, squares, and public parks all lined with trees created an urban oasis with lush canopy of shade. An influx of European immigrants towards the end of the 19th century took advantage of the extensive irrigation system to cultivate a variety of crops, plant orchards and vineyards, and establish wineries and food-processing plants as well as a petrochemical industry, making the greater Mendoza area one of Argentina's most economically vibrant regions.

A clear instance of the power of topography and its erasure in order to confirm (or replace) an urban identity occurred in Rio de Janeiro, where an ambitious redevelopment plan was implemented at the beginning of the 20th century. Swamps were drained and new streets created, including the Avenida Rio Branco, an important thoroughfare opened in 1912. These and other improvements succeeded in reducing the frequent outbreaks of yellow fever and smallpox that had afflicted the port, but perhaps the most significant and controversial renovation was the hotly contested demolition of the Morro do Castelo — the highly visible hill with dilapidated residential fabric at the edge of Guanabara Bay on which Rio had been founded in 1567 — to extend the shoreline for an international exhibition, allow the tidal flows to penetrate

the interior portions of the city, and remove what many regarded as an unsightly reminder of a colonial past.

Water and topography also provide the primary constraints in Bogotá's effort to develop beyond its natural barriers: the Cerros Orientales to the east and, to the west, the Río Bogotá flowing northeast to southwest across the savannah. By the turn of the 20th century, all the trees from the surrounding foothills had been harvested for fuel or building material, leaving barren slopes vulnerable to erosion from runoff, dangerous mudslides, and flooding. These problems were remediated to some extent with the installation of underground piping and reforestation of the hills, but continued expansion to the southwest still threatens the wetlands of the savannah. To limit the need for extensive highway construction in developing areas and reduce further damage to the wetlands, Bogotá has established a nearby network of pedestrian and cycling paths, which is also connected to a system of libraries. While modest in scale and scope, this network represents an imaginative, ambitious effort to protect Bogotá's remaining wetlands and water bodies, while increasing affordable transportation options and

New pedestrian and cycling paths in Bogotá.

helping to forge a new identity for a city that as recently as the turn of the century, was infamous as one of the world's crime capitals.

Of the 600 million people in Latin America, 80 percent now live in cities. Some of these cities boast a legacy of pre-Hispanic urbanism, and many include the surviving remnants of the planning, infrastructure, and buildings of a shared colonial past, all of them with the residue of social inequities. With their focus on urban innovation, environmental conservation, and social inclusion, Medellín, Bogotá, and other cities inspired to follow their examples hold out the promise of an improved urban future with opportunities for all citizens, as the barriers between rich and poor gradually disappear.

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Photo by Pedro Felipe/Wikimedia.

In Whose Interest?

(continued from page 19)

American auto plants in Mexico. The country has attracted more than \$25 billion in new auto investment from 2010 through mid-2016. Eighty percent of the output of these plants — 2.6 million vehicles — was for export in 2014, 71 percent to the U.S. and 11 percent to Canada. Mexico became the world's fourth largest light vehicle exporter, and General Motors projects that Mexico will become the second-largest global exporter (after Germany) by 2020.

Major automakers from throughout the world are siting new mega-plants in Mexico. They range from the Detroit Three — Ford, GM, and Fiat Chrysler — to luxury brands such as BMW and Mercedes. And it isn't just subcompact vehicles. These plants already build highly profitable SUVs, like the Chevy Suburban and the Audi Q5. GM expects that Mexico will become the sixth largest auto producer globally by 2020, increasing output more than 40 percent to produce more than 5 million vehicles annually from 3.5 million in 2015.

This sprawling Nissan facility in Aguascalientes will be joined by a Daimler-Benz plant in the open space behind it.



Photo courtesy of © Nissan Motor Corporation

Jobs on the Move

The U.S. has seen a hemorrhaging of manufacturing employment, losing 5 million jobs, or 30 percent of the total, between 1998 and 2015. Employment in this sector plummeted from 17.6 million in 1998 to 12.3 million in 2015. Many factors — from information technology to new ways of organizing work — contributed to this sharp job loss. Trade policy, however, played a significant role. The issue isn't simply jobs melting away in advanced manufacturing, but rather the high productivity/depressed wage combination exerting a strong attraction for new investment globally.

Trade policy that locks in dismal labor standards can extract a high social cost. Economists Anne Case and Nobel laureate Angus Deaton have found diminished life expectancy among groups of white, working-class Americans. In a widely cited 2016 article, MIT economists Daron Acemoglu and colleagues estimate "job losses from rising Chinese import competition over 1999–2011 in the range of 2.0–2.4 million," of which 1 million were directly in manufacturing.

Consider the auto industry in Mexico and the United States. While the industry is highly integrated,

auto plants in both countries largely produce for a single market: the U.S. As a result, the number of hourly workers in each country is converging: 620,000 in Mexico and 715,000 in the U.S. in 2015. Auto sector employment in Mexico surged by 45 percent between 2007 (the earliest date available for a new data series) and 2015, adding more than 200,000 hourly jobs, while the U.S. industry dropped 90,000 hourly jobs during the same period. The U.S. industry lost 360,000 auto jobs between 1999 (when employment under Nafta peaked) and 2016. The incentives of the trade agreement — not simply automation — have contributed to U.S. job loss and a highly unbalanced trading relationship that is in neither country's long-term interest.

The Center for Automotive Research (CAR) estimates that the nine new auto assembly plants sited in Mexico will generate 22,000 new jobs directly and an additional 29,000 supplier jobs also in Mexico. These 51,000 jobs are comparable to General Motor's hourly employment in the U.S. in 2015. Had these jobs been located in the U.S., "another 162,000 jobs in downstream industries (e.g., retail, healthcare, education, real estate, construction) would have been created in the United States," for a total of 213,000 jobs, according to CAR. If past trends continue, 80 percent of the output from these new plants will be exported, mostly to the U.S.

Rather than questioning the cost of these policies to workers on both sides of the border, some observers view them as the natural outcome of "comparative advantage." "By allowing manufacturers to spread their operations and link up their supplier networks throughout North America, trade facilitates the creation of a system that combines the comparative advantages of each nation, allowing each country to specialize in the aspects of production that it does best and make the overall production process more efficient," the Wilson Center concludes. "The auto industry, which is probably the single most integrated regional industry, is a perfect example."

This idealized description may have a Ricardian flavor, but it has little to do with what's actually taking place. In an intensely competitive global market, the auto industry in both the U.S. and Mexico is highly productive. Should a lack of labor rights then be the basis of comparative advantage? While the increased profitability for firms next quarter or next year is real, is this situation in the long-term interest of most people and healthy economies on either side of the border? Not only will Mexican workers earn less — even far less — than their productivity makes possible but a strong downward pressure is exerted on U.S. wages. Proponents often interject that the consumer will

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Photo by Steven B. Heselden.

This abandoned Delphi plant in Columbus, Ohio, was replaced by a casino.

benefit from lower prices as a result of these arrangements. Not necessarily. The “savings” are more likely to go into increased corporate profits and stratospheric executive salaries; automakers hardly offer a North American “discount” on vehicles produced in Mexico.

Delphi Automotive, among the world’s largest auto suppliers, illustrates the consequences of this kind of comparative advantage. The company, once a wholly owned subsidiary of General Motors, employed about 32,000 unionized hourly workers in the U.S. in 2005. The corporation filed for Chapter 11 bankruptcy that year, ultimately eliminating virtually all its U.S. hourly jobs and threatening or eliminating pensions and health care for its workers. Business Week wrote the company “was careful to exclude Delphi’s 115,000-worker foreign factories, many of which operate in low-wage countries such as Mexico and China.” Today, Delphi is one of Mexico’s largest private employers with 54,000 workers largely producing for the U.S. market, while all UAW hourly jobs in the U.S. have been eliminated. Does it come as any great surprise that manufacturing workers in the U.S. are deeply concerned about trade issues? Again, Delphi gets higher profits, while workers in the U.S. lose and Mexican workers wind up with a minor fraction of what Delphi gains.

Mexican production cast a shadow over the Detroit UAW auto talks in 2015. Moving “production to Mexico,” according to Bloomberg, “will help the automakers save cash, reduce total payrolls, and offset the union’s gains.” The pressures are even greater in the supplier part of the industry.

You might be thinking, doesn’t manufacturing account for only 8–9 percent or so of U.S. employment in any case? The answer is yes, but manufacturing has a high multiplier effect particularly in the auto sector. Each auto job supports six or seven jobs throughout the economy. These job losses and wage pressures go well beyond autoworkers and their families, impacting entire communities, states, and regions. Teachers, nurses, sales clerks, and government workers all see their employment and wages impacted. When plants close, the finances of towns collapse and infrastructure implodes. In the wake of industrial collapse, Flint slid into bankruptcy. A subsequent series of disastrous decisions under a state-appointed emergency manager resulted in the drinking water becoming so contaminated that thousands of children were victims of lead poisoning.

Rules of Origin

Other proposed features of the TPP would have exacerbated job loss across North America. “Rules of origin” stand out. In highly managed trade agreements,

these rules determine which products qualify for trade benefits among the trading partners. Defining and calculating these rules are a complex, at times convoluted, process. To qualify for Nafta tariff advantages, rules of origin mandate 62.5 percent of the vehicle be produced in one or more of the three Nafta countries. Rather than raising the rules of origin over the much broader sweep of the 12 TPP countries, the rules were loosened considerably so only 45 percent of vehicle content is necessary for the preferential treatment. These more relaxed rules accommodate the global supply chains of international producers that already source in low-wage countries, say Thailand or China.

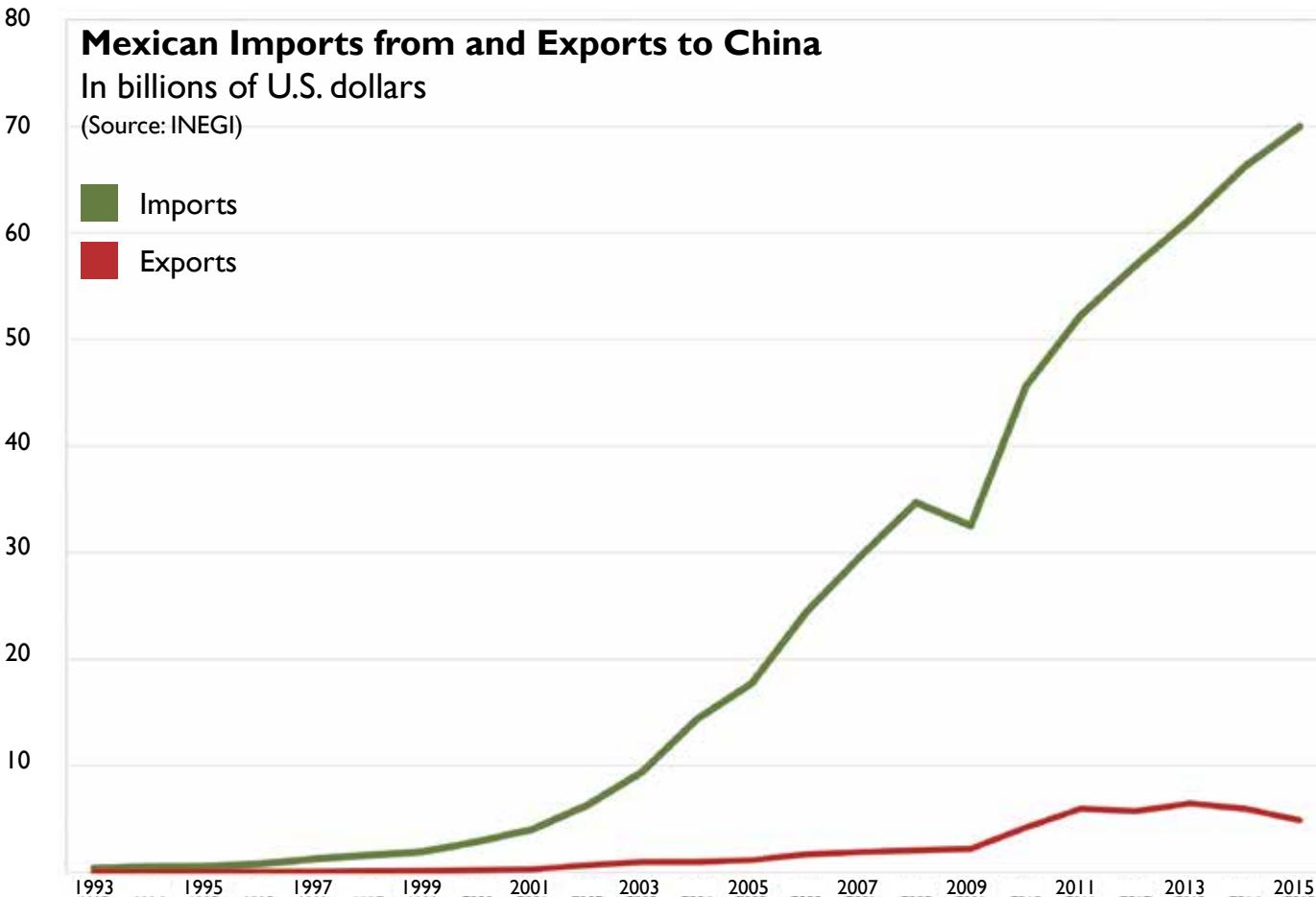
Ironically, 55 percent of a vehicle could be sourced from China without that country agreeing to any TPP provisions, displacing Mexican as well as U.S. and Canadian auto parts workers. Mexico has already seen a major surge of imports from China in a highly unbalanced trade relationship. Mexico’s imports from China have soared from \$500 million dollars in 1994 to \$70 billion in 2015, but its exports to China have remained anemic. Even under the Nafta “rules of origin,” a higher percentage of exported vehicles from Mexico could well be coming from China.

TPP for the Middle Class?

Trade can fuel a broadly shared prosperity, or it can contribute to a hyper-inequality that undermines opportunity. What the Nafta experience has shown us is that the right rules of the game are essential. While the TPP is off the table — at least for now — three labor areas are critical in trade agreements going forward: first, demonstrated reform and respect for labor rights before any agreement is signed or renegotiated; second, effective language and enforcement to ensure that worker rights continue to be respected under the agreement; and finally, a far more robust social safety net that proactively addresses the social costs of dislocation and transition.

Effective labor reform must be the price of admission to a trade agreement, not an issue to be addressed after the fact. Meaningful language on labor rights is, of course, important — in fact, essential — but not as a substitute for demonstrated reform prior to ratifying or renegotiating the agreement. Otherwise, governments will interpret what they’ve done before signing as all they need to do.

A precedent for this type of reform already exists. Mexico demonstrated its intention to make the country more “investment friendly” before Nafta was ever signed. Economist Jeffrey Schott, a strong Nafta proponent, was



impressed. He told Congress admiringly in 1993, “Nafta is probably the most one-sided and unbalanced agreement that the United States has ever negotiated.” He then pointed out the agreement spells “out what Mexico must do to join the Canada–U.S. free trade club,” and of course, there were no requirements in relation to labor.

The problem isn’t new investment in Mexico. Competition based on innovation, productivity, and quality can provide real benefits for workers and consumers, but competition based on low wages and a lack of worker rights is damaging to workers, communities, and consumers in all countries. Mexican workers who share in productivity gains enter the middle class and create the “high velocity purchasing power” capable of fueling a growing, more balanced trading relationship. U.S. workers are also able to share in the gains from competitive, prosperous companies.

Second, effective enforcement of core labor rights — the right to form a union, to bargain collectively, and to strike if necessary — are essential. Congress took important steps in this direction in 2007, which were written into the U.S.–Peru Free Trade Agreement (FTA). Without the preconditions of effective labor reform prior to signing, however, Peru has been able to avoid its commitments since the agreement became operational six years ago. After the Peruvian experience, the U.S. and Colombia agreed on a Labor Action Plan to meet core international labor rights. Colombia also has not met its commitments since this agreement came into effect four years ago. When workers in Peru, Colombia, or Mexico are denied their rights, workers and unions in the U.S. are undermined.

Finally, winners and losers will still exist in global trade, and a far better social safety net is essential. Given the intensity of the political earthquakes trade has triggered, many now agree something must be done. “There are going to be losers,” admits Chad P. Brown, a trade agreement proponent at the Peterson Institute for International Economics in Washington D.C., “and we need to have policies to address them.”

Christine Lagarde, managing director of the IMF, Jim Yong Kim, president of the World Bank Group, and Roberto Azevedo, director-general of the World Trade Organization, wrote in *The Wall Street Journal*, “Governments can step up investment in education, job training, temporary income support, job-search assistance, and targeted trade-adjustment assistance, using approaches crafted to best fit their national circumstances.” In fact, the U.S. spends less on retraining as a share of GDP than the 34 member countries of the OECD, with the exception of Chile and Mexico.

The issue isn’t a perfect agreement, but rather a demonstrated step in the right direction and the clear ability to make further progress. During the Nafta debate, proponents insisted “don’t let the best be an enemy of the good.” True enough, but the so-called “good” wound up locking in a bad, in fact, dysfunctional status quo when it comes to labor standards in Mexico. We have seen this pattern replicated in other trade agreements in Latin America that have followed Nafta, such as the Central American Free Trade Agreement (Cafta) under which the promise of reform never became a reality.

Global trade, of course, offers considerable potential benefits. It isn’t globalization that is leaving people behind, but unbalanced trade agreements that contribute to a polarized economy and an unequal society. The key issues go well beyond labor rights, from critical environmental concerns to consumer protections. As we have often seen, the negotiating process is crucial. Trade agreements negotiated largely by corporate lawyers and lobbyists tend to make corporations richer and ordinary workers poorer, whether they work in the U.S. or Mexico or elsewhere.

To realize the benefits of trade for workers, their families, and their communities — a broadly shared

A 2014 rally in support of a liveable minimum wage.



Photo by Michael Fiestman.

prosperity — trade agreements must lay the basis for stronger labor rights, not pull them down. These rights are the foundations for inclusive, prosperous, and democratic societies.

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References for this article are available online.



EL SALVADOR

The Right to Truth

By Angelina Snodgrass Godoy

The images have a haunting quality. Some look like studio portraits: fresh-faced young people, shoulders angled artfully toward the photographer, smiles fixed across their lips. Despite the low resolution, one can almost make out the shine on their curls. Others are photos clearly lifted from an ID document — expressions serious, the partial arc of an official stamp sometimes visible in a corner. And mixed among these frozen snapshots of a better time, there are others: mug shots of people backed against a wall or photographed from the side, some with dark circles under their eyes and unkempt hair; others appear bruised. These may have been the last photographs taken of them alive.

At the University of Washington's Center for Human Rights, we have been conducting research on crimes against humanity committed during the Salvadoran armed conflict, working in collaboration with Salvadoran survivors and advocates since 2011. It was early in this initiative that partners first shared

with us a digital copy of the "Yellow Book," a Salvadoran military intelligence document from 1987 that includes the names and photographs of almost 2,000 people identified as "delinquent terrorists." In some ways, the document looked familiar — as a photographic logbook of state repression, it evokes the infamous "Diario Militar" of Guatemala or the grim pictures from Pol Pot's S-21 prison — but in other ways, it was entirely new. This document was the first of its kind to come out of El Salvador, providing a never-before-seen window into that country's bureaucratization of terror.

There was a time, of course, when El Salvador's human rights record was the subject of worldwide attention. The small country was ground zero for a high-stakes Cold War confrontation between the U.S.-backed government and the Marxist rebels of the FMLN. Likewise, the modern human rights movement developed its now-familiar approach to data-driven advocacy there, seeking to counter the propaganda that U.S. and Salvadoran authorities produced

A page from El Salvador's "Yellow Book."

to explain away mass graves. At war's end, the UN Truth Commission concluded that more than 75,000 people had been killed between 1980 and 1992, more than 85 percent at the hands of state forces and death squads. Yet, thanks to an amnesty law signed just days after the truth report's release, to this day no one has been held accountable for these crimes. While Latin American countries from Chile to Guatemala have captured headlines for recent efforts to reckon with legacies of authoritarianism, the human rights effort in and for El Salvador has slipped from leader to laggard.

But this situation may soon change. In the summer of 2016, in a bold and long-awaited ruling, the Constitutional chamber of the Salvadoran Supreme Court struck down the Amnesty Law, ordering the investigation of grave crimes committed by both sides during the war. The decision jump-starts El Salvador's long-stalled transitional justice process, vindicating victims and their families who have waged decades-long campaigns for justice.

It also poses challenges to a justice system already straining under the burden of addressing contemporary crime in one of the world's most violent countries. To be sure, the road ahead will not be easy. The country lacks

forensic expertise, the victims' organizations require funding and international support, and the same judiciary we now expect to hear these cases has spent years twiddling its thumbs, despite abundant evidence of widespread war crimes. The military, for its part, remains intransigent in its refusal to open its files, flouting the requirements of El Salvador's 2013 Public Information Law with apparently little consequence. For all of these reasons, thousands of families still lack access to the most basic information about lost loved ones.

So when I first began to examine the Yellow Book years ago, unlocking its secrets took on an immediate urgency. What fate ultimately befell the people profiled in its pages? And what new knowledge might the book reveal about the workings of state terror? In collaboration with Kate Doyle from the National Security Archive, we authenticated the document, while Salvadoran researchers began to contact survivors and family members of those it named. In partnership with the Human Rights Data Analysis Group, we compared the names in the book to known lists of victims, finding that 43 percent of the names corresponded to reported violations logged in human rights databases.

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FMLN fighters react to being photographed.



Photo courtesy of the Museo de la Revolucion, Perquin, El Salvador.

And slowly, stories began to emerge from the book's grainy pages: students snatched from street corners by groups of heavily armed men, never to be seen again; labor leaders held for years as political prisoners; professors and church workers, daughters and cousins, rebels and dreamers. Some of the faces started to feel familiar. Haunted by the hope that I could help families find them, I began to comb the archives of declassified U.S. government documents for information about their cases. The search had a needle-in-a-haystack quality: at war's end, the Clinton administration had ordered the release of more than 10,000 pages of documents containing information, but very few included the kind of details that might help establish the fate of the missing.

When we finally published the Yellow Book on our website in September 2014, the response was powerful. Within three days, our still-sleepy website had attracted more than 80,000 unique views, and we began to receive messages from Salvadorans around the world. Some thanked us for our work, and some offered up stories we hadn't yet heard about people in the book. Others asked us if we could help find a long-lost son, a sister, a disappeared classmate. "It's not until now that I see his picture in the

book, visibly tired, with signs of having been tortured," one person wrote about an uncle. "Was his body dumped on the beach in El Playón? Could it be in one of the mass graves at a military barracks? Was he killed in combat, was his body left in the weeds? Could his own companions have killed him in one of their internal purges? These are questions we are left asking ourselves. My grandmother cried for her son until the last day of her life. Please help us find out what happened to him."

Although estimates place the number of the disappeared in El Salvador in the range of 5,000 to 10,000, the truth is that no one really knows. There has never been a systematic inquiry into the practice of forced disappearance during the conflict, much less a rigorous attempt to locate the remains of the disappeared. In recent months, a new group of young Salvadoran-Americans whose parents were forcibly disappeared during the war have launched a campaign, taking for its poignant title their singular demand: "Our Parents' Bones." In conjunction with the Washington Office on Latin America, the Due Process of Law Foundation, and these brave new leaders, our Center for Human Rights helped sponsor a U.S. Congressional briefing on these issues in April 2016, and several of

Salvador Sánchez Cerén, as the current president of El Salvador and (inset) in the Yellow Book.



Photo courtesy of Presidencia de El Salvador and inset courtesy of Angelina Snodgrass Godoy

children of the disappeared testified. They shared stories of growth, courage, and resilience, but they also told of lives built on perilously slender filaments of memory stretched across a terrible gaping hole. Psychologists call the trauma faced by families of the disappeared "ambiguous loss." Without knowing a loved one's ultimate fate or having the chance to lay their remains to rest, the ability to grieve is forever suspended.

In response to inquiries from Salvadoran survivors, their families, and justice advocates, our research team has filed nearly 300 Freedom of Information Act (FOIA) requests with six different U.S. agencies. Over the past three years, we have successfully obtained the release of 181 newly declassified documents, all of which we have shared with survivors and advocates. Sadly, our requests have also resulted in a raft of refusals to respond by government agencies citing national security concerns. Three decades after the incidents in question — and even granted the ability to redact sensitive information from documents prior to their release — federal agencies are still arguing that revealing the truth could endanger the United States.

In one such case, the University of Washington filed suit against the Central Intelligence Agency last fall, becoming the first university in the country to do so. While litigation is still pending, the CIA released more than 400 pages of documents to us in March 2016, offering an unprecedented window into the depth of detail available in the U.S. intelligence archives. One document, for example, describes an upcoming military operation, listing the names of participating units and such details as key latitude and longitude points along their approach to the intended target. This kind of information could

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2. BISHOP RIVERA Y DAMAS, DURING LUNCH AT NUNCIATURA NOVEMBER 9, TOLD NUNCIO, FONMIN AND ME OF HIS CONCERN ABOUT BRUTAL ARMY TACTICS DURING RECENT OPERATION IN URULUTAN. IN RESPONSE TO MY FOLLOW-UP QUESTIONS, RIVERA Y DAMAS SAID THERE IS NO QUESTION IN HIS MIND ABOUT WHAT HAD HAPPENED DURING HIS LAST VISIT TO HIS PARISH IN SANTIAGO DE MARIA HE HAD HEARD FIRST-HAND ACCOUNTS FROM PARISH PRIESTS WHO HAD HEARD MANY STORIES FROM SURVIVORS. THE BISHOP SAID THE AREA BETWEEN SAN AUGUSTIN AND BERLIN AND WEST TO RIO LEMPA HAS BEEN TOTALLY UNDER INSURGENT CONTROL FOR SOME CONSIDERABLE TIME. HE THOUGHT THERE WERE PERHAPS AS MANY AS 10 OR 12 FORTIFIED GUERRILLA CAMPS IN THIS AREA, EACH OF WHICH WAS BASE FOR PERHAPS 40 TO 70 ARMED MEN. THE FPL, ERP AND PRTC (CENTRAL AMERICAN COMMUNIST PARTY) ALL HAD FORCES IN THE AREA. THE ARMY, IN ATTACKING, HAD SUFFERED CONSIDERABLE LOSSES WITHOUT MUCH SUCCESS AGAINST HEAVILY ARMED GUERRILLAS ALTHOUGH THERE WAS WIDESPREAD KILLING OF CAMP FOLLOWERS—WOMEN

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AND CHILDREN. HE IS NOT CERTAIN BUT HE ATTRIBUTES THIS MORE TO TROOP FRUSTRATION THAN TO COMMAND DECISION. HE BELIEVES THAT THERE WERE AT LEAST 200 CIVILIAN NON-COMBATANTS KILLED BUT HE RECOGNIZES THAT THEY WERE PART OF OR RELATED TO THE GUERRILLA FORCE SUPPORT NETWORKS.

3. HE TOLD US HE ENCOUNTERED SOME SOLDIERS RETURNING TO THE CUARTELS AFTER THE OPERATION, ASKED WHAT HAD HAPPENED AND WAS TOLD, "HEMOS LIMPIADO LA ZONA" (WE CLEANED UP THE AREA). THE BISHOP SAID HE FEARED THAT THAT WAS LITERALLY CORRECT.

REVIEW AUTHORITY:
Alan Flanigan, Senior
Reviewer

A U.S. State Department memo outlines a massacre in El Salvador.

be extraordinarily useful for those seeking to find the disappeared.

However, most of the records declassified in the 1990s were State Department records, and even today, the State Department is the most responsive of the federal agencies that we have approached for information. This response is a good start, but El Salvador's army effectively governed the country for much of the 1980s. Unsurprisingly, the Salvadoran military shared details of daily operations with its trainers and collaborators in the U.S. military and intelligence community

far more frequently than with diplomats at the U.S. Embassy. While the lawsuit has not yet provided us access to all the documents we seek, its initial dividends have confirmed our long-held suspicion that the most valuable information for clarifying past crimes lies in the hands of the agencies least likely to respond to FOIA requests.

In recent years, the Obama administration has made use of what Peter Kornbluh terms "declassified diplomacy," offering to release records relating to South American dirty wars. This transparency is not

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the result of FOIA requests, but rather of decisions made at the highest levels of the White House and State Department to hand-select documents and deliver them to foreign leaders in Argentina, Brazil, and Chile. These documents have helped human rights groups seeking to clarify past crimes, offering new confirmation, for example, that the CIA believed General Pinochet was personally involved in the murders of Chilean leftist Orlando Letelier and his associate Ronni Moffitt on U.S. soil in 1976.

Yet the United States was even more heavily involved in El Salvador than in South America. In addition to providing training, equipment, and financial assistance for the Salvadoran forces, the U.S. embedded its own troops within Salvadoran military units, piloted aircraft overland on a daily basis to gather intelligence, and mounted its own propaganda effort to launder the image of the Salvadoran regime in the face of human rights criticism. As a result of this more intimate involvement in the daily pursuit of the war effort, more granular information about El Salvador must exist in U.S. files. Our government has a moral responsibility to release it to help families find healing.

To date, excerpts from the Yellow Book have been introduced as evidence in at least one case before the Salvadoran authorities. Brought by the daughter of

disappeared parents profiled in the book, the case has advanced little in three years. But in a recent interview, she expressed optimism that the overturn of the Amnesty Law might mark the difference, not only in opening up the possibility of prosecution, but also in spurring conversations long silenced by fear. "Justice," she said, "doesn't only come to pass through the work of tribunals... it also comes to pass through recognition that this happened, it happened here, for these reasons... that recognition can come to constitute, for me, a form of reparation."

As academic researchers — particularly those of us with access to well-resourced libraries that grant access to archives beyond the reach of most survivors in El Salvador — we, too, have a role to play in helping families heal.

Angelina Snodgrass Godoy serves as the Helen H. Jackson Chair in Human Rights and Director of the Center for Human Rights at the University of Washington in Seattle. Prior to pursuing her doctorate, she worked for human rights NGOs. She spoke for CLAS on October 7, 2016.

Archbishop Oscar Romero's name highlighted on a memorial of victims of violence in El Salvador.



Photo courtesy of the Archbishop Romero Trust

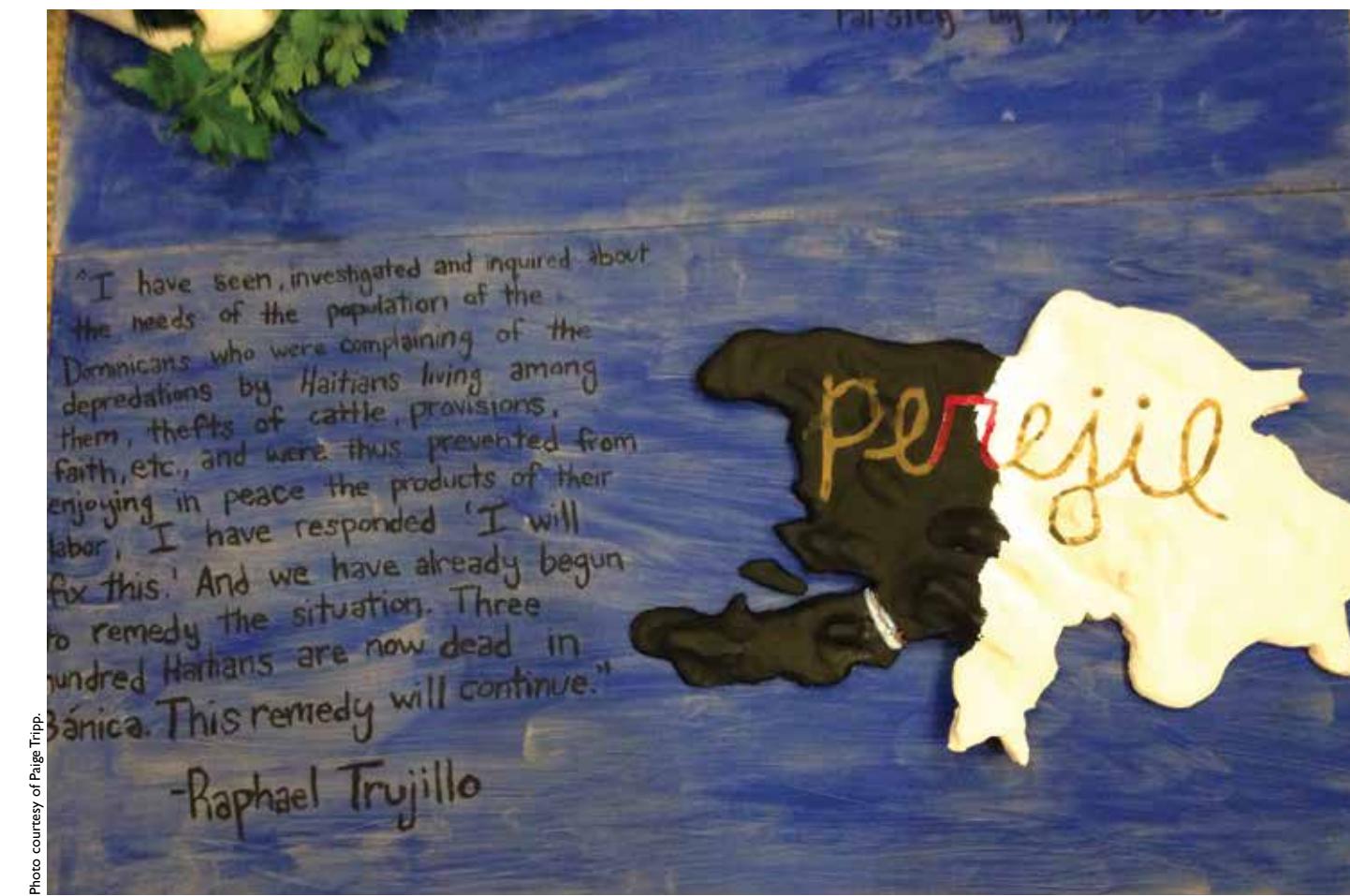


Photo courtesy of Paige Tripp.

DOMINICAN REPUBLIC

An art project on genocide features Rafael Trujillo's statement about the start of the killings.

Bearing Witness to a Modern Genocide

By Edward Paulino

From late September through October 1937, an estimated 15,000 Haitian men, women, and children were systematically murdered in the Dominican Republic on the orders of the country's dictator Rafael Leónidas Trujillo Molina. Most of the killings occurred in and around the border between the Dominican Republic and Haiti, which share the island of Hispaniola. With such a high number of casualties in such a limited time, the Haitian Massacre, as it is known today, was arguably the largest mass murder in the Americas targeting people of African descent in the 20th century.

Growing up in the barrios of New York City in the 1970s and 80s as a child of Dominican immigrants, I was never taught about the 1937 Haitian Massacre in school or at home. My parents experienced the Trujillo dictatorship first hand, yet they never talked about this mass murder in their country of origin. They told me about the infamous spies

"And we have already begun to remedy the situation. Three hundred Haitians are now dead in [the town of] Bánica. This remedy will continue."

— Rafael Trujillo, October 2, 1937, in the border town of Dajabón

called *calieses*, the network of informants, and the Stasi-like arrests, disappearances, and torture. But no massacre.

My archival unearthing at the Franklin Delano Roosevelt Presidential Library of a diplomatic communiqué from U.S. Ambassador R. Henry Norweb, who described

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the killings as “a systematic campaign of extermination,” marked the beginning of my journey as part of the Dominican diaspora to respond to the memory of the 1937 massacre. This undertaking was partly driven by the need to come to terms with my romanticized identity of what it meant to be an ethnic Dominican in the United States, but I also gradually came to the realization that for this event, I belonged to the descendants of the perpetrators with a responsibility to tell the story, to remind the world that these poor black Dominican and Haitian lives mattered.

Trujillo, who held power from 1930 to 1961, was a light-skinned mulatto from a working-class family in the town of San Cristóbal. (Incidentally, his maternal grandmother was Haitian.) He rose to power through the National Guard, an institution created by the U.S. forces that had occupied the country from 1916 to 1924. From the Americans, Trujillo learned valuable counterinsurgency skills. The U.S. Marines applied their brutal techniques not only to Dominicans, but across the border to Haitians as well, during an overlapping occupation of the island of Hispaniola from 1915 to 1934.

As a historic route for runaway slaves, pirates, bandits, *contrebandiers*, and revolutionary insurgents, the border

region had always existed beyond the reach of Dominican elites in Santo Domingo. For Trujillo, the porous border threatened to destabilize his government. It didn’t take long for the region to once again become an escape route, this time for exiles fleeing Trujillo’s repressive government.

In 1930, Trujillo was determined to succeed where Dominican elites and American occupational forces had failed: he would control the border region. But it would take seven years of his rule and precisely the right conditions for ethnic cleansing to emerge. First, Trujillo had to eliminate his opposition and consolidate power. Second, he had to wait for the American withdrawal from Haiti in 1934, which until then had served to check his power. Finally, he had to solve the historic and thorny issue of unresolved border limits that had bedeviled both nations since the 19th century.

By the time the Americans had withdrawn from Haiti in 1934, a Haitian-Dominican bilateral commission was already surveying the border. Beginning in 1933, Trujillo and his Haitian counterpart, Sténio Vincent, were meeting at the border and in their respective capitals to negotiate a border treaty. In 1935, both countries signed definitive border treaties. By 1937, the Dominican Republic and

Meeting between Haitian president Sténio Vincent (center) and Rafael Trujillo (right, holding hat) on the border, 1933.



Photo from Wikimedia

Haiti were enjoying a diplomatic honeymoon, yet the rapprochement did not last. Later that year, Trujillo unleashed his army and conscripted civilians to murder thousands throughout the border region and beyond. No single reason can quite explain his motives.

One view is that in cleansing the border of black Haitian bodies, Trujillo sought to whiten the nation. Like other Latin American governments, Trujillo may have been engaging in *blanqueamiento*, a policy of whitening to modernize and “improve” the nation. However, the policy was clearly not meant to de-Haitianize the nation, because the Dominican government continued to import thousands of workers from Haiti as sugarcane cutters during this time. The dependence on cheap Haitian labor would continue after the massacre, through the 20th and well into the 21st centuries.

Another view is that in a time of global food shortage during the Great Depression, Trujillo wanted to secure the borderland, colonize it, and transform it into a base for agricultural exports to domestic and international markets. Others contend that the massacre was aimed at destabilizing the Vincent regime, which gave refuge to anti-Trujillo exiles in order to replace the Haitian president with pro-Trujillo officials. Still others believe that Trujillo had grandiose ambitions of being a modern-day Napoleon in an age of imperialist and fascist global leaders and thus aimed to eventually invade Haiti. We will never know. There is no smoking gun. In retrospect, the massacre only served to disrupt the centuries-old, bicultural, bilingual Dominican and Haitian border communities that had existed beyond the reach and control of the Dominican state. As historian Richard Turits has written, the massacre on the border resulted in “A World Destroyed, A Nation Imposed.”

What we do know — through diplomatic correspondence and oral histories — is that the operation lasted several weeks and had been planned at least a year in advance. Men, women, and children who were black and deemed Haitian were arrested and taken to secluded areas of the Dominican countryside and murdered, mostly by machete to evade recriminations of a pre-meditated, large-scale operation by the army. The killings, the Dominican government would later argue, were a defensive reaction by “patriotic” farmers protecting their lands from Haitian “cattle rustlers.”

Historically known as *El Corte* (The Cutting) or *El Desalojo* (The Eviction) in the Dominican Republic and *Temwayaj Kout Kouto* (Testimonies of the Knife Blow or Witness to Massacre) in Haiti, the 1937 Haitian Massacre has also and most recently become known as the Parsley Massacre. Since Haitians speak Kreyol where the r’s are

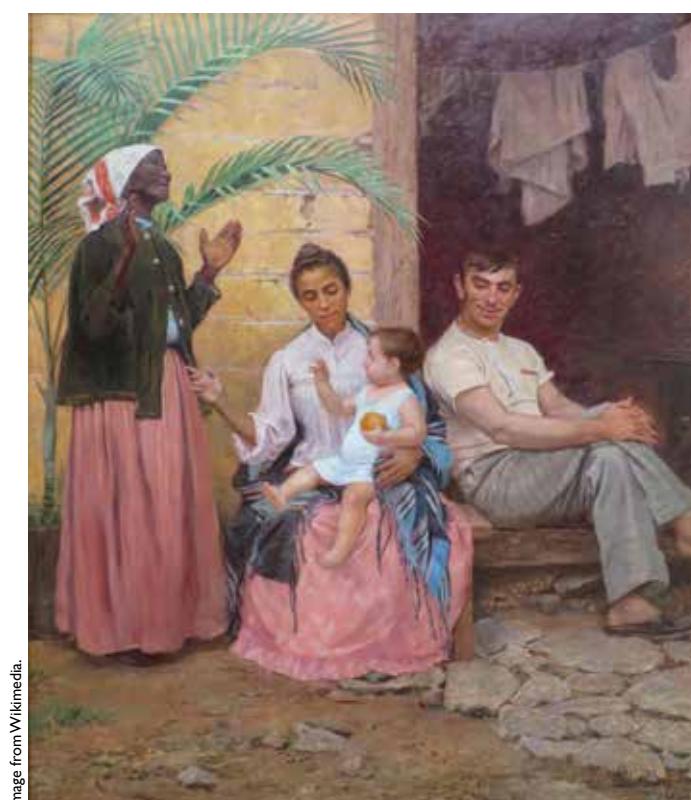


Image from Wikimedia

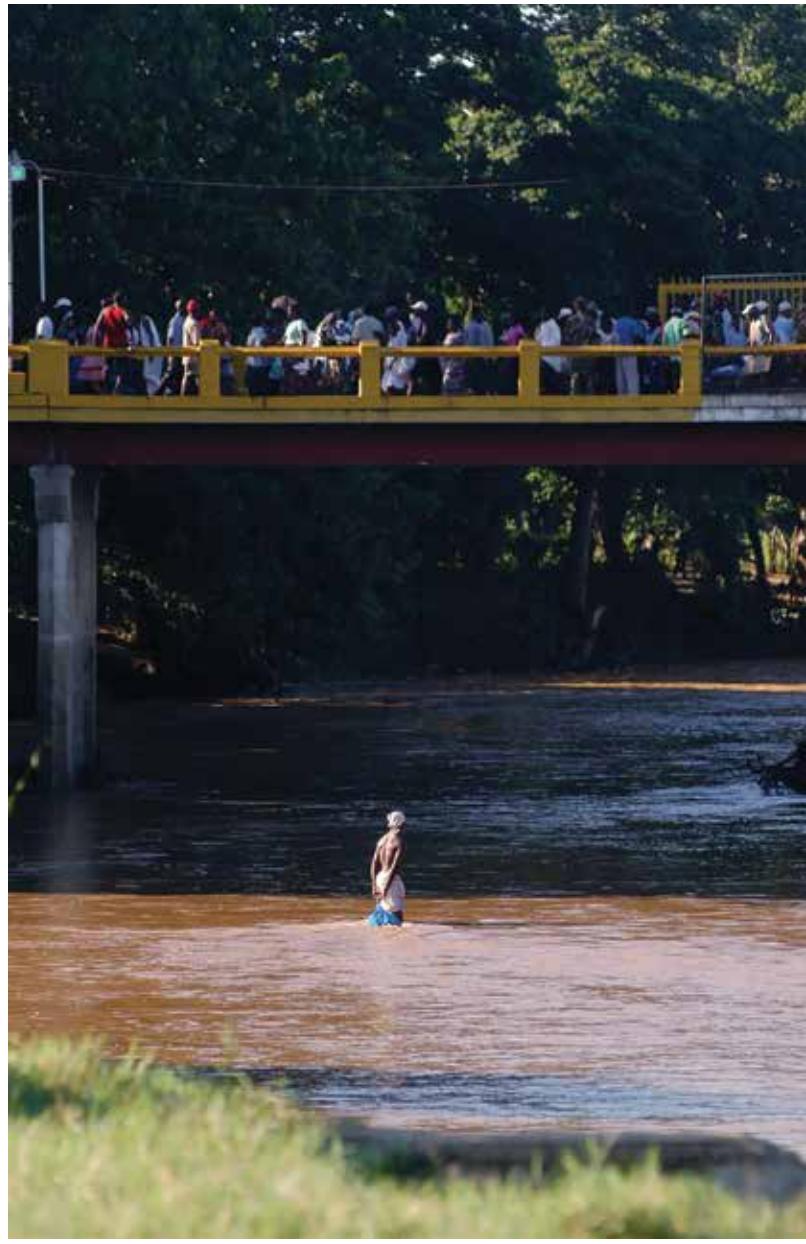
A *Redenção de Cam* (Redemption of Ham), an 1895 painting by Modesto Brocos, depicts a black grandmother, *mulata* mother, white father, and their quadroon child, as an allegory of *blanqueamiento*.

pronounced more softly, Spanish words with the letter r — like *perejil* (parsley) — were used as a shibboleth. But in many cases, this linguistic litmus test was superfluous. Many of the “Haitian” people and communities that were targeted were, in fact, bicultural Dominican-Haitians and, thus, bilingual. It did not matter to their killers. Like scholars Lauren Derby and Richard Turits and journalist Juan Manuel García before me, I interviewed both survivors and perpetrators. Their harrowing stories of machete wounds, burning corpses, hunger and thirst, hiding in the forest for days, following grisly orders, and becoming refugees in Haiti were eerily reminiscent of 20th-century genocidal testimonies from around the world.

As mass murders go, the 1937 Massacre is an anomaly. Usually, the ideological campaign comes first, to prepare society for the impending violence against a targeted group. Not in the Dominican case. As Turits and Derby have written, the violence targeting Haitians and their children preceded the ideology. The massacre was followed by a state doctrine of anti-Haitianism that defined Haitians and Haiti as historic enemies of the Dominican Republic and a racially inferior “other.” In contrast, Dominicans were classified under the Eurocentric ideology of *hispanidad* and described as white, Catholic, and of Spanish descent.

At the same time, the Dominican government was making great strides to implement its plans to nationalize

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Haitians cross the Massacre River into the Dominican Republic near Dajabón.

this crime against humanity. No truth and reconciliation committee was ever assembled.

In the absence of official efforts to preserve historical memory and recognize the victims and survivors of the massacre, the Border of Lights social collective has been carrying out annual commemoration activities on the Dominican-Haitian border since 2012. The group, of which I am a co-founder, is a loosely organized collection of “artists, activists, students, teachers, and parents who have come together to breathe life to a tragedy long forgotten, for some, a tragedy they never knew took place.”

Every October, we return to the Haitian and Dominican border to engage with the past and commit to a process of bearing witness: something the Dominican state should have embarked on years ago, but has never done — not just for this atrocity, but for other state crimes. Assisting local organizations, Border of Lights conducts community outreach on both sides of the border. It supports leaders on the ground who seek to foster historic, resilient cross-border solidarity. Every year, Border of Lights also holds a candlelight vigil from the northern border town of Dajabón to the border checkpoint. It is perhaps the only time that the victims of the 1937 Massacre have received such a collective and public acknowledgment of their murders. The sight of hundreds of candles converging in the darkness on both sides of the Massacre River is a powerful testament to the world and the living.

the border. This unprecedented government program called *La Dominicanización de la frontera* (the Dominicanization of the border) wrested a region from (and historically closer to) Haiti and transformed its identity and use. Following the massacre, government institutions were established, and Dominican colonists from the interior populated the border region. It was urban planning on the periphery: an institutional and demographic curtain that served as a bulwark against Haitian encroachment.

Anti-Haitianism began as a Trujillo project, but it long survived him. Although the dictatorship ended in 1961, the ideological infrastructure developed over the two decades immediately following the massacre was never eradicated. No counter-ideological movement took place to expose and eliminate anti-Haitianism. Neither Trujillo himself nor any high government officials were ever punished for

post-1961, the Dominican Republic opted to elect one of the dictator’s highest-ranking officials, Joaquín Balaguer, as president. Under Balaguer and subsequent governments, the state continued to import cheap Haitian laborers, while remaining uninterested in creating a path to Dominican citizenship for second-, third-, and even fourth-generation Dominicans of Haitian descent.

The nation’s failure to carry out a historical reckoning informed by the 1937 Massacre came to a head in 2013, when the Dominican Republic’s Constitutional Tribunal issued Ruling 168-13, which denied citizenship “to anyone born to undocumented residents.” The ruling disproportionately affected long-term Haitian residents and their Dominican-born children. In 1937, Haitians and their Dominican-born descendants were excluded from the Dominican border by the knife; today, they are excluded from the nation by the judicial pen. Ruling 168-13 — or *La Sentencia* — was (and is) discriminatory, despite the subsequent 169-14 Regularization Law that was created to soften the effects of the ruling.

In the wake of the 2013 ruling, members of the Dominican diaspora expressed solidarity with those most affected: Dominicans of Haitian descent. As Anthony Stevens-Acevedo, one of the main organizers of a November 2013 march in New York City, commented: “As foreign-born or foreign-raised Dominicans that have lived the immigrant life experience, in this case in the U.S., we

share the same existential circumstances of Dominicans born to Haitian immigrant parents in the Dominican Republic, and I felt we needed to support their right to a Dominican nationality.”

Today, an entire generation of Dominican and Haitian descent — both inside and outside of the Dominican Republic — are willing to remember and respond to the memory of this 20th-century crime against humanity in the Americas and its legacy. They are committed to undertaking the labor-intensive, transnational logistical work of organizing across borders. Organizations like ReconociDo, Mudha, Border of Lights, We Are All Dominican, Dominican@s por Derecho, Fundosalud, People’s Theater Project, Centro Bonó, Solidaridad Fronteriza, Mosctha, and Comunidad de Religiosas Hermanas de San Juan Evangelista work tirelessly and often in collaboration, advocating for a more just and equal society, irrespective of borders and nationality, but always underscoring how history and the lack of honest reckoning informs contemporary policies.

Edward Paulino is an Assistant Professor in the Department of Global History at John Jay College/CUNY and author of *Dividing Hispaniola: The Dominican Republic’s Border Campaign against Haiti, 1930-1961* (Pitt Latin American Series, 2016). He spoke for the Center for Latin American Studies and the International Human Rights Law Clinic on February 16, 2016.

A Border of Lights commemoration marches toward the river crossing in Dajabón.



Photo courtesy of Edward Paulino.



Photo courtesy of Senado Federal do Brasil.

A ceremony commemorating the abolition of the slave trade in Brazil's senate chamber.

RACE & ETHNICITY

The Limits of Inclusion

By Tianna Paschel

Over the last decades, we have learned a great deal about the ways in which class inequalities profoundly overlap with race in Latin America. In most countries in the region, Latin Americans of more notable African and indigenous descent fare worse than the rest of the nation on nearly every socio-economic measure including income, education, and health. They also have an abysmal share of their countries' political and economic power. In Brazil, where the most consistent and robust data on ethno-racial disparities exists, we also know that non-white Brazilians are more likely to be incarcerated and murdered by the police. These inequalities are undeniably linked to Latin America's legacy of colonialism and slavery, as well as the more generalized barriers to social mobility in these countries. Increasingly, studies on the region have likewise found that the persistence of ethno-racial inequality is also the reflection of ongoing practices of ethno-racial discrimination.

Yet, until very recently, state officials in Latin America had argued that the prevalence of race mixture, a tradition

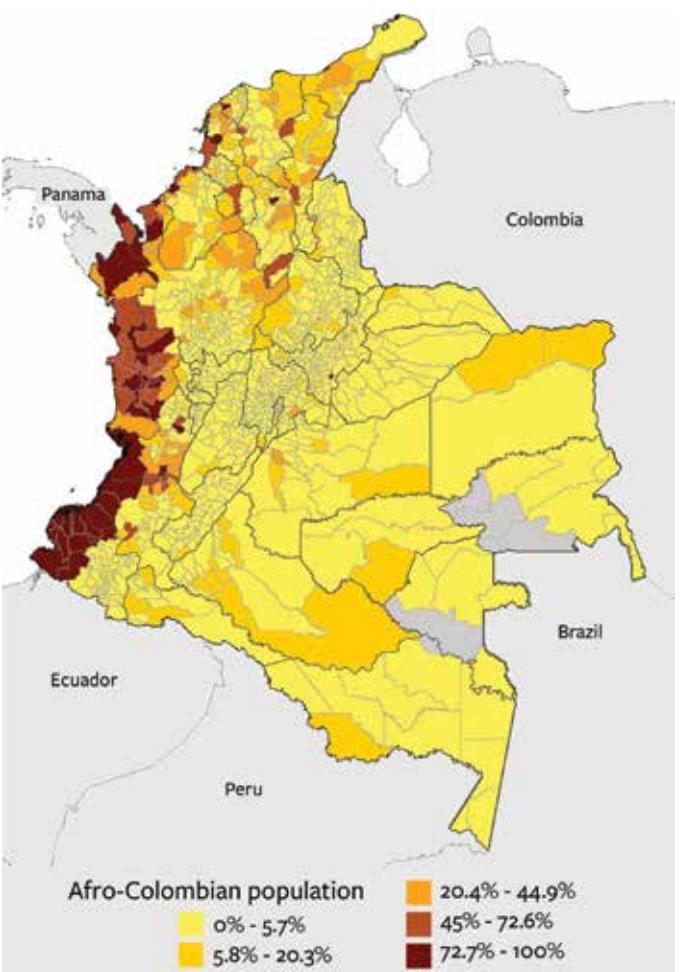
of colorblind legalism, and the lack of Jim-Crow-like laws restricting citizenship by race had effectively eliminated these countries' racial problem. A Colombian diplomat captured this idea well in a 1984 report to the UN Committee on the Elimination of Racial Discrimination (CERD): "The legal and social organization of Colombia has always guaranteed racial equality and the absence of discrimination [against] any element of the population." Similarly, in 1978, a Brazilian diplomat stated in a UN meeting that "even though there is a multiplicity of races that live within our borders, racial problems simply do not exist in Brazil."

State discourse changed dramatically beginning in the late 1980s, however, when Latin American governments ushered in a new wave of multicultural and antiracist reforms, evident in the shift in state discourse, legislation, and constitutional reform. While there had been a great deal of scholarly focus on the inclusion of indigenous rights in these new constitutions, much less attention had been paid to the arguably more surprising shift to recognize

the rights of the region's Afro-descendant populations. In 1986, Nicaragua became the first country to recognize the collective rights of black communities alongside the recognition of indigenous communities' rights. Over the next decade, a handful of other countries would follow, among them Brazil (1988), which included land rights and cultural rights for *quilombolas* (escaped slave communities) in its reformed constitution, and Colombia (1991), which recognized the rights of black communities on the country's Pacific Coast.

Along with this recognition came a plethora of unprecedented rights and policies relating to such issues as collective landholding, natural resources, alternative development, mandatory inclusion of black history in educational curricula, recognition of national holidays celebrating black history and culture, and more. In some countries, these changes also included the criminalization of racism, as well as affirmative action policies in universities, government jobs, and even in political office. Beyond recognizing the existence of populations of African descent, these laws institutionalized a collective legal subject that acknowledged the unique histories and experiences of people of African descent. These important symbolic victories also had material implications. In Colombia, ethno-racial rights led to the largest agrarian reform in that country's history, and today, about a third of Colombia's national territory is under collective title to indigenous or black communities. In Brazil, affirmative action in public education radically transformed the student bodies of the country's most prestigious universities in terms of color and social class. Perhaps because of these high stakes, the last decade has also been characterized by the rise of reactionary movements created to undermine ethno-racial rights.

In my book, *Becoming Black Political Subjects*, I examine the causes and consequences of Latin America's turn to ethno-racial rights, focusing specifically on black populations and on the cases of Brazil and Colombia. Those countries stand out as central examples within the region, not only because of the size of their Afro-descendant populations — first and second in Latin America, respectively — but also because they were among the earliest cases of black rights and adopted the most robust legislation. One of the main questions I ask in the book is: Why did the Colombian and Brazilian states go from citizenship regimes based on ideas of the universal and formally unmarked citizen to the recognition of black rights? I argue that in both cases, they did so in the face of pressure from black social movement organizations. However, while these movements were essential to the



The Afro-Colombian population is concentrated on the coasts.

making of black political subjects, they were actually small and under-resourced networks of activists. Activists who also had very few political allies and were unpopular with, and largely unknown to, the masses. In fact, social movement scholars might debate the extent to which they were "movements" at all. Even so, the story I weave together here is still fundamentally about how black social movements in Colombia and Brazil did succeed — against all odds — in bringing about specific legislation for black populations, as well as substantive changes in popular discourse. In addition to analyzing the strategies they used to achieve these ends, I also examine how their embeddedness in a complex field of local and global politics often blurred the very definition of social movement.

The adoption of specific policies for black populations in Colombia and Brazil was not simply a policy change; it amounted instead to a dramatic change in discourse of state institutions, as well as a transformation of the way that citizenship was defined in these countries. Nevertheless, it did not naturally follow that these political changes would actually matter in the lives of ordinary people in these countries. In both Colombia and Brazil, ethno-racial legislation had inherent limitations.

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There was also the notorious gap between laws on paper and actual state practices. In keeping with the popular Brazilian adage, “there are laws that stick and laws that don’t,” and the Colombian saying, “there are more laws than people,” the ability of legislation to transform daily life in these countries is viewed with widespread skepticism. All this begs the question: To what extent has the adoption of specific policies for black populations translated into real change on the ground?

In both cases, the implementation of ethno-racial legislation has depended heavily on the ways in which activists navigate their domestic political fields, including how they negotiate their newly gained access to the state. It is also profoundly shaped by the emergence of reactionary movements. Indeed, as the dominant classes became increasingly aware of what was at stake with these rights and policies — land, natural resources, seats in congress, and university slots that could maintain or secure one’s place within the middle class — they sought to dismantle them, sometimes through violent means. In both Colombia and Brazil, these dynamics of institutionalization and backlash are important to understanding the partial unmaking of black rights, in which black movement gains of the last few decades have remained on paper, were restricted, or were undermined entirely.

Colombia’s Law 70, or the Law of Black Communities (1993), has five substantive chapters, each focusing on a specific area: land; natural resources; ethnic education; mining; and social/economic development, each to be implemented through separate pieces of legislation. Yet, despite 20 years of promises by Colombian presidents, ministers, and directors of the Office on Black Communities, the chapters on ethno-education and territory were the only ones that had been implemented. Even in those areas, there were still serious limitations, including the fact that less than 10 percent of Colombia’s public schools had adopted the legally mandated curriculum on Afro-Colombian history and culture. In this sense, a number of key provisions in this legislation can be said to be *letal muerta* (dead law). The only silver lining has been Colombia’s record on land titling of rural black communities, which is impressive, especially when compared with Brazil, where efforts to recognize collective titles have largely been crippled. Even so, just as black communities were gaining collective titles, they found themselves having to respond to increased violence, illegal mining, environmental degradation, and forced displacement on those same lands.

In Brazil, the challenges around ensuring the exercise of newly gained rights and the implementation of ethno-racial

policies were similar, though somewhat distinct. The biggest failure of Brazil’s ethno-racial policies has been the titling of *quilombo* land. To date, only one million hectares (less than 2.5 million acres) of land have been titled to *quilombo* communities. To put this number in perspective, this land is only a fifth of the amount that the Colombian state has titled to black communities, despite Brazil’s much larger size, greater number of officially recognized *quilombos*, and greater state capacity. The degree of *quilombo* titling reflects ongoing debates within the Brazilian state over what a *quilombo* community actually is. Are they only communities that are the direct, and provable, descendants of runaway slaves? If former slave owners gave over their property to these communities, did the communities have to know this history? Did *quilombos* have to maintain cultural traditions to qualify for land rights? Just as in Colombia, the contestation over *quilombo* rights was also intrinsically linked to economic interest in this land.

In the wake of what were inevitably partial victories, what developed were entangled relationships between black movement actors and the state, as well as contentious debates within these movements over questions of authenticity, representation, and political autonomy. As many of the black activists who helped to bring about these important policy changes in these two countries spent the last decades fighting against state retrenchment, still others questioned the profound limitations embedded in Latin American states’ new ethno-racial policies.

One such organization is Brazil’s *Campanha Reaja ou Será Morto/Morta* (React or Die Campaign), a network of community-based organizations that emerged to politicize the deaths of black people and to expose police brutality and inequality in Brazil’s criminal justice system. While the organization began in 2005 in Salvador, it gained national and international media attention about a decade later with a number of marches against the genocide of black people. While the trend within the larger black movement had been working within state bureaucracies, *Reaja* was amassing thousands of protestors — first in Salvador and, later, in cities across the nation — who joined in marches against the extermination of black people. While racism in policing had been a historic banner of Brazil’s black movement, it was one of several central demands that never quite made it to the state’s agenda around ethno-racial inclusion.

These limitations have only been exacerbated in the current moment of profound economic and political change. Just as Brazil was impeaching Dilma Rousseff, the country’s first female president and member of the Workers’ Party, Colombia prepared for an unprecedented peace agreement to end more than 50 years of internal conflict with the FARC.

While Afro-Colombian activists effectively organized to include an ethnic chapter in the original peace accord signed in September 2016, their participation in the process deteriorated after Colombian voters voted “No” by a narrow margin in a national referendum. While a revised peace accord was eventually signed into law through congress, many of the agreements around Afro-Colombians and indigenous peoples’ participation have yet to be honored.

In Brazil, the highly politicized ouster of a Workers’ Party president whose platform included expanded racial equality policies and the subsequent downsizing and elimination of racial equality administrations within the federal government signals an end to the brief period of ethno-racial reforms in that country. In both cases, the parties that have led the movements against the expansion of social policy and further democratization have also led legislative efforts to get rid of ethno-racial legislation, including policies against collective ethnic land rights in Colombia and affirmative action in Brazil. All these political shifts and reconfigurations have direct implications on the future of ethno-racial rights and policies.

Throughout Latin America, countries have been experiencing the end of the so-called “pink tide” of democratically elected leftist administrations. It was under these administrations that many countries in the region saw unprecedented expansions in social welfare

polices and reductions of economic inequality. This end of leftist regimes — which only sometimes has happened through natural electoral cycles — has also come amid a global commodities bust that has led to the worst recession in decades. These are precisely the kinds of moments of political and economic transformations in Latin America that are all too often told as colorblind stories where the racial dimensions and implications of these shifts are downplayed or ignored. Though, as Latin American countries brace themselves for these transformations, it is important to remember the region’s ongoing struggles to meaningfully incorporate its most marginalized citizens, some of whom have quite literally been erased from the nation. Indeed, much like the previous period of constitutional reform decades earlier, this moment raises serious questions about the extent to which Latin American states can ever really deliver on the promise to build inclusive democracies, especially in moments of crisis.

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Brazil’s National March of Black Women Against Racism, Violence, and for the Good Life, October 2015.



Photo courtesy of UN Women.

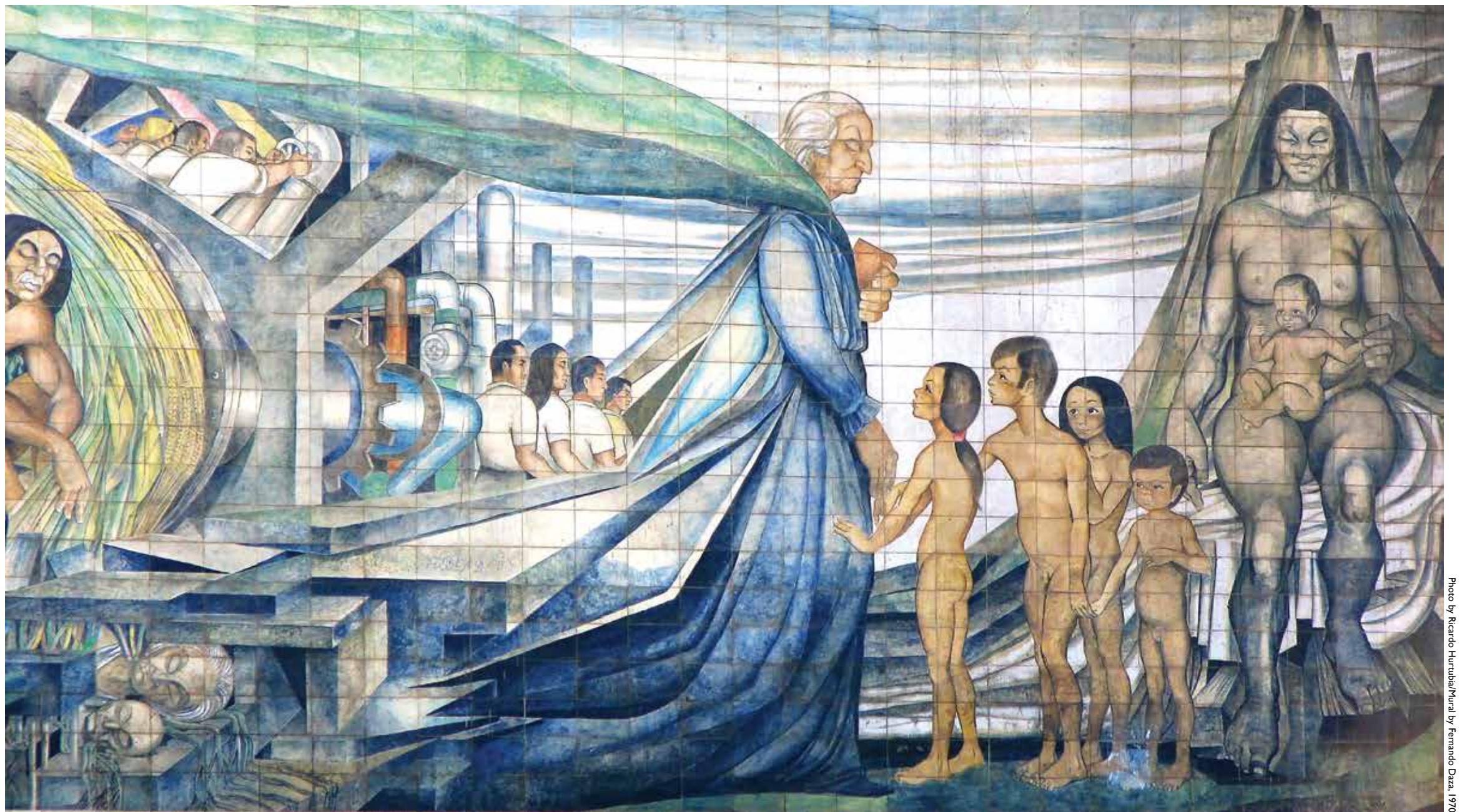


Photo by Ricardo Hurtubia/Mural by Fernando Daza, 1970.

Gabriela Mistral: Mother love and child care, but also death and economic justice.

POETRY

Beyond the Mythic Mistral

By Tara Phillips

For the better part of a century, Gabriela Mistral's poetry has been presented as (or imprisoned by) the characterization of the poet as a "teacher" and the "mother of America," but these designations may stem from the power of myths externally imposed on Mistral and her work. The power of those myths are, to be sure, due in part to the seeming simplicity of her poems themselves, which can lead us to consider only the poetry's surface levels, yet if we

linger and press further into her works, we find they offer a rich, complex yield of great and lasting poetic achievement.

Mistral won the Nobel Prize for Literature in 1945, becoming the first Latin American to receive the award. In her acceptance speech, she called herself a "daughter of Chilean democracy," honored to be put into dialogue with the admirable tradition of Swedish egalitarianism. The gesture not only expressed Mistral's gracious appreciation,

it also highlighted the poet's profound sociopolitical and ethical commitments, the subject that animated the UC Berkeley Center for Latin American Studies lecture presented in February 2016 by Professor Soledad Falabella from the Universidad de Chile. In "The Poetry of Gabriela Mistral: On the 70th Anniversary of her Nobel Prize in Literature," Falabella explored various themes manifested in Mistral's poetry, highlighting issues of human rights, gender, exile, and democracy. Professor Falabella invited readers to take pleasure in Mistral's work but to likewise perceive the multifaceted character lying just beneath the apparent ease and directness of her poetry. What emerges from such reconsideration is, Falabella emphasized, the poetic form's capacity to illuminate sociopolitical reality.

Gabriela Mistral was born Lucila Godoy y Alcayaga in 1889 in the remote Valle de Elqui, in the present-day Coquimbo region of Chile. In a time and place where it was common for men to travel for work in agriculture and mining, Mistral grew up in a family of women. Significantly, her maternal grandmother was literate and an endlessly engaged reader of the Bible who taught Mistral to recite its verses. This heritage might help explain Mistral's interest in the relation of poetic voice to oral and written language and her excellent ear for rhythm. Her sister, Emelina, was a teacher and another important figure to the young Mistral. Although she received little formal education, access to a culture of letters within the family was one of the fortuitous circumstances that marked Mistral's childhood.

In her early adult life, Mistral was a schoolteacher, but after 1922, when she was invited to work on education reform in Mexico, Mistral began to travel extensively throughout Latin America, Europe, and the United States, where she spoke at universities, was awarded honorary degrees, and served as Chile's first female diplomat. During this time, Mistral became deeply involved in issues related to human rights and the rights of children, especially after 1945. Although she returned to Chile only for short periods, Mistral's early life in Valle de Elqui and her relationship to the Chilean landscape and language (especially oral and biblical) and her contact with strong literate female figures continued to influence her poetic production.

Mistral was not known for being publicly outspoken concerning issues of gender and exile; however, these themes are conspicuous in many of her poems. Falabella cites "La extranjera" (The outsider), from the section titled "Saudade" — a Portuguese word designating, among other things, nostalgic longing — in Mistral's 1938 volume *Tala* (Destruction). In this poem, the speaker addresses a feeling that was, no doubt, the poet's own, as well. It is the sense of being an outsider in three intimate areas of life: language, landscape, and religion.

The poem begins with comments from the "foreigner" overheard by the speaker: "Habla con dejo de sus mares bárbaros / con no sé qué algas y no sé que arenas" (She speaks with an accent about her barbaric seas / with I don't know what kind of algae or sands). From this first line onward, the poem centers on language; what distinguishes the foreigner in the first encounter is her accent. Mistral herself may have felt keenly the difference between her Chilean Spanish and the more universally accepted accents of the other places she traveled in Latin America. Moreover, it isn't just that the poem's foreigner has an accent; her objects of conversation are

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distant and incomprehensible. The “seas” she talks about and the names she uses for the flora and landscape are unintelligible as well. The poem’s indication that such unintelligibility may be seen or heard as “barbaric” (from the Greek *bárbaros*, which later became the Latin *barbaricus*, one who speaks neither Greek nor Latin) suggests how powerfully linguistic difference may operate in the service of hierarchy and inequality.

The importance of oral speech surfaces, too, in the poem’s lines about the prayer: “reza oración a dios sin bulto y peso, / envejecida como si muriera” (She prays to God without volume or weight / decrepit as if she might die). Religion is another signature of difference. The foreigner prays to God in such different terms that He becomes unrecognizable to the speaker; He lacks the “volume” and “weight” to which the speaker is accustomed.

Related to the question of the exile’s identity is the connection to the land itself, which takes on meaning in and as language. To talk about a garden, as the poem does, is to conjure the whole tradition of Arabic, Greek, and Latin poetry, for the garden is typically the setting for the lovers’ rendezvous. Here, it becomes a place of difficulty and pain, where “cactus” and “clawed herbs” grow: “Ese huerto nuestro que nos hizo extraño / ha puesto cactus y zarpadas hierbas” (This, our garden that made us strange / has grown cactus and clawed herbs). The garden stands also as a metaphor for the foreign woman’s genitalia, which in this case is a place of discomfort and resistance. One thinks of what it meant for a woman to travel alone, as Mistral did, and to consider as well the part that gender and gender hierarchy play in travel, where one is no longer home, even in one’s own body.

A crucial tension between a poem’s speaker and the poet’s own biographical history frequently propels Mistral’s work. Falabella draws attention to “La bailarina” (The dancer), in the famous “Locas mujeres” (Mad women) section of *Lagar* (Winepress, 1954), where the poem’s speaker imagines how the act of dancing — like any activity in which one forgets oneself — frees the dancer from her various identities (familial, class, national, etc.). The movement of the dancer’s body parallels the poem’s own movement, with its constant change in perspective. At first, we observe the dancer from the third-person point of view. The verbs are in the present continuous, so it’s as if the action were happening before our very eyes: “La bailarina ahora está danzando” (The dancer is dancing now). Later, as readers, we enter the poem when the verbs shift to the first-person plural. We become one with the dancer, her breath becomes our breath, “somos nosotros su jadeado pecho, / su palidez exangüe, el loco grito / tirado

hacia el poniente y el levante” (We are her panting breast / her exhausted pallor, the mad cry / thrown to the West and the East). The breath of the dancer becomes our breath, not only as we identify with her, but also physically as we read the poem. This return to the breath also becomes a return to the word.

Another poem “A dónde es que tú me llevas,” from the posthumously published *Poema de Chile* (Poem of Chile, 1967), focuses on orality in a dialogue between mother and child that stands in for a social discourse about home and belonging. The two figures are on a journey, and the child complains that they have no place to call home: “O es, di, que nunca tendremos / eso que llamas ‘la casa’ / donde yo duerma sin miedo / de viento, rayo y nevadas” (Or is it, tell me, that we’ll never have / what you call ‘home’ / where I can sleep without fear / of the wind or lightning or snow). The mother converses with the child until the problem is resolved in the final stanza, where it’s revealed that the relationship between mother and child represents the struggle for the working men and women to provide a home for their families. The message is one of salvation:

Porque al fin ya va llegando
para la gente que labra
la hora de recibir
con la diestra y con el alma.
Ya camina, ya se acerca,
feliz y llena de gracia.

(Because at last it’s coming
for the people who labor
the time to receive
with the right hand and the soul.
It’s on the way, it’s getting near,
joyful and full of grace.)

The poem alludes to post-World War II Chilean agrarian reforms; the message is that there should be land for everyone without discrimination. This theme relates to Mistral’s lifelong concerns with human rights, which picked up pace in the late 1940s, when she was directly involved in the writing of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations on December 9, 1948, the day before the adoption of the Universal Declaration of Human Rights. Two other poems from *Poema de Chile*, “Reparto de Tierra” (Land distribution) and “Campesinos” (Farmers) also deal with land reform. The latter addresses intergenerational oral memory and explores how working the land without owning it is to labor in vain.

The relation between language and land also arises in the treatment of the indigenous Mapuche of Southern Chile. In the poem “Araucanos” (Araucanians), Mistral uses the now-antiquated term to name the people who were killed during the extermination programs that sought to “Chileanize Chile.” The Mapuche are strangely both absent and present, she writes:

Ellos fueron despojados,
pero son la Vieja Patria,
el primer vagido nuestro
y nuestra primera palabra.

(They were stripped,
but they are the Old Country,
our first cry
and our first word.)

The poem seeks to bring back the Mapuche by naming them: “Di cómo se llaman, dilo” (Say their name, say it). Later, the speaker asks us to participate in the naming and also recognize the damage done, “Nómbrala tú, di conmigo: / brava-gente-araucana. / Sigue diciendo:

Gabriela Mistral (right) at a meeting of the U.N. Commission on the Status of Women in New York, March 1953.



Photo by John Rooney/AP Photo.

cayeron” (Name them, say it with me: / brave-Araucanian-people. / Keep saying: they fell). The structure is one of doing and undoing the voice that normally names; the point is genuinely to bring things to life in the act of naming and to recognize and counteract prior histories of destruction. Once again, Mistral’s work shows itself to be more complex and committed than might have appeared at first glance.

On the 70th anniversary of her acceptance of the Nobel Prize, the work of Gabriela Mistral deserves our renewed attention. May we plumb the depths of her poems to discover, beyond their apparent simplicity, a deep engagement with and mastery of poetic form and a testament to Mistral’s commitment to the enduring social and ethical causes around which she built her life and her art.

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Deja caer todo lo que ella había,
padres y hermanos, huertos y campiñas,
el rumor de su río, los caminos,
el cuento de su hogar, su propio rostro...

De "La bailarina" de Gabriela Mistral

De *Lagar*, Santiago de Chile: Editorial del Pacífico,
Series Obras Selectas, v.VI, 1954.

Now the dancer lets it all fall away,
parents, siblings, orchards and idylls,
her river's murmur, the pathways,
the story of her home, her own face...

From Gabriela Mistral's "The Dancer"

From *Lagar*, Santiago de Chile: Editorial del Pacífico,
Series Obras Selectas, v.VI, 1954.



"Pléyades."
(Photo by Hernán Piñera.)