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Rodolfo Stavenhagen

Winner of the Kalman Silvert Award for 2016

Born in Germany in 1932, Rodolfo Stavenhagen emigrated in 1936 with his family and arrived in Mexico in 1940, later becoming a Mexican citizen. In 1951 he received a bachelor's degree at the University of Chicago. He graduated from the National School of Anthropology and History (ENAH) in Mexico City in 1958.

He obtained a PhD in sociology at the University of Paris in 1965 with a dissertation that was later published as *Social Classes in Agrarian Societies* (in English, Spanish, French, Italian, Swedish and Arabic).

Stavenhagen began his teaching career at the Department of Sociology and Political Science of the National University of Mexico (UNAM). In 1964 he joined El Colegio de México (Colmex) as a research professor and is now professor emeritus there. At Colmex he organized the Center for Sociological Studies. Over the years he has lectured at a number of other universities in different countries.

In the international social science field, he has been active in the Latin American Council of Social Sciences (CLACSO), Latin American Faculty of Social Sciences (FLACSO), the United Nations University (Tokyo), and the United Nations University for Peace (Costa Rica). He was also a member of the board of the Social Science Research Council (USA) and of the SSRC's Joint Committee on Latin American Studies, as well as vice president of the Academic Council on the United Nations System (ACUNS).

His relations with the international community led him into public service in multilateral organizations on several occasions. In 1962–1964 he moved to Rio de Janeiro as general secretary of a UNESCO-sponsored Latin American

Center for Research in the Social Sciences. Later he became senior researcher at the International Institute for Labor Studies at the ILO (1969–1972) in Geneva, in charge of teaching and research on social and labor policies in Africa and Latin America. In 1979 he was appointed assistant director general of UNESCO in charge of social sciences and their applications, a position from which he resigned in 1982.

His main research interests include agrarian problems, social development, ethnic relations, popular cultures, indigenous peoples, and human rights. In Mexico in the 1960s, he codirected for the Inter-American Development Bank a research team on agrarian structure and agricultural development. In the 1970s he coordinated an international research project on human rights, development, and ethnic conflicts for the United Nations University.

Stavenhagen has always tried to link his research to practical concerns. While a student of anthropology in the 1950s, he worked for several years at the National Indigenist Institute and a regional development agency in southeastern Mexico in the field of applied anthropology (such as organizing new villages for displaced Indian communities in the Papaloapan area). In the 1970s he participated in the preparation of new social science textbooks for Mexico's federal nationwide elementary school system.

His interest in educational and cultural policies among indigenous peoples led him to organize a new department for popular cultures in the Mexican federal ministry of public education (1977–1979). In 1996 he was a member of a commission to follow up the peace accords between the federal government and the Zapatista movement



in Chiapas (which were boycotted by the administration).

At the international level Stavenhagen was for a time the Mexican government's delegate at the Working Group on Indigenous Populations of the United Nations, and he served as chairman/rapporteur of the group of experts that drafted the first version of Convention 169 on indigenous peoples of the International Labor Organization, ILO (1986).

His interest in international social science led him to participate in nongovernmental organizations such as the International Rural Sociology Association; the World Futures Studies Federation; as board member of the International Centre for Ethnic Studies, Sri Lanka; board member of the Society for Applied Anthropology (USA); the International Foundation for Development Alternatives (Switzerland); chairman of International Alert (London); council member of the Minority Rights Group (London); and board member of the International Movement Against all Forms of Discrimination and Racism (Japan).

Since 1984 Stavenhagen has served as vice president of the Inter-American Institute of Human Rights (Costa Rica), where he promoted the area of the rights of indigenous peoples. In the field of human rights, he took the initiative of organizing the Mexican Academy of Human Rights in 1983, the first association of its kind in the country. He was also a board member for ten years of the public ombudsman office, Mexico's National Commission for Human Rights (1990–2000). Occasionally he is consulted as an expert in cases involving the rights of indigenous peoples at the Inter-American Court of Human Rights. In 1993 he became chairman of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (an

intergovernmental agency), and he was also an active member of UNESCO's International Commission on Education for the Twenty-First Century.

In 2001, at the proposal of the Latin American Group of member states, Stavenhagen was appointed the first Special Rapporteur on the Rights of Indigenous Peoples of the Human Rights Council of the United Nations. During the seven years of his mandate he reported regularly on the situation of indigenous peoples and made recommendations to governments and the UN system. Besides academic publications and public reports, Stavenhagen has also written for newspapers and general interest journals in Mexico and abroad.

His work on agrarian issues, ethnic conflicts, indigenous peoples, and human rights contributed to public debates on these issues mainly but not only in Mexico and Latin America. In 1997 he was awarded the National Prize of Science and Arts by the government of Mexico. He has received several honorary doctorates internationally, and one of his most rewarding experiences was being named an honorary elder of the Ogiek forest tribe in Kenya.

Principal Publications

English

Editor, *Agrarian Problems and Peasant Movements in Latin America* (New York: Doubleday Anchor, 1970)

Social Classes in Agrarian Societies, translated by Judy Adler Hellman (New York: Doubleday Anchor, 1975)

Between Underdevelopment and Revolution: A Latin American Perspective (New Delhi: Abhinav, 1980)

The Ethnic Question: Conflicts, Development, and Human Rights (Tokyo: United Nations University Press, 1990)

Ethnic Conflicts and the Nation-State (Geneva: United Nations Research Institute for Social Development, 1996)

Racism and Public Policy, coedited with Yusuf Bangura (New York: Palgrave Macmillan, 2005)

Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples, coedited with Claire Charters (Copenhagen: IWGIA, 2009)

The Emergence of Indigenous Peoples (New York: Springer, 2012)

Peasants, Culture and Indigenous Peoples (New York: Springer, 2012)

Pioneer on Indigenous Rights (New York: Springer, 2012)

Español

Las clases sociales en las sociedades agrarias (México: Siglo XXI, 1969)

Sociología y subdesarrollo (México: Editorial Nuestro Tiempo, 1971)

Estructura agraria y desarrollo agrícola en México, coordinado con Sergio Reyes Osorio (México: Fondo de Cultura Económica, 1973)

Testimonios (México: Universidad Nacional Autónoma de México, 1976)

Problemas étnicos y campesinos (México: Instituto Nacional Indigenista, 1979)

Derecho indígena y derechos humanos en América Latina (México: El Colegio de México; Instituto Interamericano de Derechos Humanos, 1988)

Entre la ley y la costumbre: El derecho consuetudinario indígena en América Latina, coordinado con Diego Iturralde (México: Instituto Interamericano de Derechos Humanos, 1990)

Conflictos étnicos y estado nacional (México: Siglo XXI, 2000)

Derechos humanos de los pueblos indígenas (México: Comisión Nacional de los Derechos Humanos, 2000)

La cuestión étnica (México: El Colegio de México, 2001)

Los pueblos indígenas y sus derechos: Los informes a la ONU (México: UNESCO, 2007)

El desafío de la Declaración: Historia y futuro de la Declaración de la ONU sobre pueblos indígenas, coordinado con Claire Charter (Copenhagen: IWGIA, 2010)

Los pueblos originarios: El debate necesario (Buenos Aires: CLACSO, 2010)

Tijuana 58: Las condiciones socioeconómicas de la población trabajadora de Tijuana (Tijuana: El Colegio de la Frontera Norte, 2014; first published as a dissertation in 1958) ■

From the President

by Gil Joseph | Yale University | gilbert.joseph@yale.edu

As a proud, lifelong New Yorker I can hardly wait to celebrate LASA's 50th Anniversary Congress in the Big Apple, now less than two months away. Like so many of us, I savor our annual events for the serendipitous and personal experiences they afford. I always benefit as much from leisurely conversations with old friends and newly met colleagues in hallways, bars, and restaurants during the meetings, and from my impromptu excursions through the streets of the host city, as I do from the lively sessions themselves. All of these experiences contribute to the special *ambiente* that makes LASA LASA. This year New York beckons with a dizzying array of opportunities: the chance to visit vital neighborhoods in several city boroughs, each with its own musical scene and ethnic cuisines; a broad spectrum of theater and performance art catering to diverse budgets; iconic historical sights and destinations; a lineup of big-time sporting events across several professional leagues; some of the world's largest and most distinctive museums, libraries, and special collections—the smorgasbord of possibilities is stunning. Early on, the Program Committee decided that it made little sense to schedule cultural activities when most of us would likely already have identified more extramural options than we could hope to satisfy—and when the formal program of “LASA at 50” was packed with more presidential panels, regular sessions, roundtables, and workshops than any Congress to date.

The theme and content of the watershed 50th is indeed ambitious and encompassing. Above all, it will offer us a unique opportunity to both celebrate and critically engage the record of our first half century of existence even as we begin to plan for the next 50 years. We will pursue

this broad agenda in the same place where we held our inaugural Congress—the great metropolis whose own growth, complexity, and rampant diversity mirror changes in the field of Latin American studies.

LASA itself has transformed dramatically. When we initially met in New York in 1966, our members barely reached triple digits, and the preponderant majority of them were male North American scholars. We now return 50 years later, an association over 12 thousand strong, nearly half of whose members reside in Latin America. Not only will “LASA at 50” be the largest Congress the association has ever sponsored, with as many as six thousand of us descending on New York City; it will also be the most international in character, with more than 60 percent of the paper presenters based outside the United States. Moreover, as befits a more diverse membership, the great majority of LASA's recent leaders have been women. Today, more than 20 percent of our members are students, giving LASA a younger constituency that requires greater and more adequate forms of representation, communication, and accommodation. LASA has just drawn up a five-year strategic plan that will address the needs of its ever-expanding and more diverse membership. Whereas LASA's founding generation committed itself, in the face of repressive dictatorships during the Cold War, to preserve and enrich social science scholarship in the hemisphere's cosmopolitan capital cities, today LASA members, through initiatives like *Otros Saberes*, also seek to strengthen intellectual collaborations and activist relationships between academic scholars and nonelite epistemic communities. In the process they are expanding an appreciation of, and dialogue among, different ways



of knowing, as well as posing novel inquiries into the process of knowledge formation itself. Some of the new trends in Latin American studies—especially poststructural preoccupations with cultural studies, subaltern studies, studies of gender and sexuality, transnationality, and the postmodern condition—have challenged members of LASA's founding generation to stretch their thematic, disciplinary, and methodological comfort zones. What remains constant, of course, is the association's abiding commitment to ecumenism: LASA continues to honor classical fields of social science scholarship as well as emerging fields of academic inquiry and social action, often more closely related to the humanities.

LASA's return to the Big Apple is particularly fortuitous, for reasons more profound than historical symmetry. Over the course of LASA's first half century, New York itself has become an important part of our field, a critical crossroads for the study of Latin America in its rich transnational and multilayered contexts. It is therefore fitting that Nuyorican salsa musician and social activist Willy Colón and New York and Puerto Rico-based Dominicana Milly Quezada (the celebrated “Queen of Merengue”) will headline the Congress's Sunday evening *Gran Baile*. It is also appropriate that two of “LASA at 50's” 39 program tracks privilege Latino/a studies, and several panels promise a continuing discussion of how specialists in that field might better communicate with those who work on what is traditionally regarded to

be Latin America. A variety of sessions will engage Latino New York, and one special symposium, “Between Neighborhoods: Outerspace Innerborough,” at the City University of New York’s Graduate Center, will link Cold War–era and present-day New York City and Latin America. That session, organized by Queens-based audiovisual historian and media artist Seth Fein, will also premiere an interdisciplinary multimedia installation that interrogates conventional notions of North–South encounters, imperial core and periphery, and spatial concepts of “interborough” and “outerborough.” Another of the Congress’s presidential sessions will feature a timely interview, six months before the U.S. presidential election, with Deputy Secretary of Homeland Security Alejandro Mayorkas, a Cuban American who was a principal architect of the Obama administration’s DACA program. Mayorkas will be interviewed by *New York Times* national immigration correspondent Julia Preston regarding the dilemmas posed by international migration and border security and the prospects for comprehensive immigration reform.

Two other presidential sessions will feature high-profile dialogues among the leading Cuban and U.S. diplomats and policy makers behind the normalization of relations between the two nations. In addition to the diplomatic challenges the nations will continue to confront, these dialogues will engage the flow of people, goods, and ideas between the two nations as normalization proceeds. Yet another presidential session, “Latin American Transformations: Fifty Years of Change,” will bring some of the most distinguished interdisciplinary thinkers in our field, including John Coatsworth, Alejandro Portes, Maria Herminia

Tavares de Almeida, Florencia Mallon, and Steve J. Stern, to assess changes over the past 50 years. The panelists will focus on U.S. power and hegemony, migration and demographic trends, democracy and dictatorship, economic paradigms and policies, and new grassroots constituencies—and speculate on what the decades ahead will bring. A companion presidential session, on 50 years of journalistic coverage of Latin America, will include some of the hemisphere’s most renowned reporters and photojournalists, an intergenerational cohort, all of whom seek to promote a deeper exchange with academic scholars.

The 50th also takes particular pride in fostering a dialogue on the achievement of and prospects for democracy in the hemisphere between two of Latin America’s most enduring statesmen and thinkers, Fernando Henrique Cardoso and Ricardo Lagos; a presidential session on political and economic development that will showcase Costa Rican president Luis Guillermo Solís; and a blue-ribbon panel that will commemorate the late Guillermo O’Donnell’s classic work on democratic transitions. Finally, from the cultural studies/performance side of LASA’s constituency, the 50th Congress will feature a presidential session sponsored by Otros Saberes and dedicated to the role of hip-hop artists and activists in diverse political, social, ethnic, gender, sexual, and linguistic movements of the global South (which also includes the immigrant imaginaries in the global North).

The Congress that awaits us is ambitious and rich enough to require the addition of an extra day. LASA2016 will showcase the association’s new directions and constituencies, even as it celebrates the

efforts of its founders and mainstays during its first half century. It will represent the culmination of 12 months of frenzied but purposeful activity that have included a major 50th anniversary fund-raising drive that will yield hundreds of thousands of dollars to LASA’s Endowment to support Latin America–based research and international travel. I hope you will join me in celebrating our 50th birthday and planning for the next half century! ■

Ethics in International Relations: Expanding the Contributions of Latin American Scholars

by JOY GORDON | Loyola University-Chicago | cgordon3@luc.edu

The field of ethical issues in international relations has generally been understood to include such topics as just war, humanitarian intervention and the responsibility to protect, global justice, economic sanctions, global governance, and more recently, issues concerning migration and the environment. Within this field, there have been discussions of considerable importance on a wide array of questions: is there a right to intervene in situations of internal conflict? Are there occasions when there is a moral duty to do so? Are there forms of warfare that are inherently morally impermissible? How do we weigh security interests and humanitarian concerns when they come into conflict? In foreign policy and global governance, are economic measures, such as sanctions, always permissible? Or should they be subject to the same restrictions as warfare? Are there any ethical limitations on what may be done by institutions of global governance, such as the United Nations Security Council?

While there has been extensive discussion about these and similar questions within the academic domain of ethics in international relations, the conversation has been limited in certain ways. The participants have predominantly been from Western Europe, the United States, Canada, and Australia. Contributions from scholars in Africa, Asia, the Arab world, and Latin America are quite limited. The lack of diversity is problematic on several levels. The lack of global representation means that the intellectual discourse is profoundly inequitable and exclusionary. But additionally, the content of the field itself is not as robust as it might be.

Consider the question: Does the use of drones in warfare violate the principles of just war? It is an important and timely question. But within the academic field,

those who address this question will almost exclusively come from countries that use, or may use, drones; and none will be from Pakistan, Afghanistan, or other countries against which drones have been used. In large measure, this holds true for the other topics of ethics in international relations as well. For example, those writing on the topic of economic sanctions will typically be from the countries that impose sanctions; and none will be from Cuba, Nicaragua, Iran, North Korea, or the other countries that have had sanctions imposed upon them.

There is a certain structural distortion here: we typically hear the ethical arguments and perspectives of scholars from the countries that use these measures; and we hear very little from those in the countries against which they are used.

In making such a broad statement, I want to add a number of caveats. First, there are certainly many commentaries and publications on the topics of warfare, intervention, and so forth, written by intellectuals, journalists, bloggers, and others in the countries impacted by these experiences. However, I am referring specifically to the academic field of ethics in international relations.

Second, I am not suggesting that all American or Canadian or French scholars have the same position. Clearly that is not the case. There is considerable diversity, and debate, among scholars in this field on any given issue. Nor is it the case that these scholars necessarily reflect or agree with the policies of their governments. Certainly many do not. However, the range of views among Latin American scholars is likely to be rather different than the range of views among U.S. scholars, in ways that reflect the differences in national and regional perspectives and experiences. This project

allows us to explore some of the ways these differences may be manifested.

Finally, I do not mean to suggest that there is a single “Latin American” point of view. Certainly there is likely to be as much diversity among Latin American scholars on issues of ethics in international relations as there is on any other topic of discussion or debate.

With all these caveats in mind, this collection is intended to be a small exercise toward the end of enriching the dialogue within the field by inviting contributions from Latin American scholars on issues of particular relevance to them. This collection consists of four articles. The first, “*Tropas Salvadoreñas en Irak: Implicaciones éticas según Kant*,” by a team of researchers at the Universidad Centroamericana in Managua, Nicaragua, addresses an arrangement between the Salvadoran and U.S. governments in which Salvadoran soldiers were sent to fight in Iraq, under the command of the U.S. government. Thousands of Salvadoran soldiers were sent and were often placed in the most dangerous areas of the fighting. Hundreds of them died in this conflict. The authors consider the implications of this, within the framework of Kantian ethics.

The second, “*Ciudadanía universal y libre movilidad: Comentarios sobre una utopía ecuatoriana*,” by Ahmed Correa, responds to the ethical debate over open borders within the literature on migration. Much of the discussion responds to the reluctance of host countries to accept migrants and the resistance to open borders. However, Ecuador is quite extraordinary in that it has an explicit constitutional commitment to universal citizenship. The author explores the implementation of this commitment, as well as the contradictions and ambivalence that characterize it.

The third, “U.S. Economic Sanctions on Cuba: An International Ethics Perspective,” is an article by Cuban scholar Raúl Rodríguez on the ethical aspects of the sanctions imposed on Cuba by the United States. He draws on both utilitarian and rights-based frameworks in looking at the humanitarian impact of the sanctions.

The fourth article, “Responsibility to Protect as a Norm under Construction: The Divergent Views from the South,” by Raúl Salgado Espinoza, looks at how the notion of the “responsibility to protect” was formulated, and why it has been met with such a mixed reception in Latin America.

This collection is intended to provide a venue for these scholars to consider topics of interest to them within the field of ethics in international relations. But it is also intended to be a first step toward providing greater intellectual depth to the field through greater inclusion and diversity. ■

The Institute of International Education’s Scholar Rescue Fund (IIE-SRF)

awards fellowships to professors, senior researchers, and public intellectuals who face threats to their lives and careers in their home countries. Fellowship grants are disbursed through a host partner institution, which offers a visiting academic position where IIE-SRF fellows can continue their work in safety and matches the IIE-SRF award by providing salary, direct support, and other in-kind assistance. Since IIE-SRF’s founding in 2002, the program has supported over 640 scholars from 55 countries, placing them at more than 350 host institutions in 41 countries.

The IIE-SRF Selection Committee awards fellowships quarterly, although applications are accepted at any time and can be considered on an emergency basis. IIE-SRF welcomes referrals from individual LASA members, as well as queries from universities willing to host a threatened scholar. Scholars from any country, field, or discipline may apply. Qualifying applicants are defined as those currently facing or recently fled from immediate threats to their lives or academic work. Preference is given to scholars with a Ph.D. or other terminal degree in their field who have extensive teaching or research experience at an institution of higher learning. Women and scholars from under-represented groups are strongly encouraged to apply.

For more information on IIE-SRF, please visit www.scholarrescuefund.org or contact srf@iie.org.

Tropas Salvadoreñas en Irak: Implicaciones éticas según Kant

por SERGIO CABRALES, KIARA CALERO, DOUGLAS CASTRO y MARIO SÁNCHEZ

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Siete años después del retorno del último contingente de soldados salvadoreños (Batallón Cuscatlán X) desplazados en Irak, se escribe este artículo para analizar cómo estos fueron instrumentalizados para cumplir los objetivos de la política exterior norteamericana y de sus aliados en la clase política salvadoreña. Para ello se plantea, en primer lugar, el enfoque ético de Kant con su imperativo categórico sobre la dignidad humana. Partiendo de esto se contextualiza la relación histórica entre Estados Unidos y El Salvador, que conduce a la participación del país centroamericano en la ocupación de Irak durante seis años, para luego discutir sus implicaciones éticas.

La persona, siempre como fin

Para Kant, una de las formulaciones centrales del imperativo categórico es el obrar de tal modo que se tenga a la humanidad, en uno mismo como en otros, siempre como fin y nunca solamente como medio. Para entender esto, es importante reconocer que él atribuye al ser humano un valor incomparable, innegociable e inextinguible: la dignidad. Ésta no es un fin relativo, sino más bien un fin en sí mismo. De acuerdo a Hill (1980), tratar a los seres humanos como fin y no como medio es promover esta dignidad ya existente, es respetarlos y honrarlos o al menos no degradarlos o deshonrarlos con otras acciones. Del mismo modo, Kant también atribuye a la humanidad el valor de la libertad, que nos da el poder para escoger fines y medios diversos para perseguirlos. Esta facultad de determinar fines y metas nos distingue y distancia de la animalidad (Korsgaard 1986). Sin embargo, esta libertad de actuar, a pesar de dotarnos de racionalidad, puede comprometer la propia dignidad humana y también traducirse en acciones que dañen la de otros¹.

¿Cómo sucede? Existen elecciones de actos en que la humanidad de otros seres humanos, o la propia, es utilizada como un medio para conseguir fines diversos (sean buenos o malos), comprometiendo así el valor de la dignidad. Si este es el caso, esta elección humana es incorrecta. Por el contrario, tal como lo señala Hill (1980), si el acto elegido expresa respeto por el valor de la humanidad (cuya dignidad es intrínseca) y es puesta como fin de la acción, o al menos no es tratada como medio, será éticamente permisible.

Este imperativo categórico se convertirá, de acuerdo a Hill (1980) en un antídoto contra el utilitarismo en cualquier acción, acontecimiento histórico o escenario en que un ser humano o un pueblo entero vea comprometida su humanidad y por ende su dignidad, siendo tratada como medio para lograr fines. Servirá de alarma en situaciones en las que egoístamente se tome en poca consideración las intenciones y el bienestar de otros, y en las que se manipule a seres humanos para lograr objetivos de toda índole². Según Moncho i Pascual (2003) el mundo político, el jurídico-penal y el mundo económico son las grandes esferas en las que de forma privilegiada se conciben estrategias que persiguen fines en los que la dignidad de muchos puede ser atropellada, precisamente usada como medio.

Kant (1795), en *La paz perpetua*, advertía implícitamente de ocasiones en las que las esferas políticas y económicas, a través de guerras, comprometían la dignidad de seres humanos para lograr objetivos bélicos. Para él, una guerra vulnera la dignidad de los pueblos en múltiples formas: “Ningún Estado en guerra con otro puede permitirse tales hostilidades que hagan necesariamente imposible la confianza mutua en una paz futura; por ejemplo, el empleo de asesinos (percusores), de envenenadores (venefici), la

violación de una capitulación, la inducción a la traición (perduellio) en el Estado enemigo” (Kant 1795, 25).

A esta afirmación podemos añadir o explicitar negociaciones turbias, compras o alianzas deshonestas, endeudamiento, irrespeto a la autodeterminación, uso de mercenarios, etc.; todo para satisfacer fines ordenados a favor del dinero, el ejército y de alianzas políticas.

También desde esta noción de dignidad, Kant condena dos actitudes: el servilismo y el arriesgar temerariamente la propia vida. En relación al primero, el filósofo reconoce que la dignidad deriva en manifestación del orgullo de uno mismo, que aunque es susceptible a excesos, contribuye a darse cuenta del enorme valor propio. Para Hill (1980), el servilismo, revelado en la adulación, auto denigración, la complacencia de las actitudes y proyectos del otro aún en contra de uno mismo, representa una actitud que perjudica este orgullo y la noción de la dignidad invaluable de la propia humanidad. Para lo segundo, Kant reconoce, según Kerstein (2009), que es inaudito poner la propia vida en peligro por propósitos o fines que no lo merecen. Esto representa una cosificación de la dignidad, equiparándola a un valor mayor: llámese dinero, prestigio, poder.

De esta forma, Kant reconoce que los seres humanos se merecen un trato especial y digno (en todo el sentido de la palabra). Toda actuación en la esfera pública o privada, económica, política y global, debe estar guiada por la plena conciencia de la dignidad humana sobre todas las cosas, como fin último de nuestras acciones. Sin embargo, las relaciones entre dos países del continente son la mejor expresión de acciones en donde la dignidad humana no ha tenido la primacía en las decisiones de

la esfera política: El Salvador y Estados Unidos.

Estados Unidos y El Salvador: El servilismo como diplomacia

De acuerdo a Grenni (2009), las relaciones entre Estados Unidos y El Salvador datan de inicios del siglo XX, pero en esta época eran menos estrechas que los vínculos que sostenía el país norteamericano con el resto de Centroamérica. No obstante, dichas relaciones se fueron fortaleciendo a lo largo del siglo XX, en especial durante el conflicto armado interno de El Salvador, cuando Estados Unidos convirtió a este país en uno de sus principales aliados en la región en su estrategia contrainsurgente de lucha contra el “comunismo”. Según Danner (2005, 49) el presidente Ronald Reagan, había propuesto, con el apoyo del Secretario de Estado Alexander Haig³, “marcar en El Salvador la línea en contra de la subversión comunista en el hemisferio”, lo que se tradujo en el incremento significativo de la ayuda militar, que concretamente, aumentó de 26 a 35 millones de dólares. Además, la Casa Blanca había anunciado que incrementaría el número de consejeros militares norteamericanos de 25 a 45, así como el envío de 56 asesores del Pentágono (Goshko y Oberdorfer 1981). De ahí, que documentos del Departamento de Estado reconozcan que en los años 80 sin “la ayuda militar norteamericana, material y técnica, el régimen [salvadoreño] no se habría sostenido” (Byrne 1996, 56, citado en Torres-Rivas 2013).

Como las relaciones entre ambos países han sido asimétricas, estas han obedecido a los intereses de Estados Unidos, en desmedro de los de El Salvador. Así, durante la guerra fría, El Salvador fue un campo de confrontación del país norteamericano

con la Unión Soviética, relegando a segundo plano las raíces nacionales de dicho conflicto. De igual forma, con la impronta de la denominada “guerra contra el terrorismo”, el Estado salvadoreño fue arrastrado a la invasión estadounidense en Irak, que fue ampliamente rechazada por la opinión pública salvadoreña, pues socavó la soberanía de este país centroamericano e incurrió en cuantiosos gastos económicos irracionales para una nación empobrecida y con problemas de desigualdad.

Además de tener un papel destacado en los conflictos armados en El Salvador, el país norteamericano ha influenciado la política nacional salvadoreña, sobre todo durante las elecciones, cuando desde “La Embajada” se ha hecho campaña en favor de la Alianza Republicana Nacionalista Salvadoreña (ARENA). Asimismo, esta influencia también se ha dado en la política internacional de El Salvador, donde el país centroamericano ha votado a favor de los intereses de Estados Unidos en los foros internacionales como la Asamblea General de las Naciones Unidas (Quintanilla, Ávalos y Avendaño 2012).

La histórica injerencia de Estados Unidos en El Salvador ha propiciado el fortalecimiento de un esquema de dependencia socioeconómica, en aspectos sensibles de la actualidad salvadoreña tales como: la migración, ya que cerca del 20 por ciento de la población salvadoreña vive en Estados Unidos⁴; las remesas, que permiten a miles de familias en El Salvador sustentar sus necesidades básicas y que en 2006 representaron el 18 por ciento del PIB; y la asistencia económica, que se ha utilizado en momentos claves como el financiamiento al ejército salvadoreño en los ochenta o su repunte en el 2004 (incremento del 57 por ciento⁵) coincidente con el envío de tropas en respaldo a la invasión de Irak y el proceso de ratificación del DR-CAFTA.

Los gobiernos salvadoreños han optado por adaptar sus políticas en favor de mantener una relación óptima con Estados Unidos, entre estas: el radical proceso de dolarización en 2001 y ser el primer Estado de la región en ratificar el DR-CAFTA. El fortalecimiento de este vínculo económico ha resultado en que El Salvador tenga cerca de la mitad de su comercio exterior con Estados Unidos, y que este a su vez sea el mayor inversor en territorio salvadoreño (Oficina de Información Diplomática, 2015). Por estas razones, los diferentes gobiernos salvadoreños han apostado por consentir las propuestas de Estados Unidos, desde acuerdos comerciales hasta el involucramiento militar en la ocupación a Irak, para obtener un trato prioritario frente a temas sensibles como: política migratoria, cooperación, inversión extranjera directa, entre otros.

La falsa deuda moral con los EE.UU. y la “salvadorización de Irak”

Desde agosto de 2003 a febrero de 2009 el gobierno de El Salvador había enviado 10 contingentes de soldados, miembros de las Fuerzas Armadas, a Irak. Cada uno de estos contingentes permaneció aproximadamente entre seis a siete meses en territorio iraquí, y estaban integrados por al menos 300 efectivos, totalizando un envío de 3,700 soldados.

A pesar de la oposición de ciertos sectores de la clase política —miembros de los partidos políticos del Frente Farabundo Martí para la Liberación Nacional (FMLN) y Convergencia Democrática Unida (CDU)—, el envío del primer contingente se hizo efectivo por medio de un decreto presidencial, por el entonces presidente Francisco Flores, pocos días después de la visita del vicesecretario de Defensa, Paul Wolfowitz a la nación centroamericana.

Oficialmente se justificó, en un principio y a lo largo de los sucesivos contingentes, que la presencia de soldados salvadoreños en territorio iraquí tenía la finalidad de realizar “labores humanitarias” y colaboración en el “proceso de reconstrucción”. Otro argumento ideológico formulado por un parlamentario del partido en el gobierno, Guillermo Gallegos, apela a la falsa “deuda moral” con los Estados Unidos: “como país estamos moralmente obligados a continuar apoyando el proceso de reconstrucción y democratización de Irak” e incluso este diputado distorsiona el significado verdadero que representó la ayuda militar de los EE.UU. al reciente conflicto armado de El Salvador: “Hemos vivido el mismo tipo de guerra y nos ayudaron... Es una deuda que tenemos”⁶. Posteriormente, se suma a estos discursos políticos el manejo sesgado de la opinión pública por parte de algunos medios de comunicación de mayor circulación, como La Prensa Gráfica, que a través de mensajes y notas de prensa manipularon la información con la finalidad de “defender [o encubrir] intereses políticos, económicos e ideológicos” (García 2010) de los EE.UU. como de la élite política, económica y militar del país centroamericano.

Aunque eran obvias las razones del envío de los contingentes militares, otras fuentes, como los cables diplomáticos filtrados por WikiLeaks, evidenciaron que se trataba de una maniobra política de la diplomacia servilista de El Salvador por “agradar” y deseo de mantener “su cercana amistad con Bush”, es decir, una posición incondicional y alineada al gobierno de los EE.UU., hasta el punto que llegó a ser la única nación de América Latina en mantener la presencia de sus tropas militares en Irak hasta 2009. Como bien advierte el periodista británico, Cockburn (2015), una de las grandes lecciones que deja el abordaje de

la guerra y eventos relacionados a ésta, es que no puede ser explicado sin la política y su perspectiva histórica, de igual forma la política no puede entenderse sin la guerra.

El envío de los contingentes salvadoreños a Irak representó una serie de problemas con graves implicaciones éticas. En primer lugar, se irrespetó el valor y la dignidad de las personas, concretamente los soldados salvadoreños, la resistencia y los civiles iraquíes que fallecieron en el contexto de las operaciones militares en el país del Medio Oriente. Cabe destacar que la primera baja salvadoreña, Natividad Méndez Ramos⁷, se trataba de un soldado que había sido diagnosticado no apto por una Certificación Médica del Comando de Sanidad Militar con fecha del 5 de noviembre del 2003. Es decir, que la misma Fuerza Armada llegó al extremo de obviar la condición de vulnerabilidad física y emocional de algunos de sus miembros.

La solicitud del gobierno de EE.UU. —a través de su vicesecretario de Defensa— y el correspondiente ofrecimiento de los gobiernos alineados de la región centroamericana (Honduras, El Salvador y Nicaragua), obedecía a una estrategia instrumental de reducir el número de bajas de soldados ciudadanos estadounidenses⁸. Además, como señalaron en una carta dirigida al Presidente Antonio Elías Saca por diversas organizaciones de derechos humanos, académicas y religiosas de El Salvador, el envío de tropas militares “lejos de contribuir a ‘labores humanitarias de reconstrucción’, están respaldando la ilegal y perversa ocupación militar estadounidense en dicha nación, que desde sus inicios ha estado violando impunemente las Convenciones de Ginebra, las Regulaciones de la Haya de 1907, el Derecho Humanitario Internacional y la Carta de Naciones Unidas”.⁹

Sumado a ello, se argumenta que esta maniobra no ha sido “Una solicitud del pueblo iraquí, tampoco su labor ha sido eminentemente humanitaria como lo pregonan las autoridades castrense, simplemente se han dedicado al patrullaje y la custodia de empresas privadas y lo más grave para el “entrenamiento antiterrorista” de comandos especiales de la policía, cuyos procedimientos han sido objeto de numerosas y graves acusaciones en materia de derechos humanos, como ejecuciones, torturas, etc.” (Moore 2005, citado en Klein 2007, 486). Una de las unidades más señaladas, ha sido la Brigada del Lobo, conformada bajo la directrices de John Negroponte¹⁰ en el marco del programa “opción El Salvador” (Maass 2005; Barry y Hirsh 2005) que para Scahill (2007) consistía en una “salvadorización de Irak”, con la participación de David Petraus¹¹ e instructores como Steve Casteel¹² y James Steele¹³ que han comandado y fungido como “asesores” de escuadrones de la muerte y fuerzas antiterrorista en El Salvador y otros países en la región centroamericana en los años 80.

Un análisis ético contextualizado y con perspectiva histórica en las relaciones geopolíticas entre EE.UU. y El Salvador, deja en evidencia que el envío de tropas militares salvadoreñas a Irak, no sólo demostró la complicidad servil del gobierno salvadoreño con una ocupación militar ilegal e ilegítima, sino que ha denigrado el valor supremo de la vida y la dignidad de la persona como un fin, ante la indolente instrumentalización de los soldados salvadoreños. Se trata de una política establecida por el Congreso de EE.UU. (Danner 2005). A pesar de los años transcurridos desde el retorno del último contingente, sigue pendiente el aprendizaje de los que ha significado el conflicto armado en este país centroamericano, la

responsabilidad del gobierno de los EE.UU. en dicho conflicto y el posterior envío de contingentes militares salvadoreños al país del medio Oriente.

La preocupación ética de Kant por la dignidad de las personas como un fin resulta pertinente y vigente para el análisis crítico de graves problemáticas como la invasión y ocupación norteamericana al pueblo iraquí. Esta distorsión de la dignidad de los soldados como un medio se da con la connivencia del Estado salvadoreño con Estados Unidos de enviar sus tropas exponiendo utilitariamente a sus soldados bajo la política de servilismo. En este análisis ético se identifican contradicciones entre los discursos que justificaban la participación salvadoreña en la ocupación militar y los verdaderos fines implícitos de dicho conflicto. Así mismo, el gobierno de El Salvador consiente y es cómplice de la reedición de estrategias de terrorismo de Estado que había perpetuado en contra de su mismo pueblo durante los ochenta y que en el marco de la ocupación se implementan contra pueblo iraquí a través de la “opción El Salvador”.

Este marco ético permite desnudar situaciones de injusticia y atropello a la dignidad humana que otros enfoques teóricos no permiten visualizar con profundidad.

Notas

¹ De esta forma se percibe cómo no es la libertad en sí misma la que puede comprometer la dignidad humana, sino las acciones que desde ella pueden escogerse. Las acciones verdaderamente libres serán aquellas que respeten a las otras personas como fin en sí mismas.

² La manipulación se manifestará en situaciones en las que una persona es engañada en la creencia de que está trabajando por un objetivo explícito, mientras que la acción sirve realmente a otro propósito implícito y éticamente incorrecto. Sin embargo, no podemos hablar de manipulación si hay asentimiento de la acción teniendo claro los objetivos explícitos e implícitos de dicho acto. Ejemplo de esto sería el enlistarse en una guerra justa y sin otra alternativa, para defender la propia familia y nación en una situación de agresión, aun sabiendo que se puede perder la vida y la propia capacidad de elección bajo las órdenes de otros superiores. Por el contrario, ‘manipulación’ sería enlistar soldados en una guerra justificada de una forma cuando de hecho se pretenden objetivos implícitos como el enriquecimiento, la expropiación de recursos naturales de un país, y la violación de la soberanía para ejercer hegemonía.

³ Alexander Haig ratificó la determinación de la Administración de Reagan de “demostrar que podemos ganar... una victoria rápida y decisiva” (Clements 1984, 19, reimpresión 2006).

⁴ Proporción de los salvadoreños en Estados Unidos según la Organización Internacional para las Migraciones (OIM) y las proyecciones poblacionales del Banco Mundial (2015).

⁵ Incidencia de las remesas en el PIB y asistencia económica, en base a los Indicadores Mundiales de Desarrollo (IDM) del Banco Mundial (2015).

⁶ Una ayuda económica que en vez de ser usada para desarrollar las fuerzas productivas del país sirvió para hacer compras de lujo o ampliar la ayuda militar que sirvió para reprimir (escuadrones de la muerte) (Petras y Morley 1991).

⁷ Además del Soldado Natividad Méndez, fallecieron otros cuatros: Carlos Armando Godoy Coto, José Miguel Perdomo, Donald Alberto Ramírez García y Argelio Soto Ochoa.

⁸ Según Mark Danner, a finales del 1981, el congreso y el pueblo estadounidense habían mostrado oposición al envío de fuerzas de combate norteamericanas a Centroamérica. Había quedado definitivamente claro que la única forma de prevenir regímenes no deseados, era reformando la Fuerzas Armadas de dichas naciones, como sucedió con El Salvador, al intentar evitar el triunfo de la guerrilla salvadoreña como sucedió en Nicaragua.

⁹ Carta de una madre al presidente, *Adital: Noticias de América Latina y el Caribe*, 18 de enero de 2006. Disponible en <http://www.adital.com.br/site/noticia2.asp?lang=ES&cod=20663>.

¹⁰ Miembro de la CIA encargado del Programa Phoenix en Vietnam, consejero política en Saigón, ex-oficial a cargo de Consejo Nacional de Seguridad Nacional de EE.UU, sección responsable de Vietnam. Fue embajador en Honduras de 1981 a 1985, desde donde se comandó las guerras sucias de EE.UU. en Centroamérica. Fue uno de los supervisores del envío de la ayuda estadounidense a los escuadrones de la muerte de la Contra nicaragüense. En la gestión de George Bush, fungió como embajador ante la ONU y luego en Irak durante la ocupación estadounidense. También fue director del Consejo Nacional de Inteligencia (DNI).

¹¹ Ex general de cuatro estrellas, que a sus 37 años fue altamente condecorado. Comandante de la Fuerza Internacional de Asistencia para la Seguridad (ISAF) y Comandante de las Fuerzas de EE.UU. en Afganistán (USFOR-A). En el 2011 fue nombrado director de la CIA.

¹² Steve Casteel, ex alto funcionario de Departamento de Antidrogas de los EE.UU. (DEA) involucrado en la formación de paramilitares en Colombia, en la famosa guerra contra las drogas. Por muchos años asesoró las fuerzas locales de Perú, Bolivia y Colombia en la lucha contra las drogas.

¹³ El coronel retirado James Steel estuvo involucrado en las guerras sucias de EE.UU durante la década de los 80 en Centroamérica, coordinando el Grupo Asesor Militar que entrenó y organizó los Escuadrones de la Muerte en El Salvador.

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Ciudadanía universal y libre movilidad: Comentarios sobre una utopía ecuatoriana

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Los estudios sobre migraciones han puesto de manifiesto la necesidad de desarrollar diálogos interdisciplinarios. Es en este sentido que la atención brindada a las migraciones por la literatura angloamericana de la ética aplicada desde mediados de los ochenta, ha constituido un marco de oportunidad reflexiva en torno a preocupaciones centrales para el estudio de las migraciones. Desde un nivel filosófico, diversos autores han discutido sobre la ilegitimidad moral o la funcionalidad del control migratorio y el cierre de fronteras, frente al principio liberal de la *igualdad* (Carens 2013; Blake 2003).

La globalización reciente ha estado marcada por la cotidiana presencia de la movilidad humana, aunque el principio de igualdad frente a migrantes y refugiados ha sido sacrificado en el debate público en nombre de la soberanía. Ante la incesante ratificación de las fronteras, la implementación de mecanismos de justicia transnacional y la idea misma de ciudadanía cosmopolita, han sido ampliamente debatidas a nivel teórico pero con escasa traducción empírica. Es en este contexto que Ecuador establece constitucionalmente en el 2008, los principios de la ciudadanía universal y de la libre movilidad.

El presente artículo tiene como objetivo reflexionar sobre el régimen migratorio ecuatoriano a partir de la entrada en vigor de los fundamentos constitucionales de la libre movilidad y el principio de ciudadanía universal. No se trata de una reflexión exclusiva sobre la ciudadanía universal, ya que como veremos ésta no agota en lo absoluto el tema migratorio ecuatoriano. Más bien, se propone reflexionar sobre cómo se sitúa la ciudadanía universal en la política migratoria ecuatoriana.

Adicionalmente, se pretende contribuir desde una experiencia concreta a la discusión ética sostenida en torno a las migraciones. En *La Ética de las migraciones*, Joseph Carens desmonta el nivel de abstracción con que suele plantearse la cuestión de la pertenencia del otro-extranjero al analizar diversas situaciones (la condición de los menores de edad, primeras y segundas generaciones, naturalizaciones, doble ciudadanía) que adquieren tratamientos diferenciados en el ámbito político y jurídico. Un argumento ético significativo que plantea Carens en favor de garantizar el acceso a la ciudadanía para población migrante, es su explicitación de “dos fundamentos distintos pero relacionados: la pertenencia social y la legitimidad democrática”. (Carens 2013, 50) De manera simplificada, estos fundamentos defienden que: (a) “Living in community also makes peoples members”; (b) “everyone should be able to participate in shaping the laws by which she is to be governed” (Carens 2013, 50). Dicha argumentación cobra sentido en la experiencia cotidiana de población migrante en Ecuador. De cualquier manera, una discusión en torno a la ética liberal en la gestión de las dinámicas migratorias debe asumir críticamente problemas como la restauración del nacionalismo como criterio de organización de la realidad y las implicaciones de imperialismo cultural que los principios del liberalismo plantean en su relación con el otro.

Si bien no ha habido cambios en la comprensión de la ciudadanía para los migrantes, Ecuador es uno de los pocos países que, de alguna manera, ha adoptado una política de fronteras abiertas, la cual a su vez ha encontrado resistencias y ha experimentado retrocesos. Aún así, la experiencia ecuatoriana plantea una evidencia práctica que permite discutir algunas de las ideas centrales de la

argumentación tradicional que desde sociedades desarrolladas se ha planteado en torno a la movilidad humana.

Libre movilidad y ciudadanía universal

El tratamiento transversal de la libre movilidad humana de la Constitución de Montecristi del 2008, la hace especial en el panorama constitucional de la región. Destacan preceptos como “la no consideración de ilegal a ningún ser humano por su condición migratoria” (artículos 40), o el principio de la ciudadanía universal y “el progresivo fin de la condición de extranjero como elemento transformador de las relaciones desiguales entre los países” (artículo 416 numeral 6). Además, otorgó derechos para los ciudadanos ecuatorianos en el exterior (derecho al sufragio activo y pasivo, derecho a recibir representación legal en el exterior, ser beneficiario de programas sociales, etc.).

El 20 de junio del 2008, el gobierno de Rafael Correa eliminó mediante decreto el visado como requisito de ingreso: “todos son bienvenidos”. La llamada política de “fronteras abiertas”, se constituyó así en uno de los rasgos atractivos de la Revolución Ciudadana para fuerzas progresistas dentro y fuera del país.

Como resultado de la implementación de la libre movilidad, Ecuador se convirtió desde el 2008 en una importante plaza sur de destino migratorio latinoamericano, con flujos provenientes tanto de países del norte como del sur, y con un número importante de migraciones intrarregionales. Factores como el libre visado y la existencia de una economía dolarizada, incidieron en la configuración de Ecuador como plaza de llegada de población migrante. Sin embargo, es importante tener en

cuenta que la composición significativa de población extranjera no ha sido diferente a la de décadas anteriores, como sucede por ejemplo con colombianos o estadounidenses.

Los resultados del último Censo de Población y Vivienda, muestran que cerca del 59 por ciento de la población extranjera en Ecuador es de nacionalidad colombiana, seguidos por nacionales peruanos, estadounidenses, españoles, cubanos, y venezolanos (Instituto Nacional de Estadística y Censos, INEC, 2010). Entre el 2001 y el 2010, la población extranjera pasó apenas del 0.9 por ciento en el 2001 al 1.2 por ciento. A pesar de los subregistros del Censo, Ecuador se ubica muy por debajo de países como Argentina, Venezuela o Brasil, donde esta población representa entre el 4 y el 5 por ciento del total de la población. A pesar de cifras considerablemente bajas, se ha desarrollado —sobre todo a nivel mediático— el imaginario de llegada masiva de colectivos extranjeros, en especial de cubanos o haitianos; percepción que no suele extenderse a los nacionales estadounidenses, quienes representan la tercera población más numerosa en el país¹.

En el orden de involucración en la vida cívica del país de personas migrantes, la noción universal de la ciudadanía ha carecido de implementación normativa específica. Los críticos de la regulación constitucional de la libre movilidad y la ciudadanía universal, lo que cuestionan en la práctica es la política del libre visado. No existe en la legislación ecuatoriana ninguna norma que asigne derechos de ciudadanía de manera especial, a no ser el procedimiento ordinario de naturalización que se encuentra vigente en Ecuador desde el siglo pasado. Por el contrario, está vigente una legislación restrictiva de la

migración aplicada constantemente en la gestión migratoria.

A pesar de esto, no debe reducirse la comprensión de una ciudadanía en clave cosmopolita como mero reconocimiento legal de la misma. Según Aihwa Ong (1999) existen interminables experiencias de migrantes transnacionales que ponen de manifiesto la tensión entre la identidad nacional y la ciudadanía, entre las lealtades y los diversos vínculos; entre la interconexión jurídica que los estados producen entre tales vínculos y la lealtad ciudadana a través de la identidad nacional. La gestión político-jurídica que los estados modernos han hecho del acceso a la ciudadanía, parte de la exigencia del vínculo entre la identidad nacional como presupuesto de la ciudadanía. Es por esto que encontramos como parte de la naturalización, actos simbólicos de recreación de la identidad: cantar el himno, conocer la historia y los símbolos patrios; elementos que pueden ser desconocidos por un natural. Las migraciones transnacionales han contribuido a exponer esta tensión; el reconocimiento de la doble ciudadanía constituye una respuesta de los estados ante una realidad de vínculos múltiples que es entendida como una transgresión a su poder soberano.

La comprensión de la libre movilidad y el reconocimiento de los derechos de población migrante en Ecuador, está más cercana a su incorporación de población migrante como beneficiarios de políticas públicas y derechos sociales, que del reconocimiento de derechos políticos con responsabilidades cívicas. La práctica política e institucional del régimen migratorio, ha operado en el nivel ordinario limitándose a reconocer las modalidades de categorías migratorias reconocidas por la Ley de Extranjería. A pesar de la apertura en favor de ciertos

profesionales extranjeros, acceder a un estatus regular ya sea temporal o de residencia definitiva, no puede ser equiparable a la noción de ciudadanía. Más bien, se trata de una condición similar a la “denizenship” o residencia legal asignada a población extracomunitaria en la Unión Europea (Atikcan 2006). Sin embargo, la experiencia ecuatoriana, evidencia que a pesar del estatus de residencia legal, la condición de extranjero suele implicar la vulneración cotidiana de derechos, en instancias procedimentales o administrativas.

En rigor es posible identificar dos momentos que indican un tratamiento diferente de los derechos de personas en movilidad en Ecuador, momentos que no pueden comprenderse en el ámbito constitucional, sino que se expresan a nivel infraconstitucional, en el diseño coyuntural de políticas y acciones de gestión migratoria.

En una primera etapa, la regulación constitucional de la movilidad no solo gozaba de vigencia en la retórica política, sino que era traducida en acciones concretas. Destaca de este primero momento el compromiso del gobierno recogido en la “Política del Ecuador en Materia de Refugio” (2008), de otorgar protección a la población refugiada colombiana y promover su inserción en la sociedad. E igualmente puede señalarse la experiencia del Registro Ampliado, que tuvo lugar entre marzo del 2009 y marzo del 2010, mediante el cual se reconocieron cerca de 30 mil refugiados de nacionalidad colombiana. Ecuador es el país con mayor número de población refugiada en toda Latinoamérica².

En una segunda etapa es posible encontrar un distanciamiento de la política aperturista inicialmente defendida.

Desde mediados del 2010, comienzan a desarrollarse acciones como el Operativo Policial *Identidad*, al amparo del cual se realizaban redadas en búsqueda de migrantes indocumentados, principalmente de cubanos, colombianos y haitianos (Pronunciamiento Defensorial No. 005-dnpdt-2010 de la Defensoría del Pueblo del Ecuador).

En junio del 2012 se aprueba el Decreto Ejecutivo 1182, en un claro retroceso de la legislación en materia de Refugio. Dicha norma eliminó los criterios de elegibilidad establecidos en la Declaración de Cartagena de 1984, reduciendo la definición de refugiado a la Convención de 1951, estableció un precario término de 15 días para presentar la solicitud una vez ingresado al territorio, instituyó un procedimiento previo de admisibilidad, entre otras cuestiones ampliamente rechazadas; luego fue declarado parcialmente inconstitucional mediante la Sentencia No. 002-14-SIN-CC del 14 de agosto del 2014.

En franca contradicción con la constitución, Ecuador ha mantenido vigente la Ley No. 1899 de Migración y la Ley No. 1897 de Extranjería. Ambas normativas fueron promulgadas en 1971 bajo el gobierno de Velasco Ibarra en correspondencia con los principios de la doctrina de la seguridad nacional, con la finalidad de restringir y controlar la movilidad migratoria ante la amenaza de propagación ideológica durante la guerra fría. Esta normativa ha brindado el fundamento legal para justificar la exclusión arbitraria en aeropuerto, y la deportación de población migrante, además de reconocer la irregularidad migratoria para población extranjera que sobrepasa los tres meses en suelo ecuatoriano sin obtener un estatus migratorio.

En enero del 2016 entró en vigor el Acuerdo Ministerial 067 del Ministerio de Relaciones Exteriores y Movilidad Humana, que modifica las tarifas de los trámites consulares, incrementándose significativamente el costo de las visas. La visa de turista por ejemplo, adquiere un costo de 450 USD, lo cual le convierten en una de las visas más caras de su tipo. Téngase en cuenta que Ecuador ha impuesto el visado como requisito de ingreso para un total de 11 países (China, Afganistán, Bangladesh, Eritrea, Etiopía, Kenia, Nepal, Nigeria, Pakistán, Somalia, Senegal), y recientemente sumó a los nacionales de Cuba entre los que necesitan visa para ingresar al país de la ciudadanía universal. Pero a pesar de los retrocesos antes señalados, Ecuador no ha eliminado el libre visado para ingresar al país, lo cual quizás constituye la indicación de una comprensión reducida que cree conservar el orden constitucional de la movilidad humana mediante el libre visado.

Las modificaciones en el régimen migratorio ecuatoriano han estado además relacionadas a coyunturas políticas específicas. En el ámbito internacional la ciudadanía universal ha encontrado importantes interpelaciones en el terreno de las relaciones diplomáticas. Países como China a finales del 2008, o más reciente miembros del Sistema de Integración Centroamericana (SICA) como consecuencia de los migrantes cubanos en Costa Rica a finales del 2015, son dos momentos en que el gobierno ecuatoriano ha recibido solicitudes directas para la instauración de visado. En ambos casos, la invocación de los riesgos del tráfico y el coyoterismo³, han constituido el argumento justificativo para la imposición de visado como mecanismo de contención de flujos migratorios con finalidades de tránsito hacia Estados Unidos. Lo cual deja ver que la movilidad es entendida como

proceso lineal con un origen y un destino, desconociendo una experiencia mucho más dinámica, caracterizada por circulaciones migratorias, por la reorientación de proyectos migratorios, por la existencia de retornos seguidos de nuevas salidas; olvido además de la reconfiguración de factores globales que inciden en la variación de condiciones de Ecuador como lugar de destino.

El proceso de retroceso de la política migratoria no ha tenido lugar en términos de un abierto abandono del discurso inicial aperturista, sino que ha ocurrido en un segundo plano de la esfera pública. En términos generales es posible afirmar que asistimos a un régimen migratorio selectivo, que contrapone sujetos migrantes “deseados” frente a migrantes no deseados, irregulares y deportables (De Genova 2002). Lo mismo puede decirse para con los refugiados: Julian Assange por ejemplo, representa la versión deseada del refugiado para Ecuador, frente a casos de solicitantes colombianos, o recientemente de iraníes o sirios.

La selección de perfiles migratorios ha estado directamente relacionada con el modelo de desarrollo que ha venido perfilándose desde el 2008, y que busca modificar la condición de país primario exportador, dependiente de la extracción petrolera. En este sentido destaca la reforma en la educación superior con la finalidad de generar la formación de profesionales que permitan impulsar la modificación de la matriz productiva. En este contexto, se crearon programas como el Prometeo o el Ateneo organizados por la SENESCYT, que buscan captar investigadores y docentes extranjeros (y ecuatorianos residentes en el exterior), para vincularlos a instituciones ecuatorianas.

Como se ha señalado, la noción constitucional de la ciudadanía universal y el reconocimiento de la libre movilidad, ha sido traducida en la práctica en el ingreso con libre visado, y la permanencia legal por 90 días en territorio ecuatoriano. Vencido este término, la persona migrante entra en situación de irregularidad migratoria, lo cual instituye el disciplinamiento de poblaciones a través del miedo a ser detenido, sin medida cautelar, en el Centro de Detenciones de Personas en Irregularidad Migratoria, llamado Hotel Carrión, y si se tiene suerte, a ser deportado en un tiempo relativamente corto⁴.

La categoría de irregularidad cumple además una función de eufemización en el manejo de la ilegalidad migratoria, frente a la prohibición constitucional del artículo 40. El efecto práctico del tratamiento punitivo de aquellos en situación de irregularidad, no es otro que lo que Bauman denomina la solución antropológica, o la expulsión del otro indeseable (2005). La experiencia de Ecuador como plaza sur de destino migratorio, nos permite constatar los efectos de vulneración de la condición humana que en el orden empírico genera el encontrarse en irregularidad migratoria. Situaciones de precarización y violación de derechos laborales, negación de servicios sociales, detenciones ilegales, desprotección jurídica e institucional, segregación espacial e invisibilización forzada, exposición a formas de explotación, son algunas de las circunstancias directamente favorecidas por la ausencia de un estatus migratorio regular, generando lo que De Genova denomina la “erasure of legal personhood” (2002, 427). No puede perderse de vista que para un país como Ecuador, con una presencia extranjera que está más allá del libre visado, las políticas de restricción migratoria lejos de expulsar el grueso de la población migrante se traducen en la

existencia de violación de derechos y la degradación de los migrantes sin estatus migratorio reconocido.

A manera de conclusión

El diseño constitucional de la ciudadanía universal y la libre movilidad fue planteada en un proceso con fuerzas políticas en disputa, en el que han existido objetivos apremiantes que van desde la modernización de la institucionalidad estatal hasta la consolidación de la estabilidad del sistema político; que además, tiene lugar en un contexto postcolonial, atravesado por luchas pendientes en el orden del reconocimiento racial. A pesar de no haber sido implementada de manera consistente, la introducción constitucional de la ciudadanía universal en Ecuador ha tenido varios efectos favorables. En un contexto supranacional, la ciudadanía universal ecuatoriana es heredera y amplificadora de un ideal cosmopolita resultado de años de experiencia migratoria en la región. En este sentido no puede desligarse de políticas migratorias como el “Acuerdo sobre residencia para nacionales de los estados partes de MERCOSUR”, los distintos instrumentos vinculados con población migrante de la Comunidad Andina de Naciones, así como su influencia en la elaboración de la “Ciudadanía Suramericana” como parte de las prioridades impulsadas por UNASUR.

A nivel nacional, su fijación constitucional establece un nuevo marco de sentido cosmopolita, que aunque sea en el orden simbólico, cuestiona el fundamento de exclusión al otro extranjero. Tal marco brinda un instrumento de interpelación a soluciones excluyentes, adoptadas ya sea en espacios institucionales o informales, bajo el sentido común del narcisismo

nacionalista. De manera específica, ya ha incidido en el proyecto de Ley Orgánica de Movilidad Humana, actualmente en discusión en la Asamblea Nacional. Además de la abrogación de la Ley de Migración y la Ley de Extranjería, habrá que esperar al tratamiento de contenidos decisivos que sean aprobados en un anteproyecto que se viene discutiendo desde finales del 2013.

La reflexión en torno a la extensión de la ciudadanía para población extranjera, suele plantearse en términos de especulación utópica (Beck 2002). Pero en la descalificación de formas amplias de incorporación ciudadana de población migrante, se omite por una parte que la movilidad humana es inevitable en un contexto global de desigualdades fundamentales, y por otra, que las regulaciones restrictivas solo suponen la ilegalización y marginación de amplios grupos humanos. O sea, que en el orden del reconocimiento de derechos para población migrante, el cuestionamiento de la utopía futura justifica una realidad distópica en la era globalizada de la modernidad tardía.

Notas

¹ Un número amplio de los estadounidenses constituyen pensionistas jubilados que han adquirido inmuebles en zonas como Cuenca o Vilcabamba al sur del país; aunque debe señalarse que una parte de los ciudadanos de Estados Unidos censados en el 2010, son migrantes retornados naturalizados e hijos de estos. Al respecto ver: “Una nueva migración económica: El arbitraje geográfico de los jubilados estadounidenses hacia los países andinos” de Matthew F. Hayes, en *Andina Migrante* (Quito: FLACSO), No. 15 (abril 2013).

² Más del 98 por ciento de los refugiados en Ecuador son de nacionalidad colombiana, y una parte importante de estos fueron reconocidos durante el proceso del Registro Ampliado.

U.S. Economic Sanctions on Cuba: An International Ethics Perspective

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³ En América Latina suele designarse con el nombre de “coyotes” a los traficantes de seres humanos. De ahí la expresión “coyoterismo”.

⁴ A propósito del Centro de Detención Hotel Carrión, véase del autor “Welcome to Hotel Carrion: Such a Lovely Place”, *La Línea de Fuego*, 15 de septiembre de 2015. Disponible en: <http://lalineadefuego.info/2015/09/15/welcome-to-hotel-carrion-such-a-lovely-place-por-ahmed-correa-alvarez/>.

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Economic sanctions are not new to international relations. They have been used frequently in the past two centuries, and they date back at least to the Megarian Decree in 400 B.C.¹ In the aftermath of World War I, sanctions were envisioned as having a critical role in global governance. Woodrow Wilson, one of the primary architects of the League of Nations, described the “boycott” as a “peaceful, silent, deadly remedy,” providing a means by which a multilateral supranational organization could promote collective security and police international society (Hufbauer, Schott, and Elliot 1990, 9; quoted in Padover 1942, 108). Sanctions were also incorporated in the Charter of the United Nations as a tool available to the Security Council, which has employed them frequently since the end of the Cold War.

In addition to their role in global governance, economic sanctions also constitute a form of statecraft used to advance foreign policy goals by coalitions of nations or by individual countries imposing sanctions unilaterally. That has been particularly true of the United States. In their extensive study of over two hundred episodes of sanctions over the last century, Gary Clyde Hufbauer and colleagues (2007) concluded that the United States had used economic coercion far more than any other country.

Economic sanctions may be defined as the withdrawal of customary trade and financial relations for foreign and security policy purposes. Sanctions may be partial, affecting only certain goods or individuals; or they may be comprehensive, prohibiting commercial activity with regard to an entire country, like the long-standing U.S. embargo of Cuba (Masters 2015). They may involve positive incentives to reward certain kinds of behavior by a state, or

negative measures to punish or deter unwanted behavior or compel political change in the target state.

Hufbauer, Schott, and Elliot (1990, 2) define sanctions as a “deliberate government inspired withdrawal or threat of withdrawal of customary trade and financial relations.” However, they note that “‘customary’ does not mean ‘contractual’; it simply means levels of trade and financial activity that would probably have occurred in the absence of sanctions.” This definition is particularly applicable to the study of economic sanctions imposed on Cuba by the United States, as the United States was Cuba’s main trading partner and the singularly important source of foreign direct investment.

Many proponents of economic sanctions as a foreign policy tool have advanced the notion of targeted sanctions, or “smart sanctions,” sometimes described as the “precision-guided munitions of economic statecraft” (Drezner 2011, 96). Targeted sanctions are designed to hurt elites and not the general public. They are considered to be more humane and consequently do not raise the same ethical concerns as broad trade sanctions. However, the sanctions imposed against Cuba are not at all targeted. To the contrary, they broadly affect imports, exports, shipping, and international financial transactions. Consequently, they are “traditional” sanctions and are subject to the same ethical objections.

Many have argued that sanctions should not be used as a tool of international relations because they are seldom successful, while they harm the population as a whole. Therefore, they cannot be justified on the grounds of utilitarian ethics, which begins with the premise that an action is ethical only if its beneficial

consequences outweigh the harm done (see, for example, McGee 2003). Within this framework, sanctions in general can rarely be justified, because they are rarely effective, at least according to Robert Pape. In his review of the literature on the effectiveness of sanctions in the twentieth century, Pape maintains that sanctions were clearly successful only 5 percent of the time. In *Failed Sanctions: Why the U.S. Embargo of Cuba Could Never Work*, Paolo Spadoni argues that this is generally due in part to increased interdependence, transnationalism, and globalization; that is, economic sanctions may well be less effective where the interests of transnational corporations and individuals do not coincide with the national interest of the sender state. In the case of Cuba, where the sanctions have been imposed with the goal of regime change, they are clearly unsuccessful.

Robert McGee (2003) takes a different approach, looking at the U.S. economic sanctions on Cuba using a rights-based approach. Within this framework, we may consider whether the sanctions undermine a nation's right to development as well as the economic rights and human rights of its citizens. We see these articulated, for example, in the Universal Declaration of Human Rights, which includes the right to an adequate standard of living, including food, clothing, housing and medical care (Article 25). The International Covenant on Economic, Social and Cultural Rights provides for the right to an adequate standard of living (Article 11), the right to health (Article 12), and the right to education (Article 13). The Geneva Conventions recognize the rights of a civilian population to free transit of medical supplies, even in wartime.² The additional protocols to the Geneva Conventions prohibit the destruction of goods that are indispensable to the

survival of the population.³ Furthermore, Article 50 of The Hague Convention and Regulations of 1907 prohibits indiscriminate harm imposed upon a population as a whole: "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."

The U.S. sanctions against Cuba violate all of these rights. In addition, Amnesty International (2009) and other organizations have repeatedly criticized the embargo for violating the economic and social rights of the Cuban population.

Economic Sanctions as a Tool of U.S. Foreign Policy toward Cuba

Immediately after taking power in January 1959, the new Cuban government took the first steps toward the implementation of the Moncada Program.⁴ This involved a strong and swift structural transformation that began incorporating new property relations and class relations. These policies in turn limited the possibilities for private capital accumulation. The Cuban government saw these actions as a means to achieve economic sovereignty and social justice. By the end of 1959, the United States government, with the support of the Cuban propertied class, gradually applied economic pressure in the form of economic sanctions, accompanied by political and diplomatic isolation, military threats, and covert actions aimed at overthrowing the government.

Beginning in the early 1960s, the economic sanctions evolved into a comprehensive blockade against the island, incorporating every major method available to a sender state: trade control, suspension of aid and

technical assistance, freezing of the target's financial assets, and the blacklisting of companies outside the U.S. involved in bilateral business (Doxey 1980, 14–15). Indeed, in 2007 the U.S. Government Accountability Office described the embargo against Cuba as the most comprehensive set of U.S. sanctions on any country (GAO 2007). It is also the most long-standing application of bilateral sanctions in contemporary history that currently remains in force.

The U.S. economic sanctions had considerably less impact on Cuba's development during the 1970s and 1980s due to preferential trade and aid from the Soviet Union and the Eastern European bloc. But when the Soviet Union dissolved, Cuba lost 75–80 percent of its trade, and Cuba's economy went into free fall. Between 1990 and 1994, Cuba's GDP contracted by one-third (Ritter 2010, 2).

In response to the crisis, the Cuban government initiated a series of measures to rebuild the economy, including joint ventures with foreign companies and establishing relations with a broad array of new trade partners. However, Cuba's efforts to revive the national economy were undermined in part by U.S. legislation that tightened the embargo considerably.

The most significant of these measures were the Cuban Democracy Act of 1992 (Torricelli Act), Cuban Liberty and Democratic Solidarity (Libertad) (Helms-Burton Act of 1996), and the Trade Sanctions Reform and Export Enhancement Act of 2000.⁵ These laws impose severe penalties on ships that enter U.S. ports within six months of stopping at Cuban ports and impose harsh restrictions on foreign subsidiaries of U.S. companies, undermining their trade with Cuba. They prohibit any transactions with Cuba using

U.S. dollars, and they permit U.S. nationals to bring suit in U.S. courts against foreign companies doing business on properties that were held by U.S. nationals prior to the Revolution. In addition, until last year, Cuba was included on the list of nations that support terrorism. All of these created additional impediments and costs to Cuba's normal economic activities.

The Humanitarian Impact of the Sanctions

Last year, at the request of the United Nations Secretary General, the Economic Commission for Latin America and the Caribbean issued a report which found that the U.S. economic sanctions continue to present a formidable barrier to trade, foreign investment, and the development of Cuba's financial sector. In the last few years, French, Dutch, German, British, and other non-U.S. banks have been heavily fined for conducting transactions with Cuba. This has continued even since the agreement of December 17, 2014, between Cuba and the United States to reestablish diplomatic relations. For example, last March, Commerzbank of Germany paid fines totaling \$1.7 billion, for processing financial transactions involving Cuba and three other embargoed countries.⁶ In March 2015, after the United States and Cuba began normalizing relations, the Treasury Department reported eight enforcement actions involving Cuba cases, with fines totaling \$5,278,901 (Whitefield 2016). The policy of actively pursuing prosecutions has continued in 2016. In February 2016, two companies were fined: a French geoscience company, CGG Services; and Halliburton Atlantic and Halliburton Overseas, two foreign subsidiaries of Houston-based Halliburton Energy Services (Whitefield 2016).

U.S. economic sanctions on Cuba have certainly affected the economic and social rights of the Cuban population.

One particular area of concern is health care, which the Cuban government has made a priority. Nearly 80 percent of the patents in the medical sector are issued to U.S. pharmaceutical multinational companies and their subsidiaries, which gives them a monopoly on many of the most effective drugs available. The embargo laws impose such extensive restrictions that Cuba cannot get access to these medications (Lamrani 2013, 46; see also American Association of World Health 1997; Amnesty International 2009, 16–19).

Cuba's education system has also been affected by the U.S. sanctions. For example, the sanctions limit Cuba's access to information technology tools that are crucial to produce educational multimedia. These include Adobe Flash, ToolBook, and Mediator. Sanctions also limit access of Cubans to bibliographic sources and software, such as those provided by Cisco Systems, Oracle, Symantec, Sun Microsystems, ProCite, and EndNote. The licenses to access these tools have to be paid to United States companies, and such transactions are prohibited under the current regulations.⁷ Thus, despite having highly qualified teachers and researchers, Cuban educational institutions find it increasingly difficult to access the latest tools and information needed to maintain and improve education services.

In addition to interfering in Cuba's social services, the embargo also affects Cuba's broader economic development. For example, the Canadian company Sherritt International is the single largest foreign investor in Cuba. Sherritt has repeatedly described the unique political risks that it faces in doing business in Cuba, as a

result of U.S. sanctions: "The Corporation is affected by the difficult political relationship between the United States and Cuba. The United States prohibits U.S. citizens from engaging in virtually all transactions involving Cuba. The U.S. embargo thus limits Sherritt's access to U.S. capital, finance, customers and suppliers. The Corporation has received letters from U.S. nationals claiming ownership of certain Cuban properties or rights in which the Corporation has an indirect interest, and explicitly or implicitly threatening litigation."⁸ While Sherritt has chosen to maintain its investments in Cuba despite the limitations imposed by U.S. sanctions, other companies chose not to participate in business ventures with Cuba, or withdrew and closed their operations in Cuba.⁹

Conclusion

On December 17, 2014, the president of Cuba and the president of the United States announced the start of a process of normalizing their bilateral relations. This was unprecedented and in many ways deeply significant. Since the announcement, considerable progress has been achieved on the political and diplomatic front. However, while there have been four sets of regulatory changes adopted by the executive branch,¹⁰ none of these changes affect the core provisions of the embargo established by federal legislation. Cuban export products are still prevented from entering the United States market, the largest in the region and the closest to Cuba. Cuban trade with companies located in United States territory or their subsidiaries abroad is forbidden. Cuba cannot use the U.S. dollar in international business transactions, which in turn increases costs, makes it necessary to turn to third markets or intermediaries. This

perpetuates the so-called Cuba risk and discourages potential investors.

There are many factors contributing to Cuba's economic problems. But the embargo continues to specifically affect the Cuban population's access to many basic rights, including medical care, food security, potable water, housing, and education. This stands in clear violation of the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. But in addition, the broader interference with trade, shipping, and financial transactions—with both U.S. companies and companies outside the United States—has been a factor in compromising Cuba's economic recovery, conflicting with Cuba's right to social and economic development.

Notes

¹ These include Athens vs. Megara (circa 432 B.C.), American colonies vs. Britain (1765), American colonies vs. Britain (1767–1770), Britain and France vs. France and Britain (1793–1815), United States vs. Britain (1812–1814), Britain and France vs. Russia (1853–1856), U.S. North vs. Confederate States (1861–1865), France vs. Germany (1870–1871), France vs. China (1883–1885), United States vs. Spain (1898), Britain vs. Dutch South Africa (1899–1902), Russia vs. Japan (1904–1905), and Italy vs. Turkey (1911–1912) (Hufbauer, Schott, and Elliot 1990).

² Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, “The adverse consequences of economic sanctions on the enjoyment of human rights,” E/CN.4/Sub.2/2000/33, paras. 34 and 35.

³ Ibid., para. 36.

⁴ The Moncada Program became the platform of the 26th of July Movement (Movimiento 26 de Julio, M-26-7), named after the military garrison that was attacked on July 26, 1953, by a group led by Fidel Castro. The program, which became basically the platform of the new government, was profoundly nationalistic. The 1940 Constitution was reinstated and amended, the telephone company was nationalized as early as March 1959, and on May 17, 1959, the Agrarian Reform Law was enacted. For an excellent compilation of the text of the new laws and their impact see Bell Lara, Lopez, and Caram (2008).

⁵ Other components of the system of sanctions are the Foreign Assistance Act of 1961 (September 4, 1961), Executive Proclamation No. 3447 (February 6, 1962), Arms Export Control Act (October 22, 1968), and the Export Administration Act of 1979 (September 29, 1979).

⁶ According to the OFAC, between September 2005 and December 2007 Commerzbank processed 56 transactions related to Cuba involving a total of \$2,283,456 (Krauland et al. 2015).

⁷ United Nations Children's Fund, in “Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States of America against Cuba.” Report of the Secretary General, A/70/120 (July 30, 2015), 123.

⁸ Sherritt Corporation, “2005 Management's Discussion and Analysis and Financial Statements,” 35. Quoted in *Trade and Investment Sanctions, Sherritt International, The United States and Cuba* (Richard Ivey School of Business, University of Western Ontario, 2006).

⁹ The Helms-Burton Act produced adverse effects in the climate of foreign investment in Cuba after 1996. It disrupted or delayed the flow of foreign financing into Cuba for strategic sectors as sugar and, to a lesser degree, tobacco. It has successfully discouraged third-country companies from entering in joint ventures with Cuba for fear of litigation from the United States. These

include the Mexican company Cemex, which withdrew from a joint venture in Cuba for fear of litigation from the U.S. company Lone Star Industries of Texas; and Redpath Company, a Canadian sugar refiner (Spadoni 2010, 101–112).

¹⁰ For more details on the regulatory changes since December 2014, see the U.S. Treasury Department, Cuba Sanctions, <https://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>.

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Responsibility to Protect as a Norm under Construction: The Divergent Views from the South

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The Responsibility to Protect (R2P) is an international norm that has its origins in the 1990s, in response to the failure of some states and of the international community to provide protection in cases of genocide and mass crimes against humanity (Bellamy 2015). However, there is no global consensus about its implementation. Since its recognition by the United Nations General Assembly in 2005, the construction and consolidation of R2P has had many ups and downs. This slow process of consolidation as an internationally binding norm is due to the fact that, even within regions, states have not been able to come to an agreement. A recent collection of studies about the position of the states of the Latin American area on R2P has shown that some of the states are strong supporters of this norm, while others have hesitated to support it, and others still have rejected it altogether (Serbin and Serbin Pont 2015a).

It is not that there are diverse views regarding R2P's fundamental principles concerning the obligation of the state to protect its population against four categories of crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing. All of these are entwined with the fundamental human rights that are incorporated in the UN Charter of 1945, whose strong supporters have included the Latin American states (Arredondo 2009). Therefore, we need to ask why it is that some Latin American states hesitate to support R2P or have rejected it outright.

This analysis focuses on two arguments regarding the reason for the Latin American divergent views on R2P. One concerns the way that R2P was constructed and introduced as a global norm. The second is related to the proposed method of its implementation. Both arguments are

driven by a constructivist perspective of international political events.

Opportunities for Constructing and Shaping the Norm R2P by Latin American International Political Actors

The intellectual and political roots of the responsibility to protect can be traced back to the reflections of Francis Deng and Roberta Cohen about the rights of civilians and the exclusive responsibility of states to protect their citizens. These members of the Brookings Institution, based in Washington, D.C., developed this idea from an original thought about "sovereignty as responsibility" at the beginning of the 1990s (Bellamy 2015).

The civil wars in the former republic of Yugoslavia, the killings and abuse perpetrated against civilians by the different militia groups, and the failure of the international community to stop the massive killings of the Tutsis in Rwanda caused Western politicians and intellectuals to question the responsibility of the international community in preventing and addressing such crimes (Hehir 2011). On one hand, the Bosnian and Somali humanitarian crises raised questions about the need for humanitarian intervention and the use of external military force for the protection of peoples in conflict zones. On the other hand, the actions of NATO in the Kosovo conflict in 1998–1999, which had no mandate from the Security Council, triggered questions about the role of international law, given that NATO's actions were in contradiction with the principles of national sovereignty and noninterference contained in Article 2 (7) of the UN Charter. In response to these events, the secretary-general of the UN, Kofi Annan, invited the international community to arrive at an agreement on how to

respond to such crises without undermining the established international law.

In response, the Canadian government sponsored the establishment of an International Commission on Intervention and State Sovereignty (ICISS) to develop guidelines for the conditions under which coercive measures, specifically military action, could be appropriate. The ICISS was restricted to a small group of politicians, academics and "friends" who developed the idea of the "Responsibility to Protect" as an obligation of the state to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing (Añaños 2010). However, in writing its proposal, the ICISS included few representatives from those countries that had experienced humanitarian crises. There were only 11 countries represented in the construction of this proposal as members of the Commission: Gareth Evans from Australia, Mohamed Sahnoun from Algeria, Gisèle Côté-Harper and Michael Ignatieff from Canada, Lee Hamilton from the United States, Vladimir Lukin from Russia, Klaus Naumann from Germany, Cyril Ramaphosa from South Africa, Fidel V. Ramos from the Philippines, Cornelio Sommaruga from Switzerland, Eduardo Stein Barillas from Guatemala, and Ramesh Thakur from India.

Hence the fundamentals of this norm were, for the most part, constructed from the perspective of the "protector." This does not invalidate the argument that fundamental human rights should be defended and promoted. Nevertheless, the creation and discussion within a selective group of actors reduced the possibility that other national states would identify with this new norm. In addition, the number of external observers who served as members of the Advisory Board was also restricted. In this group only the following countries were represented:

Canada, the United States, Chile, Palestine, the United Kingdom, Poland, Mexico, Egypt, Greece, Thailand, South Africa, and Argentina. This could also have limited the discussion of the options for international action in cases where states failed to protect their populations. All these restrictions may also have contributed to the international negative reaction to this norm following its introduction and debate in the World Summit of 2005.

The reluctance to embrace R2P is evident in the diversity of views of the Latin American countries on this norm. Most of the countries that had been involved in the shaping of this norm from its beginning, either with a national representative as members of the ICISS or as members of its Advisory Board, are included in the so called Latin American “champions” or UN group of friends of the R2P (Serbin and Serbin Pont 2015a).

A High-Level Panel on Threats, Challenges and Change was established on the request of Secretary-General Kofi Annan in the following years to further develop R2P. However, similar to the ICISS, out of a total of 16 panelists, the High-Level Panel included only two national representatives of the Latin American community, a former minister of Foreign Affairs of Uruguay, and a former general secretary of the Ministry of External Relations of Brazil. From a total of 45 panel meetings, consultations, and workshops on the emerging norm, only two High-Level Panel meetings for consultation were carried out in the Latin American region: in Rio de Janeiro in March 2004, and in Mexico City in May of the same year. By contrast, 33 meetings were conducted in Western countries, 21 of them in the United States, according to the 2004 Report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change.

The High-Level Panel focused on the issues of collective security, responsibility, and commitments of the states to fundamental human rights. The report from these meetings also supported the proposal that the norm would be implemented by the international community based upon the decision and agreement in the Security Council (Bellamy 2015).

Again, the report of the High-Level Panel was written by a small, selective group of academics and political actors from a limited number of countries. The countries represented in this panel were Australia, Brazil, China, Egypt, France, Ghana, India, Japan, Norway, Pakistan, Russia, Tanzania, Thailand, the United Kingdom, Uruguay, and the United States. The other member states of the United Nations were able to discuss the proposed norm and contribute to its construction only after its initial formulation during the World Summit of 2005. Those Latin American states that did not participate in the 2005 summit had no opportunity to give input in the crucial early stages. Thus the majority of the Latin American countries had little direct investment in it, and this may have reduced the possibilities of its acceptance.

However, there is a group of Latin American states described by Andrés Serbin and Andrei Serbin Pont (2015a) as the “champions or UN group of friends of R2P.” They have been vocal advocates for R2P in the debates of 2009, 2012, and 2013. This group of states includes Argentina, Chile, Costa Rica, Guatemala, Mexico, Panama, and Uruguay. Serbin and Serbin Pont (2015a) point out that some of these countries, such as Chile, Argentina, Guatemala, and Uruguay, support R2P because they have experienced very violent military dictatorships, with a high level of crime and violation of the human rights of their populations. The protection of

human rights and the construction of new mechanisms for their implementation are fundamental concerns of the present democratic regimes. Other states, such as Costa Rica, have traditionally advocated for human rights, and they are continuing their position by supporting the emerging norm of R2P.

In addition, most of the so-called champions of the R2P have been directly or indirectly involved in its construction at various points. For example, Guatemala was represented in the ICISS, which created and proposed the norm. Argentina, Chile, and Mexico were represented in the Advisory Board, which was created to “help Commissioners ground their report in current political realities, and assist in building the political momentum and public engagement required to follow up its recommendations” (ICISS 2001, 82). Uruguay was represented on the High-Level Panel. It is not surprising that the countries that only had limited opportunities to contribute to its formation appear in the group of skeptics and spoilers.

There is a second group, consisting of those Latin American states, such as Brazil, that do not disagree with R2P but see it as facilitating interventions that may cause greater suffering to the civilian population. Some interventions have “aggravated existing conflicts, allowed terrorism to penetrate into places where it previously did not exist, given rise to new cycles of new violence and increased the vulnerability of civilian population” (United Nations: General Assembly 2011, 3). This argument has motivated Brazil’s proposal of a new concept to the General Assembly, known as “responsibility while protecting.” This notion suggests that while there may be a collective responsibility to protect through the use of force, the impact of the intervention on the civilian population

must be less than the suffering that is already taking place. Brazil's proposal initially had momentum, but that eroded in the face of criticism from the Western countries and Brazil's failure to develop the proposal more fully (Serbin and Serbin Pont 2015b). Thus the Brazilian view is complex: on one hand, Brazil embraces the idea in some form; yet there is also mistrust about its implementation, in light of military interventions that have had terrible consequences for the civilian populations, as we saw in the cases of Libya and Syria.

The skepticism and distrust concerning R2P are in part due to the formulation that emerged from the World Summit of 2005, which was contained in a confusing and voluminous text (Añãños 2010). This was surely one reason for the diverse (mis) understandings of the fundamentals of R2P, and the consequent "revolt" of some countries following the publication of the World Summit Outcome 2005 (Bellamy 2009). But that process was also deeply flawed. Once again, the opportunities for participation, contribution, and discussion were very limited. The failure to include many of the Latin American states in the process contributed greatly to their lack of commitment to R2P, as well as to their skepticism about the real intentions of R2P's proponents. In addition, however, the reluctance of many Latin American states to support R2P is also rooted in their more fundamental mistrust of the idea of interventionism.

Interventionism and the Latin American Mistrust towards the Legitimate Implementation of the Norm R2P

The lack of a unified view of the Latin American countries regarding R2P is also due to the commitment of the Latin American states to the principles of

sovereignty and nonintervention, as well as the historical lack of support from world's leading states in the face of the military interventions in the Latin American countries by the United States, and the residual mistrust toward the European colonialist states (Serbin and Serbin Pont 2015a). This can be found in the group that Serbin and Serbin Pont have classified as the "grey zone" and "rule entrepreneurs." This includes Ecuador and Brazil, among others. The mistrust is even more prominent in the group characterized as the "skeptics or spoilers." Of these, Venezuela and Cuba are particularly important, as they reject R2P entirely. These states see the proposal and internationalization of R2P as simply another mechanism for the imperialist behavior of the stronger states, acting in their national geopolitical interests (Toro Carnevali 2012; Alzugaray 2015).

As suggested by Arredondo (2015), the Latin American states have traditionally supported the development of an inter-American law system that encourages the peaceful settlement of conflicts, with a strong emphasis on the principles of sovereignty and non-interference in the internal affairs of states. These principles are fundamental to the Latin American identity that has been constructed over the last two hundred years. They are also in direct opposition to the third pillar of R2P that, in conjunction with the first two pillars, provides the framework for implementation.

Pillar one has been linked to the principle of sovereignty as responsibility, following the Secretary-General Report of 2009 by Ban Ki-moon. This first pillar provides that the state has the fundamental responsibility to protect the people living in its territory from genocide, war crimes, crimes against humanity and ethnic cleansing. The Latin American states generally support

this pillar, given the history of military dictatorships and human rights violations (Arredondo 2009, 2015).

The second pillar provides that the international community has a responsibility to encourage and support states in their fulfillment of pillar one, by helping to create legal and practical mechanisms, such as training security forces, providing financial assistance for development, and assisting states facing crises and the outbreak of conflicts. Some Latin American states see grounds for concern regarding the international community in conjunction with this second pillar, given the history of the experience of the international community's indifference towards human-rights violations during the military dictatorship in countries such as Argentina, Guatemala, Chile and Nicaragua.

Some of these human rights violations were in fact coordinated with the support of the U.S. intelligence service, as U.S. government documents have shown. In light of this experience, politically unstable and multicultural states can consider themselves to be vulnerable to external attempts incite military revolts and social agitation by influential states such as the United States, which has not formally committed itself to many of the treaties of the Inter-American legal system. Of particular concern is that the determination of whether a crisis constitutes grounds for intervention lies with the Security Council.

Pillar three provides that the international community has a responsibility to use unspecified means to protect populations against genocide and the other major human rights violations, if a state is failing to protect its population. In this case, pillar three invites the international community to take collective action in accordance with

the Charter of the United Nations, where Chapter VII authorizes the Security Council to act. The people to be protected, or their representatives, are rarely included in this decision-making process. Decisions in the Security Council are restricted to a selective and small group of members, who portray themselves as the protectors, but often judge according to their national interest (Lucci 2012; Alzugaray 2015). This is one of the reasons for the ambivalent position of Ecuador towards R2P (Villagómez Reinel 2013; Bermeo Lara 2015).

Moreover, the principle of peaceful conflict resolution that the Latin American states have historically claimed stands in opposition to Chapter 7 of the UN Charter, which enables the Security Council to make decisions on the use of force on behalf of the international community. Again, the process of decision making is limited to a few international actors, and there is no agreement on the sequence of the measures to be taken in R2P situations. Moreover, pillar three does not provide for the participation of those who are to be protected.

It is understandable that some Latin American states would be skeptical of the legitimacy and objectivity of the protectors. This is particularly true given that the region has experienced dozens of direct and indirect military interventions in violation of international law by the United States, in order solely to further its own national interest.

Finally, the recent military interventions in Iraq, Libya, and Syria have demonstrated that the use of military action, ostensibly to protect the population, has instead contributed to the devastation of these countries and increased the suffering of their people. Hence, a further discussion about the concept of “responsibility

while protecting” in conjunction with the “responsibility and agreement of the protected” may strengthen the normative force of R2P so that it gains greater global acceptance.

Conclusion

There is no global consensus concerning the emerging norm of the Responsibility to Protect. Hence, it can be said that it is a norm that is still under construction. R2P has had a mixed reception from the Latin American countries, with many questioning its legitimacy. There is not a common view of what R2P is or how it should be implemented. The mixed responses among Latin American views in regard to R2P are first due to the fact that most Latin American countries had only limited opportunities to contribute to its formulation. Nor were there representatives of many of those groups of people that suffered from the historical failures of protection on the part of the states and the international community.

Second, the appropriation of R2P by the United Nations Security Council has enabled a few powerful nations to shape its contents and its implementation. Moreover, there are concerns on the part of some Latin American countries because the decision-making process does not include those who are to be protected. In addition, the sociocultural and political diversity, and in some cases the instability, of the countries of the South creates concern that R2P may be used to justify a destabilizing intervention.

Finally, the experiences of the southern countries regarding the reckless behavior of some powerful countries and their lack of respect for the international norms and human rights in the region have reinforced

the concerns of the Latin American countries about the legitimacy of the principle of the responsibility to protect.

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Academic Freedom and Civil Rights in Rafael Correa's Ecuador: Summary of Reports Solicited by the Executive Council of LASA

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The arbitrary detention of Franco-Brazilian professor Manuela Picq on August 13, 2015, after being beaten by the police while she demonstrated peacefully and covered the protests, the revocation of her valid cultural exchange visa, and her internment in an undocumented immigrant shelter in Quito, led the Executive Council of LASA (EC) and LASA's past presidents to write a letter of concern to the Ecuadorian government. This event, as well as the repression of peaceful antigovernment protests that specifically targeted indigenous protestors, led the EC to request a report on the state of academic freedom and civil liberties in Ecuador by a group of experts. The EC solicited reports from Felipe Burbano de Lara (FLACSO-Ecuador), Catherine Conaghan (Queen's University, Canada), María Amelia Viteri (Universidad San Francisco de Quito), Rudi Collorado-Mansfeld (University of North Carolina, Chapel Hill), and Carmen Martínez Novo (University of Kentucky). The reports indicate that there are serious threats to freedom of speech, academic freedom, and other civil rights in Ecuador. The threats discussed in the five reports are summarized here. The complete individual reports follow this summary.

Enactment of Laws That Limit Freedom of Expression and Academic Freedom

The laws analyzed in the reports are the Organic Law of Communications (Ley Orgánica de Comunicación, LOC), the Organic Law of Higher Education (Ley Orgánica de Educación Superior, LOES), and the Organic Law of Intercultural Education (Ley Orgánica de Educación Intercultural, LOEI). These laws centralize the control of communications and education in the executive and put an end to the relative autonomy that organizations of civil society previously enjoyed in

regulating their systems of cultural production.

The sector most severely affected is privately owned media that the regime portrays as controlled by power groups and as destabilizing of the current political process. The Organic Law of Communication gives the executive wide powers to control, regulate, and sanction communications through two institutions: the Superintendencia de Comunicación (SUPERCOM) and the Consejo de Regulación y Desarrollo de la Información y Comunicación (CORDICOM). SUPERCOM has initiated 269 processes against journalists and media outlets. From the processes that have been resolved, 82 percent have resulted in sanctions that include fines, written warnings, public apologies, and rectification of previous statements.

The Organic Law of Higher Education provides the executive ample powers to regulate and control higher education institutions. The LOES creates regulatory bodies appointed by the executive, without representatives directly selected by the universities, to regulate, evaluate, and sanction the institutions of higher education. Institutions of higher education are forced to register their teaching and research objectives within one of the development goals of the government. Everyday academic life has been affected by low-level administrative regulations with budgetary effects. The evaluation of universities has resulted in the closure of several of them.

The Organic Law of Intercultural Education puts an end to the autonomy that organized indigenous peoples enjoyed. This decision violates ILO Convention 169 as well as the 2007 United Nations Declaration of the Rights

of Indigenous Peoples, both of them signed by Ecuador. The result has been the virtual disappearance of education in indigenous languages, the standardization of the educational system, the closure of community schools, and the layoff of indigenous teachers who are not able to pass the government's standardized exams.

Enactment of Legislation That Regulates and Limits Freedom of Speech and Association

In June 2013, the Correa administration enacted Executive Decree 16, which laid out a complex process for registering organizations and required the re-registration of an estimated 50,000 existing organizations. This legislation requires organizations to provide extensive information to the executive and to demonstrate financial assets. The most problematic aspect of this Executive Decree is the government's right to dissolve organizations and deny registration to new ones should they "pursue partisan activities reserved for political movements." Civil society organizations have denounced Decree 16 to human rights groups as an infringement of their right to free speech and association.

Presidential Speeches Harassing Academics and Dismissing Branches of Academic Knowledge

President Correa has harassed and falsely accused numerous academics in his weekly presidential speeches. The majority of these academics are members or former members of LASA. Correa's harassment of individuals has to do most of the time, although not always, with their role as public intellectuals (i.e. writing in newspapers). In one of his speeches

Correa discredited gender studies, calling the field "a gender ideology that does not withstand academic analysis." In another speech he warned communities against environmentally minded researchers. Some academics and journalists who have been criticized or ridiculed in Correa's speeches have suffered harassment and violence in public spaces from government's followers.

Perceived Threat of Withdrawal of Public Funds to Punish Dissenters, Limiting Public Discussion

Potential dissenters fear the withdrawal of public funds or other benefits if they speak out. Some indigenous politicians, who previously participated in public debates and in the media, practice self-censorship. Local indigenous leaders report that indigenous people working within the Correa government have no voice or decision-making power. Reportedly, academics that are critical of the government do not have access to the information and resources necessary to conduct their work.

Use of Threats and Intimidation against Academics

Academics as well as environmentalists and other activists have received informal threats. In addition, a foreign environmental activist and a foreign academic have been forced to leave the country. Their cases have been examples discouraging other foreign researchers and activists from speaking up or conducting collaborations with social movements that could be perceived by the executive as "engaging in politics." In contrast, foreign academics brought by the government with lavish salaries and benefits under the

Prometeo Program are allowed to intervene in politics.

Repression of the Systems of Knowledge of Indigenous Peoples

The Intercultural University of Indigenous Peoples "Amawtay Wasi" was evaluated, lost its accreditation, and was forced to close. Smaller community schools have been consolidated and have been replaced by larger axis schools that impart standardized, urban-oriented education in Spanish. Many indigenous teachers cannot pass standardized government exams and are forced out of their jobs, creating a shortage of intercultural bilingual educators. Many indigenous students are not accepted into public institutions of higher education or in the careers of their choice because they cannot achieve high scores in standardized tests that do not take into account socioeconomic or cultural differences.

Climate of Intolerance

There is a general climate of intolerance in the country that affects the gains that civil society made in the last decades of the twentieth century. State policies regarding gender have become conservative, promoting "family values" (Catholic moral understandings of the family) instead of family planning. The president and other high officials of the state use sexist and homophobic language and concepts in their public speeches. The regime has ended the law to end violence against women and the law of paid maternity leave. Indigenous leaders are dismissed and ridiculed in public speeches, causing some citizens to think that open racism is acceptable again in the public sphere. ■

Apuntes sobre libertad académica y de expresión en el Ecuador

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Marco general

El contexto en el que se desenvuelve la vida política e intelectual del Ecuador está marcado por dos tendencias generales: (1) la expansión y racionalización de un poder regulatorio del Estado en casi todos los ámbitos de la vida económica, social y cultural; y (2) la movilización de un discurso de identidades políticas antagónicas, sin ofrecer simultáneamente las garantías institucionales y normativas suficientes para el ejercicio de los derechos y libertades individuales y colectivas de quienes son considerados por el gobierno como sus enemigos, ni tampoco un adecuado balance, equilibrio y separación de poderes en el sistema político. Este marco general se sustenta en una concepción ideológica que combina orientaciones posneoliberales y socialistas del siglo XXI, y deja muy de lado tradiciones liberales de respeto a los derechos civiles, independencia de poderes, libertades de opinión y expresión, y autonomía tanto de la ciudadanía como de la sociedad civil frente al Estado.

Libertad de información

Las restricciones al ejercicio de las libertades políticas se manifiestan con mayor fuerza en los espacios de información y opinión pública manejados por medios de comunicación privados. El gobierno ha convertido a los medios privados —prensa, radio y televisión— en sus enemigos políticos acusándolos sistemáticamente de ser piezas de la oposición y de los grupos de poder, y de jugar un papel destabilizador del proceso político actual del Ecuador. Luego de una larga batalla política que duró más de tres años, el gobierno aprobó en junio del 2013 una polémica Ley Orgánica de Comunicación (LOC), la misma que le

concede amplias disposiciones de control, regulación y sanción sobre los medios de comunicación. El gobierno sostiene que se trata de un instrumento legal que defiende el derecho de la ciudadanía a la comunicación, a la que la LOC y la Constitución definen, sin embargo, como un servicio público.

La nueva Ley creó una estructura institucional conformada por el Consejo de Regulación y Desarrollo de la Información y Comunicación (CORDICOM) y la Superintendencia de la Información y Comunicación (SUPERCOM) como órganos encargados de aplicar el nuevo marco normativo. El despliegue del nuevo instrumento sancionador se evidencia en los procesos llevados adelante por la Superintendencia de Comunicación en contra principalmente de medios privados que se autodefinen como independientes. Un informe de Fundamedios¹, una organización independiente de la sociedad civil encargada de evaluar las condiciones de libertad de expresión en el Ecuador, y que estuvo a punto de ser disuelta por el gobierno, estableció que de los 269 procesos iniciados por la SUPERCOM entre octubre del 2014 y abril del 2015, el 53,16 por ciento (143) tuvo una resolución final, mientras el 46,84 por ciento tenía pendiente una definición. Del universo de 143 procesos con resolución, el 82 por ciento terminó en sanción; el 17 por ciento fue desechado; y el 1 por ciento fue inadmitido. De los 143 procesos con resolución, 49 fueron iniciados por iniciativa directa de la SUPERCOM; el 100 por ciento de estos casos terminó en sanción.

Según la investigación de Fundamedios, el 65 por ciento de los 269 procesos analizados se inició por denuncia, mientras que el 35 por ciento por una acción de oficio de la propia SUPERCOM. Los

denunciantes se dividen del siguiente modo: 21 por ciento funcionarios públicos y el 79 por ciento ciudadanos particulares. Sumados los procesos iniciados directamente por la SUPERCOM con las denuncias presentadas por funcionarios públicos alcanzan cerca del 50 por ciento. Esto, según el estudio de Fundamedios, “permite concluir que el Estado —a través de la agencia estatal creada en la Ley de Comunicación y sus propios funcionarios— es el usuario más común del sistema” creado por el gobierno. El estudio también concluye que en el 53 por ciento de los casos cerrados la multa se impuso como forma de sanción. Las otras sanciones más usadas han sido las amonestaciones escritas (33 por ciento), las disculpas públicas (9 por ciento) y las demandas de rectificación (5 por ciento). Otro hallazgo del informe es el tipo de medio denunciado. “De la muestra analizada, el 96 por ciento de los procesos fue contra medios privados; el 2 por ciento contra medios públicos; y el 2 por ciento restante contra una institución. La radio es el tipo de medio sobre el que se han iniciado más procesos: 41 por ciento de los casos; el 36 por ciento contra prensa escrita y el 23 por ciento contra canales de televisión”.

Actividad académica

El campo académico ecuatoriano ligado al sistema de universidades se encuentra inmerso en un proceso profundo de reforma desde la entrada en vigencia de la nueva Ley Orgánica de Educación Superior (LOES) en octubre del 2011. La LOES concede amplios poderes al Estado para normar, regular y controlar el sistema nacional de educación superior. En la cúspide del nuevo ordenamiento se encuentra la Secretaría Nacional de Educación Superior, Ciencia, Tecnología

e Innovación (SENESCYT), cuyo director es designado por el presidente de la República. Los otros órganos importantes de gobierno del sistema universitario son el Consejo de Educación Superior (CES) y el Consejo de Evaluación, Acreditación y Aseguramiento de la Calidad de la Educación Superior (CEAACES). Ninguno de los órganos de gobierno del sistema universitario cuenta con participación de las universidades. De acuerdo con varias evaluaciones del modelo implantado, con la aplicación de la nueva ley, el Ecuador pasó de tener un sistema con muy baja presencia gubernamental, como fue el que rigió entre el 2000 y el 2011, a uno enteramente dominado por el poder ejecutivo nacional. El único órgano del gobierno del sistema donde las universidades tienen alguna representación es la Asamblea Universitaria, con atribuciones solamente consultivas. El sistema ecuatoriano se distingue en América Latina por ser uno de los más centralizados desde el gobierno nacional. Las universidades han debido sujetar sus sistemas administrativos, de gobierno y académicos a lo que la nueva Constitución define como “autonomía responsable”. El principal argumento del gobierno para montar un sistema centralizado de regulación y control de las universidades fue que el sistema por sí mismo no podía ni debía autoregularse.

En términos generales, se trata de un sistema que sujeta la autonomía de las universidades y del sistema en su conjunto a la observación de los lineamientos y políticas establecidas desde la Secretaría Nacional de Planificación y Desarrollo (SENPLADES), la SENESCYT y el CES. En cuanto a docencia e investigación, las universidades están obligadas a inscribir sus programas dentro de los objetivos generales establecidos en los denominados planes nacionales del buen vivir. Los

programas docentes de las universidades requieren justificarse desde su contribución al cumplimiento de las metas señaladas en los planes nacionales de desarrollo. Si bien dichas disposiciones rigen como lineamientos generales a ser observadas por las universidades, en la práctica la vida académica se ha visto controlada por disposiciones administrativas y regulatorias. Adicionalmente, un fuerte control centralizado sobre el sistema universitario corre el riesgo de volverlo más vulnerable a presiones políticas. Un sistema centralizado y homogenizante también incide negativamente sobre la diversidad ideológica y el pluralismo político universitario.

Las universidades tampoco escapan al ambiente ideológico de polarización y antagonismo ideológico reinante en el Ecuador. Muchas universidades prefieren sujetarse al modelo académico —con indicadores de calidad fijados desde arriba, de cuyo cumplimiento dependen, además, las asignaciones presupuestarias— y al sistema de autoridad impuesto, a cuestionarlo y proponer un debate amplio y pluralista en el espacio público con el gobierno. De ese modo, el debate sobre el mundo universitario y académico ha quedado restringido y limitado a pequeños espacios y foros, sin la presencia de canales claros de diálogo e interlocución entre las universidades y el gobierno. El régimen quisiera ver un sistema universitario alineado de modo acrítico con los objetivos de sus planes para el buen vivir.

Programa PROMETEO

La política de promoción de la investigación llevada adelante por el gobierno que ha tenido como uno de sus componentes un programa de becas denominado PROMETEO. El programa,

que arrancó en el 2010, financió estancias temporales de investigadores extranjeros y ecuatorianos para que se dediquen a tiempo completo a la investigación. Los académicos que han aplicado al programa podían permanecer en el país entre 2 y 12 meses con opción de extender su estancia hasta dos veces. Según reportes de prensa, a través de este programa llegaron al Ecuador unos 819 investigadores con PhD; algunos de ellos se han integrado a universidades del país y otros participaron como asesores de entidades gubernamentales. Si bien se trata de un proyecto que fomenta la investigación en el Ecuador, que abre puertas a académicos extranjeros para que contribuyan con su experiencia, todos los proyectos de investigación debieron ser calificados previamente por las autoridades del programa sobre la base de su contribución a los objetivos del gobierno. Cien de los investigadores beneficiados del programa son ecuatorianos, y el resto —719— proviene de 48 países. Los investigadores recibieron entre 4.320 y 6.000 dólares mensuales como beca. El régimen ha invertido alrededor de 27 millones de dólares en el programa.

Caso Manuela Picq

El caso de la académica franco brasileña Manuela Picq muestra las amenazas que pueden pesar sobre investigadores extranjeros cuando mantienen vínculos con organizaciones o movimientos sociales con posturas críticas al gobierno. Picq fue detenida el 13 de agosto de 2015 cuando participaba en una concentración social en el centro histórico de Quito. El gobierno forzó luego su salida del país al cancelarle la visa de intercambio cultural que se le había concedido como profesora de la Universidad San Francisco de Quito. El gobierno adujo que la visa de intercambio

cultural prohibía expresamente al beneficiario participar en política interna. Su caso muestra el carácter sesgado con el que actúa y aplica normas el gobierno. Investigadores PROMETEO participan directamente en política con posturas públicas favorables al gobierno sin haber sido por ello amonestados. El caso de Manuela Picq restringe las posibilidades de investigación a extranjeros en temas que involucren a comunidades y organizaciones con un fuerte activismo social y político. La investigadora Manuela Picq fue además devaluada y cuestionada por el presidente de la República en su Enlace Ciudadano No. 440. “Yo conozco a Manuela, podemos decir que éramos amigos, tal vez ella lo va a negar ahora. Fuimos varios años colegas y conversamos”, dijo el presidente, para luego añadir: “Una mujer muy guapa, pero tremendamente inmadura que le gustaba ser el centro de atención. Debe estar contentísima porque siempre le ha gustado ser el centro de atención y lo ha logrado”. En el mismo Enlace, el presidente Correa puso en duda el trabajo de Manuela Picq como periodista y académica, su interés genuino en las comunidades indígenas, y la acusó de haber agredido a los policías.

El caso de la Universidad Andina

También la Universidad Andina Simón Bolívar se vio envuelta en un conflicto con el gobierno por la designación de su rector. El gobierno impugnó la elección de César Montaña como nuevo rector de la universidad. Montaña había triunfado en un proceso eleccionario interno por 1.218 votos a favor contra 176 de su contrincante, el actual embajador del Ecuador en Colombia y ex ministro de Educación de la revolución ciudadana, Raúl Vallejo. El gobierno adujo que Montaña incumplía una disposición

transitoria de la Ley Orgánica de Educación Superior (LOES) que impide ser a una persona rector de la misma universidad donde obtuvo su título de doctor. Montaña obtuvo su título de Doctor en Jurisprudencia en la Universidad Andina. Ninguno de los argumentos jurídicos esgrimidos por la universidad, entre ellos el hecho de ser una escuela superior de postgrado que se rige por un estatuto internacional reconocido por el Estado ecuatoriano, evitó la presión sobre los órganos de gobierno de la universidad para que desconociera la elección del nuevo rector y convocara a un nuevo proceso. El presidente de la República amenazó incluso con la expulsión de la universidad del Ecuador si no acataba la normativa nacional. La polémica ha tenido como trasfondo político una disputa entre el rector saliente de la Universidad, Enrique Ayala, y el presidente de la República, quien se refiere al ex rector como un “maquiavelito de corbatín” y de ser un “politiquero”. Para evitar un agravamiento del impasse, Montaña encargó temporalmente el rectorado al Dr. Jaime Breilh, profesor de la universidad, hasta encontrar un acuerdo negociado con las autoridades del SENESCYT. Con seguridad, el acuerdo incluirá la designación de nuevo rector mediante una nueva elección.

La Universidad Andina se había convertido en un centro académico crítico del gobierno y de la reforma universitaria llevada a cabo a través de la LOES. Sectores que han defendido a la Andina en nombre de la autonomía universitaria creen que al gobierno le movió un afán de retaliación política en contra del ex rector y un interés por ejercer un mayor control sobre ese centro de educación de postgrado.

A la impugnación de la elección de rector se sumó unos días después una nueva crítica del presidente Correa a la Universidad Andina, que incluyó esta vez también a la Facultad Latinoamericana de Ciencias Sociales (FLACSO-Ecuador), por utilizar —según dijo el mandatario en una declaración pública— fondos estatales para educar y becar a personas que no requieren la ayuda del Estado. En varias declaraciones el presidente dijo que se revisará la fórmula de asignación de recursos a los dos centros de educación de postgrado establecida por la propia LOES. Mientras la Andina recibe —según las cifras del presidente— 17 millones de dólares, a FLACSO-Ecuador se le entrega 16 millones anuales. Cuando se redacta la versión final de estos apuntes, las dos universidades no han sido notificadas oficialmente de una modificación del sistema de asignación de sus rentas.

Conclusión

Lo señalado en párrafos anteriores puede resumirse señalando que en el Ecuador de la revolución ciudadana se ha impuesto un sistema de exclusiones políticas, que opera a través de un Estado con muchos poderes regulatorios y de intervención, un sistema de identidades antagónicas inscrito en una lógica de construcción hegemónica que se proyecta sobre los campos culturales e ideológicos para controlarlos. Esa misma expansión polarizante y hegemónica del proyecto político, sin asegurar condiciones institucionales y normativas para un ejercicio amplio y sin restricciones de las libertades políticas, lleva a condicionar y limitar los espacios de producción académica e intelectual, y a querer subordinarlos a la lógica política predominante y a los objetivos trazados por el gobierno en los planes de desarrollo. La actividad de creación y producción

Legal Norms and Civil Society Organizations

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académica corre siempre el riesgo de ser sancionada y censurada si sus posturas críticas se expresan de modo abierto en la esfera pública. El gobierno quisiera ver una academia trabajando en silencio, por fuera de la discusión pública, y volcada íntegramente a respaldar y legitimar sus objetivos de desarrollo.

Nota

- ¹ “Dos años de la Ley de Comunicación: Las cifras más allá de la propaganda oficial”, *Fundamedios*, 24 de Junio de 2015. Disponible en: <http://www.fundamedios.org/dos-anos-de-la-ley-de-comunicacion-las-cifras-mas-alla-de-la-propaganda-oficial/>. ■

Freedom of expression and association are guaranteed in Ecuador's 2008 constitution in Articles 66.6 and Article 66.13 respectively. The exercise of those rights, however, has been limited substantially under the Rafael Correa government through the enactment of new legal norms that regulate civil society organizations (CSOs). The regulations cover the full range of societal organizations at the national and subnational levels: business associations, labor unions, professional groups, community and identity-based entities, think tanks, philanthropies, advocacy groups, and foundations.

As in many Latin American countries, domestic and foreign CSOs in Ecuador have long been regulated by laws that required them to acquire legal standing (*personalidad jurídica*) in order to engage in public transactions. Prior to the Correa government, CSOs secured legal standing by registering with a government ministry overseeing the sectors in which they operated. The push to standardize the registration process and elaborate more specific regulations on the conduct of CSOs came under President Gustavo Noboa with the enactment of Executive Decree 3054 in 2002.

Under the Correa administration, the objectives and scope of CSO regulation underwent important transformations. In April 2008, President Rafael Correa issued Executive Decree 982. The decree mandated detailed new reporting requirements for CSOs and outlined a plan for creating a new national-level registration system. However, little initial progress was made in implementing the system.

Following his 2013 reelection victory, Correa unveiled a more comprehensive plan to register and regulate CSOs. Enacted

as Executive Decree 16 in June 2013, the package laid out a complex, two-tiered process for registering organizations that included an initial approval by a designated ministry to be followed by inscription with the cabinet-level Secretaría Nacional de Gestión de la Política. The decree mandated the reregistration of all existing organizations. By the government's own estimate, over 50,000 organizations were affected (Cedeño 2013).

Decree 16 required organizations to provide extensive information on their past and present. Along with the names of current leaders, organizations were expected to provide the names and identity card numbers of their original founders, the minutes of founding meetings, and certified copies of previous legal registrations. The organization's internal statutes also needed to provide for “internal democracy”: specifics on everything from rules governing how meetings are called, with what frequency, the determination of a quorum, and conflict resolution mechanisms had to be included. Depending on their size and function, organizations were also required to show proof of financial assets. Larger national-level organizations had to demonstrate a minimum of US\$4,000 in financial assets; smaller organizations had to show a minimum of US\$400.

While the new reporting and financial requirements were considered onerous by CSOs, the most problematic elements in Decree 16 resided in Article 26. The article laid out the conditions under which the government reserved the right to “dissolve” existing organizations or deny registration to new ones.

The nine infractions stipulated as grounds for revoking legal standing in Decree 16 were: (1) falsifying or adulterating documents or information; (2) deviating

from the goals and objectives for which the organization was originally constituted; (3) failing respectively to comply with orders from the relevant legal authority conferring legal standing or other oversight and regulatory bodies; (4) having been declared inactive by a ministry and remaining in this state for one year; (5) having membership less than the five-person minimum prescribed by the decree; (6) concluding the time period established in statutes; (7) pursuing partisan activities reserved for political movements registered with the Consejo Nacional Electoral and/or interference with public policies in a manner that threatens internal or external security of the state or affects public peace; (8) failing to comply with obligations laid out in the constitution, laws or Decree 16; (9) infringing other clauses in the decree.

The broad language of the decree clearly endowed government bureaucrats with enormous discretion in applying the rules. The provisions not only gave bureaucrats the power to police technical violations but made organizations subject to dissolution for activities in the public sphere. Bureaucrats could punish organizations for acts deemed to be outside of their declared aims, or for engaging in activities seen to be politically related. The ban on “partisan” activities was especially troubling to indigenous organizations and unions that have long-standing ties to political parties.

A wide spectrum of Ecuador’s CSOs denounced Decree 16 as an infringement on the right of free speech and association. In addition, the decree was criticized for its violation of the right to due process; it included no provisions for an independent review of ministerial decisions. CSOs filed three separate petitions challenging the constitutionality of Decree 16 with the Constitutional Court in 2013 (Fundamedios 2014). To date, the court

has issued no rulings or responses to the filings. In October 2013, civil society representatives presented their critiques of the decree in a special hearing of the Inter-American Human Rights Commission.

Implementation of the registration system was slow due to delays in the government’s rollout of software. This left many organizations in a state of legal limbo, uncertain about their status and how the new rules governing the public conduct of CSOs would be applied.

From 2013 through mid-2015, the only CSO whose legal status was terminated under Decree 16 was the Fundación Pachamama, an environmental advocacy group that had operated in Ecuador since 1997. The Ministry of the Environment ordered Pachamama’s closure after accusing activists of causing a public disturbance at a government-sponsored event. The organization had been an active supporter of the civic movement to stop the government from oil drilling in the Yasuní-ITT reserve (Colectivo de Investigación Psicosocial 2015).

The ministry’s dissolution order charged that the Fundación Pachamama was in violation of two provisions of Article 26: deviating from the organization’s original goals, and interfering in public policy and undermining security. The ministry subsequently denied the organization’s appeal of the decision in February 2014 and its assets were liquidated. In March 2014, officials from Fundación Pachamama testified on the circumstances of the closure at a hearing of the Inter-American Commission on Human Rights.

Although the government did not apply Decree 16 in a wholesale manner to eliminate organizations, Fundación Pachamama’s closure, along with the

confusion and bureaucratic delays surrounding the registration process, created a “chilly climate” in associational life. Overturning Decree 16 became one of the demands advanced by CSOs in antigovernment demonstrations staged in 2014 and 2015. International human rights monitors that included Human Rights Watch and Amnesty International expressed concerns about Decree 16’s restrictive effect on civil liberties.

In advance of mass protests scheduled for mid-August 2015, the government announced reforms to the regulatory framework of Decree 16. Executive Decree 739 was framed as a simplification of the rules governing CSOs. The decree scaled back the elaborate reporting requirements, dropped the financial assets requirements for both small and large organizations, and eliminated the requirement that organizations retain legal counsel for the registration process. Decree 739 also modified the provisions governing the dissolution of organizations. Nonetheless, Decree 739 maintained the ban on “partisan activity” by organizations and retained the language that allowed organizations to be closed if they deviated from the objectives stated in their statutes.

In the view of many CSOs, Decree 739 did not constitute a substantial change in the regulatory framework. Like Decree 16, Decree 739 limits speech and association by restricting an organization’s right to be involved in politics. It also retains the prohibition on activities that can be interpreted as “deviating” from the objectives laid out in an organization’s statutes. In addition, the text of Decree 739 did not contain an explicit derogation of Decree 16; from a legal point of view, both remain on the books (Confederación Ecuatoriana de OSC 2015).

To date, the government's use of Decree 739 for the purpose of closing an organization has been limited to one case involving the media monitoring organization Fundación Andina para la Observación Social y el Estudio de Medios (Fundamedios). Over the course of the Correa administration, Fundamedios emerged as a leading critic of the government on civil liberties issues. Commencing in 2013, Fundamedios became immersed in bureaucratic delays in updating its registration with the Ministry of Social Inclusion. In January 2014, Fundamedios was advised that the still incomplete registration process would be transferred to the cabinet-level Secretaría Nacional de Comunicación (SECOM)—a move that Fundamedios interpreted as threatening, given its criticisms of that agency's conduct. By its own count, Fundamedios had been targeted for verbal attacks by the President Correa and government officials in at least 41 Saturday-morning broadcasts and 20 separate television ads.

In June 2015, SECOM warned Fundamedios to refrain from engaging in communication on political matters. On September 8, 2015, SECOM notified Fundamedios of its decision to revoke its legal status. In justifying the decision, SECOM accused Fundamedios of two infractions: involvement in partisan activities, and deviating from the objectives for which it was originally constituted. Evidence of Fundamedios' involvement was the organization's use of Twitter. Tweets from the organization linked to blogs written by two Ecuadorian journalists highly critical of the Correa administration, José Hernández and Roberto Aguilar.

Five special human rights rapporteurs from offices in the United Nations and the Organization of American States issued a

joint communique criticizing the closure, insisting that persons in any organization have the right to disseminate information, including material that is political in nature. While not challenging the legal basis of SECOM's order, the Defensoría del Pueblo also urged reconsideration. In the face of substantial international and domestic criticism, SECOM rescinded its closure order in late September 2015. At the same time, SECOM issued a "final warning" to Fundamedios to cease political activities.

Overall, the new legal norms have cast a long shadow over associational life. The scope of the regulatory framework and the discretionary powers allotted to government bureaucrats create a large zone of uncertainty for CSOs. Moreover, the targeting of two important CSOs has put all organizations on notice that the government is willing to deploy the regulations against perceived opponents. Human rights monitoring organizations maintain that the practices of Ecuador's government in this realm contravene accepted international norms. As preparations for the 2017 national elections get under way, CSOs will be forced to contemplate the risks accompanying political participation under the current regulatory regime.

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Gender, Sexuality, Human Mobility, and Academic Freedom in Ecuador

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I will use an intersectional approach in order to address Ecuador's current political situation in a way that analyzes how three areas—gender, sexuality and human mobility—not only intersect but are also mutually constitutive. One way to analyze the various contradictions underlying the current government's discourses and policies is to follow Leticia Sabsay's (2011) critique to the notion of citizenship itself. According to Sabsay, contemporary citizenship has been defined within the idea of choice and autonomy; nevertheless, the presumptions as to what autonomy is and how it might be expressed are not predefined in advance. Following Sabsay's critique, apparently modern and progressive notions such as those of universal citizenship and the right to free mobility could turn out to be applicable to only a few based on political and ideological allegiances.

State violence encompasses sexism, homo-, lesbo-, bi- and transphobia as well as xenophobia. What follows are some of the most notorious specific examples of how these are manifested as well as of the general framework that enables such violence in Ecuador:

In terms of gender policy, one of the first setbacks within the current government was the dissolution of the National Council of Women, which had ministerial authority until May 29, 2009. It was then replaced by the Comisión de Transición and finally turned into one of three National Equality Councils that seek to guarantee "equality between men and women."

Ecuador's criminal code prohibits abortion. In February 2015, the UN Committee on the Elimination of Discrimination against Women urged Ecuador to decriminalize abortion in cases of rape, incest, and severe fetal impairment. Under Ecuadorian law,

the only exceptions are cases involving a threat to the life or health of a pregnant woman when the danger cannot be averted by other means, and pregnancy resulting from the rape of a woman with a mental disability. All other women or girls, even those pregnant from a rape or with an unviable pregnancy, may not access a legal abortion and can be sentenced to two years in prison for having one. Even harsher penalties apply to medical professionals who perform abortions.

"*Sabatinas*," also known as "Enlaces Ciudadanos," are speeches by President Correa held every Saturday in different locations across the country at a high economic cost. President Correa uses these *sabatinas*—which can last up to three hours—to directly attack individuals who express any kind of dissent. President Correa's speeches have been characterized by sexist, racist, homophobic, and xenophobic language. There are many examples but I will quote the most salient that make visible how some of these categories overlap. For instance, Enlace No. 35411¹ could be read as a prelude to a relatively recent appointment (February 2015) of a new director of Plan Familia, which fell into the hands of a very conservative Catholic woman named Mónica Hernández. Plan Familia develops and manages the National Strategy for the Prevention of Adolescent Pregnancy (ENIPLA in its Spanish acronym), which went from the model strategy at the United Nations to an extremely punitive one based in a misunderstanding of "values" as pertaining exclusively to the traditional heteronormative family, which further aligned Correa's government with conservative Catholicism.

Enlace 354 (which took place on December 28, 2013 in Guayaquil) discredited not only gender studies—calling the field

"a gender ideology that fails under any academic analysis"—but also feminist, sexuality, LGBT (lesbian, gay, bisexual, and transgender), and queer studies. Going back to Sabsay's framework, President Correa mentioned the "right of everyone to decide" while adding that he prefers "women that look like women" and "men that look like men." By doing so, he reifies biological sex as that which dictates unequivocal gender norms: claiming that something different "goes against biology and the natural law."² In his statement, he also attacked reproductive rights, in particular the right to abortion (even for victims of rape) and reiterated his view against marriage equality, arguing that the LGBT community would not gain additional rights from same-sex marriage. His statements contradict Ecuador's constitutional rights, which protect against discrimination based on gender and sexual identity. Right before this Enlace, Ecuadorian president Rafael Correa and his cabinet met with transgender male-to-female LGBT activist Diane Rodríguez, founder and president of the grassroots organization Silueta X located in Guayaquil. Rodríguez, known as the first transgender legislative candidate to the Constitutional Assembly and a supporter of Alianza País (the current leading political party), has been named the official voice for all LGBT communities' concerns (Viteri and Picq 2015). This "encuentro histórico," as the government labeled it, illustrates a shift: colonial heteronormative state formations are adjusting to contemporary sexual politics (Rodríguez might not have been born a woman but she embodies traditional expectations of femininity).

A brief chronology follows of some of the main discourses and events related to gender and sexuality that preceded the national strike on August 13, 2015, which faced harsh violence from the

government. Margoth Escobar, a 60-year-old indigenous rights activist, was beaten and arrested in the city of Puyo located in the Amazon Region. At the end of the same day, Manuela Picq, a University of San Francisco scholar, Al Jazeera op-ed writer, and indigenous rights activist, was also dragged by the police and arrested (Bravo 2015). Manuela Picq is also the partner of Carlos Pérez Guartambel, one of the most important and visible contemporary indigenous leaders. Following the arrest, the unlawful cancellation of Picq's visa occurred while she was detained in a Centro de Acogida Temporal para Migrantes known as the "Hotel Carrión," where people who have been arrested for being in conditions of "irregularity" are held against their will and subjected to physical and psychological violence. During Manuela's second trial, the government denied her constitutional rights and forced her to leave the country. While the Ecuadorian Ley de Movilidad proclaims "universal citizenship," the right to free human mobility, and the elimination of the condition of "foreigner,"³ Ecuador recently denied Picq a Mercosur visa that would have allowed her to return to Ecuador, where she has a house, a partner, a stable job, and a life. In this regard, President Correa said in his Enlace No. 440⁴ that Picq is not a correspondent for Al Jazeera; he called her "immature" and insisted that she had acted violently against the police and his government won't allow any "*extranjera*" to do so. As a case study, the conditions for gender violence and xenophobia are enabled, justified, and endorsed by the state.

Given the existence of clearly restrictive and punitive institutions such as SECOM (Secretaría de Comunicación), the SENAIN (Secretaría Nacional de Inteligencia) and other institutions such as SENESCYT (Secretaría Nacional de Educación Superior

Ciencia y Tecnología) acting in unison to regulate and control freedom of speech, the situation is dire for academics, activists, journalists, and even regular citizens who are openly critical of the government.⁵ In addition, President Correa is looking into significantly reducing the budget and the scope of the two most influential postgraduate universities, Andina and FLACSO, particularly in the fields of social sciences and humanities. This will in turn reduce students' scholarship and academic production.

Nation-building projects are grounded in what Gayatri Gopinath (2005, 12) refers to as organic heterosexuality, norms and practices based on idealized notions of femininity and masculinity, which are reproduced and reinforced through cultural imaginaries. The "My Gender in my ID" law recently approved by President Correa states that if you are a transgender person and older than 18, you can change your gender M/F on your ID but not your sex, as that will lead to same-sex marriage and/or potential same-sex adoptions. The law does little to confront overlaying heteronormativity although it could be a stepping stone for future reforms.

Within the summarized complex political context, particularly regarding gender, sexuality, and mobility, LASA can continue to support academic freedom by developing academic alerts on Ecuador's current situation and disseminating information, as well as fostering academic networking and international forums. LASA can also provide a strong platform for Ecuadorianistas, Latin Americanists, and many others interested in the region to converge in order to strengthen specific actions oriented toward academic freedom, promoting at the same time interdisciplinary academic analysis.

Notes

¹ "Presidente Correa habla sobre equidad e ideología de género, enlace no. 354," YouTube video, 6:31, posted by Remigio Rivera Villalta, December 31, 2013, <https://www.youtube.com/watch?v=KtA6VUQD4J>, quote at 2:11.

² Ya no es igualdad de derechos, sino igualdad en todos los aspectos: que los hombres parezcan mujeres y las mujeres hombres... Todo lo que se llama la ideología de género [...] Que básicamente no existe hombre o mujer natural, o sea que el sexo biológico no determina al hombre y la mujer sino las condiciones sociales, y que uno tiene el derecho, la libertad es de elegir incluso si uno es hombre o mujer. ¡Por favor! Eso no resiste el menor análisis, es una barbaridad que atenta contra todo: leyes naturales ... lo que sí les puedo decir académicamente es que son barbaridades que no resisten el mayor, el menor análisis [...] Qué bueno que una mujer guarde sus rasgos femeninos, qué bueno que un hombre guarde sus rasgos masculinos. Todo el mundo es libre: el hombre de ser afeminado y la mujer de ser varonil, pero yo prefiero a la mujer que parece mujer y creo que las mujeres prefieren los hombres que parecemos hombres.

³ Revisando el Proyecto de Ley Orgánica de Movilidad Humana, inicia así: "La normativa vigente en materia de migración data de los años 70 y se expidió desde una perspectiva de soberanía, control y seguridad nacional que primaba en el contexto regional de esa época, en la cual los regímenes dictatoriales promovían la persecución de personas que consideraban sospechosas y/o subversivas al orden instaurado y a la ideología política imperante". Continúa: La Constitución de la República, reconoce por primera vez el derecho a migrar, garantizando que ningún ser humano sea considerado "ilegal" por su condición migratoria. Este marco normativo requiere adaptarse a los principios constitucionales de libre movilidad humana, ciudadanía universal y ciudadanía latinoamericana y caribeña. Que, el artículo 9 de la Constitución de la República, reconoce y garantiza que: "Las personas extranjeras que se encuentran en territorio ecuatoriano tendrán los mismos derechos y deberes que las ecuatorianas, de acuerdo con la Constitución". Los principios de movilidad humana del

Art. 4 son importantes de igual manera para tener más elementos para la discusión ni ideológica ni politizada sino analítica, cito los más directamente relacionados al caso de la potencial deportación arbitraria de Manuela y el trato recibido por parte de las autoridades: 1. ciudadanía universal: se reconoce a todas las personas los derechos inherentes a la condición humana, son sujetos de derechos como tales independientemente de la condición migratoria. 3. Integración regional: El Ecuador promoverá en las relaciones bilaterales e instancias multilaterales la unidad de la región suramericana y la progresiva eliminación de la condición de extranjero en nuestra región. 4. Igualdad de derechos y deberes: Ninguna persona recibirá un trato discriminatorio por su condición migratoria. 10. Buen Vivir: en movilidad humana, la relación de las personas nacionales y no nacionales debe guardar armonía, respeto a la diferencia, reconocimiento a la diversidad, hospitalidad y acogimiento que permitan y faciliten construir comunidades de paz, dentro y fuera del Ecuador. En el artículo 5, entre los derechos de las personas en movilidad humana se encuentran el conformar organizaciones sociales para el ejercicio de sus derechos y su patrimonio histórico para su integración como decidir sobre su pertenencia a una o varias comunidades culturales. Si el argumento es contravención migratoria el juez de contravenciones decide sobre *multa* o bien horas de labor comunitaria.

⁴ En palabras del Presidente Correa: “Dicen que la señora Manuela Picq fue golpeada y maltratada y es mentira, ella sale riéndose. Ella fue mi compañera en la Universidad San Francisco, dijo que era periodista. Era una inmadura que le encantaba ser el centro de atención, tenía un novio en Miami. Pero ahora dice que es indigenista y sale riéndose. Si ustedes quieren un Presidente que permita que una extranjera con visa cultural venga y agrede a nuestra Policía, búsquense otro Presidente. Yo no lo voy a permitir. Yo conozco a Manuela. Éramos, podríamos decir amigos. Una mujer muy guapa pero tremendamente inmadura que le gustaba ser el centro de atracción, tenía su residencia en Miami, su novio gringo que le iba a ver de vez en cuando. No tenía nada, ni de indigenista ni de izquierdista ni de periodista. Que muestre un artículo académico sobre indígenas o sobre

izquierda. Todo eso es mentira. Periodista, dijo que era corresponsal de Al Jazeera, eso es mentira, todo es un show.” “¿Ustedes pueden permitir que una extranjera con visa cultural venga a echar piedras e insultar a nuestros policías? ¿Qué país del mundo permite eso? Pero además en ese centro de detención para extranjeros en situación irregular hay senegaleses, haitianos, negritos y quién se preocupó por ellos. Hasta en eso son pelucones. Como la otra era coloradita ahí sí hacen escándalo.” Las autoridades le revocaron su visa, poniendo bajo amenaza de expulsión del país en el que vive, trabaja desde hace ocho años. Respetada por su trabajo en el feminismo, los movimientos indígenas y las cuestiones ecológicas. Rafael Correa: “Revocar las visas es potestad de cualquier Estado. Nosotros revocamos la visa cultural a una ciudadana extranjera que se mete a hacer política y a agredir a nuestros policías y eso es arbitrario. Si quieren hacer estas cosas vayan a ordenar en sus países. Hacen en nuestro país lo que no se atreverían. Así engañan, nosotros somos los que tenemos el apoyo de los trabajadores e indígenas. También, les vamos a mandar un tuit. Veamos la brutal detención de Manuela Picq, que debe estar contenta porque siempre le gustó ser el punto de atención, en palabras de ella misma.” Manuela Picq: “Mi nombre es Manuela Picq. En la marcha estuve con mi compañero Carlos Pérez Guartambel. A mí me mandaron a un lado y a él a otro. Terminé en el Ministerio del Interior donde me dieron primeros auxilios, me llevaron al Hospital Eugenio Espejo. En el Hospital de la Policía me hice todos los exámenes de la columna vertebral. Fui bien tratada por los policías y por los equipos de salud que estaban a cargo” (*La República* 2015).

⁵ The criminalization of social protest has become one of the most effective instruments for the authoritarian exercise of *correlista* power. Critical or differing opinions are not welcome and are punished. Additional examples are the cases of students from Mejía school, the “10 de Luluncoto,” the case of cartoonist Bonil, and countless journalists, academics, communicators.

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Provincial Indigenous Leaders' Concern about Correa Administration Policy and Possible Tactics of Repression

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Background

This report is based on fieldwork in Cotopaxi and Imbabura Provinces, Ecuador, and dialogues with indigenous community and trade association officers, June–July 2015. Additional phone conversations took place in September 2015. The community officers in Cotopaxi are involved in an ongoing dispute with the Ministry of Environment over community-based businesses that border conservation areas. In Imbabura, the leaders have worked in both indigenous organizations and positions with municipal and provincial governments.

Findings

Within these provinces at the community level, leaders report no direct repression. In Cotopaxi, they have been able to continue to pursue a policy that runs counter to the demands of the Ministry of Environment without having their leaders suffer direct penalties. In Imbabura, recently elected municipal council members have remained unaffiliated with the government and free to pursue their political agenda.

However, in both Imbabura and Cotopaxi, community officers report a political climate of overt favoritism for pro-government politicians and punishment for anti-administration politics. This punishment comes in the form of withdrawn funding and material support, challenges to local authority, and presumed threats to the careers of opposition politicians, their allies, and their families. They see further threats to their community through administrative practices that authorize community officers independently of community elections.

In Imbabura, a longtime indigenous leader has become cautious in what he says for practical political reasons. However, his politics has always been connected to his writing and media appearances and so the self-censorship narrows the breadth of indigenous public debate in the province. His caution is reinforced by worries about his relative's appointment in a provincial government-sponsored position.

In interviews, he noted that there is fear now in Imbabura. People have seen how “all of the machinery of the state can work against a single person.” And for his part, he says that it does not stop him from speaking up, but he does not personalize his criticisms. He leaves President Correa out of it.

Asked if indigenous professionals with the government have become afraid to speak, he responded, “Of all the indigenous people in the government, none of them have the power to make a decision.” He did not see this as a sign of new repression, just the way they have always been powerless in Correa's administration.

He and other municipal government officials are careful with what they say because they do not want to jeopardize government funding of projects in the province. One cited the way Correa politically isolated the mayor of Quito, Mauricio Rodas, after he joined the 2015 “Shyris protests” against the government's new inheritance tax laws, as the fate that awaits elected officials who go against Correa. ■

Academic Freedom and Indigenous Peoples in Ecuador

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This report discusses the conflict between President Rafael Correa (2007–present) and CONAIE (Confederation of Indigenous Nationalities of Ecuador), the largest and most important indigenous organization in Ecuador. Then, it examines the systematic attacks of the regime against the systems of creation of knowledge of indigenous peoples and against the academic freedom of those who work on indigenous issues or in collaboration with indigenous peoples.

Context of the Conflict between the Correa Government and CONAIE

When Rafael Correa campaigned for the presidency in 2006, he sought the support of CONAIE for his candidacy. CONAIE discussed the matter but decided to support its own indigenous candidate, Luis Macas. In his first presidential campaign, Correa spoke Kichwa and used indigenous symbols, including having his unofficial presidential inauguration in an indigenous community. Because Macas was not able to win enough votes in the first round, CONAIE supported Correa in the second round and also endorsed Correa's party, Alianza País, in the Constituent Assembly of 2007 and during the campaign for the approval of the 2008 Constitution. However, since January 2009, CONAIE and Correa have grown apart. CONAIE demonstrated against a new law that allowed for the expansion of mining and also disagreed with a proposal for a water law that the indigenous movement did not see as redistributive of this important resource and respectful of the cooperative ways in which indigenous peoples have managed water resources.

Right after demonstrations against the mining and water laws, the budget of CODENPE (Council for Development of

the Nationalities and Peoples of Ecuador) was drastically cut. Before, CODENPE enjoyed autonomy, and its executive secretary had the rank of a minister of state. In 2014, CODENPE was replaced by a Council for Equality, whose members are not selected by the organizations but on merit by the Council of Citizen Participation and Social Control, a state institution close to the executive.

The Correa administration enacted Executive Decree 16 in June 2013. It requires that all civil society organizations register their membership, economic transactions, and other strategic information with the government through a tortuous online bureaucratic process. The decree allows the executive to dissolve social organizations, from nongovernmental organizations to indigenous communes, which engage in politics as defined by the executive.

In Ecuador, indigenous peoples enjoy the right to use their own customary systems of justice and traditional authorities. This right was enacted in the 1998 Constitution and ratified in the 2008 Constitution. After the president and the attorney general criticized the application of indigenous justice in a specific case, the Constitutional Court circumscribed this right to pertain only to issues that take place between indigenous people within their internal territory and that affect communitarian values.¹

The 2008 Constitution states that indigenous peoples have the right to claim special territories called *circumscripciones territoriales*. However, the process to create them is complicated. Proponents of these territories need to achieve a two-thirds majority in a referendum based on one of the already existing divisions of the state, which are of colonial origin and

centered on the distribution of the mestizo population. Indigenous communities are typically located at the margins of these territories. The result of this requirement is that no new indigenous territorial circumscriptions were created between 2008 and 2014 (García Serrano 2014).

Protests have been harshly repressed and social movement leaders have been criminalized (Human Rights Watch 2015; Colectivo de Investigación y Acción Psicosocial Ecuador 2015). Prominent indigenous leaders have been accused of crimes such as terrorism, sabotage, and paralyzing public services. Successful provincial governors Marcelino Chumpí and Salvador Quishpe are facing charges of corruption.

To sum up, we are witnessing a multifaceted retrenchment of many of the indigenous rights gained during the 1990s. Despite this situation, the Correa regime has continued to claim concepts understood to be indigenous, such as Sumak Kawsay or Good Living, plurinationalism, and interculturalism, as part of the regime's philosophy and development goals.

How Has This Conflict Affected the Systems of Creation of Knowledge of Indigenous Peoples?

In 2009, right after CONAIE's demonstrations against the mining law, the Ministry of Education took control over intercultural bilingual education and abolished the autonomy that organized indigenous peoples previously enjoyed. Indigenous organizations had been able to elect educational authorities, hire teachers, and design the curriculum. This degree of autonomy was unique in Latin America. After autonomy was abolished,

indigenous movement leaders were removed from positions of authority in the education system and were replaced by younger indigenous professionals or by mestizos who were closer to the regime. Standardized materials in Spanish replaced earlier textbooks in indigenous languages. The history of the indigenous movement and its struggles was erased from the new textbooks (Martínez Novo 2014). Intercultural bilingual education historically had been a means to build political consciousness and to strengthen indigenous political organization because it produced teachers who became organic intellectuals and political leaders in local settings.

Since 2013, the Correa government has closed community schools that have a single teacher or fewer than 25 students per teacher (Mena and Terán 2014). Children have been concentrated in larger schools called “axis-schools” or “schools of the millennium.” CONAIE has claimed that millennium schools do not promote indigenous language and culture and do not even let indigenous children use their traditional dress (Muyolema 2015). The closure of community schools is producing an accelerated process of migration from rural areas to provincial capitals and to Quito. The indigenous movement drew its strength from being a federation of communities. Thus, the fast depopulation of communities has deep political effects.

CEAACES (Consejo de Evaluación, Acreditación, y Aseguramiento de la Calidad Educativa, Council of Evaluation and Accreditation of Educational Quality), a state institution that assesses higher education, evaluated the UINPI-Amawtay Wasi (Intercultural University of Indigenous Nationalities and Peoples–Amawtay Wasi). When it was created, this university was defined as private

because in order to be public it needed to conform to mainstream cultural norms and regulations, losing its cultural specificity. The state did not allocate enough funding to this intercultural university, which was founded and managed by indigenous organizations. However, it was judged by the same standards as the private universities that educate the children of the elite, or the well-established traditional public universities, with the result that it lost its accreditation (Mato 2014).

A parallel process is the implementation of standardized exams for schoolteachers and for students who apply to public institutions of higher education. Schoolteachers must take standardized exams. These exams do not take into account cultural or socioeconomic differences, and teachers and students from marginalized ethnic and socioeconomic backgrounds have difficulty passing them. Many indigenous bilingual teachers have not been able to pass the exams. The shortage of intercultural-bilingual teachers has been an additional obstacle to the interculturalization of education (Mena and Terán 2014). Indigenous and other disadvantaged students who have not achieved high grades on standardized exams have been excluded from public higher education and from the academic careers of their choice. Paradoxically, although public higher education has become tuition-free under Correa, the gap between ethnic and socioeconomic groups in their access to higher education has grown (Post 2011).

On the other hand, the implementation of “meritocracy,” as the Correa government understands it, has on occasion benefited indigenous intellectuals. The need for faculty to hold higher degrees in order for provincial universities to remain open when evaluated by CEAACES has allowed

the few indigenous intellectuals who hold a PhD or MA degree to find full-time employment despite blatant racism. However, two indigenous intellectuals interviewed by the author of the report were disqualified from competition for permanent full-time positions by the use of legalisms.

To sum up, the Correa government is launching a systematic attack against the systems of creation of knowledge of indigenous peoples, which the executive accurately associates with the political capabilities of this important sector of civil society.

How Has This Situation Affected Non-Indian Academics Who Work on Indigenous Issues or Who Collaborate with Indigenous Peoples?

As is well documented by press associations and human rights organizations, there has been widespread harassment of journalists and the privately owned media during the Correa administration (Human Rights Watch 2015). Newspapers have closed, and journalists have been laid off or are facing legal charges, which has led newspapers and journalists to engage in strict self-censorship. For those of us who want to find out what is going on in Ecuador, the social networks and the Internet have become more useful than the press. Recently, the Correa administration launched a campaign to control what is written in the social networks and hired trolls to disrupt Internet communications. Some academics have been harassed as writers of opinion pieces in newspapers. The harassment of academics as such has not been as intense as that of journalists, but it has increased in recent years. From the beginning of the Correa administration, there were calls by people in high executive

positions (i.e., ministers of state) to the leaders of academic institutions to request that their professors “lower their tone,” particularly in their op-ed pieces.

The regime has tried to control institutions of higher education and think tanks promoting the election of government-friendly candidates to leading positions. In 2015, the regime interfered in the election of the rector of Universidad Andina Simón Bolívar, who enjoyed ample support from the university’s professors, staff, and students (Vera 2016). The government withdrew funding, and several state institutions investigated Universidad Andina.

At the Universidad Central, the main public university of the country, the regime has made efforts to replace combative Maoist groups with government-friendly student unions. In the summer of 2015, the members of a student group who opposed the regime-backed candidate were badly hurt by a gang. Gang members cut a young woman’s face with a glass and deeply cut another woman’s arm (Aguilar 2015; Ortiz Lemos 2015).

Another way to control academic freedom has been through intimidation with “friendly threats.” These consist of an ex-colleague or friend who is in a high position in the government telling the academic that they are looking at her or him, that they know what she is doing, and that inside people are trying to protect her but they do not know for how long they will be able to do so.

President Correa has insulted, falsely accused, and harassed numerous academics in his weekly presidential speeches. Among them are César Montúfar, Felipe Burbano de Lara, Santiago Basabe, Juan Ponce, Carlos de la Torre, Simón Pachano, and

Manuela Picq. Many of these academics are members of LASA. As a result of the president exposing Montúfar in his Saturday speech, Montúfar was punched in the eye by one of Correa’s supporters. Correa called de la Torre a mediocre academic and an apologist of terrorism. The president called Manuela Picq an immature woman who likes to be the center of attention; her academic credentials were questioned, and she was accused of acting violently against the police and of damaging Quito’s historic center.

Academics working in collaboration with indigenous people, and environmentalists who support indigenous movements have been threatened by the regime. In a moment of confrontation between the government and nongovernmental environmental organizations, Correa warned communities against “fat gringo researchers” in one of his speeches. An environmental NGO, Fundación Pachamama, which had collaborated closely with the indigenous movement and had legally represented indigenous communities against the Ecuadorian state at the Inter-American Court of Human Rights, was dissolved under Executive Decree 16. Oliver Utne, an American working for Fundación Pachamama, was detained to verify his immigration status and informed that the government could not ensure his safety any more (*El Comercio* 2014). He then had to leave the country.

The case of Manuela Picq has also been a warning for academics working in collaboration with the indigenous movement. Picq is a Franco-Brazilian professor who worked at the Universidad San Francisco, a liberal arts college in Quito. She is also the partner of the president of Ecuarunari, CONAIE’s branch

for the Ecuadorian highlands. Picq was beaten and detained by the police after participating in a peaceful demonstration in August 13, 2015. Her visa was revoked and she was placed in a detention center for undocumented immigrants. She appealed, but her visa was not reinstated and she was forced to leave the country due to her irregular immigration status. The regime made clear that cultural visas were only for cultural endeavors and that their holders could not engage in what the regime considers “politics.”

Finally, Executive Decree 16 has precluded the survival of the former Association of Anthropologists, Archaeologists, and Linguists (Asociación de Antropólogos, Arqueólogos y Linguistas de Pichincha). In an interview with the author of this report, the president of the association stated that the decree requires that an organization possesses an amount of capital that his association does not have. It also requires organizations to follow a complicated bureaucratic process that the association does not have the staff to complete. As a result, the association lost its legal status. The president of the association also noted that the government regularly withholds information from researchers not aligned with the regime despite the existence of a law of transparency. The interviewee added that the government controls the resources to conduct research and that these are not available to researchers not aligned with the regime. Independent academics have difficulties conducting research without appropriate access to data and resources.

To sum up, the systems of creation of knowledge that indigenous peoples built in past decades are being dismantled by the Correa regime. This government has used immigration regulations to threaten foreign academics who collaborate with indigenous peoples. This is a strategy to

further isolate indigenous organizations that resist the development policies of the regime from their networks of support and funding. Domestic academics not aligned with the regime see their academic freedom restricted by lack of access to data, lack of resources, and subtle and not so subtle forms of harassment, as well as new regulatory frames that hinder their right to free speech and association.

Note

- ¹ Constitutional Court Sentence no. 113-14-SEP-CC, case no. 0731-10-EP, July 30, 2014.

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From the LASA2016 Congress Program Co-chairs

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This is the last message that we will be sending to LASA members before the historic “LASA at 50” Congress to be held in New York City from May 27 to 30, 2016. When we sat down to write our last memo (published in the Winter 2016 *Forum*), our president, the track chairs, section chairs, program chairs, and LASA staff had already established the contours of the Congress. Members had received their notifications in response to panel and paper proposals, and an immense interdisciplinary effort of many months had begun to bear fruit in the form of a number of specially organized, larger-scale events that were taking shape. Until now, with the planning of these special events—particularly the presidential sessions—still under way, we have only been able to depict them in broad strokes in our messages published here. Now, at last, we can relate some of the details of these events.

We, as program co-chairs, have been humbled and delighted by the individuals who have accepted the invitations that the LASA president, Gil Joseph, extended to participate in “LASA at 50.” “From the President” in the Winter 2016 *Forum* described these panels, the planning of some of which has been in process for over a year. Two sessions feature both current and former presidents of Brazil, Chile, and Costa Rica. Two more concern emerging issues of Cuban policy and diplomacy in the wake of the current reestablishment of relations between Cuba and the United States. Others include high-ranking policy makers and activists discussing Latin American-U.S. immigration; journalism; and a stellar lineup of scholars and thinkers, organized and moderated by the historian Peter Winn, who will look back on 50 years of transformation in Latin America. The roster of these special panels has continued to evolve in the

last couple of months. As part of the Otros Saberes initiative, the Congress will also feature a presidential session on hip-hop and grassroots activism. The distinguished Mexican sociologist Rodolfo Stavenhagen, whose work in academia and in international nongovernmental organizations and promoting human rights throughout the world is surely familiar to many LASA members, has been honored with the Kalman Silvert Award. Dr. Stavenhagen, in turn, will honor LASA by attending the conference and delivering the annual Kalman Silvert Lecture. Over the four days of the Congress, numerous featured sessions will include panels that provide precious insight into academic publishing in Latin American studies, and overviews of the state of the field that will benefit from the accumulated wisdom of some of the field’s most distinguished thinkers, who will be in dialogue with members by way of these open sessions throughout the Congress.

The 50th anniversary impels us to examine not just an institutional or even an intellectual history of Latin American studies but moreover a truly probing and critical examination of how and why area studies took shape as an academic paradigm and political project at different moments in its trajectory, from the middle of the twentieth century to the present day. Among the many ways in which LASA members are answering this call, we are especially impressed with the contributions of the “Area Studies: Critical and Historical Analysis” track. Newly added to the list of thematic tracks under which most of the Congress’s panels are organized, we conceptualized this as part of a larger effort not to take for granted the area studies paradigm but rather to use the critical analysis of it as a means to think creatively about what we do as scholars, teachers, researchers, and politically

engaged thinkers. In the able hands of the two track chairs, Greg Grandin and Christy Thornton, the 16 panels and workshops in this track critically rethink such pressing questions as land reform, the Latin American left, ecological crisis, the U.S. presence in Latin America and the Latin American / Latino presence in the United States, and twenty-first-century geopolitics. This track has also created space to reach out to other area studies fields and will feature a workshop on area and ethnic studies that puts those who study Latin America in dialogue with those whose primary area interest is in Asia and Asian American studies. As part of this track, a special panel will feature Noam Chomsky in conversation with Greg Grandin. Professor Chomsky will reflect on his Managua lectures delivered 30 years ago, now from the vantage of this 50-year anniversary watershed, not only of LASA but also of the North American Congress on Latin America (NACLA).

We have not exhausted all of the surprises that “LASA at 50” has in store. In addition to the highlighted events organized by the program committee, the panels organized under the sections, and the thematic tracks, there will be a feast of activities and events related to the Congress but not located at the conference site during the officially designated days. There will also be “off-menu” items throughout the city, of course, from the plethora of free, open-to-the-public activities going on at area universities, to the Museo del Barrio in uptown Manhattan, to Flushing Meadows / Corona Park. An audiovisual installation, *Between Neighborhoods*, developed by historian Seth Fein exclusively for LASA2016, will evocatively juxtapose original and archival moving and still images, words, and sounds to travel synchronically between today and the

mid-1960s and between Latin America and New York City.

We hope this succinct account piques your curiosity about the extraordinary array of activities that will take place in New York City as LASA celebrates its 50th anniversary. As we close this message, we want to thank Gil Joseph once more for having trusted us with the responsibility

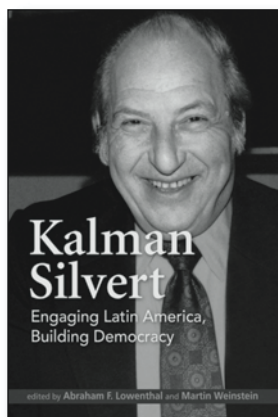
to put together a truly historical Congress. Our goal, from the planning phase to the final touches on the program, has been to craft a Congress advancing a bold intellectual agenda that puts emphasis on critical discussions of the state of our field, amplifies the conversation to other areas of inquiry, and builds on previous LASA initiatives that bring new value to important debates shaping Latin American

studies. We are delighted with the program for LASA2016 and the many surrounding activities. It has been an extraordinary experience to embark on this unique venture. What a ride!

¡Al fin de cuentas, no se cumple medio siglo todos los días! ■



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Festival de LASA2016: Looking Back, the 60s & 70s / Ayotzinapa, Forced Disappearances / Soberanía Alimentaria, Sustainability

por CLAUDIA FERMAN, LASA Film Festival Director | University of Richmond | cferman@richmond.edu

Esta es una edición especial del festival: cuatro días que celebran los 50 años de LASA, y lo hacen mirando hacia atrás, hacia los años turbulentos que dieron nacimiento a nuestra institución (Looking Back: The 60s & 70s); mirando el presente, en la conflictividad que generan sistemas políticos que bajo una institucionalidad de simulacro democrático, perpetúa y multiplica la concentración del poder y el desempoderamiento de los pueblos (Ayotzinapa: Forced Disappearances); y mirando hacia el futuro, documentando la emergencia alimentaria y sanitaria que la agroindustria y sus agrotóxicos están produciendo, así como el enorme potencial social y político que tiene la organización comunitaria en torno a la defensa de los recursos naturales propios y de la soberanía alimentaria (Soberanía Alimentaria: Sustainability). El Festival desarrolla estos tres temas con 32 películas, que incluyen 9 cortos de distinta duración. Estas producciones y coproducciones provienen de trece países latinoamericanos, entre ellos Cuba —país que exhibe dos imperdibles producciones nacionales—, así como de Canadá y de tres países europeos.

Por otra parte, el Festival de este año abandona la reclusión de la sala de exhibición y sale a los pasillos del congreso de LASA presentando una extraordinaria muestra fotográfica animada (que el festival ha ayudado a montar) en el hall del Hilton, “El costo humano de los agrotóxicos / The Human Cost of Agrochemicals” de Pablo Piovano, fotógrafo de staff del diario argentino *Página 12*. La exposición fotográfica de Piovano ya ha recibido enorme atención nacional e internacional y es un verdadero privilegio para LASA contar con ella en esta edición.

Asimismo, un grupo importante de directores y productores estará en New York en el festival para presentar sus

películas y para entrar en diálogo con los asistentes a las proyecciones. *Mirar morir: El ejército en la noche de Iguala* (*Watching Them Die: The Mexican Army and the 43 Disappeared*), película mexicana que investiga el caso Ayotzinapa, contará con la presencia de su director y su productor, Coitza Grecko y Témoris Grecko, respectivamente. Témoris Grecko, columnista de *Aristegui Noticias*, pertenece a Ojos de Perro vs. la Impunidad, organización de la sociedad civil integrada por periodistas, escritores y cineastas que luchan contra la impunidad en México. Gracias al generoso apoyo de la Sección México de LASA, la película tendrá dos exhibiciones con debate con los cineastas después de ambas presentaciones. La lista de presentaciones y debates es extensa: Rodrigo Lopes de Barros, director de *Chacal: Prohibido Fazer Poesia* (*Chacal: Forbidden to Write Poetry*), presentará su corto de 25 minutos sobre el poeta brasileño Chacal, icono del movimiento cultural de los años 60 y 70 en Brasil. Marianne Eyde, directora de *Dibujando memorias*, presentará su documental sobre las formas en que las comunidades de la región de Huancavelica, Perú, procesan y reelaboran hoy la memoria de los duros años en los que fueron víctimas de la confrontación armada. Mariano Mestman, profesor e investigador, Universidad de Buenos Aires, presentará *Documentos del Tercer Cine. Montreal, 1974* (*Third Cinema Archives, Montreal, 1974*), un documental que rescata escenas del importante encuentro internacional de cineastas del Nuevo Cine que se realizó en Montreal en 1974, en el que participaron el chileno Miguel Littín, el uruguayo Walter Achugar, el cubano Julio García Espinosa, el argentino Fernando Solanas, junto a importantes críticos europeos del movimiento. Esther Barroso Sosa, una joven directora cubana, presentará su documental sobre la icónica figura de la

Revolución Cubana Haydée Santamaría Cuadrado, *Nuestra Haydée* (*Our Haydée*). Finalmente, Emily Laliberté presentará su cortometraje, *Doña Gregoria*, un documental sobre una anciana maya de la aldea San Jorge La Laguna, Guatemala, que personifica la brutal condición en la que la encrucijada de la transformación capitalista del campo y la producción de alimentos ha dejado a los campesinos en gran parte del territorio latinoamericano.

Bajo el tema “Looking Back: The 60s & 70s”, el festival presentará una serie de películas que revisan esos años críticos para Latinoamérica con una mirada contemporánea: *El trotskismo bárbaro* (*Barbaric Trotskyism*), de Marcel Gonnet Wainmayer, una coproducción de Argentina, Perú y Brasil, que se ocupa de la controvertida figura del dirigente trotskista, de origen argentino pero de trayectoria internacional, Nahuel Moreno; *Retratos de identificação* (*Identification Photos*) una producción brasileña dirigida por Anita Leandro, documental que recoge una cuidadosa investigación en los archivos nacionales de seguridad brasileños; *Pepe Mujica, Lessons from the Flowerbed*, una joya documental filmada a lo largo de varios años por su directora Heidi Specogna, que propone una visión multifacética del célebre ex presidente de Uruguay Pepe Mujica y su genial compañera Lucía Topolansky; *La muerte de Jaime Roldós* (*Jaime Roldós's Death*), coproducción ecuatoriano-argentina dirigida por Manolo Sarmiento y Lisandra I. Rivera, una brillante investigación que echa luz sobre la dudosa muerte del presidente de Ecuador Jaime Roldós, en 1981; *Never Ever Neverland*, dirigida por Marina Ochoa, y *Tus padres volverán* (*Your Parents Will Come Back*) dirigida por Pablo Martínez Pessi, dos excelentes documentales que se ocupan de revisar cómo la política envolvió a los niños en ese

período: en Cuba, con el desafortunado caso del así llamado “Proyecto Peter Pan”, y en Uruguay, con el viaje de un grupo de 154 niños, hijos de exiliados políticos que no podían regresar a su país, que fueron a visitar a sus parientes en la capital uruguaya; *La sombra (The Shadow)*, de Javier Olivera, un creativo y original documental que recrea la vida del famoso director y productor de cine argentino Héctor Olivera así como su época; y *The Crazy Che*, dirigida por Nicolás Iacouzzi & Pablo Chehebar, película que presenta un curioso caso de espionaje industrial cruzado con las lógicas de la Guerra Fría, la política cubana, la CIA y el FBI.

Además de la exposición fotográfica y el cortometraje de Pablo Piovano sobre los agrotóxicos, bajo el tema de Soberanía Alimentaria y Sostenibilidad se presentan, entre otros filmes, cuatro extraordinarias películas: *Resistencia: The Fight for the Aguan Valley*, una coproducción entre Canadá y Honduras dirigida por Jesse Freeston, película que muestra la lucha por la tenencia de la tierra en Honduras en el marco del golpe de estado del 2009; el cortometraje argentino *Jasy Porã / Beautiful Moon*, dirigido por Pavel Tavares, un canto a la sencillez de la vida, y a las comunidades auto-sostenibles; *Aislados / Isolated*, producción colombiana dirigida por Marcela Lizcano, que retrata la vida de una comunidad de 500 habitantes que se desarrolla en un islote de menos de media manzana de superficie, y que ha sido caracterizada como la isla más densamente poblada de la tierra; y el fabuloso trabajo de investigación *Sumú* (maíz), dirigido por Teresa Camou Guerrero, que devela la importancia de la producción sustentable de alimentos y su relación con la paz y el desarrollo comunitario.

El programa tiene aún más: una serie de tres cortos de la destacada cineasta

paraguaya Paz Encina; un brillante corto del cineasta y pedagogo mexicano Roberto Olivares (Ojo de Agua Comunicación), que también se ocupa del caso Ayotzinapa; un documental que informa detalladamente sobre una investigación sobre la alimentación en Mesoamérica 10,000 años atrás; y un documental mexicano sobre el movimiento cultural *underground* “Alicia”, dirigido por Abril Schmucler Iñíguez, y que se presenta en pre-estreno internacional.

El festival de LASA2016 constituye una prueba más de la increíble riqueza conceptual, artística, histórica y cultural del documental latinoamericano. La democratización de las tecnologías audiovisuales, que han hecho que el mapa mediático sea ancho y vasto, constituye una revolución comunicacional que no puede ser desaprovechada por ninguno de los estamentos educativos ligados al estudio de Latinoamérica. Sin embargo, estas producciones se mantienen muchas veces desconocidas, aisladas, difíciles de rastrear y hasta imposibles de acceder. Como he dicho ya en otras oportunidades, es necesario crear un espacio de intersección entre los productores de documentales, las colecciones, los investigadores y la educación, que promueva el acceso masivo a esta importante producción audiovisual, con objetivos educativos y culturales. La primera tarea para que un proyecto de esta envergadura se realice es la puesta en marcha de una plataforma en red que reúna los catálogos y colecciones, públicos y privados, dedicados al documental latinoamericano. La producción de un catálogo comprehensivo del documental latinoamericano de acceso universal para fines educativos es una tarea ineludible que demanda la nueva era comunicacional. Sin duda, LASA y sus miembros pueden jugar un papel relevante en esta tarea.

Esta programación no hubiera podido llevarse a cabo sin el sostenido apoyo de la Directora Ejecutiva de LASA, la Dra. Milagros Pereyra; la generosa contribución de la Sección de México y el apoyo de sus directivos, Ignacio Sánchez Prado e Yliana Rodríguez; las colaboraciones de Oscar Smoje, director del Palacio Nacional de las Artes, Palais de Glace (Argentina), de Inti Cordera, Director Ejecutivo del Festival DocsDF (México), del Festival FICWALLMPAU 2015 (Chile, Argentina), y de todos los directores, productores y distribuidores que se interesan por el trabajo del Festival de LASA y lo apoyan permitiendo que sus películas sean exhibidas en el festival. Agradecemos también el trabajo de Michelle Mauney, asistente del Departamento de Latin American, Latino & Iberian Studies de la Universidad de Richmond, que nos ayudó en la catalogación de los materiales. Un especial agradecimiento a la profesora Susana Miranda, fiel compañera del festival, quien ha trabajado incansablemente en muchas de sus ediciones, y que nuevamente ha comprometido su invaluable esfuerzo para su éxito.

No queda más que invitar a todos y a todas a este festival que es, como siempre, de acceso libre y gratuito para que toda la comunidad pueda disfrutarlo. Nos vemos en el festival, que lo disfruten. ■

Local Logistics

Registration

As in the past, all LASA Congress participants and attendees must be registered; no exceptions can be made. The deadline for Congress participants to preregister was March 31, 2016.

Registration and check-in areas will be located in the New York Hilton Midtown Hotel, on the second-floor Promenade. Participants are encouraged to check in for the Congress starting on Thursday, May 26, from 2:00 pm to 9:00 pm.

Registration and check-in hours:

Thursday, May 26	2:00 pm – 9:00 pm
Friday, May 27	7:00 am – 8:00 pm
Saturday, May 28	7:00 am – 6:30 pm
Sunday, May 29	7:30 am – 5:00 pm
Monday, May 30	7:30 am – 1:00 pm

Check-In

For LASA2016, registered participants will receive their name badge, program book, *constancias*, and other information at the time of check-in.

Participants are urged to give themselves ample time to check in before their scheduled sessions. Individuals planning on attending Friday morning sessions should consider checking in from 2:00 pm to 9:00 pm on Thursday, May 26, if at all possible. (At any rate, people who attend the Welcome Ceremony and Reception on Friday night will be required to wear their badges.)

On-Site Registration

Individuals registering on-site should proceed to the on-site registration area to pay the required fees and receive their materials. MasterCard and Visa credit cards, checks written on U.S.-based banks, and U.S. currency will be accepted.

Congress Sessions and Proceedings

Sessions will be held in the New York Hilton Midtown and Sheraton New York Times Square Hotels. Congress papers received by the Secretariat by the May 1 deadline were posted to the LASA website before the start of the meeting.

Contracted Hotels

The New York Hilton Midtown (LASA2016 Host Hotel) and Sheraton New York Times Square Hotels are the main sites for LASA2016.

New York Hilton Midtown
1335 Avenue of the Americas
New York, NY 10019
USA
Phone: (212)-586-7000

Sheraton New York Times Square Hotel
811 7th Avenue 53rd Street
New York, NY 10019
USA
Phone: (212)-581-1000

Transportation from the Airport to Hotels

LaGuardia Airport (LGA) is located about 8 miles from the New York Hilton Midtown Hotel and 9 miles from the Sheraton New York Times Square Hotel. John F. Kennedy International Airport (JFK) is located about 17 miles from the New York Hilton Midtown Hotel and 16 miles from the Sheraton New York Times Square Hotel. Newark Liberty International Airport (EWR) is located about 15 miles from the New York Hilton Midtown Hotel and 17 miles from the Sheraton New York Times Square Hotel.

The hotels can also be reached via taxis (rates ranging from \$35 to \$85); train, and/or bus (MTA New York City Transit or NJ Transit) combined with the New York Subway (rates usually around \$7.50). The closest subway station to the hotels is 7th Avenue, reached by lines B, D, and E. Cars can also be rented at the airport.

Audio/Visual Equipment

LASA will provide an LCD projector, a screen, and the proper connections for a laptop in each meeting room. **Each panel will be responsible for bringing a laptop for their presentation.** Separate audio and video equipment and Internet connection will not be provided. Any video presentations should be recorded on DVD or any other media so they may be viewed via the laptop. Presenters will be required to provide their own speakers if needed. AV staff will be available if participants experience any problems with the equipment.

Child Care

LASA will subsidize the cost of child care for accepted participants who bring their children to New York. LASA will provide reimbursements at the rate of US\$15.00 per hour for one child and US\$20.00 for two or more children, for a maximum of 10 hours.

LASA maximum responsibility per family will be \$150.00 for one child and \$200.00 for two or more children. A parent who bills LASA for child care must be a 2016 member of the Association and a registered attendee of LASA2016. To receive reimbursement, the parent must submit the original bill from the caregiver, with the name(s) of the child(ren) and the dates of the service, to the LASA Secretariat on or before July 15, 2016. *The caregiver must be an official child care service. Family members will not be reimbursed for child care.*

Constancias

Constancias for LASA2016 will be provided during check-in at the registration area located in the New York Hilton Midtown, on the second-floor Promenade. ■

LASA2016 Exhibitors

The Book Exhibit will be located in the “Americas Hall I” of the New York Hilton Midtown Hotel. The Exhibit hours will be: Saturday, May 28, from 9:30 am to 6:00 pm; Sunday, May 29, from 9:30 am to 6:00 pm, and Monday, May 30, from 9:30 am to 4:00 pm. Admission to the Book Exhibit is free for registered attendees.

ORGANIZATION	BOOTH #	ORGANIZATION	BOOTH #	ORGANIZATION	BOOTH #
Africa World Press	311	GPS - USMEX - UC San Diego	611	Stanford University Press	505
Alttexto. Editoriales Universitarias y Académicas de México	406	Haymarket Books	704	SUNY Press	220
Americas Society/Council of the Americas	609	Iberoamericana Editorial Vervuert	410	The Scholar's Choice	500
Bildner Center For Western Hemisphere Studies	700	Institute of Latin American Studies (School of Advanced Study, University of London)	222	The University of Alabama Press	504
Boydell & Brewer Tamesis Books	606	Instituto Internacional de Literatura Iberoamericana (IILI)	112	The University of Arizona Press	411
Cámara Cubana del Libro	712	International Work Group for Indigenous Affairs (IWGIA)	605	Universidad Nacional Autónoma de México (UNAM)	407
Cambria Press	323	Latin American Perspectives	106	University of California Press	110
Cambridge University Press	200	Latin American Studies Association (LASA)	100	University of New Mexico Press	315-317
Centro de Investigación y Docencia Económicas (CIDE)	401	Lexington Books	603	University of North Carolina Press	109
Centro de Investigaciones y Estudios Superiores en Antropología Social (CIESAS)	408	Lynne Rienner Publishers	307-309	University of Notre Dame Press	321
Chiricú Journal – Indiana University Press – IU Latino Studies Program	507	Macmillan	204	University of Pittsburgh Press	706-708
Comisión Económica para América Latina y el Caribe (CEPAL)	202	MaestroMeetings	102	University of Texas Press	208-210
Consejo Latinoamericano de Ciencias Sociales (CLACSO)	400-402-404-103-105-107	Marazul	118	University of Wisconsin Press	412
DIGITALIA	604	Markus Wiener Publishers	311	University Press of Florida	501
Duke University Press	114-116	Oxford University Press	224	Vanderbilt University Press	113
EcoAméricas	206	Palgrave Macmillan	509	W.W. Norton & Company	226
Ediciones Universitarias de Valparaíso de la PUCV	104	Pathfinder Press	506	Washington Office on Latin America	108
Editorial Cuarto Propio	104	Penguin Random House	111	Wiley	600
El Colegio de la Frontera Norte	405	Peter Lang Publishing	702		
El Colegio de México, A.C.	403	Project MUSE	710		
FLACSO MÉXICO	405	Review Magazine	700		
Fundación Cisneros	511	Routledge	214-216		
		Rowman & Littlefield	601		
		Rutgers University Press	212		
		Siglo del Hombre Editores	218		

LASA Combined Book Display (booth #100)

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Alicia Kozameh	100
Berghahn Books	100
Ediciones AMPERSAND	100
International Development Research Center	100
Westview Press	100

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by MIRNA KOLBOWSKI, LASA Associate Director | mkolbowski@pitt.edu

The generous support of members, foundations, and friends continues to be critical in advancing LASA's mission by extending substantial opportunities for scholars to participate in the Association's international congresses through LASA travel grants.

Support for the LASA Endowment derives from many sources including the major portion of each LASA Life Membership. LASA currently has 110 Life Members, 11 of whom are recipients of Kalman Silvert Awards and therefore entitled to honorary Life Memberships.

We gratefully acknowledge the following donors for their contributions to LASA funds since our previous report in the fall 2015 issue of the LASA Forum. (Many individuals donate to more than one fund but names are printed just once.)

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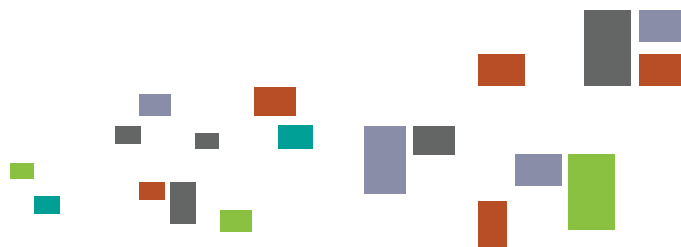
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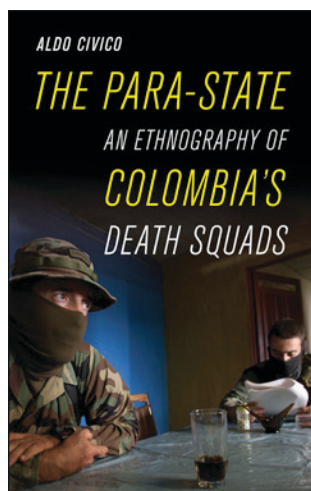


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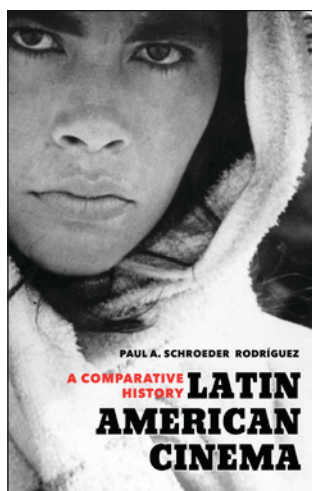
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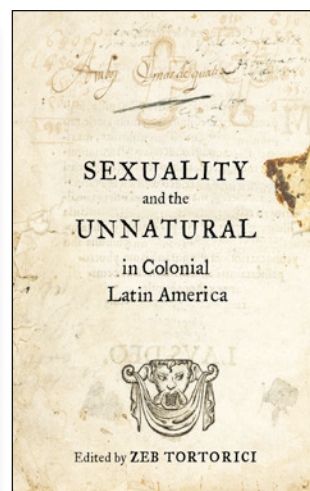
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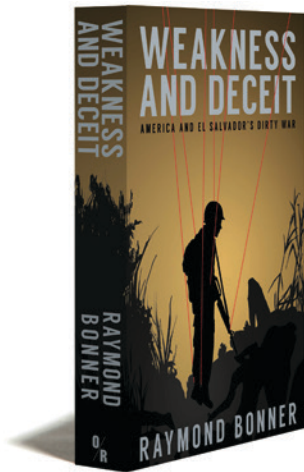
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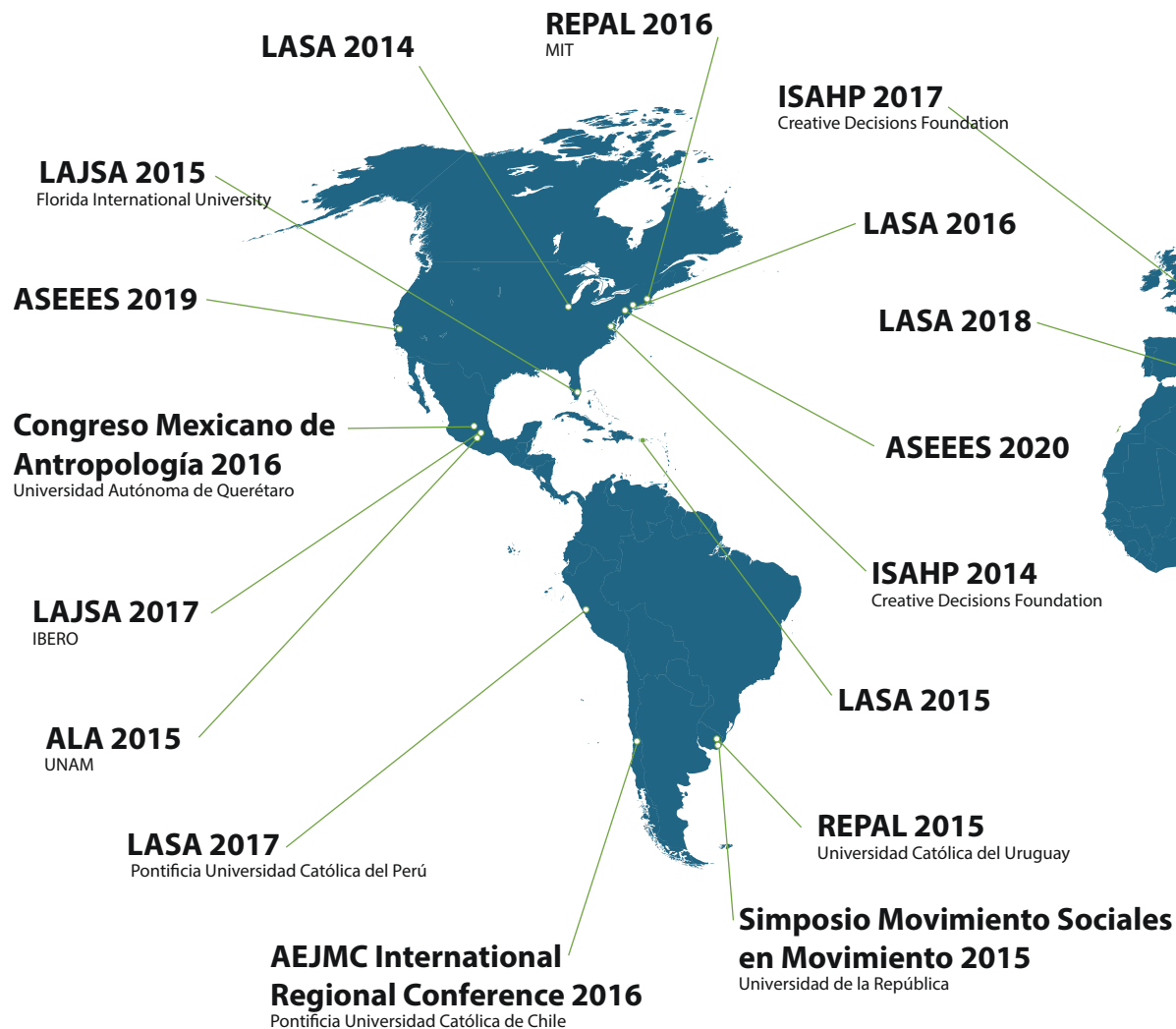
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