

FALL 2004

The WTO Cotton Case

By Simeon Tegel

Even an economic and political superpower like the United States will have to heed the recent World Trade Organization ruling that U.S. export subsidies to domestic cotton farmers violate international trade rules. Ignoring the judgment in the ground-breaking case brought by Brazil would damage the U.S.'s moral and political authority and the related enthusiasm of other nations to participate in further rounds of trade talks. "The leverage would be an unwillingness to negotiate seriously," said Daniel Sumner, the UC Davis economist who provided analysis to Brazil for the case, as he forecast that Washington would respect the WTO adjudication.

Professor Sumner was speaking at CLAS about both his involvement in the ruling and its broader implications. In September, the WTO panel, made up of independent trade experts from Poland, Australia and Chile, published their June adjudication which found that some of the U.S. cotton subsidies, which total approximately \$3 billion annually, exceeded permitted levels and thus contravened binding trade treaties ratified by the U.S. According to the ruling, Washington used "prohibited" financial supports that caused "serious prejudice" to Brazilian farmers by depressing world cotton prices and therefore the revenues of growers in Latin America's largest country.

Washington, which needed only to show that its policies were in line with WTO agreements rather than that they were "fair" to overseas

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A worker picks cotton on a farm north of São Paulo, Brazil. / Photo by AP Wide World.

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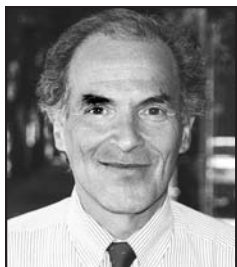
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Letter from the Chair

What's in a name? Enough that we've decided to change the name of this publication to "The Berkeley Review of Latin American Studies." Over the last several years the "CLAS Newsletter" has evolved into a review featuring original articles, photography and artwork and analyses of CLAS events. The unifying theme that still runs through the review is material reflecting our program and the research of faculty, students and visiting scholars.

In this issue, we have a strong focus on Latin America in the global economy. Our lead story discusses the important research of Daniel Sumner that underlies Brazil's case against U.S. cotton subsidies at the World Trade Organization. We follow with an original article by Ambassador Adolfo Aguilar Zinser on the lead-up to the war in Iraq at the United Nations. At the time, Ambassador Aguilar Zinser had a real insider's perspective as Mexico's representative to the UN Security Council.

Finally, Lovell Jarvis discusses the historic reforms that he feels have laid the basis for Chilean economic growth.

A number of articles highlight important transformations in Mexico. Sergio Aguayo looks at far-reaching changes concerning migration to the U.S. in "Zacatecas: A Mirror for the Future." Alex Saragoza discusses an innovative new research project on tourism in Baja California. And, Mariclare Acosta explores the tragedy confronting the women of Ciudad Juárez and the political failings these cases reflect.

Katherine Schlaefer's research on "Surviving in the Streets of Ecuador," underscores some of the powerful, original work funded by the Robert and Alice Bridges research grants for graduate students.

Finally, Juanita Pérez-Adelman provides a glimpse of the exciting paintings in her series *Markets* on exhibit at CLAS during fall 2004.

— Harley Shaiken

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The UN Knew Better

By Adolfo Aguilar Zinser



Photo by AP Wide World.

The war in Iraq was a mistake, Senator John Kerry maintained in the presidential debates, blaming President Bush for not telling the American people the truth about Saddam Hussein's weapons of mass destruction. Given the facts I witnessed at the United Nations, Kerry's criticisms of Bush are understatements.

The decision to go to war was indeed more than a mistake. The misleading accounts Mr. Bush, his top aides and his diplomats spread about Saddam Hussein's weapons of mass destruction and links to Al Qaeda were not simply the result of flawed intelligence; they were a gross attempt to fabricate a motive for war where one did not exist. Tragically, the result has been a near civil war situation and unprecedented terrorist activity that is transforming Iraq into a strategic trench for violent, anti-American Islamic fundamentalists.

If the weapons and the alleged threat were the real reason behind the Bush offensive in Iraq, then the U.S. would have gone to the UN to work genuinely in favor of a collective disarmament strategy. Moving in conjunction with inspectors,

supported by sanctions, and using decisive power and a credible military threat, the U.S. and the UN together would have fully dismantled Hussein's weapons programs and prevented them from being renewed. By assessing, with allies and friends, the predictable consequences of the use of force and listening to the cautionary views of Arabs, a monumental mistake would have been averted, saving thousands of Iraqi, American and other lives.

Instead, an important opportunity was squandered and the U.S.-led invasion of Iraq has opened a deep wound in the fragile relationship between the West and Islam.

George Bush brought his case against Iraq to the UN in September 2002. Instead of listening to other views and exploring other options, the U.S. scorned advice about the evident risks of going to war, walked away from collective agreements, revoked multilateral diplomacy and ridiculed the institutional capabilities of the UN. Regrettably, the U.S. ignored abundant information on the state of Iraq's weapons programs collected over 10 years by two UN

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U.S. Secretary of State Colin Powell holds up a vial that he said could contain anthrax during his presentation to the UN Security Council.

Zacatecas: A Mirror for the Future?

By Sergio Aguayo Quezada

The line for visas outside the U.S. embassy in Mexico.



Photo courtesy of Elizabeth Havice.

In order to understand Mexico, one must leave the capital. What factors have caused a poor, rural and conservative state, such as Zacatecas, to elect a woman who was a member of the Communist Party and also allow four of its migrants in the United States to participate in the government of the state? This is not a folkloric anecdote but a fact with profound implications.

Half of all Zacatecans have left for the United States. About 1.4 million (both native-born and descendants) live in the United States and, every year, 30,000 more join them.¹ A distinguishing feature of this group is their decision to exert influence on the matters of their native state. As a result, they have stimulated the economic development of Zacatecas with programs such as “Three for One.” In this program, the federal and state governments match the amounts contributed by migrants which, in 2003, meant a total of \$20 million dedicated to social and community projects.²

The Zacatecan migrants also have entered into political matters. They were among the many who asked the federal government to stop the extortion and poor treatment that they suffered when they returned home. This was the beginning of the Paisano Program. They also joined other organizations to demand the right to participate in political matters in their country and obtained the right to have dual citizenship. Since 1998, they have been fighting for the right to vote from abroad in the Mexican presidential elections.³

The possibility that Mexicans living abroad might vote in national elections has profoundly divided the political class in Mexico. The lack of consensus is due, in part, to the huge logistical problems associated with this issue. The demographer Rodolfo Tuirán estimates that 8.5 million Mexicans living in the United States would have the right to vote in the 2006 Mexican elections.⁴ How would they be registered if they

are not part of the Mexican census? How could the confidentiality of the vote be guaranteed? How would undocumented residents of the United States be certified?

Those who are opposed to this possibility also have their own political reasons. Although it is estimated that only between 125,000 and 1.1 million Mexicans would vote from abroad, if the election is very close the migrants' vote could decide the result. This would be intolerable to those who argue that the future of the country would be in the hands of those who no longer live there. It is clear that the opposition is influenced by considerations as practical as the fight for power. The presence of the different Mexican political parties in the United States varies greatly. The better-positioned parties are the Revolucionario Institucional (PRI) and the Revolución Democrática (PRD, while the strength of the ruling party, Acción Nacional (PAN), is much more modest.⁵

Since it is difficult to justifiably deny the vote, the opposition to it has been gradually decreasing. The Federal Electoral Institute has completed feasibility studies and several initiatives

have been developed, the most important of which was presented by the executive branch in June, 2004 ("Law to regulate the vote of Mexicans residing in foreign countries"). If this initiative is to become law, it must be approved during the fall of 2004, which at this time seems very unlikely.

While the arguments continue in the capital, in Zacatecas a law was approved that exceeded even international standards and allowed four migrants to be elected, on July 4 of 2004, to government positions: Andrés Bermúdez Viramontes, a.k.a. The Tomato King, and Martín Carvajal Martínez are the new municipal presidents of Jerez and Apulco, under the PAN and the PRD, respectively. Manuel de la Cruz Ramírez (PRD) and Román Cabral Bañuelos (PRI) were elected to two positions in the local Congress reserved by law for binational or migrant candidates. These unprecedented events have a history that deserves to be told.

In 2001, the Electoral Tribunal of the Judicial Power of the Federation annulled the victory of Andrés Bermúdez as municipal president of Jerez, creating a scandal. The reason given was

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Andrés Bermúdez, "The Tomato King," shows his thumb after casting his vote in Jerez, Mexico.



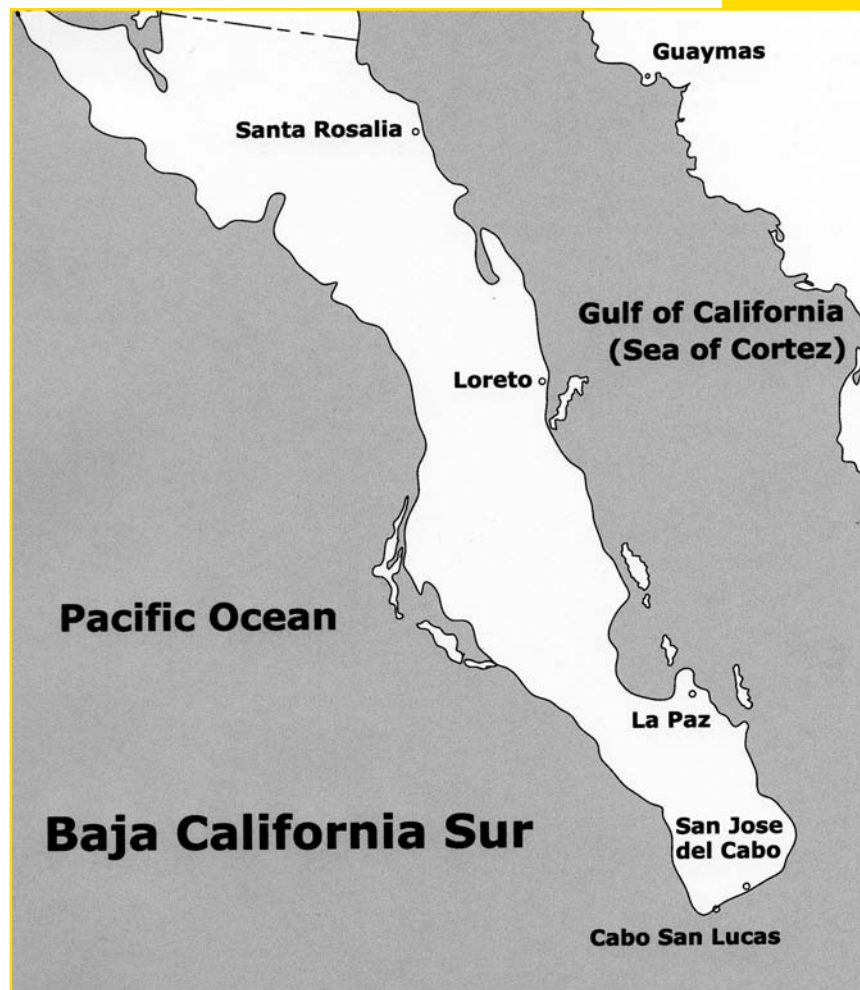
Photo by AP/Wide World.

In June 2004, the Mexican government's tourist development agency, FONATUR (Fondo Nacional de Fomento al Turismo), quietly announced its intention to cut back by nearly half its original plans for Baja California Sur. Unveiled with much fanfare in 2001, the multifaceted \$1.3 billion project was to span a number of sites primarily along the coastal areas facing the Sea of Cortez, also known as the Gulf of California. Named the *Escalera Náutica* (Nautical Ladder), the mega-project envisioned over 20 marinas, several beachside resorts and transportation improvements that would bring together a flow of tourists via sea, air and road. But, like the political fortunes of Vicente Fox, the enormously complex and costly plan has floundered.

The Nautical Ladder lavishly imagined wealthy boat owners cruising from one marina to the next, mega-resorts generating thousands of jobs for Mexican workers and tourists spending American dollars along a route from the border, through northwestern Mexico and over to the Sea of Cortez. The plan even called for a highway to transport yachts over the peninsula, slashing the sailing time for U.S. boaters to get from their home ports on the Pacific to the warm waters of the Sea of Cortez. It was a vision anchored in the economic expectations of a closer relationship with the U.S., but the Nautical Ladder concept also involved several other factors, including the historical precedents that buoyed the Fox administration's hopes for the large-scale expansion of tourist development. Yet, like that history, it is a story laced with political intrigue, dubious business dealings, social travail and unexpectedly nasty consequences.

Tourism and the Presidency

Vicente Fox is not the first Mexican president to promote huge tourist projects ostensibly to benefit the economy. The fact that the Nautical



Map courtesy of Alex Saragoza.

Ladder promised huge profits for the business allies of the occupant of Los Pinos is also no novelty. Indeed, much of the history of tourism in Mexico reflects the collusion between political and economic interests, as well as bloated profit projections, inept planning, shoddy construction, social dislocation and ecological disasters. It is an old story, perhaps best captured in the regimes of Miguel Alemán Valdés (1946-52) and Luis Echeverría (1970-76).

Early in his political career, Alemán understood the gains to be made from tourism. The astute political operator from Veracruz had only to look across the Gulf at Havana's thriving, gaudy nightlife, or at the wealth of well-connected politicians who controlled the vice-ridden Mexican towns along the U.S. border. As the secretary of Gobernación from 1940-46, Alemán inserted himself and his cronies into the embryonic development of the then sleepy, decrepit port of Acapulco. It was a dramatic shift from Mexico's previous tourism policies, focused on

The Nautical Ladder project aimed to develop tourism in Baja California Sur.

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Waiting for Justice: The Women of Ciudad Juárez

By Jason Cato



Photo courtesy of Jason Cato and Susie Hicks

Pink crosses memorialize the murder victims of Ciudad Juárez.

On October 13, 2004, bus driver Víctor García Uribe was sentenced by a Mexican judge to 50 years in prison for the murders of eight women from Ciudad Juárez. Their mutilated bodies were discovered in 2001 in a vacant lot in the gritty, sprawling, desert city next to El Paso on the U.S.–Mexican border. The prosecution of García Uribe, who insists he was tortured into confessing, followed an increasingly vocal international campaign against the Mexican authorities' failure to prevent or solve the city's decade-long wave of brutal murders of women. Has justice prevailed? Has the violence terrorizing Juárez since 1993 finally met the rule of law?

Mariclaire Acosta, Mexico's former Undersecretary for Human Rights and Democracy, argues that the violence plaguing Juárez is still far from being substantively addressed by the Mexican authorities. Since 1993, more than 340 women have been murdered, and hundreds more have disappeared. Many of

the recovered bodies bear marks of torture, rape and mutilation. Questions as to whether these acts are isolated events of domestic violence or systematic serial killings remain unanswered. Given the brutality and scale of the murders over the past 11 years, the Mexican government's belated response has been nothing short of a scandalous embarrassment in what has become an internationally recognized human rights crisis.

Yet amid the apathy and botched investigations that initially marked the official response, fear has transformed into anger, and anger into hope, as thousands of women and men in Mexico, the U.S. and the international community mobilize to stop the murders. Many have been asking for some time now: Why Ciudad Juárez? Who is doing this? How, and under what conditions, does this happen? Why are poor, young women, many of whom work in the *maquiladoras*, targeted?

The violence against women in Juárez cannot be understood apart from the extreme social and economic inequalities of the intimidating,

industrial city.

Ciudad Juárez boasts 1.3 million inhabitants and has long been important to Mexico's economic development. But Juárez has also been cynically referred to as the "laboratory of our future." A whistle-stop tour of the city reveals extreme social fragmentation, economic hardship and institutional failure. The Border Industrialization Program (BIP) initiated in 1965 and the North American Free Trade Agreement (NAFTA) of 1994 promised Mexico the opportunity to develop into a first world nation by embarking upon economic programs of free trade and export-led industrialization. Instead, the BIP has turned Mexico's northern border into an export-oriented enclave of high tech plants and low-wage labor. And the economic restructuring in the wake of Mexico's 1982 debt crisis and NAFTA have ravaged Mexico's agrarian sector, forcing hundreds of thousands of peasants into the cities or towards the United States in order to survive. Those who are unable to cross successfully fill the cities of Mexico's industrial north, creating additional stress on an already neglected and over-burdened infrastructure.

The unprecedented population explosion acutely affects Juárez. The city has been a key destination for migrants throughout Mexico seeking opportunities either in the maquiladoras or in the U.S. As much as one-third of the city's population is made up of migrant women from rural Mexico and Central America. Such rapid demographic shifts and industrial development reveals a landscape of great wealth — showcased in the gated industrial parks — juxtaposed with extreme poverty.

Makeshift neighborhoods constructed largely out of refuse from the maquiladoras pock the hills and sprawl outward into the desert. Many lack running water, waste treatment facilities and electricity. Acosta noted that approximately 50 percent of the city's streets remain unpaved, and there is an 80 percent deficit in parks and other recreation areas. 200,000 families live in areas defined as high-risk zones. Chinese industrial competition and economic recession in the U.S. have severely affected employment. Between 2001 and 2003, unemployment levels went from 85,000 to 200,000. The majority of the maquiladora workers are young women, a situation that has transformed the traditional roles of women in the family. The breakdown of

traditional gender roles factors strongly into the spread of domestic violence, Acosta said.

Ciudad Juárez has also been the seat of one of the most powerful Mexican drug cartels for many years. In addition to massive drug consumption and addiction, many forms of organized crime such as gun-running, migrant-trafficking and child prostitution abound, feeding social disintegration. These intersecting forces have deeply affected state institutions as corruption penetrates almost every level of society and ensures that impunity triumphs over the rule of law.

"Violence," Acosta noted, "is the predominant form of social relations." Whether the result of isolated events of domestic violence or serial murders, a structural climate of extreme inequality, poverty and marginalization has enabled femicide to occur and continue with impunity.

According to Acosta, the response of the local authorities has been denial and trivialization, and at the federal level there has prevailed a general aversion to a situation often discounted as a "local problem." Local authorities initially dismissed the outbreak of murders in 1993. Only after enormous public pressure did they investigate. However, the investigations were poorly executed as prosecutors indiscriminately lumped together many different types of cases. Only 12 alleged killers have been convicted for 22 cases, said Acosta. Sketchy evidence and reports documenting the coercion and torture of suspects throw serious doubt on the validity of those convictions. Documented cases also show that the local government persecuted civil society groups to subvert organizing efforts.

The mothers of the victims and numerous civil society groups have countered the lack of any serious institutional response by the Mexican authorities. Years of mobilization have succeeded in bringing international attention to Ciudad Juárez, including special rapporteurs from the Human Rights Commission of the United Nations, members of the U.S. Congress, the Inter-American Human Rights Commission, Amnesty International and the AFL-CIO. After this international pressure, the national government appointed a federal prosecutor to investigate the murders and a special commissioner to prevent further killings. Both have resulted in an April 2004 report calling for the investigation of numerous officials, said Acosta.

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Waiting for Justice

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Civil society continues to pressure the governments of both the U.S. and Mexico and to mobilize awareness within and across national borders. Local NGOs carry on organizing services aimed at alleviating cycles of poverty and marginalization. Artists and activists have produced an enormous body of work protesting the gender violence in Ciudad Juárez. Notable among them is *Senorita Extraviada*, Lourdes Portillo's gripping documentary of the murders, which has been viewed across the United States and Mexico. The play *The Women of Juárez* is currently showing in Los Angeles' Frida Kahlo Theatre and the film *The Virgin of Juárez*, starring Minnie Driver, nears completion. In El Paso reporter Diane Valdez will be releasing her book *Harvest of Women* in the next year.

These collective works are testimony to the hope and the power of civil society to address the gaps left by inept governance. They urge us

not to forget, however painful it is to remember, and to bear witness to a tragedy that awaits truth and justice. But the onus is on the Mexican state and federal governments to act. Until they take seriously the murders of the women of Juárez, the violence is unlikely to abate.

Mariclaire Acosta Urquidi is the former Undersecretary for Human Rights and Democracy in the Secretariat of Foreign Relations Office in Mexico. She is currently a visiting professor at the Center for Latin American Studies at UC Berkeley. She spoke at Moses Hall on October 13, 2004.

Jason Cato is a graduate student in the Department of Ethnic Studies.

Graffiti reads: "The crimes of Ciudad Juárez deserve to be punished."



Finding Matías

By Claudine LoMonaco

Three lines in a coroner’s report had taken me all the way down to Agua del Espino, a tiny Zapotec village in Oaxaca, Mexico. I’d come to track down the life of a dead man. But things weren’t going the way I’d planned.

Matías Juan García Zavaleta died of dehydration in the Arizona desert. He was one of more than 300 migrants who died trying to enter the United States in 2003.

I’d covered many of those deaths as a reporter in Tucson. But I knew so little about any of them. Many were anonymous. Scattered bones bleached under the blazing desert sun. With each story I asked myself who these people were. What would compel them to walk across a desert? Who did they leave behind?

My friend, Mary Spicuzza and I decided to make a documentary and try to answer those questions for at least one migrant. We drove to Arizona from Berkeley, where we were both graduate students, to search through files at the Mexican Consulate. We were looking for a *campesino* with a work history in California. More than anything, we needed a survivor. Most migrants die alone or are quickly abandoned by their groups, but we needed someone to tell the story of what happened. It would probably have to be a family member. Who else would risk appearing on camera?

After searching through more than 200 cases, we finally found it. Matías García had tried to cross with a brother en route to California. The brother survived and was deported. That’s all we knew. But it was enough.

Half an hour later, I was on the phone with Isidra, Matías’ widow. The next week, I was on a plane to Oaxaca to pre-interview and scout out locations. Mary would join me a few days later. Brent MacDonald, our main cameraman, would come down a couple days after her.

From Oaxaca City, I took a bus south to Ejutla and then hopped on the back of a pickup truck. The dirt road to Agua del Espino winds through rolling fields covered in cornstalks. Cactus and agave dot the landscape. Mountains rise in the distance.

After half an hour, the pickup pulled into a dirt yard. Matías’ father, the Señor, was unloading baskets of dried beans from the family’s donkey.

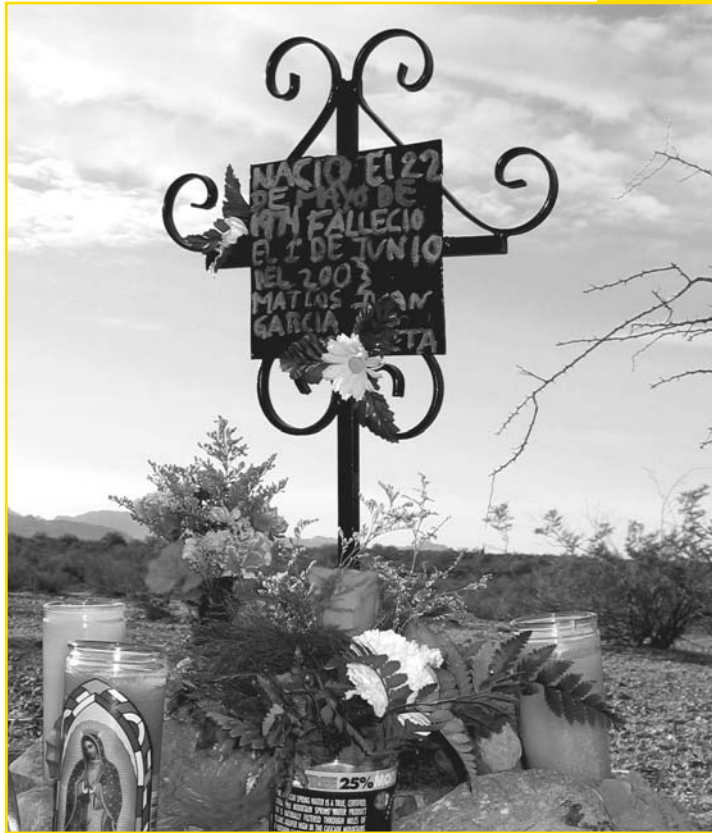


Photo courtesy of Dan Krauss.

He helped me down and shooed away the chickens that had begun to peck at my feet. His wife, the Señora, came out of what looked like a little bamboo house, wiped her hands on her apron and greeted me. Her long, black hair was pulled into a ponytail. She offered me a chair in the shade.

I introduced myself and explained our project. They seemed confused — “I’m sorry. Tell me again. What is it exactly you want to do with our son?” — but welcomed us into their home nonetheless. Within a couple of hours, I’d met the rest of the family: Isidra, Matías’ two small children, Juan and Elias, his sister Lupe, and sister-in-law Laura. By the end of the day, I still hadn’t met the brother, so I asked.

“Serafin?” the Señora asked. “He’s in California.”

“But I thought Isidra said he was here,” I stuttered.

“Oh, no. He’s up north, but we don’t know where. We haven’t talked to him in months.”

My heart stopped. I suddenly envisioned me

Matías’s family gave the author a cross and a container of water to mark the spot where he died.

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Finding Matías

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and Mary driving up and down the coast of California searching migrant camps for a five-foot tall Zapotec Indian named Serafin. It was crazy, but what choice did we have? With no Serafin, we had no documentary. It was too late to turn back.

I spent the next couple of days trying to get a sense of life in Agua del Espino. In the morning, I'd go out to the field and pick beans with the Señor and Matías' sister. We'd come home, eat a bowl of black beans, and then I'd speak with neighbors, or play with 8-year-old Juan and 4-year-old Elias. Elias was too young to understand about his dad and used to ask Isidra when he was coming home.

In the evening, I sat in the kitchen while the women worked, stirring huge pots of boiling *masa* for tomorrow's tortillas. A couple of light bulbs hanging from the pitched tin roof lit up the bamboo walls. A baby goat grazed the dirt floor for stray corn kernels.

The first night, I pulled out a book I'd almost finished and began reading. Serafin's 17-year-old wife Laura asked me about it. It was *The Short Sweet Dream of Eduardo Gutierrez* by Jimmy Breslin. I told her it was about a young Mexican migrant like Matías, only he'd gone to New York City.

"Why don't you read it to us?" she asked.

"Well, it's in English, but I guess I could translate," I said.

The women gathered around me and I read the parts I thought they would like, about Eduardo Gutierrez's family and little hometown. They loved it. They hooted and hollered and giggled when I read about his *novia* and how she made him blush, and they fell silent when I read about him leaving home.

At some point, the Señora stopped me.

"Is this what you want to do with Matías?" she asked.

"Yes," I said. "This is exactly what we want to do."

"Oh," she said. "Now I get it." Her dark eyes lit up and she broke out into a big smile. "Please! Continue!"

I read on. The next night they asked for more. It became like a *telenovela*, or Mexican soap opera. Every night, another chapter.

They were excited about the documentary now and told me more about Matías's life. How he

was the oldest of five children and left school when he was 8 to help his father in the fields. How he'd built the family's little row of concrete bedrooms with money he'd earned in the north. About how all the men in the village would leave each spring but come back each fall, because they loved Agua del Espino. It was their home.

And they asked more about the project. I told them how we wanted to retrace Matías's journey from the village to the desert and then continue up to California.

"Are you going to the exact spot where he died?" his mother asked.

Yes, I said. That was our plan.

"I was wondering," she said, speaking slowly, "because, sometimes I think his spirit is still there. We put water out for him on the shrine here, but I don't think he can get it because he comes to me in my dreams. 'Mama,' he says, 'I'm thirsty. Do you have any water?'"

She looked at me.

"When you go there, do you think you could do me a favor? Could you put out a glass of water for him? I think that might help."

At that moment, I knew the project would work out, whether or not we found Serafin. We'd left the world of faceless statistics long behind, and entered a realm in which the dead talked to the living, and spirits crossed borders that humans constructed, *papeles o no*. I knew that somehow we would have a documentary.

"Yes, of course," I replied. "It is the least we can do."

The next night, I picked up Mary in Oaxaca City. Monday morning, we arrived back in the village to film a mass for the six-month anniversary of Matías's death. Afterwards, the Señora took me and Mary by the hand. "Come on," she said. "We have to go to town."

We didn't know why we were going, but we hopped on the back of a pickup truck with her and headed down the winding road. She took us to a call center in Ejutla. She preferred calling from there, because they had private phone booths. On the village phone, everybody could hear your business.

She disappeared into a booth. We could see her through the window talking. After a few minutes, she opened the door and handed me the telephone.

"Here," she said. "It's my son, Serafin. He wants



Photo courtesy of Dan Krauss.

to talk to you.”

It turns out they’d known where Serafin was all along. He was picking grapes in the same Central Valley town Matías had worked in for the last ten summers. What they didn’t know when I first arrived was anything about who we were. We could have been undercover *migra*, or immigration agents, for all they knew.

I talked to Serafin, and when we returned to the States we met with him. He told us about how much he loved his older brother and how they entered the desert together to make a better life for their family. They walked for a day and a half in 104-degree heat. And then, Matías collapsed and began to convulse. Serafin and a cousin carried him for hours. In total, they walked 32 miles. Matías finally died in Serafin’s arms 40 yards away from the highway they’d hoped would carry them to California.

The same day, 18-year-old Serafin was deported to a nearby border town. He rested for one night, and then crossed back over the border again. He told us he had little choice. Who would take care of his family?

Back in the village, we began filming interviews. Matías’s uncle told us that in the 1950s, recruiters from the U.S. Bracero program had come to the village and promised them good jobs if they’d work in the north. The program, and papers, ended in the ’60s. But U.S. farmers still wanted their labor, and Oaxacan men still

wanted the work. For decades they used to easily cross through Tijuana. He said all that changed in the mid 90s when the U.S. clamped down on the Tijuana border. Men kept going north, but now they had to cross through the desert. Since the United States changed its border policy, more than 3,000 people like Matías have died trying to cross.

On our last day in the village, the women in the family loaded us up with food for the road: homemade tortillas, roasted pumpkin seeds, fresh salsa. The Señor brought out a large, angular package. Inside was a metal cross. It read “Matías Juan García Zavaleta. May 22, 1974–June 3, 2003.” He asked if we could plant it in the ground where Matías died.

Then the Senora came and took my hands.

“Thank you,” she said. “Thank you for coming. We never imagined anybody from *el norte* would ever care about us.”

“No,” I said, dumbstruck. “Thank you. It is an honor.”

The pickup truck pulled into the yard. The chickens and turkeys scattered. We loaded our gear in the back. It was time to go.

Claudine LoMonaco is a correspondent for *Frontline/World* and recently received her master’s degree from the Graduate School of Journalism at UC Berkeley.

The Arizona desert where Matías died.

Out of the Shadows?

By Jason Cato

In a speech on January 7, President Bush made strong overtures to the Latino community as he discussed the importance of bringing immigrants out of “the shadows of American life” where they are “often abused and exploited.” He outlined a temporary worker program that would allow migrants to enter the U.S. safely and legally for a period of up to six years but would not offer a path toward earned citizenship or address the problems faced by “temporary workers” who set down roots in the United States. However, even this limited proposal has stalled in the climate of an election year.

Historically, the U.S. has vacillated between desire for cheap immigrant labor and reverence for its heritage as a “melting pot” nation on the one hand and fear of immigrants as a threat to the national cultural fabric on the other. The historic dilemma regarding the place of immigrants in the culture and economy of the

U.S. is currently being negotiated in a complex political climate, drastically redefined in the aftermath of Sept. 11.

This context framed the key questions discussed in the U.S.–Mexico Futures Forum panel “Perspectives on Immigration.” What type of immigration reform is likely in the near future? How will the diverse sectors of U.S. society negotiate issues such as regularization, guest worker programs and changing demographics in a period when the domestic policy agenda continues to be dominated by security issues?

Immigrants have become extremely vulnerable since Sept. 11, especially when politicians exploit the new security climate to undermine statutory rights, said Lucas Guttentag, Director of the ACLU National Immigrants’ Rights Project. A key issue of contention is access to courts. “Rights on paper are meaningful if they are enforceable via courts; but without court access, there are essentially no rights in practice,”

Sen. Gil Cedillo, second from right, celebrates the passage in the Assembly of his bill allowing undocumented migrants to apply for driver’s licenses.



Photo by AP/WideWorld.

Guttentag said. The attack on immigrants' access to courts appeared in several newly proposed bills that would increase the state's powers to detain and would give the Department of Homeland Security absolute power to revoke nonimmigrant visas and execute deportations without any meaningful right of appeal, essentially wiping out court access.

Yet, despite the political transformations in the wake of Sept. 11, immigrants — and Latinos in particular — are redrawing the political map as organizing efforts significantly increase voter registration and expected turnout, said Maria Echaveste, former Deputy Chief of Staff in the second Clinton Administration. This surge in mobilization began in the wake of anti-immigrant legislation in the mid-1990s. Amid a context of economic recession, immigrants were increasingly scapegoated for the travails of a beleaguered citizenry. Blamed for taking much-needed jobs and burdening U.S. taxpayers, immigrants became ensnared in a host of policy initiatives at local, state and national levels. California's infamous Proposition 187, for example, sought to deny undocumented immigrants access to public resources. And in 1996 several pieces of legislation had dire consequences for immigrants: The Illegal Reform and Immigrant Responsibility Act stripped away basic rights and facilitated deportation by eliminating the rights of appeal, while the Welfare Act denied rights and benefits to noncitizens, including long-term legal immigrants.

Now demographic trends could put significant immigration reform back on the national agenda. For example, in 2000, California became a majority-minority state, portending important yet uncertain consequences in the state's electoral arena. That demographic reality is increasingly being mirrored across the U.S. as politicians from both of the main parties go out of their way to woo the Latino vote.

What issues might immigration reform be likely to address? According to several panelists, a central issue is labor in the agricultural sector. "The farm workers of tomorrow are growing up outside the U.S.," argued Philip Martin, Professor of Agricultural and Resource Economics at UC Davis. With an agricultural

industry that employs an average 2.5 million workers per year, key questions are from where and under what conditions will new workers come to the U.S.?

Professor Martin outlined three main options. First, the guest worker program, already proposed by the Administration, enables workers to labor in the U.S. temporarily. In order to discourage settlement, this program would include various incentives for migrant workers to eventually return to their sending country. The second option is blanket legalization. In the past the U.S. has implemented two types of legalization based upon either length of residency or employment in farm work. Yet in the current climate the possibility of legalization is virtually nonexistent, said Martin, and would require many stringent provisions not seen in the policy of the 1980s.

"Earned" legalization is the alternative that has advanced the farthest in Congress, according to Martin. This proposal enables migrants to gain legal status according to the length of time they have worked in the U.S. The key problem immigration reform needs to address, argued Professor Martin, is "how to benefit documented and undocumented individuals already in the U.S. without getting into the same situation in several years."

Whichever form future immigration policy assumes, panelists agreed that it would continue to be a vital question for the future of U.S. democracy. How the U.S. chooses to handle immigration will have profound implications for society and the economy in coming years.

"Our commitment to immigrants is a measure of our commitment to democracy," California Senator Gilbert Cedillo (D-Los Angeles) declared. Yet serious, rational debate is stymied by right-wing control of mainstream U.S. media. Substantive discussion requires leadership and organization to meet the sustained challenges of xenophobia and nativism. While the prosperity of both California and the nation is dependent upon the social and economic contributions of immigrants, for many Americans, immigrants are viewed as "the enemy." Californians in particular display "schizophrenic" attitudes toward immigrants. On the one hand, the state economy is driven by immigrant labor, Cedillo

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Out of the Shadows?

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Photo courtesy of Jason Cato and Susie Hicks.

Artwork found on the border fence in Nogales, Sonora combines modern icons and Aztec symbolism to depict migrants fleeing the Border Patrol.

said. Over 90 percent of California’s field workers are immigrants, more than half of whom are undocumented. On the other hand, immigrants in California, and in the U.S. more generally, face enormous economic and cultural obstacles ranging from economic exploitation to social marginalization.

“This is about a crisis of leadership,” argued Senator Cedillo. “Are we willing to accept this challenge? Do we have the leadership? We must seriously discuss the core issues.”

The fate of immigrants is key to the future of U.S. democracy. Once the government attacks the rights of the most vulnerable, the potential for a spill-over effect endangers the civil and human rights of all, including citizens. The present Administration has clearly demonstrated a willingness to erode civil liberties and target immigrants under the banner of anti-terrorism, said several panelists. Despite the many challenges that remain, Senator Cedillo urged people to get involved: “The capacity to influence the political

process exists, and people should utilize the opportunity.”

The U.S.–Mexico Futures Forum panel “Perspectives on Immigration” was held on October 21, 2004. Panelist were: Maria Echaveste, former Deputy Chief of Staff in the Clinton Administration (1998-2000) and current lecturer at Boalt Hall School of Law, UC Berkeley; Lucas Guttentag, Director of the ACLU National Immigrants’ Rights Project and Lecturer at Boalt; Philip Martin, Professor of Agricultural and Resource Economics, and Chair of the UC Comparative Immigration and Integration Program, UC Davis; and Gilbert Cedillo, California State Senator (D-Los Angeles).

Jason Cato is a graduate student in the Department of Ethnic Studies.

Chilean Growth Rooted in Historic Reforms

By Thad Dunning

How has Chilean agriculture, once a relatively stagnant sector in which large landowners held inefficient and unproductive wheat and livestock farms, become a dynamic and technologically-sophisticated exporter of fruit and wine?

Lovell “Tu” Jarvis, Professor of Agricultural and Resource Economics at the University of California, Davis, argued that a key to answering this question lies in understanding the interactions between the land reforms that began in Chile in 1965 and the broader economic reforms undertaken after the country’s military coup in 1973. “Chile is unusual in that it carried out two major reforms, originating from very different ideological perspectives, in the last forty years,” Jarvis said. “Both reforms had positive effects on Chile’s agricultural sector.”

Land Reform

The first set of initiatives to affect agriculture

included the land reforms begun under Christian Democratic President Eduardo Frei in 1965 and extended under Socialist Salvador Allende, who was President from 1970 until the military coup of September 11, 1973. In 1965, 55 percent of Chile’s agricultural land, measured by productive capacity, was held by about 5,000 large farms, while the remaining 45 percent of land was held in 238,000 smaller farms. This highly skewed distribution of land was progressively reduced under the Frei and Allende administrations. Between 1965 and 1973, around 43 percent of Chile’s land, including many of Chile’s largest farms, was expropriated. Often, there was some form of payment to the owners. This, however, frequently took the form of long-term government bonds that were not inflation-indexed and that therefore lost value over time.

Although Augusto Pinochet’s military government, which ruled from 1973 to 1990, continued on next page

Wine-making in Chile has grown increasingly efficient in the last 40 years.



Photo courtesy of Marc Schenker, M.D., UC Davis

Chilean Growth Rooted in Historic Reforms

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partially reversed some of the land reforms, it also maintained an important process of land redistribution after it assumed power. After 1974, around 57 percent of previously expropriated land was distributed to approximately 50,000 land reform beneficiaries, while 28 percent of the expropriated land was returned to previous landowners and the remaining 15 percent was retained by the government or auctioned off. In total, an amount equal to about 25 percent of Chile's land was redistributed to land reform beneficiaries. Still, Jarvis said, land reform fell far short of "creating a class of viable small-scale farmers." In part, this was due to the military government's failure to provide reasonable operational assistance to the land reform beneficiaries. In part, it was due to the effects of both the fruit export boom that began in Chile in 1974 and a second set of reforms, the economic reforms adopted by the Pinochet regime.

Economic Reforms Under Pinochet

Chile's boom in exported fruit, which has taken advantage of Chile's location in the Southern Hemisphere to supply Northern markets counter-seasonally, "resulted in a dramatic increase in the scale of efficient operating agricultural enterprises, which required managerial skills" as well as financial training to manage. In 1965, however, only 3 percent of permanent-resident farmers were functionally literate. "At the time expropriation took place," Jarvis said, former resident farmers "were not prepared" for the management tasks with which they would be confronted.

Many beneficiaries of the land reform, in fact, sold the land they had received. Around 40 percent had done so by the early 1980s, and nearly 100 percent in many areas of central Chile by the 1990s. The result, Jarvis said, was a tremendous increase in the liquidity of the rural land market, which would bring marked changes to the Chilean agricultural sector. Land reform increased the number of lots available for purchase, while the dismissal under Pinochet of many adult laborers previously resident on the massive farms disrupted the traditional rural employment system and created a mass of landless wage laborers. Macroeconomic reforms, meanwhile, cheapened some agricultural inputs, and new technologies began to appear in the

wine and fruit sectors.

The eventual effect, Jarvis said, was a takeoff in agricultural productivity, as new owners brought entrepreneurial attitudes and heightened profit-making incentives to bear on their agricultural activities. Rural land prices boomed. Although agricultural value-added declined during the two macroeconomic crises of 1975-76 and 1982-83, it grew at an average rate of more than 4 percent from 1974 to 1999 — much more rapidly than the long-term agricultural growth rate of 2 percent prior to 1965.

Chile's agricultural output mix also changed markedly, away from a rural economy initially dominated by cereals, livestock, legumes and oilseeds produced for domestic consumption. Fruit production rose from five to 30 percent of agricultural value-added. Wine-making took off a few years later. While the total hectares devoted to winemaking remained relatively constant, yields and quality increased markedly as more efficient productive techniques were introduced. In 1965, the Ford Foundation financed a 10-year agreement between the University of California and the University of Chile to provide graduate training for Chileans and faculty research exchanges. Under this program, Chileans sent a large number of students to UC Davis to specialize in the agricultural sciences, particularly those related to fruit and wine production. Upon returning to Chile, these graduates established teaching and research programs that provided the scientific knowledge that allowed the fruit sector to progress technologically. Thus the "Davis Boys" (though less well-known than the "Chicago Boys," the University of Chicago-educated economists who planned Pinochet's macroeconomic stabilization and liberalization policies) were especially important in providing access to fruit production and post-harvest technology. This technology was essential to the ability of new entrepreneurs — whose entry into the sector had been paved in the first place by land reform — to export high quality fruit to Northern Hemisphere markets.

The broad economic stabilization and liberalization program pushed by the Pinochet government also had some important effects on boosting productivity and trade in the agricultural sector, said Jarvis, whose *Chilean Agriculture under Military Rule* is one of the best-

known books on the subject. The government carried out economic reforms according to its design for the whole economy, which was a change from a historical pattern in which agriculture received various targeted forms of protection. With a few exceptions — for example, the Pinochet regime enacted a subsidy for the forestry sector, which played a role not only in enriching a small number of politically-connected investors but also in stimulating a sector that subsequently became an important source of export growth — the government removed price controls, liberalized the external economy and dismantled agricultural input tariffs. Despite the painful process of adjustment this prompted, Jarvis said that Chile was able over the medium-term to develop new kinds of comparative advantages. The creation of a class of skilled agricultural workers, which was the result of a Pinochet-regime policy that gave landlords incentives to hire temporary rather than permanent workers and had a harsh social impact initially, ultimately also had an effect in boosting labor productivity, particularly as workers were frequently paid on a contract or piece rate instead of wage basis.

The Pace and Sequencing of Reform

Jarvis presented his material as descriptive evidence defining a series of hypotheses that remain to be tested. Nonetheless, some intriguing causal ideas emerged from his discussion. One concerns the importance of the fortuitous sequence in which the reforms were adopted. The fact that land reform preceded the adoption of liberalizing reforms in the countryside was particularly important. Had the order been reversed, Jarvis said, traditional landowners would have been the beneficiaries of any rise in the value of land that occurred as a result of opening the economy to new technologies and cheap agricultural inputs. The traditional elite might then have used its political power to block the adoption of further procompetitive policy, and new entrepreneurs might not have been attracted to the sector.

Another idea concerns the importance of the temporally-extended nature of the reform “success,” which is only apparent in hindsight. In the aftermath of the Pinochet coup, the positive effects of the regime’s agricultural policies were not immediately obvious. Agricultural value-added only grew at the moderate annual pace of 2 percent during the first decade following the



Photo courtesy of Marc Schenker, M.D., UC Davis.

coup, and at the time Jarvis predicted that slow growth would continue. “I was wrong,” he said.

Finally, Jarvis discussed the relationship between the military regime’s tough-fisted approach to economic reforms and what might have occurred under a continued Chilean democracy. Pinochet, despite the egregious human rights abuses associated with his regime, has become something of a hero in some economic policy circles; Chile’s recent economic success, at least relative to much of Latin America, has been credited to Pinochet’s early and firm support for what later came to be known as the neoliberal model. Jarvis noted that Pinochet-era economic reforms “have been embraced, fine-tuned and extended by four subsequent democratic administrations” in Chile, with only relatively minor modifications.

This success has suggested to some that authoritarian governments might be better than democracies at pushing through difficult economic reforms, especially those that bring long-term benefits but short-term costs. Jarvis raised this possibility but disputed it. “No other military government in Latin America achieved reforms of comparable significance,” he said.

Lovell “Tu” Jarvis is Professor of Agricultural and Resource Economics and Divisional Associate Dean of Human Sciences at UC Davis. He presented his talk, “The Long Term Agricultural Effects of Economic and Land Reforms in Chile, 1965-2000,” at CLAS on September 13, 2004.

Thad Dunning is a doctoral candidate in the Department of Political Science.

Although most agricultural sectors have modernized, some farmers still use traditional methods.

PERSPECTIVES FROM LATIN AMERICA

The new U.S. administration will face many challenges at home and abroad. In early September, before the outcome of the elections was known, we asked a variety of Latin American figures from different fields to analyze the difficulties and opportunities the U.S. administration will encounter, both in Latin

America and in the wider world. This section contains their responses and raises a series of provocative issues that are certain to have an impact in the next four years.

Unemployed people sing the national anthem during a July 2004 protest in Buenos Aires.



Photo by AP/Wide World.

Strength in Unity

By Jaime Estévez

The electoral cycles in the United States provide a significant opportunity to evaluate the strategy and effectiveness of the policies adopted towards Latin America and the conditions in which the life of the U.S. Hispanic community unfolds. Latinos are now the nation's largest minority, comprising 13 percent of the total population, and are exerting a growing political influence.

Under recent administrations, Latin America has not received, because of various reasons and circumstances, the priority initially promised in the respective foreign policy agendas. Even worse, some countries in the region have been the target of "preventive or corrective unilateral" actions or pressures for failing to follow the economic, political or strategic lines defined by Washington D.C.

The credibility of the northern country's foreign policy has also been damaged by certain inconsistencies or mixed signals towards the region. In particular, in the political sphere, support has been forthcoming for undemocratic processes on the one hand, while, on the other, severe political-economic restrictions have been taken to induce democratization in other nations.

Furthermore, on the economic front, public intervention in the markets has been rejected as inefficient and the free interchange of goods, services and capital, both rhetorically and through the signing of bilateral treaties, has been promoted. Simultaneously, there have been substantial subsidies to the agro-industrial sector, protection for uncompetitive industries and the blocking of access to the internal market for exports from developing economies. Such actions and pressures have negatively and significantly affected popular sentiment as well as the dynamic of regional growth.

The economic and social reality of Latin America is difficult, complex and challenging because the continent is predominantly comprised of dual societies with informal or unstable markets and has a relatively reduced level of political institutional development. This structural condition, combined with external factors, causes reduced and anemic average



Photo courtesy of Jaime Estévez.

living standards and, at the same time, worrying tendencies regarding the growing and socially unacceptable gaps in income, wealth, economic security and opportunities that prevail in Latin America. After a certain point, these may constitute a real threat to democratic stability in some countries in the region.

Figures recently released by the UN Economic Commission for Latin America and the Caribbean (ECLAC), reveal a deterioration in the regional levels of poverty and indigence during the period 1997-2003, confirming that this scourge currently affects more than 225 million people, which equates to approximately two thirds of the population of the United States. In the same vein, a report by the World Bank, published in 2003, confirms that the richest tenth of the population receives half of all income while the poorest tenth only benefits from 1.5 percent, constituting one of the worst indices of inequality on the planet.

The problem, in sum, lies in the current biased distribution of wealth and the slow pace of average growth coupled with a reduced job creation rate. This, in turn, impedes the absorption of a naturally growing workforce and a reduction in the prevailing high level of unemployment, which still exceeds 10 percent, despite a recent slight recovery of aggregate production levels.

These poor results, together with other indicators of social and economic development, convey an overwhelming dynamic of unfulfilled expectations, unsatisfied basic needs and the

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enormous social exclusion or marginalization that results. This has translated, firstly, into a rejection of the neoliberal recipes of the “Washington Consensus”; secondly, into the recent election of presidents from the progressive or alternative tendency; and, thirdly, into an increasing degree of popular dissatisfaction with democracy given that free elections and political underdevelopment, within a context of globalized markets, have not generated sufficient stable jobs, food security, property rights, access to financing for small entrepreneurs or instances of real participation for the indigenous groups in the political life of their respective countries.

Indeed, in the last survey by Latinbarómetro, in August of this year, 55 percent of people surveyed indicated that they would not mind having an authoritarian government if it were able to resolve these economic problems. Additionally, 71 percent think that their respective governments act on the behalf of a few powerful special interest groups. Nevertheless, 72 percent of the sample believed that democracy is the only system that can generate a process of economic and social development in the region, as confirmed by the North American experience, taking into account its democratic tradition and the enormous reserves of available natural resources and human capital.

Against this backdrop, the most pressing challenges on the Latin American agenda of the new U.S. government, regardless of the result in November, should consist of, firstly, assigning the relative importance that the region merits given its regional and international interests in the medium and long term and, at the same time, incorporating the Latin American perspective in its foreign policy in order to develop a common vision of inter-American affairs. If this occurs, it would quickly become clear that the main threat to hemispheric peace and prosperity is persistent poverty and inequality. Secondly, in the short term, a consistent and credible strategy needs to be designed and implemented which privileges multilateralism, mutual respect and, most importantly, which is capable of empowering an effective alliance or community of interests for the realization of shared objectives in diverse areas.

Basically, this would imply, on the economic front, promoting the achievement of an elevated and sustained productive dynamism for the world economy; intensifying the integration of regional policies and markets with the consequent substitution of financial aid for the

truly free trade of goods and services; and transforming the leadership of the United States within multilateral organizations so that they can convert themselves into an effective springboard for regional development and, in the transition, contribute to minimizing the vulnerability of these economies as they confront recurrent and adverse external shocks.

These conditions would induce a constant expansion in the demand for Latin American exports and, ultimately, an important reduction in unemployment and poverty on the American continent. The reciprocal benefits for the U.S. economy would basically be a considerable contraction in the flows of immigration and a growing external demand for its production, given that a significant percentage of the income generated by Latin American exports would be used to purchase North American products.

In the political sphere, it is imperative to promote the development of political institutions actualizing the necessary reforms to empower participatory democracy, in particular. All social and ethnic groups must feel included and that they belong to their respective nation states, with the complete and permanent guarantee of human rights and the perceived capacity of this system to offer opportunities and justice to all and, as a minimum, to adequately satisfy their basic needs.

Respect for the sovereignty of Latin American nations and the reduction of militarism (interventionism) will strengthen the tradition or process of democratic consolidation at both the internal and regional levels, making possible the construction of an independent path for a more united, prosperous and peaceful Latin America, where the potential conflicts of interest between countries would be resolved via direct negotiations or multilaterally.

Finally, it is important to conclude by noting that the great challenge for current and future administrations consists in structuring policies towards the region which, overcoming the fear of threats to U.S. security and hegemony coming from this continent, make possible the construction of a common vision and effort to achieve a hemisphere united around shared prosperity, respect for human rights and the active participation of citizenry in a truly democratic society within a context of international security and peace.

Jaime Estévez is the president of Banco Estado and former Speaker of the Chamber of Deputies in Chile.

The Leader's Burden

By Roberto Guareschi

For the U.S., Latin America is above all Mexico and Cuba. And Brazil, much less, mainly for its potential. If we leave out these nations, Latin America is virtually unimportant to the U.S. The region poses no serious imminent threat to U.S. security; it is the part of the world where terrorism is least active. It is even less active than in Africa. Neither is Latin America, as a whole, a critically important commercial area for U.S., except in part, for oil. American oil imports from the area represent 17 percent of its total imports (2002). But Mexico explains more than half of them. A significant 28.2 percent of total American exports (2002) go to Latin America. But if, again, we leave out Mexico, the value becomes nearly irrelevant: 6.2 percent.

Still, this does not ensure the region will escape the effects of the supremacy strategy the U.S. administration has implemented since 9/11.

It is not a question of figuring out which political platform will succeed in November. The American agenda for the region must not be expected to include any significant news. The main lines of action for Latin America seem to be deeply embedded in the American establishment, and the difference between candidates is merely one of degree.

Relations between Latin America and the United States have always been marked by security concerns. The U.S. supremacy strategy has just reinforced this trait. And this can only make things more difficult for most Latin American countries, for it will further narrow the scope for decision-making and autonomy when they need it most in order to deal with the destabilizing effects that strategy may have on the region.

If America manages to free its energies by reaching some sort of status quo in Iraq, it will probably continue its global war against terrorism in Latin America. This is bad news for Latin American countries — Brazil and Argentina, among others — who judge that this war must be fought with the greatest caution and self-restraint on every front — it's Colombia we are talking about. Considering the way France and Germany were treated when they opposed the invasion of Iraq, it is not hard to imagine the

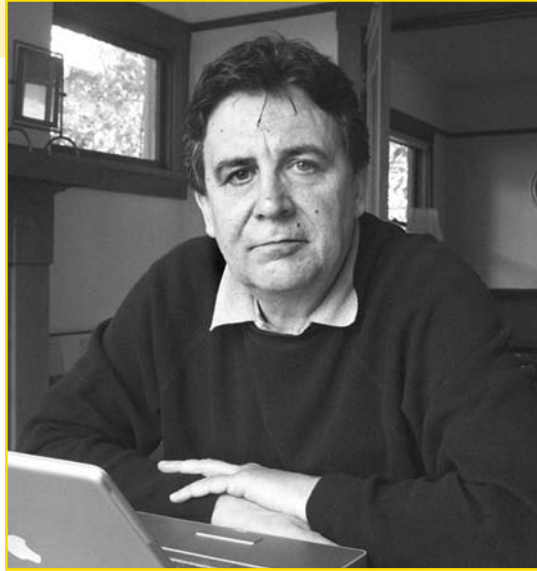


Photo courtesy of Roberto Guareschi.

response our nations' objections will get.

But if the U.S. gets entangled in an unresolved conflict in Iraq, things will not be any easier, for global tension would continue to mount via military intervention and on account of the impact this would have on global economy.

Prospects are gloomy. There is very little Latin American nations can do given this scenario and their weakened economies and political institutions.

In South America, Venezuela and Colombia, linked by geography and oil, are possibly the most conflict-ridden areas. The former is America's third largest oil supplier. The latter is its seventh largest supplier and possesses a strategic oil pipeline for supplying the American market. Venezuela and the United States are involved in a confrontation that is only apparently ideological. Chávez is quite comfortable as America's third largest oil supplier, and American investments have not faltered in spite of existing tensions. The Bush administration has already tried to have a bearing in Chávez's overthrow, and one might even anticipate that it will try to prevent him from staying in power even though his victory at the plebiscite — sanctified by the Organization of American States (OAS) — should spare him the name of "dictator."

In America's view, Colombia qualifies for some kind of intervention. One might say it is a "failed state": it has no control over vast

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regions dominated by guerrillas and drug traffickers; mafias control vast areas of the economy. The Colombian government is aware of its own powerlessness and speaks of a shared responsibility with the United States.

Brazil has already militarized its Colombian border in order to prevent the Colombian internal conflict from “spilling” over into its territory. But what else can it do? Latin America — and particularly Argentina and Brazil — will eventually have to define their positions as regards to any kind of military intervention in Colombia: it might not be an all out invasion, like the one in Iraq. It might possibly take the form of an “intervention by invitation,” given the attitude of the Colombian government, another reason to believe the U.S. might increase its involvement no matter what administration is in place.

In the case of the intervention in Iraq, there was the UN which, though partially discredited, includes such influential nations as the rebellious European countries, China and Russia. Here the debate would take place within the OAS, whose two main member countries — Mexico and Brazil — are medium-sized though clay-footed powers. Brazil would struggle to impose its own approach to the Colombian problem: it would probably be able to hinder consensus for a different approach since its relative importance in the global community would enable it to do so. But it will not be able to prevent an intervention if the U.S. thinks conditions are ripe for it and believes it has the internal political strength to do it.

What would Argentina’s margin of autonomy be? Possibly, much smaller. If that led to dissent between Brazil and Argentina it could hurt the bilateral relationship, a strategic one for both considering how central in their policies is the building of Mercosur as an economic and political space.

Latin American countries will be able to do little if global war should spread to the region. But even their small actions would not be insignificant. With their refusal to back the invasion of Iraq in the UN, Mexico and Chile showed it is possible to have some elbow room and established an important precedent for lawfulness and legitimacy.

Lawfulness and legitimacy will not be mere rhetorical concepts if global war should spread to the region, since a military intervention lacking consensus would possibly produce social

tensions in Latin American that would inevitably add to old grievances, those that emerge from the deepest chasms of inequality on the planet. Some new forms of action already wielding some degree of strength such as Indian and peasant movements could add up to classic guerrilla organizations. This could endanger many already fragile hemispheric democracies: the Argentina of the 2001 crisis and Bolivia are two examples.

A potential risk is to end up fueling political violence in a region where it is still less prevalent than in other parts of the world. Another danger is that an invigorated nationalism and the quest for magical solutions could lay the groundwork for military intervention.

This potential scenario — and Chavez’s example — could be the reason why in Washington certain power circles have started to speak of a new kind of threat that must be listed along with terrorism and drug trafficking in the region: “radicalized populism.”

The complex negotiations for the Free Trade Area of the Americas (FTAA) will have to proceed within this framework. It doesn’t seem realistic to expect a troubled Latin America to be able to obtain better conditions. So far the American executive branch and the Congress have not done much to bring to bear on their relationship with Latin America the proclaimed principles of free trade that should expedite the access of Latin American products to the American market.

Most Latin American nations are in no condition to deal with the tensions and difficulties that will fall on their heads. They have wasted too much time and too many opportunities. And the persistence of low-quality political systems discredited by corruption, inefficiency and an unfair distribution of wealth can hardly be attributed mainly to exogenous causes. These are unfulfilled duties that will have to be dealt with under worsening conditions. That is the challenge for Latin America. For the United States the challenge is somewhat similar in that the conditions are worsening. But it will have to bear the leader’s burden. Its strategy should have to be viable and beneficial for both itself and the region.

Roberto Guareschi, journalist and lecturer, is the former executive editor of Clarin, the leading daily newspaper in Buenos Aires.

Beyond “the Big Stick”

By Jorge Wilhelm

From our perspective, the reason for hoping that U.S. citizens will not reelect Bush is not based on the premise that a Kerry Democratic Party administration will forcibly change the style of the State Department in dealing with Latin America. It is based on moral grounds and on the certainty that the present administration is not dealing with terrorism, which is a global issue, in a proper way. Stating unilaterally that a country, a party or a person is an enemy and must be prevented from any presumed action means a risk for any country that disagrees with State Department policies. We are frankly afraid of a rightist-military government in the U.S. In Latin America we have a record of so many instances of U.S. support to dictators and military governments that it is now impossible to talk positively about the U.S. influence on Latin American history. Support for the U.S. action in Iraq is rare in Brazil; even the media, which is generally conservative, is very critical and publish daily the dramatic news of violence and “not-peace” in Iraq.

The general view is that the U.S. Government is incompetent in dealing with foreign countries and understanding different cultures. Robert McNamara made the same auto-critique, concerning U.S. policy in Southeast Asia, in the documentary film *Fog of War*. To this incompetence, leading to war but not to peace, should be added the impression that the Iraq war was mainly a big-business war: its main purpose being control of oil, reconstruction and forced trading in the region. Therefore we usually view President Bush as the front of a business group. This impression increases for those who saw *Fahrenheit 9-11*, not because of its pamphletarian style, but because of those pathetic minutes of blankness and inaction in the President’s face when he is informed that the U.S. is under attack!

The hegemonic power of the U.S., due to its genuine economic power as well as its military and technological might, should be faced, both inside and outside the U.S., as a new factor in the transitional period of history we are globally living in. What is the meaning of “imperium” in

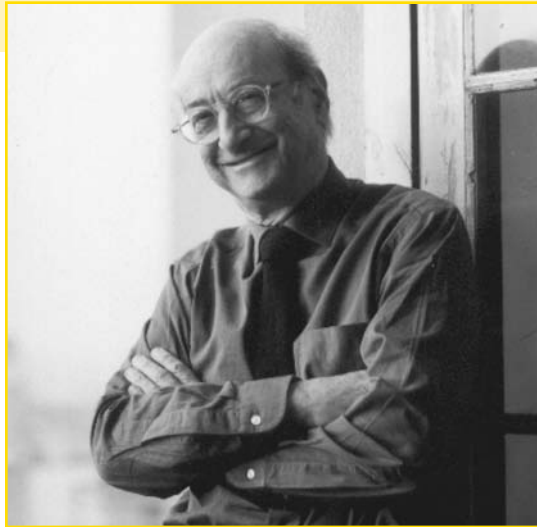


Photo courtesy of Jorge Wilhelm.

the context of globalization? And what are the perspectives of globalization in the context of imperial power? What is the future of the American democracy in the context of imperial actions? In this situation wouldn’t it be fair if the whole world population voted for the presidency of the U.S.? This is not a serious proposal; it is just to emphasize the importance of imperial power as a new global political factor (although the notion is not accepted easily by European observers).

The new administration will face a skeptical Latin America. Although we would be satisfied with a change from the Bush-group line of action, a change of policies towards its southern neighbors must still be clearly demonstrated. People here love America (I mean the USA). We are genuinely fond of jazz, rock, movies and the New York skyline we try to emulate. We visit the U.S. and many Brazilians live and work hard in several cities there. Brazil is an American country with many similarities to the U.S., and we are friendly to all American citizens that visit us.

But we frankly resent the big-stick policy implemented from time to time by the U.S. government. We are not afraid of this big stick; Brazil is already too big, free, democratic and independent to be shy or passive. The new administration should have more understanding of how mature Argentina, Chile, Brazil and even Colombia are in this 21st century. We know that many U.S. citizens and scholars are perfectly aware of what Latin America is and means. But

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this understanding does not echo in U.S. foreign policy.

For Brazil development means first of all diminishing the gap between the rich and the poor. It means implementing the centuries-old French and American Revolutions inside our country. This is of course our business... But for these programs we also need to renegotiate the eternal foreign debt and its heavy service payments; we need to have our commodities and industrial products accepted in a truly free market, free from domestic protection. We need a drastic change in IMF policy, taking it back to its Keynesian origins. We resent the U.S. ruling position in the World Bank and the IMF that does not generously support third world development and imposes economic disasters such as in the Argentinean case. We also resent the official U.S. position against any environmental commitment if it affects business interests. And we resent the opposition of the U.S. to proposals to tax the large speculative transfers of capital that cause or increase economic instability in the weaker countries. What will change in a new

administration?

These issues are not new. Should the new administration genuinely seek to understand our culture, our problems and our efforts towards development, I don't think there will be any basic difficulty in the diplomatic relationship. Times have changed. Latin America and Brazil are not the same as they were 50 years ago; the global challenges are also new.

But first of all, we do hope you Americans all go out and vote, like we do here in Brazil, putting an end to the conservative manipulation that goes with the notion that voting is only a right but not a civic obligation towards the nation! Then we'll see...

Jorge Wilhelm is a well-known Brazilian architect and urban planner. He has also served as the country's Secretary of State for Planning and for the Environment and President of the Planning Department of São Paulo.

The headquarters of the World Bank in Washington, D.C.



Photo courtesy of Danilo Trisi.

The Legacy of Bush's Foreign Policy

By Javier A. Couso

I.

Given the variety in the backgrounds, interests and social position of the hundreds of millions of people who populate Latin America, any attempt to find a set of common concerns regarding the presidential election in the United States risks misrepresenting a highly complex and varied reality. It is important to keep in mind that this region comprises dozens of independent countries with different languages and historical trajectories, distinct political backgrounds and highly diverse degrees of economic development. The region includes some of the poorest countries on earth — such as Haiti and Nicaragua — as well as emerging economies with reasonable degrees of prosperity — such as Chile and Costa Rica. Furthermore, given the difference in the political views and attitudes of the governments of each of the countries of the region, which include a wide range of ideological perspectives (from the rather extreme right-wing governments of Guatemala and El Salvador, to leftist administrations in Cuba and Venezuela), it should come as no surprise to find a great degree of variation in both the evaluation of the past behavior of the United States and in the hopes and expectations that the incoming presidential elections create.

In spite of the differences just noted, it is also true that most Latin American countries share enough common traits — i.e., a mostly Christian religious outlook; chronic political instability; social stratification; unequal distribution of income — that it makes sense to group them together, at least for analytical purposes. Finally, the sheer geographical fact that they are located in the same continent contributes to the tendency of the rest of the world to look at this region as if it were a coherent unity. In fact, this seems to be the case with the United States, which has



Photo courtesy of Javier A. Couso.

traditionally set its Latin American foreign policy by taking the region as a more or less coherent whole, from the time of the Monroe doctrine to the Cold War era and beyond.

In view of the complex background just outlined, in this article I concentrate on what I take to be the most important challenge facing the new U.S. administration with regard to Latin America at this stage: the need to recover the legitimacy of its foreign policy, particularly in the domain of human rights and respect for international law.

II.

The electoral process currently under way in the United States comes at a moment when its relationship with Latin America is rather strained due to the disappointment that George W. Bush's foreign policy has engendered in most countries of the region over the last three and a half years. The most significant source of frustration comes from the gap between the great expectations originated by the president's campaign promises in 2000 — in particular, the notion that there would be a "special relationship" with this part of the world, put in place by the first Spanish-speaking U.S. leader ever — and

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the actual policies taken toward Latin American after he took office. In fact, and in dramatic contrast with the promises made, the region has been reduced to a mere footnote in the grand theme dominating the foreign policy agenda of the United States since Sept. 11, the so-called “war on terror.”

It is, of course, perfectly understandable that foreign policy priorities would be dramatically altered after such a tremendous blow. The problem, however, is that the reaction of the Bush administration was not merely to change priorities but to fundamentally alter the principles that had shaped the U.S. role in the world since the end of the Cold War. Indeed, by openly violating international law in its decision to start a pre-emptive war against Iraq, the Bush government has reversed a very healthy trend of respect for international legality, multilateral cooperation and the promotion of human rights, which characterized not only his predecessor’s administration but also that of his own father.

From a Latin American perspective, the diminished consideration given to human rights is the most significant departure in the new foreign policy orientation. Such neglect is in sharp contrast to the aggressive pursuit of a human rights agenda during the 1990s, which helped make the U.S. a cornerstone in the global promotion of democracy and human rights. Of course, this component was also combined with other strategic goals, such as economic and military support for governments fighting the production and traffic of illegal drugs — the “Plan Colombia” is a good example of this — or the promotion of free trade exemplified by the NAFTA treaty and the Free Trade Area of the Americas Initiative. Nonetheless, the promotion of human rights represented a crucial aspect of the U.S. relationship with Latin America.

In contrast to that recent past, as homeland security started to monopolize U.S. foreign policy, the promotion of human rights and democracy in Latin America was dramatically reduced and often subordinated to proofs of loyalty to the Bush administration’s military adventure in Iraq. In view of this radical shift, one of the most important challenges facing the new administration — be it Democratic or Mr. Bush’s second term — will be to reposition democracy and human rights as a key aspect of its Latin American policy, while it continues

fighting terrorism. This adjustment in foreign policy is not only feasible, it is crucial for a region such as Latin American where the rule of law is still fragile. It would be a terrible waste to undo years of work promoting the ideal of democracy in order to secure the complicity of governments that give unconditional support to the U.S. for even the clearest violations of international law in return for the approval or passivity of the White House in regard to their own domestic human rights violations.

The U.S. runs the risk of reproducing in the world at large the pattern of its relationship with Israel, in which Israel’s unconditional support is repaid with U.S. tolerance for human rights violations perpetrated in the occupied territories. Indeed, it would be a terrible mistake to extend to other countries such a questionable “friend-foe” dialectic (reminiscent of Carl Schmitt’s notion that what matters in politics is to support your friends, no matter what they do to others). The very prospect of reducing the level and frequency of terrorist acts lies not only on how well security and intelligence is organized but also on the legitimacy of the way in which the war on terror is conducted. The challenge for whoever inhabits the White House in 2005 is to take steps to improve the credibility of the United States in the eyes of the vast number of people around the world alienated by the disregard for human rights demonstrated in Guantánamo Bay and Abu Ghraib. The immediate release of the innocent and the respect for the due process rights of suspects would be a very important step in the right direction. This would be particularly significant for the restoration of U.S. legitimacy in Latin America. There cynicism about true U.S. commitment to human rights was fueled by its handling of prisoners of war, which was uncannily reminiscent of the deeds of the military regimes that plagued Latin America during the seventies and eighties.

In addition to the above, it would be very helpful if the officials assigned to Latin American policy by the next administration have a record of support for human rights. Furthermore, a ratification of the Rome Statute of the International Criminal Court (ICC) would be a powerful signal of the unequivocal return of the United States to a foreign policy that gives human rights its due. This treaty, which establishes an international judicial organ

for the trial of persons charged with genocide, was signed by 139 countries, including the United States but was officially rejected by President Bush in 2002.

III.

I have focused on the need for the next administration to return to the path which characterized U.S. foreign policy after the end of the Cold War, particularly in regard to the promotion of human rights, democracy and the respect for international law. The rationale for stressing this ethical and institutional dimension is twofold: It comes from a normative commitment to these values but also from the conviction that the very legitimacy of the United States in the eyes of millions of ordinary citizens around the globe is at stake. This is evidently the case in most of the Muslim world. It is also a problem in Latin America where it is expressed in the

growth of anti-American sentiment in many countries of the region, such as Argentina and Venezuela. Although rejection of current U.S. foreign policy has not yet percolated to the higher spheres of government (which have so far been at pains to avoid outright condemnation of the war, limiting themselves to a neutral position on the issue in most cases), it would be unwise for the next administration to allow such popular alienation from the United States to continue to grow, because sooner or later it could become a serious obstacle for its relationship with its southern neighbors.

Javier A. Couso is Professor of Law and Political Science at the Universidad Diego Portales, Chile.

Detainees wait in a holding area in Guantanamo Bay, Cuba during in-processing.



Photo by AP/Wide World.

Surviving in the Streets of Ecuador

By Katherine Schlaefer

CLAS annually funds 25-30 graduate students to carry out summer field research in Latin America and the Caribbean. Last summer, Robert and Alice Bridges provided a generous donation to help continue this tradition. Grants were awarded to students from a range of departments and professional schools for research on topics ranging from the tail feathers of hummingbirds in Jamaica to the maintenance of potable water systems

in Mexico. The following is one example from among many varied research projects carried out in the summer of 2004.

Reportedly the home of the largest proportion of working kids in Latin America, Ecuador has a seemingly endless list of organizations that provide services for poor and working children. But the

country is also brimming with children that subsist on the street. This subgroup experiences the most severe health risks, often falling into substance abuse or learning to trade sex for drugs, shelter and food.

In order to acquire a better understanding of the lives of these children and the risks they take, I returned to Ecuador to interview 275 street kids. By collecting and analyzing extensive data on the youth street population, I hoped to identify and define their needs and develop strategies to better meet them. I was particularly interested in those that had found little support or stability in their homes, shelters or other types of programs. All the kids interviewed had lived for at least a year on the street, had not visited a shelter, home or family within the past month and were between the ages of 8 and 24.

I designed a questionnaire that delved into familial relationships, health status, substance use, sexual behavior,

An 8-year-old boy who fell asleep sniffing glue.

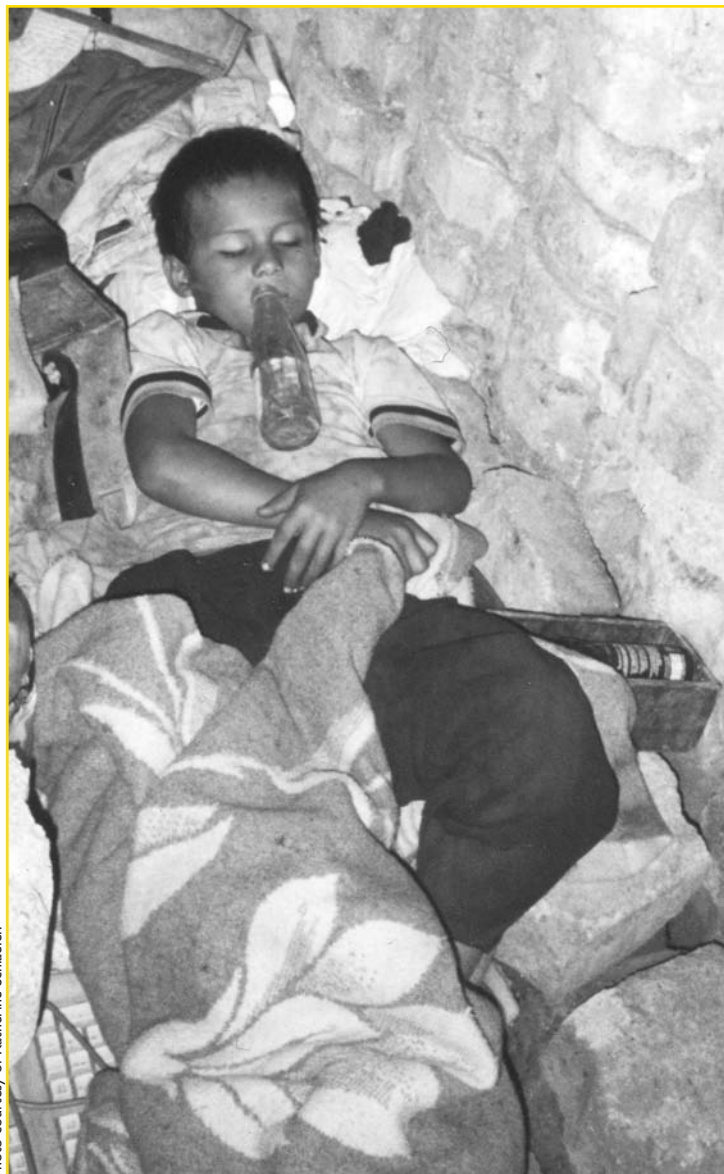


Photo courtesy of Katherine Schlaefer.

perceptions about sexually transmitted diseases (STDs) and family planning. Interviews lasted anywhere from half an hour to three hours. After sundown, in streets too poorly lit to read or record responses, I took advantage of their newfound interest and explained methods for preventing STDs and pregnancy. I learned to plan for the impromptu workshops, teaching about risk reduction of sexual behaviors, human rights and even job acquisition skills.

By night, I glimpsed how street kids live and survive and began to better understand the lifestyle — and the appeal — of the streets. Although the common philosophy of the streets is “Everyone for him- or herself,” kids young and old would come together and forge communal living situations. The older kids, who could earn income doing hard physical labor, would give money to the smaller ones, who made significantly less begging, for food for the entire group. They contrived a stove to cook rice, beans, meat or eggs by propping up metal bars over burning garbage. Some were remarkably resourceful: selling the garbage they were paid to sort, using the sharp edges of broken bottles or cans to cut vegetables and siphoning water from private or city sources to cook, do laundry or bathe. Ironically, the kids who slept in the streets bathed habitually each morning, whereas the kids in shelters typically refused to maintain hygiene.

It is widely thought that the substances most used on the streets are inhalants, usually glue, which cause as much brain and pulmonary damage as hard drugs. But most of the street kids were also smoking crack cocaine daily. The most sought after high, the dessert after a dinner of drugs, was *maduro con queso* — marijuana mixed with crack. The most frustrating aspect of the project was watching kids — who had yet to hit double digits in age — as they experienced withdrawal, frantically sought a fix and then desperately smoked up, bony fingers shaking and eyes too glazed to focus. More disturbing was that drug use was so common and addictive behaviors so prevalent, even among the youngest, that I became desensitized to the sight of an 8-year-old smoking crack, using glue and then bargaining with a drunk old man

over the price of oral sex.

I had also underestimated the prevalence of sexual activity among the kids. Most literature alludes to sexual experiences between the boys on the streets, whereas I found that many were violated at home, long before learning to barter sex for food, drugs, money or shelter in the streets. All of the girls — a total of 12 out of the 275 kids interviewed — had been violently sexually abused in their homes. And all of the girls, except one who was just 11, were pregnant, living in the streets and using an assortment of drugs. Only about ten of all the youth interviewed were actually virgins. The rest learned fast that sex can be a valuable commodity. Many kids shared their most private sexual experiences, talking of *gringas* on the beach who invited them to try new drugs, then showed them the details of intercourse. Others talked about being violated by men in the streets — or worse, in their own homes. Still others proudly reported the number of times people offered to pay them for a sexual act. Despite casually selling sex, the boys also visited sex workers to buy their own pleasures either with money or drugs. Some even admitted to raping women.

The means and methods of sexual activity revealed the magnitude of health risks. Culturally, condom use is considered weird, even perverse, in Ecuador. Such misperceptions have also trickled down to the kids on the streets. The majority have unprotected sex with a wide range of people. More and more, kids are testing positive for diseases like HIV and gonorrhea, and more and more, kids are giving birth to or fathering their own children. When street kids get sick, they head to shelters for help or care. In this way, shelters are integral to the survival strategies of the streets. But those shelters often fail to provide healthcare, refuse sick kids, fearing that they will infect others, or send them to the hospital. At the hospital, kids often learn that they are infected with diseases like HIV or tuberculosis — stigmatizing diseases that they do not understand. Many return to the streets even more lost and distraught, struggling with the shame and confusion of such devastating diagnoses.

One source of hope in this seemingly hopeless

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Surviving in the Streets of Ecuador

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Photo courtesy of Katherine Schlaefler.

The author interviews two street children in Ecuador.

situation is that many youth acknowledge their addictions, risk behaviors and lack of information. They often desperately want to change their lives, but without basic resources such as identity papers and literacy skills, they are trapped. Another obstacle is the draw of the streets. It is not necessarily the drugs they struggle to leave behind, rather the lifestyle of the street proves to be the real addiction.

As a result of this pilot project made possible by the Bridges Summer Research Travel Grant, I compiled a comprehensive statistical database of the health history of street kids. The data will serve as a baseline to evaluate future interventions. During this coming year, I will analyze the data, highlighting various health trends and publish the data with recommendations for those working with street kids in Ecuador and around the world.

After graduation in the spring, I will continue to work on behalf of street kids. Currently, organizations offer a spectrum of preventative programs, after-school projects, vocational training, family building and reintegration

services. But gaps exist. Judging from my findings this summer, two types of service are particularly needed: treatment and support for kids under 16 who are struggling with substance abuse and guidance for older youth making the transition off the streets. In order to fill these gaps, I founded an NGO, Camino al Cambio, with a group of internationally trained professionals in social work, psychology and law. After graduation, I will work with the organization to address issues plaguing street youth.

Hopefully, the streets will someday churn out more tales of health, recovery, pride and success, than accounts of addiction, rape, shame and murder.

Katherine Schlaefler is a graduate student in the School of Public Health at UC Berkeley. She was a recipient of the 2004 Robert and Alice Bridges Summer Research Travel Grant which funded her travel to Ecuador.

Beyond the Specter of Unemployment

By Kirsten Sehnbruch

“Unemployment rate increases again!” screams a newspaper vendor at me as my taxi stops at a red light in Santiago in July 1999. He waves the newspaper before the open window of my cab and goes on to the next car, all the time shouting out the headline of *La Segunda*.

For almost a year now I had been seeing the same kind of headlines all over Santiago. Chile's main newspapers, *El Mercurio*, *La Segunda* and *La Tercera*, again and again reported that unemployment was increasing as economic activity was slowing. In a country like Chile which had become accustomed to growth rates averaging 7 percent during the 1990s, the economic slowdown and high unemployment rates caused by the Asian Financial crisis came as a terrible shock. Within one year, between 1998 and 1999, unemployment increased, from 6.4 to 9.8 percent according to official statistics, while the *Universidad de Chile*, which runs its own independent labor market survey, put the figures at 6.9 percent to 15.4 percent.

The jitters were palpable in the ministries and government offices. Officials were in a continuous state of nervous anxiety as to whether their employment programs were generating enough jobs to keep the official unemployment rate below 10 percent.

Almost overnight, the streets of Santiago were overflowing with street vendors. The same was true of public buses. An ice-cream vendor would get on the bus just as the man selling shoelaces was getting off, while a musician was entertaining us with hoarse renditions of Violetta Parra, claiming that our donations would allow him to feed his family that night.

Unemployment had brought the government of President Lagos to its knees within six months of the inauguration of his government in 1999. The Socialist Party, which had set out to prove that they could govern Chile without the country sliding into economic chaos, did not even get a chance to savor its election victory. Electoral promises of instituting an unemployment insurance system and implementing labor

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Photo courtesy of Kirsten Sehnbruch.

Beyond the Specter of Unemployment

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reform were put on hold while the government grappled with the economic crisis. Employers accused the government of creating economic uncertainty because it threatened them with labor reform, while members of the government accused employers of refusing to generate jobs in order to sabotage the efforts of a left-wing government.

While the media was busy setting the government and the Chilean population into a panic about high unemployment rates, I was conducting a labor market survey in Greater Santiago which showed that official unemployment statistics simply did not capture the real problems of Chilean workers. If a worker is poor (and despite high growth rates during the 1990s, many Chilean workers are poor), can he or she afford to become unemployed in a country where there is no unemployment insurance to speak of?

Unemployment may be an appropriate measure for assessing the health of the formal sector in a developing economy (i.e. the sector of the labor market which employs people with formal written labor contracts), but it is an extremely poor indicator of the overall state of employment and jobs.

Take the example of Carla, who lives in La Pintana, a working class area of Santiago. Until approximately a year before she was interviewed for my survey she worked in a shoe factory as a machine operator. She then lost her job, and the severance pay she received was enough to cover about two months of living expenses, a period during which she was unable to find a new job.

Carla thus took to making *pan amasado* (bread rolls) in an oven made out of an old oil barrel and fuelled with scrap wood in her front yard (see photo on first page). She began selling the rolls to her neighbors at 50 pesos each (~10 cents), and soon discovered that she was working far less (approximately two shifts of three hours each a day) and earning more than she did in her previous employment, which had paid the minimum wage for the standard 48 hour working week.

According to the official statistics, Carla was thus employed. So were Sonia and Germán, who live in a small red housing project in a *población* in Pedro Aguirre Cerda (see photo on next

page) where most of the people I interviewed complained that at least one member of their family could not find a “proper job.” Sonia made paper bags from wrapping paper in her home that a large Santiago department store bought from her employer to gift wrap presents. The paper was delivered to her doorstep; she had to cut it to size, fold it and glue it into a bag. Each bag took her about five minutes to put together, and she was paid \$12 pesos for a medium sized bag, \$17 for a large one. Over the course of the month, she earned about \$11,000 pesos which was equivalent to US\$20. She was thus earning a pittance, and obviously had no health or pension insurance. The work was also dependent on a highly volatile demand: sometimes she was pressured to produce as much as she could, and other times a week would go by and she received no work.

Sonia’s husband, Germán, is a plumber whose contract at a building site expired about four months before we interviewed him. He had not been able to find a new contract as the building sector collapsed with the economic crisis. Since he only had a fixed term contract, he did not receive any severance pay when his contract expired, nor was he entitled to any unemployment benefit. At the time of the interview he sold ice cream on the buses in Santiago. He made about \$40,000 a month (US\$73), but had to buy the goods he sold from this money and also had to expect to lose about one load of goods per week which is confiscated by the police when he is stopped and arrested for trading without a license. He counts this, and the night in jail that results from his inability to pay the fine, as part of his trading costs. His net income amounts to about \$22,000 (US\$40) per month.

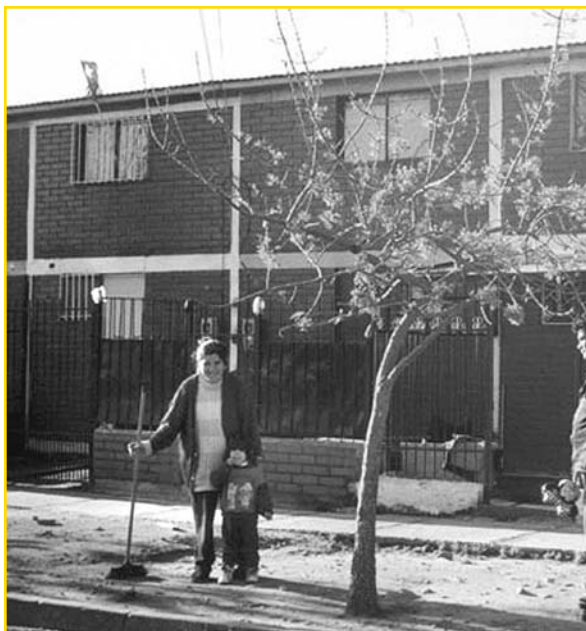
Carla, Sonia and Germán are all exemplary cases of the modern flexible labor market in a developing country. They work in what is sometimes described as “precarious employment.” According to the official statistics, they are employed. They are in fact categorized as “self-employed.” Yet their jobs cannot provide them with income security, not now, and not in the future as they are obviously unable to contribute to a pension system. Their situation is a direct result of the processes of labor market flexibilization and deregulation that have swept

through Latin America in the 1990s (in the case of Chile since the 1980s), and very little effort on the part of governments has gone into trying to assess what proportion of their labor force is working under such circumstances.

Not only are their jobs of low quality, with low income and no security, people like Carla, Sonia and Germán are also the first segment of the workforce to be hit in an economic downturn, either by being made redundant, as in the cases of Germán and Carla, or by reduced earnings from a decreased workload, as in the case of Sonia. In addition, it is hardest for them to find new jobs given their lack of qualifications, experience and employment history. They are part of a pool of flexible labor working under precarious conditions, which appears to be increasing; although so far no one in Chile has defined by exactly how much. Their situation is as much a result of the institutional arrangements in the Chilean labor market as of the country's macroeconomic performance. One thing is certain; their cases are not captured by official unemployment statistics.

The results of my survey show the effects of economic crisis on the quality of Chilean jobs. In 1998, of the new jobs that were generated that year, 42 percent had formal, open-ended contracts, i.e. the sort of contracts that pay health and pension insurance, and through which workers are protected to at least some extent from dismissal because their employers have to pay them severance payments. During 1999, the year during which the economic crisis made itself felt, only 20 percent of the new jobs generated had open-ended contracts. Conversely, the proportion of fixed term contracts had increased (from 24 to 34 percent) as had the proportion of wage-earners who were not given legal written contracts, but were employed illegally without any form of written contract (from 23 to 33 percent). Similarly, the proportion of new jobs with pension insurance decreased (from 61 to 47 percent). These changes are significant. And it is not clear what their long-term impact is going to be. Is a formal job with all associated benefits that is lost during an economic crisis likely to be reinstated once the crisis is over, or does an employer decide that since he could do without a formal worker in a crisis, he can also do so during better times?

Informal employment has always existed in developing economies. So have fixed term contracts and subcontracting. Yet, governments



have done very little to monitor these issues. It seems that as long as unemployment rates are within limits considered reasonable by their electorate, politicians are happy. The Chilean government does not publish official data on how many workers are employed without formal written contracts. In fact, until 2002 the question of whether a worker had signed a contract was not even included in the official labor market survey. This means that issues of precarious employment and the links between labor legislation, economic development and the quality of jobs are not even part of public debates on the labor market, neither in the media, nor in political discourse. And, of course, the links between employment and declining social security coverage, or between precarious employment and poverty are not discussed either.

The labor market in any country, but especially in a developing one, is the main mechanism through which growth and economic development are passed on to the individual. It is a filter through which wealth either trickles down, or does not trickle down, depending on the terms and conditions attached to employment. Whether a person has a job or not is the first key question to ask. And if the answer is affirmative, it is at least as relevant to go on to ask what kind of a job it is. It is high time that policy makers begin to monitor the quality and not just the quantity of the jobs their economies generate.

Kirsten Sehnbruch is a visiting scholar at CLAS.

The WTO Cotton Case

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cotton farmers, is appealing the ruling. Brasilia may also appeal some of the details of the adjudication, despite its success in winning the substantive arguments in the case. Professor Sumner said the U.S. representatives to the WTO had been “outclassed” by their Brazilian counterparts in the case, brought by Brazil in response to the 2002 U.S. Farm Bill. That piece of legislation maintained the subsidies, solidifying Washington’s controversial position in the Doha Round of WTO talks. It also provoked “universal” distrust among other WTO members of the Bush administration’s intentions. An appellate body is expected to meet for two or three days later this fall with a final ruling due in December or January. Although the WTO appellate body tends to uphold panel decisions, Sumner warned that the cotton case was “atypical” and more complex and technical than most.

The U.S. is the world’s second largest producer of cotton, after China, and the largest exporter. Around 70 percent of the four million tons of cotton grown in the U.S. each year is sold abroad. Brazil alleged that Washington’s subsidy program has driven down world cotton prices, particularly during the period from 1999 to 2002. According to Professor Sumner’s projections for

the Brazilian government, the U.S. would have produced approximately 30 percent less cotton, and cotton exports would have shrunk by around 41 percent in volume, without the subsidies. As a result, world cotton prices would have been approximately 12.6 percent higher. The impact of the cotton glut on world markets has been particularly harmful to growers in developing regions including Brazil, Turkey and West Africa, who have struggled to cover their costs in the face of subsidized U.S. competition.

Professor Sumner used an econometric simulation model that had been developed by the National Cotton Council and partially funded by the U.S. Congress to make his calculations about dozens of alternative scenarios. He believed he could have developed a better model from scratch, although the results would have been substantially the same, but wanted to avoid an “innovative or academically interesting” study that would have been vulnerable to charges that it was unproven or based on contested assumptions. During the WTO hearings, the U.S. government lawyers questioned and criticized Sumner’s results and methodology but never offered their own alternative model or calculations.

A cotton field in Arizona.



Photo courtesy of Greg Kaiser.

The case has been widely hailed as a major victory for developing nations in their battle to gain freer access to developed markets for their agricultural products and to have agricultural subsidies reduced or removed in the First World, principally in the U.S., the European Union and Japan. It also constitutes a major precedent for the WTO, which was founded in 1994 and therefore has a relatively small but growing pool of past rulings comprising its case law, Professor Sumner noted. Farm subsidies have been particularly controversial, helping to forge some unusual alliances among their opponents; development NGOs have found themselves lining up with free trade advocates such as the libertarian Cato Institute, which believes the subsidies are an inappropriate use of taxpayers' money, removing the agricultural sector's decision-making processes from the pressures of the market.

Professor Sumner's participation as a consultant to the Brazilian government in the case has been contentious within the U.S. In turn, attacks on his role have been viewed as a threat to academic freedom. The President of the California Cotton Growers Association, Earl P. Williams, even went so far as to suggest that the softly-spoken professor's actions were the equivalent of "treason" while calling on financial contributors to the University of California to question their continued support. Professor Sumner, who has never visited Brazil and who would have provided the same analysis for the U.S. had they contracted him, freely concedes that one result of the case is that some U.S. cotton acreage will be transferred to other crops and that some agricultural land may drop in value. However, he said that he had felt relatively "insulated" from the attacks thanks to the support of the UC system. He added: "A certain amount of pressure was placed on the University of California. So far, as far as I can tell, that pressure has been resisted."

Assuming the appellate body upholds the ruling, Professor Sumner forecasts an upsurge in production and revenues for Brazilian cotton growers. However, he also warned that the effect of U.S. agricultural subsidies on farm profits in other countries may be more complex than portrayed by some development NGOs. For example, in Africa weak price transmission from international markets to cotton farmers, means they are less likely to benefit than their Brazilian counterparts from the WTO ruling. Equally, increased soy production in the U.S., on land formerly dedicated to cotton, could hurt Brazilian soy farmers.

Professor Sumner also questioned assertions by President George W. Bush that the subsidies were contributing to the "independence" of the U.S.'s agricultural sector. Currently, the range of government payments to cotton farms averages about half of their total revenues, including one support for which the farmers do not even have to actually produce cotton, a situation which appears to reduce self-reliance among cotton growers at the expense of the U.S. taxpayer. A restructuring of U.S. agriculture may well have been coming anyway and it is still likely to be phased in over time and include compensation to cotton growers opting to switch crops. "The timing and implementation demanded by Brazil will be reasonable," said Professor Sumner, predicting that Brasilia will exercise its new role as a moral and political leader of the G20 group of developing nations, which includes powerful states such as India and China, with prudence and realism.

More broadly, the ruling may well mark a sea-change in trade relations between the developed and developing worlds. It establishes a precedent that may be used in a predicted wave of cases brought by other Third World countries to gain greater access to developed markets and a more level playing field with agricultural products from the First World. In an attempt to preempt those challenges, both the U.S. and the EU may reduce other farm subsidies and restructure their agricultural sectors. Equally, negotiations to extend NAFTA to the rest of the Western Hemisphere under the Free Trade Area of the Americas (FTAA) may now run more smoothly with the effective removal of one of the major stumbling blocks between Washington and her Latin American neighbors.

Nevertheless, Professor Sumner cautioned, the new era of trade rules would not by itself enable small farmers in developing countries to rise out of poverty. Internal economic and legal reforms will still be necessary, although these may now be more likely as a result of Brazil's WTO victory, if many nations in the Global South are to fully take advantage of the new rules of the international trade game.

Professor Daniel Sumner holds the Frank H. Buck Jr. Chair at UC Davis's Department of Agricultural and Resource Economics and is Director of the UC Agricultural Issues Center. He spoke at CLAS on October 4, 2004.

Simeon Tegel is a graduate student in UC Berkeley's Latin American Studies MA program.

The UN Knew Better

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inspection teams. Bush went to New York for the sole purpose of obtaining an endorsement for a decision he had already made. When his combat plans were not endorsed, he walked away in anger and waged war on his own, accompanied only by the UK and Australia.

Is it true that at the time the UN knew only as much as the U.S. about the possible existence of weapons and that in retrospect both were equally wrong? No. The UN learned more and knew more about the weapons capabilities of Saddam Hussein from the inspectors, much more than what George Bush and his team of diplomats wanted to learn. They went to the Security Council to learn nothing and would allow no divergence from their alleged beliefs. Right from the outset and straight through the frenetic and more intrusive inspections which started in October 2002 — after resolution 1441 was unanimously passed — Hans Blix, the Chief Inspector, and Mohamed ElBaradei, the head of the International Atomic Energy Agency, said again and again that they had found no weapons and detected no programs to produce them. Cautiously, Blix also acknowledged that the absence of such findings did not mean the weapons could not exist. U.S. diplomats clung to the Chief Inspector's accommodating reservation and strangely concluded that the mere absence of the weapons in the inspector's records was ample and irrefutable evidence of their existence. According to the imperial logic of U.S. diplomats, the absence of weapons was first and foremost unequivocal evidence that Saddam had them very well hidden. Second, it was an indication that UNMOVIC (the team of inspectors) had been outsmarted at every turn by Hussein, proving it was not skilled enough to disarm him. This questionable logic supported the U.S. and British contention that the only way to take the weapons away from Iraq would be the use of force.

Led by John D. Negroponte, U.S. diplomats routinely asserted at the Security Council that Hussein possessed weapons of mass destruction, a nuclear offensive program and links to Osama Bin Laden beyond any doubt. Time and again Council diplomats from Russia, China, France, Germany, Mexico and Chile — not exactly friends of Hussein and by no means enemies of the U.S. — asked Negroponte to give the

Council evidence of the existence of the weapons, or at least hints or clues as to where they could be found by the UN inspectors. Time and again the U.S. representatives responded that they knew for sure that Iraq had the weapons but could not, for the sake of the integrity of their intelligence sources, share what they knew with the Council.

The certainty with which these alleged convictions were presented together with the reluctance to give the Council proof aroused in some the suspicion that U.S. officials might indeed know where the weapons were hidden but wanted them to remain there. Two possible interpretations were that they did not want to give the UN the chance to remove them peacefully or that Bush, Cheney, Rumsfeld and Rice had a card up their sleeve and wanted the weapons to surface not before but after the invasion, as an indisputable justification for U.S. actions in Iraq. All and all, the U.S. was heading to war and was willing to settle for no less.

Whenever the Bush administration did pass information on to UNMOVIC, as the U.S. was obligated to do according to Resolution 1441, the search led to false, misleading or nonexistent proof. Colin Powell's performance on February 5, 2003 at the Council chamber was an impressive media event but a very unconvincing presentation of his case. By then diplomats at the UN knew better, and the Powell slide show was an insult to their collective intelligence. The U.S. simply had no case.

Based on the findings and assessments of inspectors, on the available facts, corroborations, informed views and disclosures by the Iraqis to Blix and ElBaradei, the Council members moved gradually towards the conviction that the imminent threat of Hussein's weapons simply did not exist. Consequently the majority of members moved away from the view that the use of force was necessary.

As the process of inspections moved along, UN Security Council members, with the exception of Britain, learned that no weapons could be located, not because they were perfectly hidden, but simply because Saddam Hussein might not have them anymore. Since the U.S. wanted to force upon the Council the assumption that the weapons existed no matter what, the only theoretical way left for a peaceful disarmament

was for Hussein himself to disclose where the weapons were hidden. But then again, such action — impossible as it would have been — would have led the U.S. to conclude that indeed the tyrant had been hiding his weapons and would continue to do so, thus creating the necessity to invade Iraq to find and clear them all. Clearly the U.S. wanted the inspectors out of the picture and would not admit the possibility of a peaceful disarmament or measures of effective containment.

As the inspection process moved on and the conclusion that the weapons did not exist grew ever more inevitable, the U.S. representatives at the Security Council meetings displayed an even greater impatience and intolerance. The Bush administration was at no time willing to contemplate the possibility that UN measures had led to the destruction of the weapons, and the UN trade and oil embargo had strangled the nuclear program.

Ultimately, the UN was right. Inspections plus sanctions plus U.S. military threats did the trick. Nonetheless, Bush dismissed this joint achievement.

Resistant to reason and evidence and determined not to acknowledge any proof or opinion contrary to their instructions, U.S. diplomats refused to explore ways to peacefully complete what was clearly a good job of

disarmament by the UN. Instead, they elevated the existence of the weapons to the category of a credo: the weapons existed simply because they said so, and the only way to get rid of them was to invade. Any question became an affront. Washington then asked the capitals to keep their diplomats' mouths shut, or else....

In the last analysis, Bush went to the UN just as a stopover before moving on to his disastrous war in Iraq, his true and final destination. The stopover in New York, as inconvenient as it turned out to be, was a request granted to his British ally, Prime Minister Tony Blair. Once at the UN, Bush and his administration lied to the world about the weapons of mass destruction, lied when they affirmed that the weapons existed beyond any doubt and lied when they declared that their only intention was to disarm Iraq and they would be satisfied to achieve only that. The facts, fully proven by the course of events, show that the U.S. had no interest in disarming Iraq peacefully and the weapons were just a pretext to wage war, a very bad and unnecessary war indeed.

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Bulldozed and Freshly Graded Earth, Al-Musayyib Chemical Complex

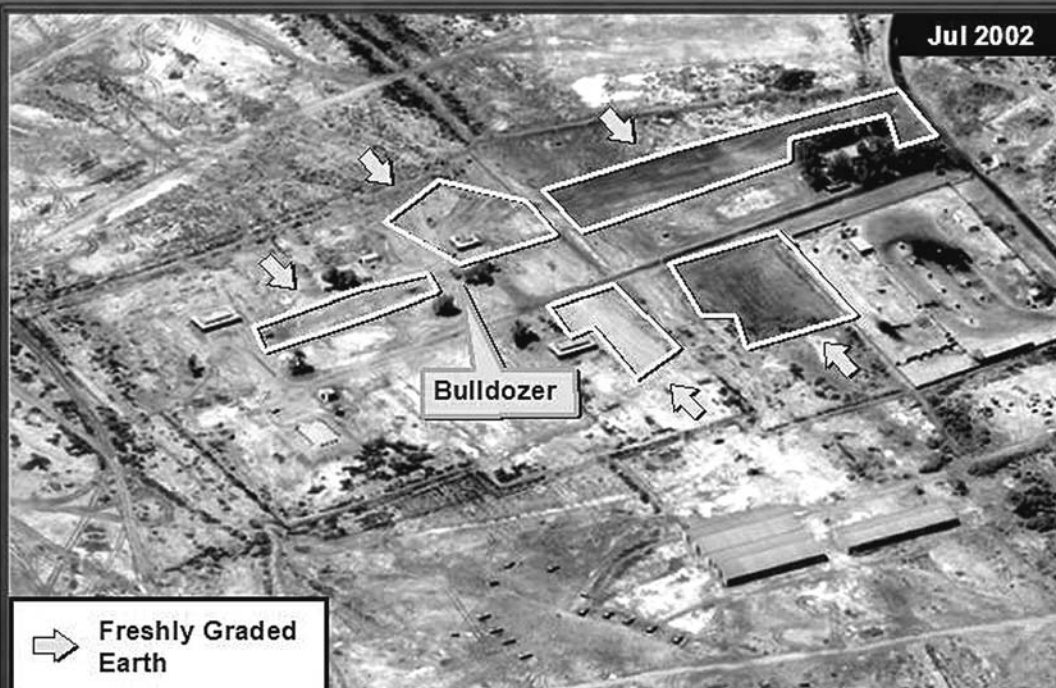


Photo by AP/Wide World.

Tourism in Baja

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the country's monumentalist heritage (pyramids and cathedrals). When he became president, Alemán parlayed his authority into the rapid development of Acapulco as a beachside playland. For years, middle and upper class Mexicans braved the winding highway from Mexico City for weekend stays at the port's hotels. The profits for Alemán and his associates were immense, though the lack of foresight gradually led to the despoiling of Acapulco's emerald waters. After his presidency, Alemán maintained his highly influential hand, heading Mexico's national tourism commission, all the while channeling state resources into his own interests in Acapulco. Alemán thus left an enduring model: tourism as a vehicle for personal wealth, political payoffs, kickbacks and related forms of corruption.

In 1970, Luis Echeverría became president of Mexico, allegedly as a neopopulist, eager to regain some semblance of credibility for the ruling party in the wake of the Tlatelolco massacre of 1968 (when Echeverría was interior minister). With Alemán's retirement from the tourist agency, Echeverría refashioned the government's tourism policies, founding FONATUR in 1974. The new agency assured its place in Mexican history with its initial project: the development of a strip of oceanfront on the Yucatan peninsula that became Cancún.

Cancún set a new course for Mexican tourism, as the axis of government-induced development moved even further from its pyramids-and-cathedral orientation. Pandering to international travelers, Cancún's development targeted tourists from Europe and the Atlantic seaboard of the U.S. By definition, Cancún's planners were indifferent to Mexican tourists, given its location far from the country's largest cities. The glitz and modern amenities of Cancún quickly made it an enormously popular tourist attraction. Alemán's Acapulco, already a tawdry shell of its glorious 1950s incarnation, stood no chance. Cancún's success set in motion the rapid implementation of two more major resorts on the Pacific coast, Huatulco and Ixtapa, further accelerating Acapulco's

decline.

Yet, despite the construction of these "integrated" complexes, and the subsequent emergence of Puerto Vallarta, Cancún remained the crown jewel of Mexican tourism. The Yucatan peninsula drew the bulk of the attention of investors, foreign and domestic, chasing the tourists' dollars (the area accounts for roughly 40 percent of Mexico's tourism revenues). While president from 1988 to 1994, Carlos Salinas boosted the region's tourism industry by building on Cancún's popularity along the entire coast of Yucatan, the so-called Mayan Riviera, that extended south from Cancún and Playa del Carmen to Chetumal. In the background stood politicians of the PRI, none more powerful than Carlos Hank González (now deceased), a one-time Secretary of Tourism. It was rumored that Hank González used his properties and influence in the region to ease the importation of drugs into Mexico for transit to the U.S. Though it is beyond the scope of this essay, it bears consideration that Roberto Hernández Ramírez, the head of Banamex and a school chum of Vicente Fox, holds large properties along the Ruta Maya and has been associated with drug trafficking, according to U.S. government sources.

To the Sea of Cortez

By 2000, most of the Yucatan's prime tourist areas had been staked out, and many of the best spots south of Puerto Vallarta had also been taken. Vicente Fox and his business friends cast their lot northward. Among Fox supporters was the crusty and venerable businessman, Juan Sánchez Navarro, a founder of Grupo Modelo, Mexico's dominant brewer (maker of Corona Extra). Grupo Modelo's growth strategy had focused on the acquisition of regional breweries, with an eye toward dominating distribution and sales in western and northwestern Mexico.

In this light, it should not be surprising to learn that Eduardo Sánchez Navarro, scion of the Modelo fortune, has invested heavily in Baja California Sur. Among his developments is Cabo

Real, a vast complex between San José de Cabo and Cabo San Lucas. The development includes hotels, golf courses and timeshare properties. In addition, Sánchez Navarro has started construction of a huge marina, with more than a hundred slips. Given the connections between the Sánchez Navarro family and President Fox, the proposed Nautical Ladder made solid political sense, and the economic motivations seemed plausible in the heady months following Fox's unprecedented electoral victory. Other friends of the president also stood to gain, including the head of Mexico's largest cement company (Cemex), Lorenzo Zambrano, and glass tycoon, Federico Sada.

The Nautical Ladder reflected an integrated regional plan. The project embraced primarily the states of Baja California Sur, Sonora and Sinaloa. The improvement in airport facilities at San José de Cabo was already well underway, including a short strip of four-lane toll freeway to speed visitors to the plush resorts. The concept also took into account the growing vehicular tourist traffic from the U.S. along the Pacific side of the Sea of Cortez. The plan thus anticipated primarily U.S. tourists driving from the border to the northern Pacific coast and using a

bridge to the peninsula to visit sites along the Sea of Cortez, such as Loreto, La Paz, and Cabo San Lucas. Ferries would carry tourists back and forth from the Pacific coast to the peninsula. To mollify environmentalists, the plan boasted opportunities for ecotourism to natural reserves and protected aquatic areas.

On the face of it, the plan was well conceived. The mega-project appeared on sound financial footing, given the proximity of the populous U.S. sunbelt. FONATUR's planners were also apparently aware that yacht sales had soared through much of the 1990s and that a growing number of aging baby boomers were attracted to timeshares, retirement homes and affordable beachside vacation rentals. The Nautical Ladder, bolstered by the elation surrounding Fox' election and the pre-9/11 warming of relations with the U.S, seemed a surefire hit.

Ladder to Nowhere

Almost from its beginning, the plan was beset with problems. It would be easy to blame much of the shortfall on a sluggish U.S. economy and the slow recovery of international tourism from 9/11. Yet, one can only wonder whether the

The Casa Dorada, a Cabo San Lucas hotel owned by Eduardo Sánchez Navarro.



Photo courtesy of Alex Saragoza

Zacatecas

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Photo courtesy of Elizabeth Hawice.

This distillery in Zacatecas, used to make mezcal, is funded by remittances.

that Mr. Bermudez had not completed the required one-year minimum residency.⁶ This and other events caused a very strong reaction among Zacatecan migrant organizations, mainly the Frente Cívico Zacatecano, based in Southern California, which started a campaign in favor of the political rights of this group. Early in 2002, an initiative was presented to the congress in Zacatecas, which was approved and allowed for the election of these four migrants in July of 2004.

The law is an example of electoral ingenuity and, without doubt, is at the cutting edge of the fight for the political rights of migrants. Articles 13 and 15 of this law allow “the effective or binational residence of the candidate in the state during a period of six months before the date of the elections.” This means that the migrants only have to return to Zacatecas six months before the elections to be eligible to be elected as municipal presidents and local representatives. To enforce this right, the law requires the political parties to include a migrant at the end of their plurinominal lists. To be at the end of these lists has the baroque quality that lawyers favor so

much; the law also orders that the two parties with the greatest number of votes must, automatically, place their “migrants” in the House of Representatives.

This event will have consequences at different levels. The presence of “migrant” representatives means that communities abroad will be represented in the Zacatecan Congress, which will affect the evolution of, for example, the “Three for One” program, the activities of the State Institute of Emigration, as well as of the petition to improve the representation of the Zacatecan government in the United States.⁷ The two municipalities to be governed by migrants will be an interesting “laboratory” because these migrants are convinced that they are bringing with them a better formula for the government. Martín Carvajal declared: “We know the American system very well; we know how it works. I am sure that we will be able to put into action things that work in the United States, such as the elimination of bureaucracy in order to move productive binational projects forward.”⁸ How will the vindication of U.S. ways and customs affect the traditional nationalism of the

Mexican political class?

It is possible that these changes could serve as a model for other states with large numbers of migrants, particularly Michoacán, Oaxaca and Jalisco. It is logical to assume that, as the migrants increase their demands and activism, the Mexican political parties will intensify their activities in the United States. The PAN has just announced that migrants belonging to the party, who are residing in the United States, will be eligible to participate in the presidential primaries. This will reinforce the increasing activity of the Instituto de Mexicanos en el Exterior (Institute of Mexicans Living Abroad), a federal agency that has initiated an intense but little known lobbying effort in the United States.

It is also true that what is happening in Zacatecas will increase the pressure on the political system in Mexico to pay attention to the political demands of organized migrants in the United States. Even if Congress does not approve the law and Mexicans living abroad are not able to vote in the 2006 elections, it will be impossible to prevent this vote in 2012 when other entities have already implemented the experiments being carried out by Zacatecas.

From the point of view of the very slow Mexican transition to democracy, Zacatecas is an example of the need to change the way we understand Mexico and, in particular, the relationship between the center and the periphery. The weakening of the presidency has had multiple repercussions: in some places, despotism has been reinforced and renewed while other states have demonstrated that they are at the vanguard in the creation and strengthening of democratic institutions. In this transition within the transition, an extraordinarily relevant political change has been the “revival of what is local, as a privileged space in the political arena.”⁹ Long before the alternation of political parties became possible in 2000, regional diversity was already a fact. In 1998, seven states were governed by political forces different from that of the President of the Republic (Baja California, Chihuahua, Guanajuato, Jalisco, Nuevo León, Querétaro and the Federal District). These changes have not yet been incorporated in most of the analyses that are based on the supposition that the essential part of the government is the

President of the Republic.¹⁰

What is certain is that one of the futures of Mexican democracy is to accept the existence of an organized entity (the migrant) that has decided to change some of the rules created by the Mexican political class. Zacatecas is a clear demonstration that, with vote or without vote, the Mexican migrants are a very important factor in the political life of the country, that the importance of local matters is increasing and that the internationalization of Mexican politics cannot be stopped. From this point of view, Zacatecas may be the mirror of a relatively near future.

Notes

¹ “Tendrá Zacatecas ley para migrantes,” *El Universal*, August 22, 2003.

² Miguel Moctezuma, “Construcción extraterritorial de la ciudadanía sustantiva y Ley Migrante de Zacatecas,” http://jerez.com.mx/2004/extraterritorialidad_ley_migrante.html.

³ Loc. cit.

⁴ “Demandan inmigrantes votar en el extranjero,” *Reforma*, November 17, 2003.

⁵ Gustavo Cano, “México visto desde fuera: El voto de los migrantes,” *Reforma*, March 7, 2003.

⁶ “Renuncia al PRD ‘el Rey del Tomate,’” *El Universal*, March 4, 2004.

⁷ “Avala Congreso Zacatecano la postulación de paisanos,” *Reforma*, August 24, 2003.

⁸ Ángel Amador Sánchez and Jorge Ramos, *El Universal*, July 7, 2004.

⁹ Mauricio Merino, *La transición votada. Crítica a la interpretación del cambio político en México*. México. Fondo de Cultura Económica, 2003, p. 34.

¹⁰ Wayne Cornelius, “Huecos en la democratización: la política subnacional como un obstáculo en la transición mexicana,” Reynaldo Ortega (ed.), *Caminos a la democracia* (Roads to Democracy), México, El Colegio de México, 2001.

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CURRENT EXHIBIT AT CLAS

Markets

By Juanita Pérez-Adelman



Photo courtesy of Juanita Pérez-Adelman.

Plátanos verdes
(Green plantains).
Mercados I, 2003.

Art is universal, but it is also local. Art can communicate not only where we are from but also who we are. And so, wherever I go, I am profoundly drawn to marketplaces as a representation of the people and of the place itself. There I take the pulse of the town: its food, taste, smell, sound, esthetic form and texture. In Mexico these encounters

have seduced me, and I have fallen in love with their splendor: cheeses that form white pyramids, baskets full of chilies in a thousand tones of red, herbs, potions, amulets and sculptures made from bottles of mezcal. In these markets all my senses are alive. I observe the place like a work of art that lends me its beauty, not to imitate, but to allow me to

experiment with its various themes. In my reconstruction of this reality and the feeling it provokes, some words come to my mind: desire, hope, fertility, need, nutrition, growth, family, agriculture, magic, money, commerce, beauty, poetry, dirt, respect... and the list goes on.

Through the fragmentation of the object, the use of collage, photography and actual objects from the markets, I present the pieces of a puzzle as a kind of game designed to trigger the viewer's imagination and curiosity. The idea is for the viewer to play with the compositions; to explore her own ideas and arrangements by viewing the pieces separately and together; to look beneath the surface

and see the people behind the products, the why and when and how.

Juanita Pérez-Adelman is one of the most innovative and important artists working in Mexico City today. Born in Santa Fe, Colombia, Ms. Pérez Adelman studied art in her native Colombia before attending California State University Northridge where she received a master's degree in etching in 1977. She has had private exhibits in Mexico and the U.S. and has participated in collective shows throughout the world.

Her show, *Mercados/Markets*, will be on exhibit at CLAS until December 10, 2004.

Trenzas y bordados
(Braids and Embroidery).
Mercados I, 2003.



Accountability in Fresno

By Susana Wappenstein



Photo courtesy of the Center for Justice and Accountability.

Archbishop Oscar Romero (second from left) celebrates mass.

“**B**ut above any order that a man might give to kill, the law of God should prevail, the law which says: Thou shalt not kill.... I ask you, I beg you, I command you in the name of God: Stop the repression.” So spoke Archbishop Oscar Romero of El Salvador in a March 23, 1980 homily directed at the national security forces. He was assassinated the next day while celebrating mass.

Archbishop Romero had been the target of right-wing death squads for his work documenting and denouncing widespread abuses and human rights violations by paramilitary groups organized by Roberto D’Aubuisson — founder of the ARENA Party which is still in power today — and sanctioned by the state. The archbishop became increasingly concerned with the rising tide of violence and murder against anyone who challenged the ruling elites. During the 1970s, against the backdrop of Soviet–U.S. confrontation, the military across Central America became more reactionary as attempts at political or social reform were met with repression.

After the murder, there was an escalation in violence and a descent into civil war that left thousands dead, at least one million displaced and the country in ruins. In spite of the significance of the murder and an overwhelming belief that death squads and the military were behind it, no

one was ever brought to justice in El Salvador. The Salvadoran judge in charge of the Romero investigation barely escaped an assassination attempt himself. Impunity was further cemented when, in 1993, after peace accords were signed, the ruling ARENA Party passed an amnesty law that guaranteed that those suspected of human rights violations would not be prosecuted. It appeared that the security forces had achieved their objective of silencing and terrorizing critics, thus establishing impunity for their actions.

However, in a surprising twist, last August a federal judge in Fresno found Alvaro Saravia, a former captain in the Salvadoran air force, liable for his role in the murder. Judge Wanger ordered Saravia to pay \$10 million in compensatory and punitive damages to the plaintiff, an unnamed relative of the slain archbishop. He also ruled that the murder constituted a “crime against humanity,” that the Salvadoran government had systematically obstructed justice and named the late Roberto D’Aubuisson as the mastermind behind Romero’s assassination.

Two of the attorneys from the legal team that filed the successful lawsuit against Saravia discussed the case at CLAS and considered the broader impact of using the U.S. court system to achieve justice in cases of human rights abuses overseas. Matt Eisenbrandt, from the Center for

Justice and Accountability (CJA), and Russell Cohen, from the private firm Heller, Ehrman, White & McAuliffe LLP, insisted that such suits, while not eliminating impunity on their own, contributed to the creation of a public, legal record and the exposure of perpetrators of human rights abuses now residing in the U.S.

During an earlier case brought in 2002 by the CJA against two retired Salvadoran generals living in Florida, the Center discovered that Alvaro Saravia, one of the key organizers of Archbishop Romero's assassination, was living in Modesto, California. Saravia had already been implicated in 1987 by his driver, who declared in testimony that Saravia ordered him to drive the gunman to the church. A report by the UN Truth Commission in 1993 also named Saravia as one of the key organizers of the murder.

The challenge for the CJA was to build a legal case against Saravia, one which incorporated witnesses rather than relying solely on documentary evidence. Even in 2003 this was very problematic given the fear and intimidation that potential witnesses had experienced. According to Eisenbrandt and Cohen, a breakthrough finally took place when Amado Antonio Garay, Saravia's driver — who, they found out, was living in the U.S. under the witness protection program — contacted one of the lawyers investigating the case and agreed to testify again. Using an old U.S. law created to sue pirates, the CJA, with the pro bono support of Heller Ehrman White & McAuliffe, filed a lawsuit against Alvaro Saravia in the federal court in Fresno.

During the five-day civil trial that took place in late August 2004, which Saravia did not attend, the driver Garay again testified that he had been ordered by Saravia to take the murderer to the church to kill Archbishop Romero and that afterwards he heard Saravia report back to D'Aubuisson with the words "mission accomplished." Additionally, the legal team representing the protected plaintiff in the case, wanted to demonstrate that the Salvadoran state was implicated. To prove this point they explained how state forces systematically obstructed the murder investigation and intimidated anyone involved in the case. Finally, to provide further evidence of damages, the lawyers

described to the judge the incomparable social role Archbishop Romero had played in seeking a peaceful solution to the crisis in El Salvador, in addition to the importance that his theological teachings played. These claims were supported with declarations from different personalities and experts from around the world. Judge Wanger, clearly moved by the evidence, found Saravia liable for the murder of Archbishop Romero and ruled the killing a "crime against humanity." He lamented that the law in civil cases only establishes monetary damages but, given this limitation, he awarded a \$10 million judgment in favor of the plaintiff. Three cheers of "*Romero, presente!*" erupted in the courtroom.

The whereabouts of Saravia are unknown, and it is unclear whether the money will ever be collected. Yet calls to re-open the investigation of the Romero murder case and to repeal the amnesty law passed in 1993 have been renewed in El Salvador. The ultimate goal, suggested the two attorneys, is to push for criminal prosecutions in the countries where the violations have taken place. Even when this is unlikely, as in the Romero case, these suits are critical in the struggle for justice and accountability.

Russell Cohen, attorney at Heller Ehrman White & McAuliffe LLP, and Matt Eisenbrandt, attorney at the Center for Justice & Accountability, presented their talk "The Archbishop Romero Case: Legal Accountability in U.S. Courts" on September 29, 2004.

Susana Wappenstein is a doctoral candidate in the Department of Sociology.

A protestor outside the courtroom holds a banner quoting Archbishop Romero: "If they kill me, I will rise again in the people..."



Photo courtesy of the Center for Justice and Accountability



**This fall marks the 40th anniversary of the Free Speech Movement on the
University of California, Berkeley campus.**

Photo courtesy of the Bancroft Library, University of California, Berkeley.

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