

HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT IN LATIN AMERICA

—Rodolfo Stavenhagen—

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In the middle eighties a sigh of relief was heard among world public opinion as a number of highly repressive military and authoritarian regimes in Latin America came to their end and were replaced by civilian governments, some of them elected democratically. After years of military dictatorship countries such as Argentina, Brazil, Chile, Uruguay, Paraguay, Bolivia and Guatemala returned to civilian rule and assumed anew the fragile and exhilarating existence of multi-party democracies and electoral processes.

The international community, which had been openly concerned about gross human rights violations in a number of these states (Argentina, Chile and Guatemala particularly were frequently cited as major culprits in the UN Human Rights Commission as well as by non-governmental human rights monitoring organizations), felt that the worst was over and that its attention could now be directed at other important issues. In Latin America itself, attention became focused on the economic crisis and the problem of the foreign debt.

Indeed, during the seventies and early eighties the question of human rights in Latin America had become a major international issue. Not only had numerous military governments come to power in violation of traditional democratic process, but they had also proven themselves guilty of major human rights abuses. The Argentine military, for example, has the dubious honor of having contributed to making the term "disappearances" a new concept in the human rights lexicon. More than twenty thousand people "disappeared" forever during those years of

military rule. The Pinochet dictatorship in Chile established its grip on the country through assassination, torture, arbitrary detention and the exile of hundreds of thousands of people. El Salvador became infamous because of the use of paramilitary "death squads" by the government to eliminate supposed political opponents and to terrorize the population. The list is endless and has been amply documented by numerous non-governmental human rights organizations.

National Security Doctrine

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these documents were to be something more than simple pieces of paper to be honoured on specific anniversaries and returned to their library shelves thereafter, then the international community had a collective responsibility to address these issues and do something about them. At least this is what many people in Latin America and elsewhere firmly believed, when they organized themselves to bring pressure on the repressive dictatorships and to turn the international human rights instruments into moral and political weapons for the defense of these rights. Thus, as the human rights situation worsened in many countries, national human rights organizations as well as intergovernmental and non-governmental organizations slowly developed an international environment which finally did make a contri-

bution to the downfall of the tyrants. Let us remember, among many others, the "Mothers of the Plaza de Mayo" who week after week demanded the return of their "disappeared" loved ones and whom the Argentine brass-hats were unable to break. The Carter administration was instructed by the US Congress to make respect for human rights a condition for American economic aid. European donor agencies for development aid began taking a sharper look at the human rights situation in numerous countries. And the Human Rights Commission of the United Nations as well as the Inter-American Commission of Human Rights began, however slowly, to look more carefully into human rights violations in specific Latin American countries.

It would be a mistake to simply attribute the recurrent pattern of human rights violations in Latin America during those decades to human perversity or the failure of democratic legal and political institutions. The military regimes of the sixties, seventies and eighties represented

a political response by a sector of Latin America's ruling classes to the social and political unrest created by the inequalities and injustices which resulted from the contradictions of economic and social underdevelopment. These inequalities and injustices are deeply rooted in Latin America's history. The rapid economic growth that some countries were able to achieve in the post-war period produced far-reaching social dislocations which affected the lives of millions of people. The traditional agricultural sector lost its strength and nurtured a growing discontented peasantry, massive rural to urban migrations inflated the great metropolitan centers with countless "marginalized" squatters, the new industrial working class organized to demand its labor rights, the burgeoning middle sectors demanded a

greater share of wealth and political power. Revolutionary models of an alternative society fired the imagination of students and intellectuals. New social and political movements questioned the archaic social and political institutions and challenged the "developmental model" being implemented by technocrats, multinational corporations and international financing agencies.

The cold war mentality, so assiduously fostered by the American mentors of the Latin American military, translated into the ideology of "national security" whereby the enemy was not some potential foreign assailant but was to be found internally, domestically, amongst the bearers of "alien anti-national ideologies" the subverters of national values and the social order.

The ruling elites stood on shaky ground and were no longer capable of holding on to power by the traditional means of oligarchic control and clientelism. They gladly relinquished it to the military who promised to "clean up the mess", eradicate the corruption and inefficiency of the state apparatus and, above all, who offered to rid the nation of the "communist danger", the Moscow or Havana agents who were subverting the sacred values of Western civilization. The cold war mentality, so assiduously fostered by the American mentors of the Latin American military, translated into the ideology of "national security" whereby the enemy was not some potential foreign assailant but was to be found internally, domestically, amongst the bearers of "alien anti-national ideologies", the subverters of national values and the social order. Thus, the military came to power not because of the individual whim of an ambitious general, but as an institutional response to structural change, wrapped in the ideological doctrine of a Latin American version of fascism.

The massive human rights violations in which these dictatorships incurred over the last two decades are not the personal decision of an insecure military dictator trying to avert his overthrow by an angry populace, but rather the carefully organized instrument of terror and control which allowed the military establishment to pursue its own idea of restructuring the economic and political order. Again, a Latin American version of fascism.

Rebirth of Democracy?

The return to civilian rule through democratic elections in the last few years

has been hailed widely as the rebirth of democracy in Latin America, and this process leads necessarily to a reassessment of the human rights situation in this part of the world. The fall of the dictators can be attributed to numerous factors: first and foremost, the pressure of the people; the influence of the international environment; they were no longer useful to their original sponsors at home or

abroad; their internal supporters began to abandon them; they turned out to be even more corrupt and inefficient than the civilian governments they overthrew; the economic and social situation worsened; the authority and legitimacy of the military eroded progressively; the political cost of maintaining themselves in power became too high (particularly in Argentina, after the Malvinas disaster).

Indeed, the fall of the dictators is a positive, welcome development for the peoples of Latin America, just as it is in other parts of the world. A closer look at the current situation, however, reveals that conditions are more complex. The return to civilian rule even through nomi-

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nally free elections does not by itself guarantee democracy or the absence of human rights violations. In this connection, a number of facts must be taken into account.

Role of the Military

In numerous countries, the military have indeed stepped down from direct political control, but they stay openly on the sidelines, conserve their autonomy, reject any civilian control and declare themselves to be ready to intervene again whenever it suits them. The most flagrant example is that of Pinochet who was voted out of the presidency of Chile but has decided to maintain himself as army

chief till the end of the century. In Argentina, hardline military sectors periodically threaten the civilian government. In Guatemala as in El Salvador, where insurgencies are waged, the civilian governments are tightly controlled by the military.

The continuing, if somewhat less visible, role of the military in numerous Latin American countries, has posed a serious challenge to human rights law. One of the principles of international human rights, based on the Nuremberg Trials, is that those responsible for crimes against humanity are to be held accountable and responsible for their deeds. In a number of Latin American cases this principle has been rendered inoperative through the adoption of amnesty laws which in fact allow the authors of human rights abuses to act with impunity. While some observers defend such laws as political necessities in fledgling democracies, others criticise them as being the result of political expediency which diminishes the very principles of human rights that democratic governments are supposed to uphold.

The holding of free elections and the return of the military to their barracks have not, alas! done away with human rights abuses. Some of the major and continuing violations occur in countries, which are nominally democratic such as Colombia, Guatemala, El Salvador and

Peru, as has been widely documented by, among others, Amnesty International in its 1989 report. Observers hold that such human rights violations are even more serious than those which occurred during the last stages of several military dictatorships; not only because of the specific content of the violations, but because they take place within the framework of democratic legal systems and point to the ineffectiveness of weak civilian governments to protect the rights of their citizens adequately. These violations are occurring within the framework of domestic conflict, the generalization of crime and violence and the disintegration of state structures.

DEVELOPMENT

New Development

While many of these violations may be attributed to state security organs, others can be traced to semi-autonomous and para-military organizations tied to certain governmental agencies but for which the political state institutions do not take responsibility. This makes the protection of human rights and the utilization of procedures for punishment and redress

America deteriorated badly. Observers are now saying that the eighties have been a "lost decade" Economic growth came to a standstill or became negative. Total investment fell off. In 1989 per capita income in the region fell for the second consecutive year, to the same level as ten years earlier. Inflation has been rampant in numerous countries, and reached almost 1,000% for the region as

ment is to provide for the public good and the protection of the fundamental rights of all individuals, then Latin America in the eighties has been found wanting.

Students of Latin American affairs ask themselves whether basic civil and political rights can be adequately protected when "structural violations" of economic, social and cultural rights appear to be a permanent feature of these societies. As is well known from other parts of the world and other eras, democracy cannot be built on stable foundations if the majority of the population lacks the basic necessities of life and has no hope for improvement in the immediate future.

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much more difficult. Another disturbing new development is the fact that major human rights violations are attributed to so-called non-state actors, specifically organizations involved in military insurgency such as Shining Path in Peru. To the extent that such organizations claim political legitimacy, present themselves as alternatives to the existing power structures and actually at times exercise physical control over certain areas, these abuses cannot be dismissed simply as common delinquency. They may in fact be considered as human rights violations for which these organizations must be held accountable.

Within an expanding circle of violence and lawlessness in which not only the state wields military force, and where large-scale criminal organizations related to the drug trade exercise political influence, the violations of human rights are becoming a widespread phenomenon increasingly difficult to control. In Colombia, for example, observers have noted that "laws of exception and emergency powers have become institutionalized and the military has grown increasingly autonomous... 'Overlapping violence' has obfuscated responsibilities and undermined the capacity of state institutions generally and the judiciary in particular... Laws passed ostensibly to defeat drug trafficking have in fact been employed more broadly, thus eroding all elements of democracy and human rights". (WOLA 1990) These relatively recent developments pose a challenge to all those who are involved in protecting and furthering human rights in Latin America.

"Lost Decade"

During the eighties, the economic and social situation of the peoples of Latin

a whole in 1989. The burgeoning external debt keeps most national economies completely strangled. Net capital outflow from the region to the industrialized countries, mainly the United States, has increased and is not about to stop. Internal income inequalities and regional disparities have grown. Real income has fallen sharply and particularly hard hit have been wages. (ECLA 1990) Agricultural production and incomes decreased. While some countries have been able to increase their exports, export earnings have not turned into better incomes. Economic restructuring has meant job losses and increasing unemployment. The so-called informal economy has grown considerably and has displaced many formal economic activities in the secondary and ter-

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tiary sectors. Governments have been incapable of maintaining adequate levels of public services in fields such as health, education, housing, urban environment and so forth. Social indicators testify to declining living standards among the majority of the population. High child mortality rates, malnutrition, inadequate health care and housing, falling educational standards, among others, are the expression of prolonged economic and social crisis and of the inability of current development policies to provide easy answers to very complex, historically rooted problems.

If the purpose of economic activity is to provide satisfaction of basic human requirements and if the objective of govern-

democratic polities in which human rights may be fully protected. More than anything, it reflects the inability of the military to cope with the crisis, which in part is of their own making in numerous countries.

Restricted Democracies

In fact, in most Latin American states the majority of the population is effectively excluded from meaningful participation in political life. The opening of voting booths every so often does not ensure democracy just as the U.S. military invasion of Panama in December 1989 did not bring democracy to that country and did, on the contrary, produce thousands of innocent victims. Even in formal Latin American democracies, such as

DEVELOPMENT

Mexico for example, electoral processes are not entirely transparent and a culture of democracy has not yet replaced traditional authoritarian politics and sporadic or endemic political violence. Political dissidents and opposition parties are harassed and hampered in their democratic endeavours. Under such conditions the free enjoyment of civil and political rights is still more an aspiration than a reality and such countries might be characterized as limited or restricted democracies.

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Structural violations of human rights, that is, those that are imbedded in the economic and social structure of a country, are just as destructive of democratic principles as the more widely publicised violations of civil and political rights. Whereas the latter can be claimed against the state, the former are claimed against society in general. This, however, does not exonerate the state for responsibility concerning the general conditions and environment in which economic, social and cultural rights are to be enjoyed. Article 28 of the Universal Declaration of Human Rights states unequivocally that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized. In countries of Latin America where extreme poverty and deprivation prevail and in which such conditions have worsened in recent years as a result of economic policies which disregarded or were unable to meet the needs of the majority population, the high objectives of the Universal Declaration and of other international human rights instruments have not been fulfilled.

Social Unrest

No wonder, then, that social and political unrest has been on the increase and that new kinds of social movements have broken out of the institutional restraints of traditional political parties, labour unions and interest groups. These movements reflect the changing character of the social scene, taking up the concerns and grievances of the oppressed, the exploited,

the marginalized, the poor, the hungry, the pariahs of Latin America's urban slums, the migrant families, the landless peasants, the excluded Indians. Frequently they are grass-roots organizations, rooted in the villages, the communities, the urban neighborhoods. They struggle for human dignity, equality, freedom and the satisfaction of their basic needs: in short, for human rights. Sometimes they are linked to the Church: not the traditional ecclesiastical hierarchy identified with the conservative ruling classes, but the

modern, progressive socially conscious elements inspired by the theology of liberation. At times, they coalesce around specific issues: the struggle for land, urban housing and social services, cooperatives, the environment. Others have raised the banner of revolutionary change and a minority among them have opted for armed struggle. Armed domestic conflict is a permanent element of the political scene in Colombia, Peru, Guatemala and El Salvador. It has been present in most other countries over the last two decades and its presence has considerably complicated the human rights picture. External interests have also played an important part in the conflicts in Central America, a region where human rights have been severely strained in recent times.

The issue of indigenous rights has become the subject of major debates in Latin America, involving constitutional changes and has been carried over into the United Nations and other multinational organizations.

Whereas numerous popular groups have been hard hit by the economic crisis and by the adjustment policies carried out by governments under the aegis of the international financial community, the most vulnerable have been the indigenous peoples. Over four hundred different Indian groups, numbering around 30 million persons, have suffered discrimination, land loss, economic exploitation and massive human rights violations, in short ethnocide, ever since colonial times. For centuries they have resisted economic and cultural aggression stubbornly,

sometimes actively, most often passively. They have been the latest victims of development policies: whether in the Amazon basin, in Middle America or the Andean plateaus, the continent's indigenous peoples are currently under a state of permanent siege. Their forests are being burned to nothing, their waterways are polluted, their land for subsistence agriculture is being taken and turned into pastures to provide beef for the industrialized world's fast food restaurants; their mountains are mined and emptied of their natural resources, they are pushed into barren wastes to make way for giant so-called development projects which are not intended for their use or benefit. They are thrown off their native homelands to become jobless urban slumdwellers, itinerant jobbers, undocumented (and therefore illegal) international migrant workers, economic refugees of all sorts. They are the victims of and unwitting participants in guerrilla warfare and brutal counterinsurgency measures. Hundreds of thousands have become internal and external political refugees in Central America. When they are finally offered a fair price in the market for a thousand-year old traditional crop—coca—a quirk of fate turns them into international delinquents: drug traffickers. Their cultures and traditions have been destroyed by mindless assimilationist government policies, international tourism, the operations of multinational corporations, and badly conceived and equally badly executed so-called development projects, many of them financed by multinational

development agencies.

The indigenous peoples have begun to fight back and in the last fifteen to twenty years their organizations have been in the forefront of the struggle for human rights, for their collective ethnic rights as distinct peoples within the multi-ethnic society, for legal recognition of their languages and cultures and social organizations, and last but not least, for the protection of their ecological habitat much of which is also humanity's last untouched

Contd on page 19

Contd from page 8

environment. The issue of indigenous rights has become the subject of major debates in Latin America, involving constitutional changes and has been carried over into the United Nations and other multinational organizations. This is a fitting background to the forthcoming celebrations, in 1992, of the fifth centenary of the misnamed "discovery of America", which for the indigenous peoples of the Americas is synonymous of their subjugation. (Stavenhagen 1988).

The main purpose of this rather sketchy

panorama of contemporary Latin America is to underline the fact that the struggle for human rights, which has become a major contemporary concern, is inseparable from the problems of economic and social development and those related to the building of truly democratic societies. In this struggle, Latin America does not stand alone. Recent events in central and eastern Europe have shown that the thirst for liberty and freedom can break down even the most oppressive bureaucratic systems, like a small root cracking a cement wall. The parallels that may be

drawn, however, should not obscure the fact that human rights issues in Latin America are linked to specific factors related to Latin America's historical development, just as the events in eastern Europe respond to specific circumstances in this part of the world.

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