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From the President

by **Jo-Marie Burt** | George Mason University | jmburt@gmu.edu

As I wrap up my time as President of LASA, I want to take this opportunity to acknowledge with gratitude the significance of this community that has been my intellectual home since I was a graduate student many moons ago. LASA has been central to my personal and professional growth. I know it has been for many of you as well, and I hope it will continue to be so for a long time to come. Before I get to my goodbyes, let me talk briefly about this issue of *LASA Forum*.

LASA Forum

LASA Forum has served as a space for the LASA2024 Program Team, comprised of myself, María Eugenia Ulfe of the Pontificia Universidad Católica del Perú, and Enrique Desmond Arias of Baruch College, to further explore the ideas we outlined in the theme for this year's Congress, *Reaction and Resistance: Imagining Possible Futures in the Americas*. In this fourth and final issue, which I co-edited with Enrique Desmond Arias, we invited scholars, activists, and practitioners to reflect upon the enduring problem of impunity and violence in Latin America. Impunity is central to the politics of reaction that has dominated the region in the past, and today is engaged in a new campaign to undermine freedoms gained and rights won through appeals to chauvinistic, nationalistic, and heteronormative norms. Resistance to impunity, and the design of creative strategies to overcome it, are also explored in this dossier. Previous issues of *LASA Forum* have included dossiers engaging other topics related to the LASA2024 Congress theme: the first highlighted different forms of collective resistance to violence, oppression, and discrimination; the second examined the "new" far-right in the Americas; and one reporting on the ongoing dispossession and forced displacement of indigenous, Afro-descendant, and rural communities throughout the region at the hands of extractive industries and illicit economic actors, among others.

This issue of *LASA Forum* also includes three articles related to the exciting initiative of the LASA Continental Congresses, focusing on the second and most recent one which took place in November 2023 at the University of Ghana in Accra. I invited Mara Viveros Vigolla, professor at the Universidad Nacional de Colombia and former LASA President, to reflect upon the LASA/Africa Continental Congress, which she helped organize. I also invited the team of scholars from Africa who participated in organizing the Congress to offer their reflections on the experience of the first LASA Congress in Africa. Finally, Mwalimu Victorien Lavou Zoungbo, who delivered one of the keynotes at LASA/Africa, offers his reflections about the political and philosophical trajectory of Pan-Africanism as a concept and a way of thinking about the African diaspora and the relations between the African and Latin American continents.

The issue wraps up with a preview of the Film Festival at the 42nd International Congress of LASA in Bogotá, prepared by Director Claudia Ferman. This year, the festival will feature 63 films across many genres from 23 countries. The Film Festival is a critical element of LASA2024 and is in dialogue with the Congress' theme, *Reaction and Resistance: Imagining Possible Future in the Americas* and with the presidency's overall goal of creating space at LASA for intellectuals inside and outside the academy as well as to

facilitate the participation of scholars, students, and activists from historically underrepresented communities. The films on display present voices and languages that add to and deepen the discussion from local communities, organizations, artists, and activists across the region. There is also a report by Maestro Meetings, an initiative of LASA founded in 2014 as a separate 501 (c)(3) that serves as an alternative source of income for the Association and is a vital part of its sustainability efforts.

Gratitude

LASA has enriched my academic life, created space for meaningful collaboration, and given me a lifetime of friendships that I treasure and rely on in many ways. I've endeavored to ensure that LASA2024 was a space for intellectuals inside and outside the academy as well as a more diverse and inclusive Congress, while also obtaining external funding that made it possible to expand LASA's ability to facilitate the participation of academics, students, and activists from communities that are traditionally underrepresented in large academic congresses. A fuller report of my activities, including my fundraising efforts and strategies to make the 2024 Congress more inclusive and diverse, can be found in my letter in the last issue of *LASA Forum* and in the program book of the LASA2024 Congress.

I want to thank the LASA membership for giving me the opportunity to serve as its President. It is not an easy time to take on a leadership role in an organization as large as LASA, which faces many challenges for its future. LASA continues to face demands for greater transparency in governance. In this era of growing economic and climate insecurity, LASA is also challenged to rethink the ways it envisions and implements its mission.

Service is also central to the sustainability of LASA. The Secretariat takes on a tremendous amount of the work organizing the congress that we enjoy each year, but it is us—the members of LASA—who are its lifeblood and its raison d'étre and who perform critical tasks each year, evaluating proposals for each year's Congress as program track chairs, leading sections as section chairs, sitting on prize committees, participating in nominations committees,on the Executive Council, and on different ad hoc committees (Academic Freedom and Human Rights Committee, the Anti-Harassment Committee), among other roles. Cultivating a culture of service is a core part of academic life as well as for academic associations such as LASA, and our members turn up, year after year, to volunteer there for critical tasks. I am grateful to all of you who performed such roles this year for LASA2024.

I am also grateful to Mark Rozell, dean at the Schar School of Policy and Government at George Mason University, who supported my decision to serve as LASA's President by granting me course releases and providing me with a graduate research assistant, Luz Giraldo Mueller, a PhD History Student at George Mason who has been a joy to work with and to whom I owe a great deal. This made it viable for me to take on the work of organizing LASA and participating in its key governance structures. After serving LASA in other capacities over the years, I look back with gratitude on the past two years for the opportunity to serve the Association in its key leadership roles and, above all, you, the LASA membership, who make this the most vibrant and interesting academic association around.

I would like to express my gratitude once more to the Ford Foundation and Open Society Foundations for their support of LASA2024; to LASA Executive Director, Milagros Pereyra-Rojas and the entire staff of the Secretariat for their hard work and support; to fellow Ways and Means members, Vice President Javier Guerrero, Jenny Pribble, Treasurer, and Margarita Maya-López, Past President; and the dozens of LASA members who labored as program track chairs and section chairs, and to those who served on the prize committees as well as LASA's standing committees. Gracias; you all made LASA2024 possible.

I'll conclude by saying that my commitment, shared by many of my LASA colleagues, to elevate alternative modes of knowledge production and to develop and promote research

that incorporates collaborative processes of knowledge production, has been a driving force behind these efforts. I will continue to champion such efforts as past presidents have done. In the meantime, I look forward to seeing you all in Bogotá, whether in person or online. //

Introduction

by **Jo-Marie Burt** | George Mason University, LASA President | jmburt@gmu.edu

Enrique Desmond Arias | City University of New York | desmond.Arias@baruch.cuny.edu

Latin America has a long history of violence and institutionalized impunity. After the end of military dictatorships that ruled much of the region during the 1960s, 1970s, and 1980s—in which state-sponsored violations of human rights were massive and systematic—there was hope that democracy would create the foundation for governance based on the rule of law and respect for human rights. Efforts in some countries to bring rights abusers to justice through various judicial proceedings and truth commissions further buoyed hope in the consolidation of democracy and the rule of law in these new democracies.[1]

It soon became evident, however, that many of these regimes were failing to protect citizens from violent acts by state officials as well as by criminals and other violent actors amidst what are often referred to today as wars on crime or on drugs. In some instances, too, democracy gave way to increasingly authoritarian modes of governance, further eviscerating rights and increased levels of insecurity and violence.

Today the Western Hemisphere is the world's most violent region. According to the United Nations 2021 world homicide study, there are approximately 130,000 murders in the region annually. Latin America accounts for roughly 28 percent of the world's homicides while it has just 8 percent of the world's population. Put another way, Latin America has a homicide rate of 19.91 per 100,000 inhabitants, five points higher than sub-Saharan Africa, the next closest region in this ledger of violence. Relatively few of the perpetrators are ever brought to justice. This violence is borne most heavily by the young, the poor, and members of historically excluded racial and ethnic groups.

Impunities

In this special dossier, we seek to draw attention to the enduring problem of impunity in Latin America and the tragic consequences for sizable portions of the region's population. We have both worked on this issue in different contexts over the course of our careers and view impunity as one of the greatest challenges facing the region today. Impunity is a key topic of LASA2024, one of the constituent elements of the theme, ***Reacción y resistencia: imaginar futuros posibles en las Américas*** and also a special program track we created for this year's Congress to foment discussion and debate of this critical problem. Here we bring together essays by scholars and practitioners to examine impunity across Latin America considering its roots, effects, and possible responses. As part of our effort to imagine possible futures for the region, we believe governments, scholars, and civil society must prioritize the intimately interrelated problems of violence and impunity. We asked our authors to consider how today's governments are rooted in histories of impunity and violence and what strategies can be adopted by national governments, the international community, and civil society to respond to these enduring problems.

The essays in this dossier point to three important insights. First, they highlight the continuities of violence across democratic and authoritarian regimes, revealing the ways that violence is

[1] There is a vast literature on these different mechanisms. See the dossier, "Verdad, Justicia y Memoria," published in *LASA Forum* 51:1 (Winter 2020), https://forum.lasaweb.org/past-issues/vol51-issue1.php.

embedded in historic social structures that demand redress. Impunity may be legislated, as in amnesty laws or other legislation that limits or obstructs the investigation and prosecution of criminal actions, or it may be the result of de facto arrangements, such as the systematic underfunding or co-optation of judicial institutions. In either case, when human rights violators are allowed to walk free, as they were at the end of most of the region's dictatorships, this tends to perpetuate rather than restrain violence. Ending abuses requires state action against abusers, not just a change in political leadership. Without action, the same forms of violence simply reemerge in new ways in successor regimes.

Second, the essays reveal the varied vectors of impunity in society. While much of the literature on impunity focuses on acts undertaken by state agents, these essays highlight the role of different types of social actors in acts of violence, including local businesses, organized crime networks, and powerful members of society who commit abuses against their fellow citizens. A key lesson from these essays is that addressing impunity requires not just tackling state violence but also abuses committed by non-state actors. There is often an expectation that these will be treated as common crimes but when systematically ignored or abetted by state officials, they can become broader forms of abuse that require more specific and systematic redress.

Finally, the essays point to the utility of local, regional, and national efforts to organize against impunity and in favor of the rule of law. Amidst the very real struggles of addressing impunity enjoyed by the socially and politically well-connected, this dossier shows how sustained efforts to hold people to account can aid society in organizing to address abuses. This holds out hope not just of addressing the violence and abuses Latin America faces today, but other broader social challenges that build on the same dynamics of impunity, such as crimes against the environment.

Brazil: Impunity, Past and Present

This dossier contains three powerful essays about Brazil. Mariana Joffily reflects on the continuities between the civil-military dictatorship that ruled Brazil between 1964 and 1985 and the current democratic regime or Nova Republica. These continuities can be defined by a single word: impunity. They emerged, Joffily argues, in part out of an amnesty decreed in 1979 that prevented the prosecution of dictatorship-era abusers. The law also granted freedom to dissidents who had been jailed and tortured by the dictatorship, establishing a false equivalency between victims of the military regime and agents of the dictatorship who committed crimes on its behalf. Joffily shows how from 1985 forward under various governments of the Nova Republica, at the behest of politicians and jurors from the political center and center right, continued to uphold the amnesty law, preventing any real justice for perpetrators of dictatorship-era human rights abuses. She argues that this impunity has contributed to nostalgia for the military regime and to the more recent concomitant rise of a new far-right advocating for the return to many of the policies of that regime.

Yanilda Gonzalez and Débora Silva examine impunity in the context of police violence in São Paulo, Brazil's largest metropolitan area with more than 22 million inhabitants. Building in part on Silva's personal experiences of state violence against members of her family, this essay argues that ongoing police violence in Brazil stems from the long history of impunity enjoyed by members of state security forces. The authors analyze the long history of police death squads in São Paulo, noting that police violence accounts for 13% of total intentional violent deaths in Brazil, a remarkable number by global standards. For Gonzalez and Silva, this present-day state violence is part and parcel of a long history of official violence against Brazil's population, in particular against poor and non-white Brazilians, that predates both the current democratic regime and the 1964 to 1985 authoritarian regime. The authors ask if addressing disappearances committed during the dictatorship era would have diminished police violence in the early

years of the New Democracy, and whether accountability for state violence such as the Crime of May, a series of killings in 2006 that left over 100 dead at the hands of police, would have stymied violence over the last generation. The essay emphasizes the importance of understanding the continuities of violence across different eras and regimes in Brazil and the necessity of responding to those abuses to prevent further crimes.

Daniel Hirata and Carolina Grillo take up a similar set of questions in the context of Rio de Janeiro. Working with highly detailed data that they have gathered on police violence and armed territorial control in that state, they also emphasize the continuity of violence between the dictatorship and today's democratic regime. The authors identify historic connections between illegal groups and elements of state security forces under both the dictatorship and the contemporary democratic regime. They show that police have long been aligned with illegal groups to advance different political and economic projects. During the 1990s, police-connected death squads evolved into territorially based protection rackets known as militias, which compete for urban space with drug gangs. Where these groups can establish dominance, police are able to make profits from the local protection rackets that they set up. The authors show how police use their power within local police battalions to aid these militias in attacking neighborhood-based gangs that often make their money from drug trafficking. The authors show how police operations result in increasing violence against the civilian population just as those same operations also strengthen the hand of corrupt police developing income streams related to these protection rackets. Hirata and Grillo thus draw attention to not only the continuity of violence between the dictatorship era and today's democracy but also the profit motives underlying this system of violent policing.

State and Societal Violence and Impunity

Rebecca Hanson's essay on Venezuela takes up many of these same themes, examining police violence under Maduro's authoritarian regime. She observes both the high levels of police violence and the varied ways that police profit from that violence. Critical to Hansen's essay is the idea that police violence is not systematically directed against the populace simply to support the regime, but rather, deployed in parochial ways that seek to advance the interest of particular policing units. The highly decentralized violence ultimately supports the Maduro regime, Hanson argues, by providing funding to these various security forces through their protection of illicit activities but also by preventing the consolidation of possible security forces operations against the regime. The operation of varied security actors operating apart from one another but in highly violent ways protects the regime from being overthrown but with extremely nefarious results for the Venezuelan people.

In another essay on Venezuela, Laura Cristina Dib-Ayesta and Carolina Jiménez Sandoval emphasize the importance of transitional justice in any future democratization process. Echoing the concerns raised on this issue about Brazil, the authors argue that addressing the recent serious history of state violence in Venezuela is essential to building a robust democratic transition. The essay highlights several key factors important to promote effective transitional justice. These include international assistance to build a transitional justice mechanism tailored to Venezuela's experience and the importance of preparing Venezuelans to understand the transitional justice process and its importance in that country. They emphasize four fundamental principles of transitional justice that should be central to such an effort: truth; reparations; guarantees against future violence; and the construction of memory. Finally, they argue that any working transitional justice process in Venezuela requires four minimal conditions: the reestablishment of judicial independence; accountability for human rights abuses; Venezuela's reinsertion into international human rights organizations and mechanisms; and a clear framework for the transitional justice process. A nuanced and thoughtful transitional justice process as outlined by the authors may help Venezuela avoid the pitfalls of some of its neighbors.

Jose Miguel Cruz and Jonathan Rosen's essay on El Salvador examines the role of criminal groups in governing neighborhoods, laying out different modalities of governance that these groups exercise, particularly in impoverished neighborhoods. They show how in their management of these communities and in the relationship that gangs maintain to the state, these gangs gain a measure of impunity from both state and social sanction. Their insights highlight how impunity is not only a problem involving the punishment of state actors. The failure to punish gang members and other non-state actors contributes to the institutionalization of impunity, undermines rule of law, and allows citizens' rights to go unprotected.

Strategies to Combat Violence

Rachel Schwartz's article on Guatemala addresses an important effort to respond to impunity. She details the work of the United Nations International Commission against Impunity in Guatemala (CICIG) from 2008 to 2019. She shows the importance of its anti-corruption efforts and how those efforts mobilized the populace in favor of the rule of law. She also shows how a corrupt elite alliance was able to eventually end the CICIG. Even so, she argues, the CICIG, through its mobilization of the populace in favor of rule of law and against corruption, had a lasting legacy. Large portions of Guatemalan society had become connected because of their support for that organization's prosecutions of corrupt elites. This has perhaps contributed to the recent election, against all odds, of Bernardo Arevalo, a first-term congressman of a newly formed political movement Semilla, as an anti-corruption candidate. These successes point to the importance of seeking to hold officials to account even when those efforts promote backlash or may not succeed in the courts. Efforts to do so can engender political mobilization and alliances that provide long-term support for such efforts as the population rallies around good governance and holding corrupt officials to account.

The essay by Juan Carlos Ruiz Molledo takes up a very different set of concerns from the others while offering a unique perspective on the problem of impunity for other types of crimes. Over the course of debates about rights, there has been extensive reflection about the evolution from narrow conceptualizations of rights as civil and political rights to an understanding of rights that includes social, economic, and cultural rights as well as collective rights. Ruiz examines environmental rights as a collective right, specifically of indigenous communities in his native Peru. Specifically, Ruiz reflects on the importance of a recent court decision recognizing the Marañon River, one of the most important rivers and water sources in the country, as a legal entity with inherent rights (as a subject of rights). Ruiz was one of the lawyers representing indigenous Kukama women in this historic case, which follows similar decisions in Colombia involving the Atrato River, among others. He argues that this ruling effectively expands our understanding of collective rights around environmental needs. This case emphasizes the need to broaden our discussions about impunity to include environmental issues as well as indigenous rights at a time when population growth, the expanion of extractivist industries, and climate change exascerbate tensions within the societies and polities of the region. Considering the argument developed in the Schwartz essay, these efforts to combat environmental impunity reflect on the seeds of potentially critical issues in terms of building political responses and equitable regimes in the region.

Beyond Impunity

In systems based on the rule of law, there are a set of rules and norms codified in law; all persons are subject to and equal before the law; and an independent judicial system exists to uphold the law and investigate and prosecute violations of the law. In systems based on impunity, there is no punishment—and no expectation of punishment—for grave crimes, including human rights violations, grand corruption, and arbitrary deployment of state power. Impunity is the exercise of power without accountability. With no accountability, arbitrary rule becomes the norm, the space for civil society shrivels, and corruption and criminal networks flourish.

Even as Latin America has made important strides in holding heads of state accountable for serious crimes, including grand corruption, abuse of authority, and crimes against humanity, impunity remains a central feature of life in much of the region. In addition, in many countries the legal system is becoming a tool used by powerful reactionary elites to attack and immobilize individuals and groups working for progressive social change, a practice often referred to as "lawfare." This includes environmental activists, indigenous and Afro-descendant leaders, journalists, and human rights defenders. In some countries, these tactics are being deployed against independent judicial operators as well.

The persistence of impunity also presents fundamental challenges for addressing present-day violence and organized crime in Latin America. Throughout the region, there is near-total impunity for gender-based violence and femicides; for police violence, especially against racialized indigenous and Afro-descendant populations; as well as organized crime, including white-collar crime, such as the massive Odebrecht corruption scandal. Impunity breeds more violence, more corruption, and more organized crime. This dossier, like the special program track of the same name we organized for the LASA2024 Congress, aims to draw attention to the persistent problem of impunity and weak rule of law in Latin America, to the continuities between past and present systems of impunity, and examples of different paths forward to mobilize against impunity. //

Lei de Anistia, 45 anos de impunidade reiterada[1]

por **Mariana Joffily** | Universidade do Estado de Santa Catarina| mariana.joffily@gmail.com

A ascensão de um governo de extrema direita no Brasil, em 2018, pode ser considerada um acontecimento que irrompeu de maneira relativamente imprevista no cenário político brasileiro, forçando-nos a rever representações consolidadas. Desde o início da transição para a democracia, construiu-se, juntamente com uma memória da ditadura militar como um período nefasto a ser superado (Napolitano 2015), uma expectativa social hegemônica de que caminharíamos rumo à construção de uma democracia progressista. Contribuiu para isso o ingresso, no país, da noção de Justiça de Transição, segundo a qual a passagem de um regime autoritário para uma democracia deve ser acompanhada de uma série de políticas que garantam o direito à verdade sobre os acontecimentos, à memória e à reparação das vítimas, à justiça e à reforma das instituições que representam o legado autoritário. Ainda que diversos autores (Teles 2010, Bauer 2014, Silva 2015, Teles 2018) venham denunciando há anos a existência de uma "política de silêncio", era possível traçar uma linha claramente evolutiva—no sentido positivo do termo—das medidas do Estado brasileiro desde a criação da Comissão Especial de Mortos e Desaparecidos Políticos (CEMDP), em 1995, sob o governo Fernando Henrique Cardoso, até a entrega do relatório final da Comissão Nacional da Verdade (CNV) em 2014, na presidência de Dilma Rousseff.

A ilusão de um progresso civilizacional e democrático irreversível, própria de um regime de temporalidade que remete ao século XIX, com sua crença em um futuro necessariamente melhor e superior ao passado, fez com que as persistências do autoritarismo na sociedade brasileira fossem tomadas como "resquícios", "restos" (Teles e Safatle 2010), elementos a serem superados e não como uma força viva e atuante, capaz de mobilizar afetos políticos do presente e projetos de futuro. A alteração radical da cena política, com a ascensão da extrema direita no Brasil, uma força que por anos não ousou dizer seu nome e hoje proclama aberta e orgulhosamente sua existência, convida a abandonar a perspectiva de apenas "limpar" o presente dos entulhos do passado para observar o quanto isso que se considerava superado tem se feito presente ao longo das últimas quatro décadas.

A sociedade brasileira não tem conseguido romper com uma importante dimensão do período militar, enfrentando os crimes cometidos por seus agentes. Isso é resultado da maneira como sucessivos governos de centro e de esquerda no Brasil, nos últimos 30 anos, procuraram evitar uma ruptura com os militares e setores conservadores da política e da sociedade no país. Embora tenha havido iniciativas no interior desses governos, sobretudo entre 2002 e 2014, para enfrentar o legado da violência estatal perpetrada nos anos 1960-70, esses esforços foram sistematicamente bloqueados por militares e civis liberais de centro e centro-direita em posições de poder. Como consequência, há uma grande continuidade entre a ditadura militar e a democracia contemporânea do Brasil no que diz respeito à impunidade de agentes do Estado que cometeram ou seguem cometendo graves violações dos direitos humanos, seja outrora em nome da segurança nacional, seja atualmente

[1] Esse ensaio é uma síntese revista do capítulo intitulado "A (auto)anistia brasileira: o presente do pretérito", publicado em Maia, Tatyana de Amaral, Ananda Simões Fernandes, eds., *Anistia: um passado presente?* (Porto Alegre: EDIPUCRS, 2020), 17-42.

no da segurança pública. Esse quadro contribuiu para que a extrema direita conseguisse chegar ao poder em 2018 e siga como uma importante força política no país.

Promulgada em 1979, a Lei de Anistia, ao mesmo tempo em que atendeu a um amplo movimento social que exigia a soltura dos presos políticos, embutiu a liberdade de agentes repressivos por meio da figura de "crimes conexos".[2] Tratou-se de uma estratégia do governo militar que, por sua fragilidade técnica, foi alvo de múltiplos questionamentos, não apenas durante os debates que antecederam sua aprovação no Congresso,[3] mas também no período imediatamente posterior à sua promulgação, sobretudo por parte de juristas progressistas (Teles 2010). Em cada circunstância em que a lei foi questionada por setores contrários à impunidade e prevaleceu a interpretação de que ela cobria "os dois lados"—repressores e oposicionistas—, houve uma reedição do suposto "entendimento social" de que essa era a melhor saída para o país. Isso significa que conjunturas absolutamente distintas das que conduziram à aprovação da lei em 1979, sob o jugo da ditadura, levaram a uma reiteração e, mais que isso, a uma atualização do entendimento de que os militares deveriam ser blindados de qualquer processo penal. Ou seja, o malabarismo jurídico que levou à absolvição de crimes que sequer são mencionados na lei—aqueles perpetrados por agentes públicos a serviço do Estado—, cuja inconsistência foi apontada uma e outra vez, vem se sustentando ao longo dessas quatro décadas em função da correlação de forças do campo político, que pendeu em favor da impunidade.

Um marco crucial para que os agentes repressivos seguissem impunes no regime democrático foi a elaboração de uma nova Constituição, em 1988, que embora tenha consagrado a transição da ditadura para a democracia, inovando ao garantir importantes direitos sociais e políticos, manteve e até ampliou parte das tradicionais estruturas conservadoras do país (Reis 2018). Nessa "encruzilhada entre o passado e o futuro" (Souza e Sandes 2017), os setores mais à esquerda—minoritários na Assembleia Constituinte—não lograram fazer uma revisão da Lei de Anistia no que diz respeito à impunidade dos agentes da repressão. Esse aspecto contrasta com outras disposições da Constituição, em especial a de considerar a tortura como crime não anistiável. O fato do Congresso Nacional brasileiro ter aprovado a dimensão de autoanistia da lei criada pelo governo do general Figueiredo em 1979, ainda sob ditadura e com uma liberdade de ação ainda significativamente restrita, é bastante compreensível, dada a conjuntura. Porém, que ela tenha sido ratificada na Assembleia Nacional Constituinte, em 1987-8, quando estavam sendo assentadas as bases do novo regime democrático, dá expressivas indicações dos limites da transição brasileira.

No âmbito do Poder Judiciário, a Lei de Anistia foi ratificada em distintas ocorrências que puseram em debate a possibilidade de responsabilização de agentes repressivos da ditadura militar. A primeira delas ocorreu ainda durante o período autoritário: o atentado frustrado ao show de música popular promovido pelo Centro Brasil Democrático em 30 de abril de 1981 em comemoração ao Dia do Trabalho, conhecido como caso Riocentro. Ex-agentes do Departamento de Operações Internas do I Exército pretendiam detonar algumas bombas no evento e responsabilizar organizações de esquerda armada, já extintas pela atuação da repressão política. Uma das bombas explodiu antes do momento previsto, matando um dos militares e ferindo gravemente o outro. O Inquérito Policial-Militar (IPM) aberto na ocasião concluiu que os militares haviam sido vítimas da ação de elementos de esquerda, possivelmente com o intuito de atribuir a culpa pelo atentado

[2] A Lei 6.683, de 28 de agosto de 1979, institui que "É concedida anistia a todos quantos, no período compreendido entre 2 de setembro de 1961 e 15 de agosto de 1979, cometeram crimes políticos ou conexos com estes [...]".

[3] A ditadura militar brasileira manteve o Congresso em funcionamento, com diversos expurgos ao longo do tempo, um sistema de bipartidarismo bastante controlado e períodos de fechamento do parlamento em momentos de crise política. Na votação da Lei de Anistia vigia o sistema dos "senadores biônicos", criado pelo "pacote" político de abril de 1977, segundo o qual um terço dos senadores eram indicados pelo presidente da República e eleitos pelo voto indireto, de modo a garantir a maioria do governo.

aos órgãos de segurança. Ou seja, o IPM concluía o inverso do que ocorrera e foi arquivado por "falta de indícios de autoria". Uma tentativa de desarquivar o IPM foi descartada pelo Superior Tribunal Militar por 10 votos contra 5, em outubro de 1981 (Kushnir 2001). Na ocasião, ainda sob a égide da ditadura militar, o princípio da anistia foi evocado por quem defendia que o caso fosse encerrado, em flagrante aberração jurídica, já que a lei se referia a acontecimentos que a precediam e não podia anistiar ocorrências futuras.

As investigações sobre o Riocentro foram reabertas pela Polícia Militar em junho de 1999, por solicitação da Comissão de Direitos Humanos da Câmara. Já era a sexta tentativa. Em vão: o caso foi uma vez mais arquivado no ano seguinte, com base na Lei de Anistia, a despeito dos novos depoimentos e das contradições identificadas pelas novas perícias pelo Supremo Tribunal Militar. Em 2012, em um contexto de criação da Comissão Nacional da Verdade (CNV) e da aprovação da Lei de Acesso à Informação, supostamente mais favorável a retirar o manto de impunidade que cobriu a ação do Estado contra seus opositores nos primeiros anos da transição democrática, o Ministério Público Federal (MPF) fez outra investida para tentar dar um desfecho distinto às investigações sobre o atentado do Riocentro. A ação foi suspensa em 2014 pelo Tribunal Regional Federal da 2ª Região, sob alegação de prescrição do prazo para a punição, e reaberta em agosto de 2019, com base no argumento de que se tratava de crime contra a humanidade. A decisão final do Tribunal de Justiça evocou a Lei de Anistia e o recurso do MPF foi vencido pela 3ª Seção do Superior Tribunal de Justiça por 5 votos a 2 em setembro de 2019. O julgamento coincidiu com a declaração do então recém-empossado procurador-geral da República, Augusto Aras, em sabatina no Senado Federal, de que o golpe civil-militar havia sido um "movimento" (Brandino 2019).

A Lei de Anistia, que surpreendentemente serviu de pretexto para não julgar acontecimentos ocorridos após sua promulgação, seria tensionada e se tornaria alvo de contestações em algumas ocasiões. Os bastidores de algumas dessas circunstâncias são narrados por Nelson Jobim, um personagem significativo por ter ocupado espaços importantes em governos de diferentes matizes políticos, representando o setor liberal, fiel da balança no processo transicional brasileiro, hegemônico nas grandes corporações da mídia e nos três poderes. O mesmo setor que apoiou com entusiasmo o golpe de 1964, mas foi progressivamente se distanciando do regime em razão da censura e dos "excessos" do aparato repressivo e que contribuiu decisivamente a definir e fazer cumprir uma agenda de transição que não comprometesse os militares e os segmentos civis que se beneficiaram com a ditadura.

Deputado federal constituinte pelo Partido do Movimento Democrático Brasileiro (PMDB) (1987-1988), reeleito deputado federal pelo mesmo partido (1987-1995), ministro da Justiça (1995-1997) do governo Fernando Henrique Cardoso, ministro do STF (1997-2006), do Tribunal Superior Eleitoral (1999-2003) e da Defesa (2007-2011) dos governos Luiz Inácio Lula da Silva e Dilma Rousseff, Nelson Jobim esteve no epicentro de algumas crises políticas envolvendo os militares. Um vídeo de 2014 o registra narrando descontraidamente, a um pequeno grupo de advogados, sua atuação pessoal no sentido de impedir que a Lei de Anistia fosse posta em questão.[4] Ele inicia a sua fala refutando a tese de que a Lei de Anistia teria sido imposta e a define como sendo "[...] tipicamente [fruto d]as situações que o Brasil sempre soube conviver: um regime vai se esgotando e aí vem o processo de conciliação e de superação do próprio regime, sem ruptura". Enfatizando a noção de acordo político, reduziu o dilema da época entre fazer a anistia para os dois lados, ou apenas para um deles, o que na realidade era uma impossibilidade, como ele mesmo reconhece. Essa fala é particularmente interessante, porque reflete de forma evidente o sofisma envolvido na aprovação da lei. A despeito da votação em Congresso Nacional—de maioria governista, amputado por sucessivas cassações

[4] Todas as falas de Nelson Jobim aqui reproduzidas estão contidas nesse vídeo, inclusive aquelas citadas textualmente, que aqui aparecem entre aspas.

e inflado com os senadores biônicos nomeados pelo governo—, nunca houve a possibilidade de uma vitória da oposição na matéria e, se ainda assim ocorresse uma inesperada reviravolta, o general presidente Figueiredo prontificara-se publicamente a vetar qualquer proposta que fugisse ao projeto apresentado pelo governo. Assim, vale indagar: que impasse era esse, no qual havia uma única alternativa? Que acordo, se havia uma mão única? Em sua lógica, a transição "sem ruptura" e a "conciliação"—implicitamente acordada entre as elites, mas apresentada fortuitamente como obra de toda a sociedade—aparecem como pontos positivos do que seria um traço da cultura nacional. A naturalidade de suas asserções é própria de quem pertence aos círculos decisórios de poder e não aos segmentos eternamente vencidos e apartados das "conciliações" nacionais.

O primeiro momento referido foi o do processo que levaria à criação da Lei 9.140 de 1995, que reconheceu como mortas pessoas desaparecidas em razão de participação em atividades políticas durante a ditadura militar. Ministro da Justiça de Fernando Henrique Cardoso, Jobim ficou a cargo da questão em nome do governo, para evitar desgaste político para a presidência. O argumento de Jobim na época era o de que, se o governo não enfrentasse o problema dos mortos e desaparecidos durante a ditadura militar, haveria "insepultos incomodando" o Palácio da Alvorada. A grande preocupação, em suas palavras, além de "sepultar os desaparecidos" era evitar a "retaliação". Curiosa escolha lexical: adere apenas indiretamente à expressão associada ao campo dos defensores da ditadura militar, que usam preferencialmente o termo "revanchismo", porém evita lançar mão da noção de "justiça", a mais adequada.

Outro momento mencionado foi o da elaboração do Plano Nacional de Direitos Humanos 3 (PNDH3), pela Secretaria de Direitos Humanos, durante o governo Lula, quando se discutiu a criação de uma Comissão da Verdade, tendo por desdobramento uma revisão da Lei de Anistia. Pretendia-se uma releitura da lei no sentido de anistiar somente os opositores da ditadura militar e não os agentes do Estado. Jobim refere-se aos argumentos nesse sentido como "meramente retóricos", que não teriam considerado o "processo histórico" relacionado ao assunto. Como ministro da Defesa do governo Lula naquele momento, Jobim defendeu a existência de uma Comissão da Verdade, "como uma forma de solucionar o futuro". O argumento é o de virar a página: "Porque no momento em que este relatório [final] for aprovado, depois de o quê, um ano?, dificilmente alguém vai falar nele. Só para exemplo histórico. E o assunto está superado".

O PNDH3, lançado em 2010, suscitou inúmeras críticas, não apenas em razão desse ponto, mas também em função de outros temas, como a descriminalização do aborto, união civil homoafetiva, ou o controle da mídia (Adorno 2010). No entanto, representava uma continuidade de ações de governos precedentes, o PNDH-1, lançado em 1996, no governo FHC, e o PNDH-2, em 2002, sendo os três elaborados como políticas de Estado. A exigência do Ministério da Defesa, acatada pelo presidente, foi que o texto incluísse "observadas as disposições da Lei 6.683 de 1979, ou seja, a Lei da Anistia, a Comissão poderá atuar de forma articulada com os demais órgãos públicos". A preocupação de Nelson Jobim, em diapasão com as Forças Armadas, era a de não afrontar a impunidade dos militares.

O episódio abordado na sequência foi o julgamento pelo STF da Arguição de Descumprimento de Preceito Fundamental (ADPF) 153 interposta pela Ordem dos Advogados do Brasil (OAB), em 2008, questionando a constitucionalidade da interpretação segundo a qual os "crimes conexos" aos crimes políticos, referidos na Lei de Anistia de 1979, cobriam os crimes comuns cometidos pelos agentes repressivos durante a ditadura militar. Nelson Jobim conta que foi visitar todos os ministros do STF, tendo por base o parecer que Sepúlveda Pertence havia elaborado em nome da OAB em 1979, em defesa de uma anistia que contemplasse todos os segmentos. O primeiro argumento de Jobim, também referido pelos ministros do STF em seus votos (Silva, 2015), sustenta-se na noção do dever de respeitar um suposto acordo celebrado em 1979—ainda que desconsidere que entre a promulgação da lei e a entrega do

poder aos civis tenham transcorrido seis anos sob o governo militar—, que teria produzido na época os "resultados pretendidos", ou seja, assegurar o prosseguimento da transição para a democracia. Rever um acordo feito em "outro momento histórico" seria, portanto, uma espécie de traição do presente com o passado. Dentro dessa lógica, o pacto realizado no passado teria preponderância sobre os efeitos nocivos para a sociedade brasileira da impunidade de agentes do Estado. O raciocínio é anti-histórico, pois pressupõe uma fixidez no tempo que não corresponde à realidade. Ocultada sob a nobre capa da lealdade a acordos firmados, encontra-se a atualização, no presente, de uma transição sem rupturas, atendendo ao cálculo político segundo o qual mais vale comprometer o respeito aos direitos humanos do que criar incômodos e tensões com militares e forças de segurança.

Justiça seja feita, Nelson Jobim está longe de ser exceção. Pelo contrário, pode ser considerado um representante legítimo de um setor liberal dentro do qual esse posicionamento frente ao passado da ditadura militar é hegemônico. Fernando Henrique Cardoso também advogava a investigação sobre o passado, mas sem que fosse acompanhada de punição ou de exigência de declarações públicas de arrependimento por parte das Forças Armadas. Do mesmo modo, as posições dos ministros do STF frente à ADP 153 refletem, com algumas variantes, as mesmas representações: a Lei de Anistia teria sido fruto de um acordo nacional, é necessário pacificar os ânimos, não se deve partir para retaliações, seria necessário superar o passado (Silva 2015). O resultado da votação no STF nesse sentido, em 2010, foi expressivo: sete votos contra dois no sentido de manter a interpretação vigente da lei.

O próprio governo Lula, associado aos grupos sociais que demandavam uma revisão do passado, demonstrou-se dividido. Seu ministro da Justiça, Tarso Genro, promoveu em 2008 uma Audiência Pública intitulada "Limites e possibilidades para a responsabilização jurídica dos agentes violadores de direitos humanos durante o estado de exceção no Brasil". Na polêmica que se travou com as três forças militares, o então ministro da Defesa, Nelson Jobim, foi orientado a apaziguar a contenda e os ministros Tarso Genro e Paulo Vannuchi, esse último da Secretaria de Direitos Humanos, orientados pelo próprio presidente a evitar o tema publicamente (D'Araújo 2012, 592). Em seus pareceres sobre a interpretação da Lei de Anistia, na ocasião da ADPF 153, a Advocacia-Geral da União (AGU) e os Ministérios da Defesa e Itamaraty colocaram-se a favor da manutenção da lei, enquanto a Casa Civil, o Ministério da Justiça e a Secretaria de Direitos Humanos reivindicavam uma reformulação de sua leitura, de forma a permitir a responsabilização dos torturadores (Seligman e Ferraz 2010). Lula não se manifestou publicamente sobre o caso, mas, nas sucessivas crises políticas em torno do tema, orientou-se no sentido de evitar um conflito maior com os militares, o que é coerente com suas recentes declarações, no aniversário dos 60 anos do golpe, de sua indisposição em "remoer o passado" (Silva, 2024).

Em seu discurso na entrega do relatório final da CNV, a presidente Dilma Rousseff, ex-guerrilheira e responsável pela criação da CNV, demonstra o delicado equilíbrio exigido pela governabilidade: "reconquistamos a democracia a nossa maneira, por meio de lutas duras, por meio de sacrifícios humanos irreparáveis, mas também por meio de pactos e acordos nacionais, que estão muitos deles traduzidos na Constituição de 1988" (2014). Reconhecer a Lei de Anistia como resultado de um pacto e sujeitar-se à sua frágil interpretação, garantidora da impunidade tantas décadas depois, seria o preço a pagar para evitar uma crise política com os militares. A despeito da trajetória da presidenta, compreende-se essa posição pelas condições politicamente adversas que enfrentava um partido tradicionalmente oposicionista ocupando o governo há um tempo relativamente curto do ponto de vista histórico, e sobretudo por ocasião do posicionamento categórico de uma instituição de peso como o STF. A grande questão é compreender por que, no Brasil, diferente dos países vizinhos, apesar do rechaço à tortura pela Constituição de 1988 e dos grandes avanços na incorporação de políticas favoráveis aos direitos humanos por parte do Estado (Adorno 2010), a correlação de forças não permitiu reverter o quadro de impunidade dos crimes cometidos

durante a ditadura militar. Dois elementos interrelacionados nos parecem cruciais para respondê-la. Alterar esse quadro requereria que o setor liberal—bem representado na cúpula do Poder Judiciário, na grande mídia e nos partidos de centro e centro-direita, com um número expressivo de assentos no Congresso Nacional—aderisse à bandeira da punição aos torturadores, o que não ocorreu. Além disso, há a sistemática obstrução por parte das Forças Armadas às políticas que coloquem seus interesses em questão. Forças essas que, "com apoio civil e do Judiciário, têm mantido o poder de veto quando se trata de discutir o desrespeito aos direitos humanos durante a ditadura" (D'Araújo 2012, 586).

O mencionado apoio do Judiciário evidencia-se tanto na votação do STF da ADPF 153, quanto no resultado dos esforços do Grupo de Trabalho de Justiça de Transição do MPF, criado formalmente em 2011 com o objetivo de cumprir a Sentença da Corte Interamericana de Direitos Humanos, proferida em 2010, referente ao caso Gomes Lund *vs*. Brasil, relacionado à Guerrilha do Araguaia. O relatório publicado em 2017 apresenta o resultado de cinco anos de trabalho durante os quais foram "ajuizadas 27 ações penais em face de 47 agentes do Estado (militares, delegados de política, peritos) envolvidos em episódios de falsificação de laudos, tortura, sequestro, morte e ocultação de cadáver cometidos contra 37 vítimas" (MPF 2017, 330). O relatório aponta que, a despeito de decisões favoráveis obtidas em primeira e segunda instância, as ações judiciais não prosperaram, não por falhas nas provas ou demérito das ações, mas com base na anistia e prescrição das penas, ainda que se trate de crimes imprescritíveis (MPF 2017, 23).

Não é difícil compreender que os limites contidos na Lei de Anistia tenham sido impostos, ainda durante a ditadura militar, para assegurar uma transição controlada à uma democracia restrita. O desafio consiste em decifrar a razão pela qual, quarenta anos depois, a autoanistia imposta pela ditadura militar ainda prevalece. Particularmente penoso é constatar o contraste entre a fragilidade do instrumento legal que sustenta a proteção dos agentes do Estado que atuaram na repressão política, na figura inconsistente dos "crimes conexos", e a densidade do interdito imposto pelas Forças Armadas, sustentado por uma ampla aliança entre liberais e conservadores e atualizado a cada conflito em torno do tema. As referências retóricas a um acordo celebrado na transição para a democracia servem de estratégia discursiva para clausurar no passado um debate que não cessa de emergir. A leitura vigente da Lei de Anistia não provém, portanto, de um entendimento celebrado em outros tempos e sim de uma política do presente. O preço que a sociedade brasileira paga por essa interdição de responsabilizar juridicamente os agentes repressivos traduz-se no padrão estável e consistente de impunidade da violência do Estado: Candelária, Eldorado dos Carajás, Carandiru, pisoteados em Paraisópolis, a lista é longa e se renova a cada dia...

Referências Bibliográficas

Adorno, Sérgio. 2010. "História e desventura: o 3º Programa Nacional de Direitos Humanos". *Novos Estudos*, no. 86 (março): 5-20.

Bauer, Caroline Silveira. 2014. "Quanta verdade o Brasil suportará? Uma análise das políticas de memória e de reparação implementadas no Brasil em relação à ditadura civil-militar". *Dimensões*, vol. 32: 148-169.

Brandino, Géssica. 2019. "O caso Riocentro. E as tentativas de punir agentes da ditadura". *Nexo*, 1 de outubro de 2019.

D'Araújo, Maria Celina. 2012. "O estável poder de veto Forças Armadas sobre o tema da anistia política no Brasil". *Varia História*, vol. 28, n. 48 (jul/dez): 573-597.

Kushnir, Beatriz. 2001. "Riocentro". In: *Dicionário histórico-biográfico brasileiro pós 1930*, ed. Alzira Alves de Abreu *et al*. Rio de Janeiro: Editora FGV/CPDOC.

Napolitano, Marcos. 2015. "Recordar é vencer: as dinâmicas e vicissitudes da construção da memória sobre o regime militar brasileiro". *Antíteses*vol. 8, no. 15 esp. (novembro): 9-44.

Reis, Daniel Aarão. 2018. "A Constituição cidadã e os legados da ditadura". *Locus* vol. 24, no. 2 (agosto): 277-297.

Rousseff, Dilma. 2014. "Discurso na entrega do relatório final da Comissão da Verdade". *Folha de S.Paulo*, 10 de dezembro de 2014.

Jobim, Nelson. "O direito à verdade e anistia". 2014. Seminários da Feiticeira, Ilhabela, SP. GEN Atlas. 35'28''. Disponível em: https://www.youtube.com/watch?v=6oopfilswYk. Acessado em fevereiro de 2020.

Seligman, Felipe, Lucas Ferraz. "Por 7 votos a 2, STF mantém Lei da Anistia sem alteração". *Folha de S.Paulo*, 30 de abril de 2010.

Silva, José Carlos Moreira da. 2015. *Justiça de transição: da ditadura civil-militar ao debate justransicional. Direito à memória e à verdade e os caminhos da reparação e da anistia no Brasil*. Porto Alegre: Livraria do Advogado Editora.

Silva, Luiz Inácio Lula da. "Entrevista concedida a Kennedy de Alencar". *É notícia*, da RedeTV!, 27 de fevereiro de 2024. Disponível em: https://www.youtube.com/watch?v=UFIW1bGwlPE. Acessado em maio de 2024.

Teles, Edson. 2018. *O abismo na História*. São Paulo: Alameda.

Teles, Janaina. 2010. "As disputas pela interpretação da Lei de Anistia em 1979". *Ideias*, vol. 1, no. 1 (março): 71-93.

Teles, Edson, Vladimir Safatle, eds.. 2010. *O que Resta da Ditadura?*. São Paulo: Boitempo. //

Democracy's Debt: State Violence and the Persistence of Impunity in Brazil

by **Yanilda González** | Harvard University | yanilda_gonzalez@hks.harvard.edu

Débora Maria Silva | Movimento Independente Mães de Maio | maesdemaio@gmail.com

In late July 2023, a group of mothers in São Paulo's coastal region frantically texted one another late into the night, mobilizing civil society organizations, alerting journalists, and pressuring government officials to intervene, all in an effort to prevent another massacre. A police officer had just been killed in the city of Guarujá, and state officials announced the start of Operação Escudo (Operation Shield), a concerted, heavily militarized police operation in the surrounding region to find the officer's killer and combat organized crime and drug trafficking. The announcement set off a familiar panic throughout the Baixada Santista (the metropolitan region surrounding the port city of Santos), leading to many sleepless nights among this group of women. They were members of Mães de Maio (Mothers of May), a collective of mothers of victims killed in what became known as the "Crimes de Maio" (Crimes of May). In May 2006, the state government responded to a series of attacks by the criminal group PCC (Primeiro Comando da Capital) that resulted in the deaths of dozens of police officers, by launching an all-out assault against the urban peripheries of São Paulo and the Baixada Santista. Over the course of one week in May 2006, police killed hundreds of mostly young black men from urban peripheries and favelas, including 60 in the Baixada Santista.[1] Seventeen years later, Operação Escudo and its successor, Operação Verão, yielded some 84 fatal victims, once again mostly young black men from urban peripheries and favelas in the Baixada Santista.[2]

Shortly after Brazil's gradual transition to democracy in the 1980s, journalist Caco Barcellos published *Rota 66: The History of the Police that Kills*, a seminal book documenting police violence during the dictatorship, but which could well have been written decades after democratization. Barcellos described "what we see on a daily basis on the streets" while the police were under the command of the military: "A violent and systematic persecution exclusively against those they call *marginal*: the citizen that comes from the poor majority, that causes *prejuízo* (harm) to the rich minority of society" (Barcellos 1992). While the police's role in upholding racial and class hierarchies in Brazil long predates the military dictatorship, its repressive structures and methodology were undoubtedly consolidated under this period. The remarkable continuity of the *modus operandi* of violent policing developed under military rule is evidenced by the mothers' accuracy in predicting what would follow the onset of Operação Escudo. The legacy of the police death squads documented in *Rota 66* can be seen in the unprecedented massacres of the "Crimes of May" decades later. The fact that "what we see on a daily basis on the streets" has remained largely unchanged elucidates the extent to which Brazil's transition to democracy remains an unfinished process.

Indeed, the "Crimes of May" gave way to a common manifestation of state violence, laying bare one of the starkest contradictions of

[1] The full tally of victims of the "Crimes of May" remains unknown, but various investigations have put the number of victims in the range of 400 to 600 (Centro de Antropologia e Arqueologia Forense 2018; Delgado, Ferreira Dodge, and Carvalho 2011; Nogueira 2007). See also https://ponte.org/crimes-de-maio-de-2006-o-massacre-que-o-brasil-ignora/

[2] https://noticias.uol.com.br/cotidiano/ultimas-noticias/2024/04/12/mae-de-6-e-pessoas-com-deficiencia-as-vitimas-fatais-da-operacao-verao.amp.htm
https://agenciabrasil.ebc.com.br/geral/noticia/2023-09/governo-de-sp-encerra-operacao-escudo-que-resultou-em-28-mortes

democratic Brazil. Recurrent *chacinas*,[3] or police killings with multiple fatal victims became an iterative practice over subsequent years[4] in poor, outlying neighborhoods in retaliation for the death of a police officer. The modus operandi of these massacres is that after a police officer is killed, a group of officers return to where the death took place and kill several victims, even though they have nothing to do with the death of the police officer.[5] Survivors of these *chacinas* –whose main targets are largely black, poor, residents of urban peripheries– share similar accounts, in which having "*passagem*"–a criminal record[6]– or merely being in the wrong place at the wrong time, is reason enough to be killed. In most cases, there is little evidence of armed confrontation, which officials typically cite as justification for the massacres.

We write this article in the context of a gathering that brought together mothers of victims killed during the "Crimes de Maio" of 2006 and mothers of victims of Operação Escudo of 2023-2024, as well as mothers of victims of the incessant police killings that occurred in the interim. They gathered to commemorate eighteen years since the Crimes de Maio, or as one mother put it, "eighteen years of the negation of life." The mothers' accounts, irrespective of the period or the region or the circumstances in which their child was killed, shared nearly identical narratives of institutional omissions resulting in the failure to investigate police killings, unwillingness to prosecute perpetrators, and, in the rare cases of accountability, the overturning of convictions. In sum, the mothers were commemorating 18 years of impunity.

State violence in Brazil reaches levels completely unknown in the vast majority of democracies in the world. In 2022, Brazil's police forces killed 6,429 people, equivalent to 13% of all intentional violent deaths in the country (Fórum Brasileiro de Segurança Pública 2023). The situation is even more worrying in certain states. In the states of Rio de Janeiro and Bahia, lethal victims of public security forces accounted for 29.7% and 22%, respectively, of intentional violent deaths. In São Paulo, the proportion of lethal victims of military and civil police in relation to intentional violent deaths was 11% in 2022 but had previously reached 20% in 2017. If we knew of an armed group that could be held responsible for 11%, 22%, or 29% of violent deaths, that armed group would be the target of concerted strategies aimed at reducing this violence. Yet, when that armed group is the security force charged with executing the state's monopoly of violence, we rarely see the same urgency to save thousands of lives every year. As many scholars have demonstrated, democracy is no guarantee that duly elected governments will take decisive action to rein in the violence exerted by state agents against their constituents (Bonner, Seri, and Kubal 2018, Caldeira 2002); instead, democracy may create incentives that reproduce –rather than restrain– such violence (González 2020, González and Mayka 2023).

Brazil's much-celebrated transition to democracy went hand in hand with the seamless continuity of varied forms of state violence and impunity (González 2020, Holston and Caldeira 1998). The direct line between the violence exercised by the Brazilian state under both dictatorship and democracy can be traced in the life of one of this paper's authors, Débora Silva. Débora's brother was disappeared under the country's decades-long military dictatorship, and her son was killed by police during the "Crimes of May" 2006, decades after Brazil transitioned to democracy. Débora often poses a question during public events, calling on her interlocutors to imagine a series of counterfactual outcomes. If

[3] https://ponte.org/dez-maiores-chacinas-de-sp-tiveram-participacao-de-pms/

[4] https://www.observatoriodeseguranca.org/pesquisas-e-estudos/da-violencia-aos-massacres-reflexoes-sobre-o-fenomeno-das-chacinas-no-brasil/

[5] For an overview of the trends and typical characteristics of *chacinas* perpetrated by police and *chacinas* in general, see https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2023-10/sp-regiao-metropolitana-registrou-mais-de-820-chacinas-em-40-anos

[6] See, for instance, https://www.intercept.com.br/2024/01/29/operacao-escudo-escolheu-alvos-pela-ficha-criminal-diz-homem-que-sobreviveu-a-tiro-a-queima-roupa/

the crimes of the military dictatorship – including the enforced disappearance of her brother had not remained in impunity, would the Crimes of May 2006 that resulted in the death of her son have occurred? If the Crimes of May 2006 had been duly prosecuted, if there had been justice for its victims, would police killings and the growing numbers of *chacinas* that followed continue unabated?

While we will never know for certain, there is some evidence to suggest that institutions to rein in police violence and other abuses can be effective. In Rio de Janeiro, judicial oversight proved to be a crucial factor in reducing the lethal toll of heavily militarized police operations conducted under the guise of combating drug trafficking,[7] while the use of body-worn cameras led to the reduction of "aggressive" police interactions with citizens (Magaloni, Melo, and Robles 2023). In Mexico, judicial reforms were shown to have reduced the incidence of torture by police as a means of extracting concessions from suspects (Magaloni and Rodriguez, 2020). Scholars have demonstrated that this finding extends cross-nationally: enacting laws criminalizing torture is associated with meaningful reductions in cases of police torture (Berlin, 2023). Meanwhile, in the context of the United States, researchers have found that reforms to constrain police authority in conducting searches can reduce arbitrary stops (Mummolo 2018) and racial disparities in traffic stops (Shoub 2022). While more research is certainly needed, these studies demonstrate that democratic institutions that promote transparency, oversight, and accountability can prevent police violence. In contrast, policies that increase militarization, broaden police authority, and loosen controls on the use of force lead to increases in police killings (Flores-Macías and Zarkin 2020, Tiscornia 2024). The counterfactuals that Débora Silva frequently challenges audiences to consider seem to be, according to existing evidence, highly plausible.

In 2019, a human rights prosecutor from São Paulo State's Ministério Público filed suit against the State of São Paulo requiring it to provide indemnification to the families of the estimated 500 victims of the "Crimes of May."[8] According to the filing, the events that led to and constituted the "Crimes of May," "relate to the failure to consolidate the precepts of Transitional Justice, which has enabled the authoritarianism of the regime of exception [military dictatorship] to survive within Brazil's still incipient democracy, encouraging the actions of the state's police and repressive institutions." Positioning the "Crimes of May," and police violence more broadly within the context of Brazil's incomplete transitional justice process underscores the extent to which the justice and accountability that victims' families have long fought for, and meaningful efforts to end the impunity that makes such rampant killings possible, constitute an enduring debt of democracy.

References

Barcellos, Caco. 1992. *Rota 66: A História Da Polícia Que Mata*. RECORD.

Berlin, Mark S. 2023. "Does Criminalizing Torture Deter Police Torture?" *American Journal of Political Science* 67(4): 932–47. doi:10.1111/ajps.12684.

Bonner, Michelle, Guillermina Seri, and Mary Kubal, eds. 2018. *Police Abuse in Contemporary Democracies*. Palgrave MacMillan.

Caldeira, Teresa. 2002. "The Paradox of Police Violence in Democratic Brazil." *Ethnography* 3(3): 235–63.

Centro de Antropologia e Arqueologia Forense. 2018. *Violência de Estado No Brasil: Uma Análise Dos Crimes de Maio de 2006 Na Perspectiva Da Antropologia Forense e Da Justiça de Transição*. Universidade Federal de São Paulo.

Delgado, Fernando Ribeiro, Raquel Elias Ferreira Dodge, and Sandra Carvalho. 2011. *São Paulo Sob Achaque: Corrupção, Crime Organizado e Violência Institucional Em Maio de 2006*. São Paulo, Brazil: Harvard Law School's International Humans Rights Clinic.

[7] Scholars have shown that a judicial ruling placing constraints on such police raids during the COVID-19 pandemic reduced police killings and homicide overall (Trudeau 2022). See also https://geni.uff.br/wp-content/uploads/sites/357/2021/04/Relatorio-audiencia_balanco_final_22_03_2021-1.pdf

[8] Ação Civil Pública, Promotoria de Justiçá de Direitos Humanos, Ministério Público do Estado de São Paulo. Processo no 1062551.10.2018.8.26.0053 – 16a Vara da Fazenda Pública Estadual

Flores-Macías, Gustavo, and Jessica Zarkin. 2020. "The Militarization of Law Enforcement: Evidence from Latin America." *Perspectives on Politics* 19(2): 519–38.

Fórum Brasileiro de Segurança Pública. 2023. *Anuário Brasileiro de Segurança Pública 2023.*

González, Yanilda. 2020. *Authoritarian Police in Democracy: Contested Security in Latin America*. Cambridge University Press.

Holston, James, and Teresa Caldeira. 1998. "Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship." In *Fault Lines of Democracy in Post-Transition Latin America*, Miami: North-South Center Press/University of Miami, 263–96.

Magaloni, Beatriz, Vanessa Melo, and Gustavo Robles. 2023. "Warriors and Vigilantes as Police Officers: Evidence from a Field Experiment with Body Cameras in Rio de Janeiro." *Cambridge Journal of Evidence-Based Policing* 7(1): 2. doi:10.1007/s41887-023-00087-0.

Magaloni, Beatriz, and Luis Rodriguez. 2020. "Institutionalized Police Brutality: Torture, the Militarization of Security, and the Reform of Inquisitorial Criminal Justice in Mexico." *American Political Science Review* 114(4): 1013–34. doi:10.1017/S0003055420000520.

Mummolo, Jonathan. 2018. "Modern Police Tactics, Police-Citizen Interactions and the Prospects for Reform." *The Journal of Politics* 80(1): 1–15.

Nogueira, Rose. 2007. *Crimes de Maio*. Conselho Estadual de Defesa dos Direitos da Pessoa Humana. Secretaria da Justiça e Cidadania do Estado de São Paulo.

Shoub, Kelsey. 2022. "Comparing Systemic and Individual Sources of Racially Disparate Traffic Stop Outcomes." *Journal of Public Administration Research and Theory* 32(2): 236–51.

Tiscornia, Lucía. 2024. "Police Reform in the Aftermath of Armed Conflict: How Militarization and Accountability Affect Police Violence." *Journal of Peace Research* 61(3): 383–97. doi:10.1177/00223433221128846.

Trudeau, Jessie. 2022. "Limiting Aggressive Policing Can Reduce Police and Civilian Violence." *World Development* 160: 105961. doi:10.1016/j.worlddev.2022.105961. //

Institutional Violence and Democracy: Historical Accumulations in the Brazilian Present

by **Daniel Hirata** | Group of Studies on New Illegalisms at Fluminense Federal University
velosohirata@gmail.com

Carolina Christoph Grillo | Group of Studies on New Illegalisms at Fluminense Federal University
carolina.c.grillo@id.uff.br

Historical Background

This paper examines the case of Rio de Janeiro to show that the absence of democratic controls over police institutions has fostered the advance of authoritarianism in Brazil illustrating the connections between today's flawed democratic regime and the country's history of authoritarian repression and violence. We argue that the use of state force without accountability enables the privatization of protection and the establishment of trust through violent and authoritarian mechanisms to the detriment of democratic institutions.

We contribute to the debate on violence and democracy in Brazil by examining Rio de Janeiro from 2007 onwards, a critical moment in the development of both violence and localized authoritarian practices by both police and armed groups. This period coincided with the reemergence of a politically robust Brazilian far-right during the 2010s, that in the context of Rio de Janeiro, had clear connections to both criminal groups and conservative factions within the police. Our approach highlights key elements for understanding the erosion of Brazil's fragile democracy in the context of armed conflict in Rio de Janeiro, which involves criminal groups, police, and, sometimes, the military. Here we examine the convergence between the increase in institutional violence and its implications for the growth of a form of police-connected protection racket known as militias. This essay begins with a historical and theoretical discussion, continues with an analysis of violence in Rio, then examines the role of police-criminal relationships in that violence, and concludes with a discussion of the implications of this for democracy in the country.

Historical and theoretical grounding

In recent decades, Brazilian social theorists have established that police forces are at the core of the relationship between the country's ongoing violence and democracy. Many studies have described how the colonial, slavocratic, and authoritarian formation of the Brazilian State conceived police forces as instruments of social control (Thomas Holloway 1997) aimed at preserving inequalities (Roberto Kant de Lima 1995), and how the civil-military dictatorship, which ruled the country between 1964 and 1985, legally and illegally expanded the ostensive, militarized, and highly lethal actions of the police to eliminate opposition to its political, social, and economic projects (Paulo Sérgio Pinheiro 1983). The transition to democracy, embodied in the 1988 Constitution, failed to eliminate these authoritarian practices and even deepened some, in particular those promoting police violence (Luiz Eduardo Soares 2006). A scholarly consensus has emerged that Brazil's police institutions have historically resisted, as Etienne Balibar put

it, attempts to convert violence into politics.[1] In other words, Brazilian police have challenged efforts to seek political solutions to societal conflict.

During the democratic transition, some of Brazil's pioneering crime and violence scholars observed the emergence of armed groups, especially drug trafficking factions, that began to exert new forms of control over territories and populations in poor urban neighborhoods (Alba Zaluar 1985, Edmundo Campos Coelho 1987). Territorial control was already a core trait of Rio's illegal gambling operations known as the *jogo do bicho* (animal game), a racket operated by family-based mafiosi groups since the early 20th century. In the late 1970s, during the later years of the civil-military regime, the metropolitan area of Rio de Janeiro was apportioned among these mobsters by their own central committee which was headed, not coincidentally, by a former military officer assigned to the DOI-CODI, a military unit tasked with gathering intelligence and repressing "internal enemies."[2] Indeed, there was a long history of active collaboration between these gambling mafias and the civil-military regime both in the active participation of members of the gambling mafias in suppressing dissent and the involvement of police and military officers in their illegal activities (Michel Misse 2006, Aloy Jupiara y Chico Otavio 2015). In the late 1990s, a new kind of criminal armed group emerged from long-standing death squads (José Cláudio Souza Alves 2019) that came to be known as "militias." These groups began to control low-income neighborhoods, installing a new model of arbitrary governance that thoroughly expresses the promiscuous relations between state and parastatal authoritarianism.

Both police violence and the emergence of armed groups reveal the tension between Brazil's historical authoritarian heritage and the narrow possibility of building a robust democracy.

Given the problematic issue of the use of official and unofficial force and the promiscuous relationships among actors exercising that force, we regard Brazil's democracy as an incomplete project. Even after the period of democratic transition, the civil and political rights, and fundamental guarantees of the residents of favelas and urban peripheries continue to be systematically violated by both armed groups and police forces.

Armed territorial control imposes severe restrictions on freedom of movement, association, and speech. This type of control prevents the residents of many impoverished and working-class communities from publicly expressing their dissatisfaction and demanding justice from the state. This police brutality and corruption, supposedly aimed at confronting crime, further limit rights. This has occurred both because of police abuses, such as summary executions, torture, and warrantless searches, as well as official complicity with illegal armed actors. These are only a few of the many hindrances to the enjoyment of democratic freedom for those who live in the crossfire between armed groups and the police, experiencing what sociologist Luis Antonio Machado da Silva has referred to as "life under siege" (Luiz Antonio Machado da Silva 2008).

Descriptive-temporal analysis

Over the last six years, the Grupo de Estudos dos Novos Ilegalismos [Group of Studies on New Illegalisms] from Universidade Federal Fluminense, Brazil (GENI-UFF) has produced data on two interrelated phenomena in Rio de Janeiro's Armed conflicts: police violence and armed territorial control.

Official statistics from the Instituto de Segurança Pública [Institute of Public Security] of the State of Rio de Janeiro (ISP-RJ) make clear recent

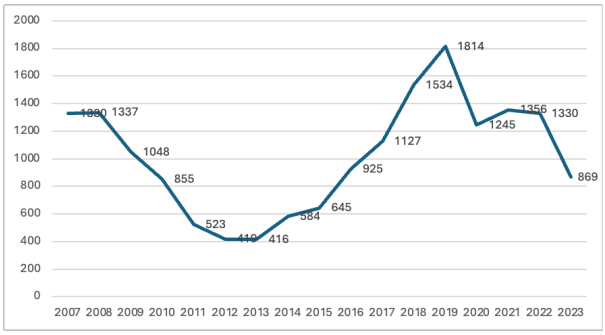
[1] See: Balibar, Étienne. 2016. *Violence and Civility:Wellek library lectures*. New York: Columbia University Press.
Benjamin, Walter. 1978. *Critique of violence*. Edited by Peter Demetz Reflections: essas, aphorisms, autobiographical writings. New York: Schocken Books.

[2] The Information Operations Detachment - Internal Defense Operations Center (DOI-CODI) was a body subordinate to the Brazilian Army, responsible for intelligence and repression against "internal enemies" during the dictatorship that followed the 1964 military coup.

increases in state violence. These data reveal a 336.1% increase in police killings in the state of Rio de Janeiro between 2013 (416 deaths) and 2019 (1,814 deaths). During this period, policies that had successfully reduced police violence were dismantled and civilian political control over police forces was eroded leading Rio de Janeiro to one of the worst public security crises in its history. The State of Rio de Janeiro went bankrupt in 2015 dramatically reducing state spending from 2017 onwards. In 2018, the federal government intervened in Rio's public safety sector appointing a military general to lead public safety policy in the state. In 2019 the state reorganized the administration of public safety eliminating the Secretaria de Estado de Segurança Pública [Public Security Secretariat of the State of Rio de Janeiro] (SESEG-RJ) and creating two different State Secretariats for the Policia Militar (Military Police) and the Policia Civil (Civil Police), the state's two principal policing agencies (Daniel Hirata 2021).[3]

The effects of these changes in the policy environment continued even after a small downward trend in police lethality resulting from a 2020 Supreme Court decision limiting police raids of favelas during the COVID-19 pandemic. However, between 2020 and 2022, despite these restrictions on police operations, the average number of people killed by state agents remained high at 1,310 per year. In 2023 police-caused deaths decreased 34.7% to 869, a still very high level by global standards discussed in the next paragraph. This decline may have been caused because of the change in power at the federal level as Lula da Silva took power from Jair Bolsonaro after winning the 2022 election. Bolsonaro had publicly manifested his disapproval of the Supreme Court decision limiting police operations and indicated to Rio's governor Claudio Castro, a political ally, that he would support him in disobeying the Supreme Court's decisions. The graph below helps us visualize these trends (Graph 1).

Graph 1: Deaths due to intervention by state agents in the state of Rio de Janeiro



Source: ISP-RJ

Most worrying, the increase in intentional violent deaths after 2013 was driven largely by state actions.[4] In 2013, killings by state agents accounted for 7.8% of total intentional violent deaths, while in 2019 they accounted for 30.3%. The national average for the period is around 12% (Anuário Brasileiro de Segurança Pública 2022). International analysts suggest that rates above 10% indicate "clear abuse of the use of force" (Ignácio Cano 1997). From 2020 to 2022, the mortality rates caused by state agents continue to account for around 30% of intentional violent deaths. This ratio fell to a still alarming 20.4% in 2023.

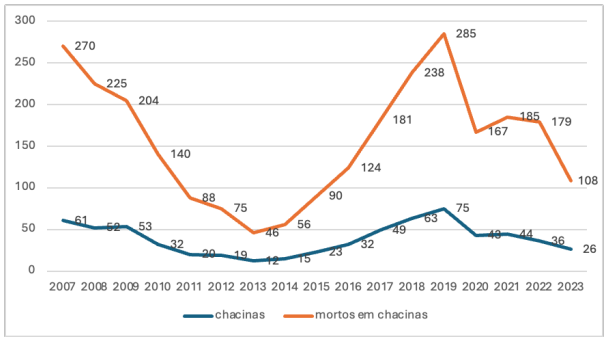
The most tragic aspect of the phenomenon is police-led massacres, defined statistically as multiple killings with three or more deaths resulting from police actions. These massacres occur in a small number of raids but they disproportionately account for police lethality. According to GENI-UFF's police raids database, in the Rio metropolitan area between 2007-2023, 20,944 police raids took place leading to 6,737 deaths. Of this total, 655 police operations

[3] The Policia Militar is the primary police force tasked with preventive and ostensive policing activities in Rio de Janeiro. The Policia Civil wears plain clothes and conducts investigations in coordination with the state prosecutor's office. The Policia Militar is a state-level force that is separate from the Policia do Exercito [Army Police] which undertakes policing on many federal military installations but has other public safety duties also.

[4] As referred by Pablo Nunes: http://observatorioseguranca.com.br/operacoes-policiais-no-rio-mais-frequentes-mais-letais-mais-assustadoras/ (accessed in 17/03/2021).

resulted in massacres accounting for 2,661 deaths. Therefore, massacres occurred in 3.1% of police raids but were responsible for 39.5% of deaths as shown in Graph 2.

Graph 2: Police massacres and deaths in police massacres
(2007-2023, absolute numbers)



Source: GENI-UFF

The GENI-UFF's police raids database accounts specifically for the armed incursions of state forces in favelas and peripheral neighborhoods controlled by drug trafficking factions or militias. These police operations are usually justified as a means for combating armed groups believed to be the main cause of urban violence. Not surprisingly, police raids motivated by "disputes between criminal groups" stand out as the most lethal. Although these account for only 13% of police operations, they led to 68.5% of all massacres. Indeed, while intervening in conflicts between armed groups, police often proceed with excessive force, treating neighborhoods as if they were a war zone.

The increase in police use of lethal force and the escalation of violence in contested territories have proven ineffective in containing the expansion of armed groups. According to data from Mapa Histórico dos Grupos Armados no Rio de Janeiro [Historical Map of Armed Groups in Rio de Janeiro] (Daniel Hirata 2022), there was a 131% increase in all areas of metropolitan Rio under the control of armed groups between 2006 and 2021, with militias the main drivers of this growth. These groups expanded their areas of operation by 387%. Until 2018 the Comando Vermelho, a drug trafficking faction, was the city's dominant armed group. From 2019 onwards, however, militias took control of a broader swath of territories.

This brings us to the core of our argument. Since 2007 deaths by intervention of state agents have risen dramatically as a share of overall homicides as has the frequency of police massacres, particularly in the period between 2014 and 2019. During this same period, there has been an expansion of territorial control by armed groups in the city, especially militias. We argue, based on the data we have gathered on violence and territorial control in Rio as well as qualitative data, that lethal police action plays an important role in escalating armed conflict and expanding armed territorial control. The next section describes how this occurs.

Operational Mechanisms

In 2018, the Grupo de Atuação Especial no Combate ao Crime Organizado [Special Task Force to Combat Organized Crime of the Rio de Janeiro Public Prosecutor's Office] (GAECO-MPRJ) launched Operation Untouchable based on the investigation of connections between militia members, hired assassins, drug traffickers, and civil and military police officers in and around the favelas of Rio das Pedras and Muzema, in Rio's West Zone. Operation Untouchable investigated 49 individuals and accused 13 of crimes including construction code violations that led to the collapse of a building in 2019 that killed 24 people and the brutal murder of city counselor Marielle Franco and her driver Anderson Gomes.

The investigation showed that since 2014, this criminal group has been routinely involved in illegal activities such as unauthorized construction, clandestine public transportation, electricity theft and distribution, loansharking, and extortion, among other illicit entrepreneurial activities. Armed violence was central to their operations. Adriano Magalhães da Nóbrega, a former military police officer from Batalhão de Operações Policiais [Special Police Operations Battalion] (BOPE) of Rio's Policia Militar, is emblematic of the connections between criminal groups and the state. Nóbrega ran the *Escritório*

do Crime [Crime Office], a group of hired assassins and concurrently took part in various illegal activities associated with militias and gambling mobs. His involvement with various armed groups reflects the complex networks linking security forces, politics, and crime in the production of illegality in Rio de Janeiro.[5]

GAECO-MPRJ's indictments show that police are critical intermediaries between militias and assassins. The investigations revealed how police officers working in some Policia Militar battalions (BPMs, Batalhões de Policia Militar) replicated the same illegal practices in other BPMs when they were transferred. So, while Operation Untouchable initially unraveled police corruption schemes involving officers assigned to the 18th BPM —a unit responsible for a region of the city that includes Rio das Pedras and Muzema— similar practices later emerged in the 24th BPM, the 21st BPM and the 15th BPM, units in largely impoverished areas in Rio's urban periphery.

The indictments showed that these practices operate in their most complex form in the relations between the 18th BPM and the Rio das Pedras and Muzema militia. Here the militia controls real estate markets through land grabbing, subdivision, construction, sales, and rent. It then builds urban infrastructure, profiting from the supply of electricity, water, internet, cable TV, public transportation, and other key services in what researchers refer to as "militia urbanism" (Leandro Benmergui, Rafael Soares Gonçalves 2019). The militia extracts wealth by extorting businesses and residents, loansharking, and monopolizing the sale of drinking water, cooking gas, and food. The militia perpetuates this system through menace or overt violent practices often with the direct or indirect participation of politicians and police officers.

The GAECO-MPRJ indictments illustrate how arrangements between the BPMs and militias expand to other areas. The police officers transferred from the 18th BPM to other BPMs were assigned to roles in their new units either in operations or police intelligence from where they provided operational support and information to enable new militia activities. Often, they were placed in the Planning and Operations Section, the Tactical Action Groups (GAT), the Tactical Mobile Patrols (PATAMO), or the Intelligence Section. Equipped with firearms and information about the criminal groups located in each BPM's territory, the newly transferred police began their criminal activities, creating zones of terror that allowed them to set up their businesses.

First, the militia-connected police identify potential targets for corrupt economic activities such as extortion, seizing money, and capturing arms and drugs for resale (Cid Benjamin 1998). Police refer to this as "mining," Brazilian policing slang that expresses the extractive nature of this practice. A mining field is opened through police raids or infiltration and then police begin the process of "colonizing" the territory.

Second, once the area has been temporarily occupied, all kinds of valuable property are available to be mined. This includes weapons and illegal drugs but also the personal belongings of people believed to be "involved" in crime – including their family members. Meanwhile, the leaders of the drug traffickers are identified and, when possible, kidnapped, placed in illegal custody, and tortured, as appears in the videos sent to the cell phones of their associates to negotiate a ransom. At this point, the institution of the extortion fee referred to as "arrego" (Portuguese word for surrender)[6] becomes possible. This term refers to the payment

[5] GAECO/MPRJ launched a series of other operations related to "Operation Untouchables", in which dozens of people were accused or cited and concerning many other neighborhoods and municipalities, such as "Operation Untouchables II", "Operation Muzema", "Operation Lume", "Operation Gog Magog", "Operation Entourage" and "Operation Mercenaries."

[6] See: Misse, Michel. 2023. *Malandros, Marginais e Vagabundos. A Acumulação Social da Violência no Rio de Janeiro*. Rio de Janeiro: Lamparina.
Barbosa, Antônio Carlos Rafael. 1998. *Um abraço para todos os amigos: algumas considerações sobre o tráfico de drogas no Rio de Janeiro*. Niterói: EDUFF.
Hirata, Daniel. 2018 . Sobreviver na Adversidade. Mercados e Formas de vida. São Carlos: EDUFSCAR.

imposed by police officers on drug traffickers in exchange for suspending repressive efforts and warning about police raids they cannot prevent.

This brief overview of a small part of GAECO/MPRJ's indictments shows that the expansion of militias is closely related to the actions of police officers both exploiting and collaborating with armed groups. In the public debate and part of the academic debate, institutional violence and violence by armed groups are perceived as distinct phenomena either because of their supposed autonomy derived from the public opposition between state and crime groups or because one is conceived as the remedy to the other. State violence, however, is at the core of the production and reproduction of illegal armed groups, particularly in the case of militias. To this end, we propose thinking of militia-type armed groups as a product of the extensive use of force by state agents.

In concrete terms, when police officers from the 18th BPM arrive at the 24th BPM and are assigned to the operational sections, they unofficially have authorization to use almost unlimited force, as part of the "war on crime," and, ultimately, almost unlimited control over the lives of the poor, mostly black, citizens who reside within these BPM's operational territory. We use the term "almost unlimited" to demarcate a scope of action and power over the lives of these citizens that goes far beyond legal limits and the reasonable limits of discretion assigned to public officials (Jacquelin Muniz 2007).

Trust, accountability, and democracy

The activities described in the GAECO/MPRJ's indictments illustrate the conversion of protection as a public good, the promise of justice to protect the weakest from the strongest, into a private commodity, in which domination and the right to extraction are bought and sold. This conversion inverts the comforting sense of protection as a condition for peaceful coexistence and public disagreement into the terrifying experience of extortion. In short, it switches protection from a foundation of democracy into a basis for authoritarianism. Within contemporary Rio de Janeiro, this is emphasized by the observation made by Charles Tilly that protection is a shared characteristic of both the state and organized crime (Charles Tilly 1985), even as these types of actors have different ways of establishing accountability in the use of violence (Diego Gambetta 1990).

Democracies and autocracies approach trust in opposite ways. Democracies have an institutionalized distrust regarding the use of force which democratic governments must justify. That justification requires mechanisms of accountability to ensure governments only use force when allowed by law, which, in other words, means that there must be a machinery of accountability (Piotr Sztompka 1998). The institutionalization of distrust includes periodic elections, the separation of powers, the rule of law, constitutionalism, due process, civil rights, free speech, and free association. Each of these is an indispensable component of the accountability machinery that institutionalizes distrust[7] to promote democratic legitimacy (Pierre Rosanvallon 2022). Autocracies, on the other hand, institutionalize trust in a leader or a regime by means of heavy sanctions. The leaders and representatives of these regimes do not account for their actions. Instead, they demand loyalty since their legitimacy is ideological. Ultimately, individuals are distrusted, and consensus is violently instituted. In other words, there is no dissent, only violently instituted consensus.

This authoritarian device prevails when violent police officers, death squads, extermination groups, militias, and their political supporters are legitimized. When protection ceases to be a public good and becomes a commodity, there are

[7] Guilhermo O'Donnell distinguishes between vertical accountability, associated with electoral mechanisms and, therefore, the political regime, and horizontal accountability, a coordinated and convergent institutional mesh, with legal authority, decision-making autonomy and determination to act in response to State institutions. Clearly, the democratic control of police activity is part of horizontal accountability, through the internal affairs bodies, the Public Ministry and parliamentary committees. See: O'Donnell, Guilhermo. 2017. *Dissonâncias: críticas democráticas à democracia*. Rio de Janeiro: Editora da UFRJ.

no longer citizens, only clients. There is no longer an expectation of building citizenship but only demands for loyalty. In this way, state protection, which should be associated with accountability, is converted into a commodity held by a strong hand that demands unquestioned support and produces cohesion. Protection then becomes extortion, a distinctive feature of both armed groups and authoritarian regimes.

In Brazil today, this experience with protection illustrates the continuity of today's political practices with the country's historical moments of authoritarianism. Our era's democratization process has been concurrent with a state-led killing machine operating today at its greatest efficiency. The only way to break this vicious cycle is through democratic control of police activity. We need to overcome the stagnation of inefficacious reforms and institute social and institutional controls of the police to build trust through the accountability machinery we call democracy.

References

Alves, José Cláudio Souza. 2019. *Dos barões ao extermínio: Uma história da violência na Baixada Fluminense*. Rio de Janeiro: Consequência.

Anuário Brasileiro de Segurança Pública. 2022. São Paulo: Fórum Brasileiro de Segurança Pública, ano 16, 2022.

Benjamin, Cid. 1998. *Hélio Luz, um xerife de esquerda*. Rio de Janeiro: Contraponto/ Relume Dumará.

Benmergui, Leandro; Gonçalves, Rafael Soares. 2019. *Urbanismo Miliciano in Rio de Janeiro, NACLA Report on the Americas*, 51:4, 379-385, DOI: 10.1080/10714839.2019.1692986

Cano, Ignácio. 1997. *Letalidade da ação policial no Rio de Janeiro*. Rio de Janeiro: ISER.

Coelho, Edmundo Campos. 1987. *A oficina do diabo: crise e conflitos no sistema penitenciário do Rio de Janeiro*. Rio de Janeiro: Espaço e Tempo, IUPERJ.

Gambetta, Diego. 1990. *Can We Trust Trust*. Edited by Gambetta, Diego. Trust Making and Breaking Cooperative Relations. Oxford: Basil Blackwell.

Hirata, Daniel. et al. 2022. *Mapa Histórico dos Grupos Armados no Rio de Janeiro*. Rio de Janeiro: Relatório de Pesquisa. https://geni.uff.br/2022/09/13/mapa-historico-dos-grupos-armados-no-rio-de-janeiro/

Hirata, Daniel et al. 2021.*Operações Policiais e violência letal no Rio de Janeiro*. Rio de Janeiro: relatório técnico. https://geni.uff.br/relatorios/

Holloway, Thomas. 1997. *Polícia no Rio de Janeiro: repressão e resistência numa cidade do século XIX*. Rio de Janeiro: Editora da FGV. Bretas, Marcos. 1997. Ordem na cidade: o exercício cotidiano da autoridade policial no Rio de Janeiro - 1907 – 1930. Rio de Janeiro: Rocco.

Kant de Lima, Roberto. 1995. *A polícia na cidade do Rio de Janeiro: seus dilemas e paradoxos*. Rio de Janeiro: Editora Forense.

Machado da Silva, Luiz Antonio. 2008. *Vida sob Cerco: Violência e rotina nas favelas do Rio de Janeiro*. Rio de Janeiro: Editora Nova Fronteira.

Misse, Michel. 2006. *Crime e Violência no Brasil Contemporâneo*. Rio de Janeiro: Lumen Juris.

Jupiara, Aloy and Otavio, Chico. 2015. Os porões da contravenção: Jogo do bicho e Ditadura Militar. Rio de Janeiro: Record.

Muniz, Jacqueline. 2007. *Da accountability seletiva à plena responsabilidade policial*. Edited by Caruso, Haydée; Muniz, Jacqueline; Carballo Blanco, Antonio Carlos. "Polícia, Estado e sociedade: práticas e saberes latino-americanos". Rio de Janeiro: Publit.

Pinheiro, Paulo Sérgio. 1983. *Polícia e crise política: o caso das polícias militares*. Edited by Pinheiro, Paulo Sérgio. A violência brasileira. São Paulo: Brasiliense. Também: Pinheiro, Paulo Sérgio. 1991. Autoritarismo e transição. Revista da USP, março/abril/maio.

Rosanvallon, Pierre. 2022. *A contrademocracia: a política na era da desconfiança*. Rio de Janeiro: Atelier de humanidades.

Soares, Luiz Eduardo. 2006. *Legalidade libertária*. Rio de Janeiro: Editora Lumen juris. Pinheiro, Paulo Sérgio. Violência, crime e sistemas policiais em países de novas democracias. 1997. Tempo Social 9(1) 43-52.

Sztompka, Piotr. 1998. *Trust*. Cambridge: Cambridge University Press.

Tilly, Charles. 1985. *War Making and State Making as Organized Crime*. Edited by Peter Evans, Dietrich Rueschemeyer and Theda Skocpol. Bringing the State Back. Cambridge: Cambridge University Press.

Zaluar, Alba. 1985. *A Máquina e a Revolta: As organizações populares e o significado da pobreza*. São Paulo: Basiliense. //

The Forms of Gang Rule in Central America[1]

by **José Miguel Cruz** | Florida International University | jomcruz@fiu.edu

Jonathan Rosen | New Jersey City University | jrosen2@njcu.edu

Introduction

The implementation of Nayib Bukele's State of Exception in 2022 has seemingly deactivated the public discussion about youth gangs in El Salvador and the Central American region. However, street gangs remain a major social problem in several Central American communities. In some areas affected by violence, gangs keep ruling over the lives of the "civilian" non-gang population. They tax economic activities, arbitrate conflicts and social exchanges, and provide access to education and employment opportunities within their turf boundaries. Scholars have labeled this phenomenon "criminal governance" (Arias 2006, Lessing 2021).

Street gangs' ability to impose limits on people's behavior in several Central American communities may represent an impediment to developing intervention programs to prevent gang engagement, mitigate youth violence, and curb criminal careers. The presence of gangs not only reduces the likelihood that their members would abandon their illegal activities. In some cases, they also prevent the establishment of organic and external youth violence prevention initiatives. Street gangs' dominance over the community also generates and perpetuates systems of impunity, namely, the power to sustain criminal activity without substantial repercussions for the gang. Community residents live under the perennial threat of violence and are unable to report gang crimes and seek proper justice.

In this paper, we illustrate some forms in which gangs have imposed their rule over several urban—and rural—communities in northern Central America. We show the complexity of criminal rule in several neighborhoods affected by gangs and organized crime groups. Impunity plays an important role in bolstering and sustaining such systems of rule. This paper is based on the results of 19 focus groups with nearly 200 adults who reside and work in ten underprivileged neighborhoods and towns affected by gang activity in El Salvador, Guatemala, and Honduras.

Youth Gangs and Insecurity in Northern Central America

Street gangs are a fixture in several urban communities across Central America. Born in Southern California in the 1970s (Ward 2013, USAID 2006), several groups transplanted and expanded in El Salvador, Guatemala, and Honduras by the early 1990s (Savenije 2009). In the early 2000s, they had become a critical security concern for several regional governments (Arana, 2005). An extensive assessment from USAID in 2006 estimated that the number of gang members in Central America might have reached 305,000 (USAID 2006). Subsequent estimations and assessments placed the number

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significantly lower, but still noteworthy (Seelke 2016). However, they all pointed to these groups' increasing role in the region's criminal landscape.

The way gangs relate with the community and, particularly, how they rule has been a black box in our understanding of the Central American region. With some notable exceptions (Fontes 2018, Rosen and Cruz 2023), studies have little information about how communities relate to gang members. The conventional wisdom has been that gangs and youths involved in criminal organizations contribute to insecurity and impede community development efforts. Studies using Vanderbilt University's AmericasBarometer data have repeatedly shown that the presence of gangs in the community increases people's perceptions of insecurity (Rosen 2021). Furthermore, other studies have revealed that people living in neighborhoods controlled by gangs tend to engage less in political and social activity (Córdova 2019). Whether through credible threats or negotiating with local authorities, gangs manage to impose systems of impunity that perpetuate their dominance.

Who Rules the Communities in Central America?

The question of who rules the community may seem irrelevant. Conventional wisdom and a long tradition in political sociology contend that formal authorities do (Weber 2009). Based on several years of gang research in the region, it is possible to identify three types of rule in communities with a strong gang presence in northern Central America. First, communities in which a particular gang enjoys uncontested power. In these cases, gangs seem to be recognized by all community members as the most significant actor in the social dynamics of the *barrio* or community. Second, communities where gangs share governance with other actors. These other actors are the police, community organizations, or institutions most community members recognize as legitimate. Third, communities where different gangs dispute territorial control. These are communities that are in bordering zones between opposing groups or in neighborhoods that have faced the collapse of a dominant gang or gang leader.

Uncontested Rule

In some communities of northern Central America, street gangs exert uncontested control over the social dynamics of the neighborhood. The gang's presence and instructions determine intervention programs, business activities, and social life. A resident of a community with a heavy gang presence in San Salvador described how anyone who wants to start an intervention program in the community needs to secure gang authorization first:

> *The authorization to enter… In all communities, I believe, that's the first entity to ask for authorization is with them [the gang members]. Not with anyone else because if there is Adesco (a community association), you must look for the association, to say the least, the Adesco. However, Adesco is obliged to tell the boys so that they can give them permission or endorsement to implement that program or project in the activity* (Participant 6, Focus group No. 1, El Salvador).

The gang's dominance is usually established in contrast to the limited capacity of the police or state forces to counteract the gang's power (Cruz 2022). In those cases, the police are viewed as bought off by the gang or in fear of the gang's power. In controlling daily life, the gang also determines who and how to access justice. A participant in focus groups comprised of adults living in communities with gang presence in Tegucigalpa illustrated this power:

> *Gangs rule because… I laugh to see two policemen in the patrols, in a neighborhood where there are up to 15, 20, 30 people involved in gangs, two policemen for 30. That's nothing! Sometimes, it is the same police who have respect for the gangs. I have seen them shaking hands. I will tell you: How is one supposed to trust the police in our country? […] In my neighborhood, the gangs generally*

rule there. There is a police post, but it is a post that is for decoration (Participant 3, Focus Group No. 4, Honduras).

In Guatemala, a person working in a violence prevention program for a suburban municipality illustrated the complexity of the relationships established by gangs in places they control:

> *Unfortunately, we know that the gang controls the place, and the relationship [between the gang and the community] is ambivalent. But no, the relationship is parasitic in reality, so to speak, because the neighbors do not complain. So, it is known that the gangs have control of the sectors, the area, and the places. And people learn to live with them [the gangs] in certain ways so as not to be affected or not be affected in a violent, aggressive way by gang members. I believe the point is not whether the relationship is good or not. It is a relationship* (Focus Group No. 3, Guatemala).

Territorial control is central to the gangs' dominance in these communities. The previous statements underline the importance of controlling the places and areas where a gang settles and develops its activities. Uncontested rule over a territory entails a clear definition of the territory and effective surveillance over such territory. A young man who participated in a focus group in Tegucigalpa described the logic of borders and surveillance:

> *In our case, there are established areas. The one next to ours is from community X. If you enter there as if they do not know you, they arrive and ask you what you are doing there. These entries belong to the gangs, and they look at who enters and who leaves. If they do not know you, one of the things you must do if you want to enter those neighborhoods is call someone you know and enter with that person, and they don't do anything to you* (Participant 2, Focus Group No. 3, Honduras).

Uncontested rule means that gangs have the unilateral ability to elude justice and punishment for their actions in the community.

Shared Governance

In some communities affected by street gangs, these groups do not exert absolute dominance over the neighborhood. Local gangs appear to share authority with other groups, including state forces, community organizations, and civil society institutions, such as churches. Our research did not explore how common this type of arrangement is. However, in some testimonies, the emerging picture is again complex, with no single actor holding authority but several sharing spaces of power. Yet, such arrangements ensure impunity for gang members and their activities. For example, a participant in the focus group with program implementers in Tegucigalpa described it in the following way:

> *The issue is that it is a matter of systems. There are several systems that interact in the same territory because [there is] the official state security system, which interacts in the territory, but there is also a local system of community safety. This system includes how community [gang] leaders behave with people, which is another system that is on the same terrain. So I would say that this must be interpreted by all the systems that interact in each territory* (Participant 6, Focus Group 1, Tegucigalpa).

In other words, gang dominance is circumstantial, and it depends on the behavior of other actors, especially state actors, who command enough power to contest gang domination. A Salvadoran participant made this point considering the government's efforts to recover territory as part of the Plan de Control Territorial, the previous policy to the prevalent State of Exception:

> *I feel that there is no one who decides, they or the others. Because when this Territorial (Control) Plan was established, I remember that there was always a police patrol in the corner, right where gangs had been before. But then, that was forgotten because the police are always transitory, but only in*

> *passing. Let's say that they are there just from time to time. But I don't feel that gang's rule either, I don't feel that either* (Unidentified participant, Focus Group 3, El Salvador).

In any case, the sporadic presence of law enforcement and the participation of other actors in the community governance process do not preclude the ability of the gang to preserve impunity for its members.

Contested Governance

In some communities or areas within the communities, the dynamics of gang governance are determined by contestation. Rival gangs compete for control of the community, which tends to increase the levels of violent conflict and insecurity. Since law enforcement institutions are largely absent and unable to reduce impunity, community residents develop strategies to remain safe. A person who participated in a focus group with adults in San Salvador described the importance of determining the rules resulting from the conflicts between gangs to navigate the relationship with the predominant gang safely:

> *I think those rules were given because there was a time when [members of] the opposite community came to try to get into this community. So, I think that's why those things happened. There were attacks. So, it was very ugly because they had, let's say, they control over all the entrances and exits of the same neighborhood* (Participant 9, Focus Group 1, El Salvador).

Dynamics of contestation and ambiguous gang dominance are more common in border areas between communities. For example, a community leader in San Pedro Sula described the difficulties of navigating the rules in place given the constant shifts of gang control:

> *The problem is that there is no law. That is, the day before yesterday, they killed two people in Barrio X, and that community has historically been the territory of Barrio 18. But historically, that has become a border in the last two or three years. You have no idea! So, at the end of the day, there might be some security today, but there might be something else tomorrow* (Participant 4, Focus Group 7, Honduras).

Another participant referred to the difficulties that the community association had establishing the community center, which housed the violence prevention programs, due to the contested nature of the territory:

> *Because they [the community] didn't have a place, and the place they had was their center. This center was right on the border, right in the middle of a crossing point, where different gangs fought, and we wanted to be able to install the community center* (Participant 2, Focus Group 7, Honduras).

The Mechanisms of Gang Dominance

Gang dominance is manifested in several areas of community life. It is not only about preventing rivals and the police from encroaching upon the gang's territory. According to participants in the focus groups, preventing the intrusion of rival gangs and the police into the turf consumes a great deal of the gangs' resources and time. However, once the group has consolidated its dominance over the neighborhood, it devotes significant time to managing social relationships and imposing social order. A critical aspect of maintaining social order is the regulation of people's behavior in accordance with the gang's norms. There are three areas in which gangs exert their rule over the community. First, gangs impose levies or taxes on the community through extortion. Second, gangs regulate economic activities beyond extortion and security taxes. This regulation involves legal and illegal activities. For example, a typical illicit activity is selling drugs or managing the local trafficking of illegal commodities. Gangs also help local community members to secure job opportunities in the formal market. Third, gangs may operate as arbiters, enforcers, and judges in common conflicts within the community. These conflicts range from disputes among neighbors to domestic violence.

Extorting and Imposing Taxes on the Community

In several communities across northern Central America, gangs utilize their territorial control to extort the population and extract monetary resources from the areas where they operate. Although not all gangs extort or impose taxes on the people under their influence in the same fashion, cash extraction constitutes one of the primary sources of revenue for the gangs in several communities. In some neighborhoods, gangs impose levies on every member of the community, as the following exchange between participants in one of the focus groups in Guatemala illustrates:

> Interviewer: *I want to talk about the economic impact of the gang presence. Do you know about extortions in your communities?*
>
> Participant 6. *Yes, all the stores,* tortillerías*, and even street vendors now*.
>
> Participant. 8. *Also, street vendors, people selling, taxi drivers, bus attendants, drivers, and so on*.
>
> Participant 9. *There [in my community], everyone pays extortion. There is no one that does not pay, most of the houses. Even the houses pay extortion there*.
>
> Participant. 8. *Even the grannies pay!*
>
> Participant 3. *Ah yes, there in the neighborhood where I live, even the street peddlers who walk through the crossroads at the traffic lights must pay so that they are not going to kill them because it is very dangerous* (Focus Group 6, Guatemala).

In other places, the imposition of extortions and taxes is conceived as a transaction for a security service. For example, a Salvadoran participant described the complaint he presented to the gang leader because the gang had failed to watch his car while parked in the neighborhood:

> *Where I lived, they asked you for money to take care of the car, but they didn't take care of it! Speaking of the situation, I told [the gang leader]: "Here … You … Someone scratched my car and fled, ok?" Then, you tell them: "Hey, look, I'm paying you, ok? What's up, they scratched me?" [The guy responds,] "Ok. That's ok. Keep it [the money], don't give me anything. I will figure out who scratched it up, and then we'll fix it…" Well… I feel that it [complaining] helps you in a certain way because it is a business they have forced on you* (Focus Group 1, El Salvador).

Managing Economic Activities in the Community

In several places, gangs use their dominance to advance and consolidate their businesses. Other than extortion, drug trafficking remains one of the main illegal activities. In some places, their control over the community allows the gang to take over private spaces and displace families. A young woman discussed the case of a family in her community in Tegucigalpa:

> *A family in the neighborhood received a letter from the gang telling them to leave the house. […] They are looking for an area where they see that drugs move a lot, where they can boost the business or build crazy houses [gang headquarters]. They established crazy houses within the neighborhood or outside, and so the reason they forced this family out was that.* (Focus Group No. 2, Honduras).

Gangs also use their leverage to expand on other local businesses. When asked whether gangs have other businesses in the community, a participant in El Salvador responded:

> *Some have businesses, like little shops or things like that, little things like bars. Recently, I believe they have put a bar there. Before, when someone else ran that business, they kept us all up. I am far from that business, right… Well, they even kept me awake, right? They wouldn't let me sleep: drunk people screaming, talking on the weekends there,*

> *fighting. And now, since the gang took over that business, well..., I have seen more order* (Focus Group No. 2, El Salvador).

The previous statement describes the gang organization's incursion into legal activities and showcases the gang's capacity to establish order around the business. Such ability is in full display when discussing the intervention of gang members in resolving interpersonal conflicts in the community.

Resolving Community Conflicts

Participants in focus groups who live in neighborhoods controlled by gangs constantly referred to the role of gangs in mediating and resolving interpersonal conflicts in the community. Furthermore, some people referenced the gangs' ability to dispense punishments against residents who have committed crimes or broken any community rule. For example, a participant in the focus group of program implementers in El Salvador summarized this notion in the following manner:

> *Many people turn to gangs to solve their problems. It's that simple. And we live it in the community, in the neighborhood where we were implementing* (Participant 2, Focus Group No. 4, El Salvador).

A participant in another focus group in El Salvador illustrated one of the conflicts in which gangs were asked to intervene:

> *The boys [gangs] had to intervene … Because, speaking of my friend, who, as I mentioned, no agreement was reached with the problem with the neighbor. So, they called them, they called those who rule there, the boys, and they had to intervene to resolve the conflict* (Participant 4, Focus Group No. 2, El Salvador).

Resolving community conflicts is, perhaps, the area where gangs show their power to ensure impunity. Some behaviors viewed as transgressions to the gang norms are immediately punished, while others that align with the gang's interests are not. Gangs are called to dispense punishments to other community members when they have wronged somebody in the community. Regarding a case involving a bike accident, one participant in El Salvador told a story of gangs being called to punish the individual responsible for the accident:

> *But the lady next door comes up and says to my brother: "No way! How are you going to let that son of a bitch go? I'm going to call the boys [gang members] to beat him up." Then, the lady came and stirred up the hornet's nest. My brother humbly said, "No, there's no problem." But this lady complicated things and called so-and-so, and in the end, they hit the guy just for an accident* (Participant 1, Focus Group No. 5, El Salvador).

One of the areas in which participants frequently described the intervention of gangs was in domestic abuse cases. Despite their history of abuse against women (Van Damme, 2019), gangs are called to intervene and stop domestic violence situations, protecting women or children from abusive males. A participant in the focus group with young women in Tegucigalpa provided the following testimony:

> *In my case, there was a neighbor who hit his wife, and he had two children. It turns out that he always played loud music every time he hit her. Then, he lowered the volume, and the girl went out with the bruises and the children with traumas. It reached a point where people felt very bad about it, and they accused him. A gang member got into it, and I did not listen to what he said, but since then, the situation between the couple calmed down because he is already calmer…*(Participant 8, Focus Group 2, Honduras).

Participants explained that, in several cases, the intervention of gang members in domestic matters and interpersonal conflicts within the community is motivated by the gangs' desire to keep the police and state institutions away from the neighborhood.

[When a couple is fighting] and screaming, the boys [gangs] are going to listen to everything. They will come and ask you, "What's the problem?" The thing is not to call the police. That's the point they tell you: when you have a problem or personal issue, don't call the police. "Better call us because we can fix the problem. We will help you" (Participant 3, Focus Group 5, El Salvador).

Conclusions

This paper has illustrated the different forms in which gangs exert their rule over several communities across northern Central America. In some, these groups wield substantial power over public life, to the point that even state authorities and other institutions are not able—or willing—to contest their rule. In other places, they are just another social actor who participates in community decisions but defer to other actors in matters of importance for the community. In some cases, they even would cooperate with other actors in the neighborhood in the search for solutions to collective problems. However, more frequently than not, youth gangs are engaged in long and violent disputes over territorial control, especially in neighborhoods located in the middle of rival territory. In these cases, they significantly contribute to the insecurity of the population. They also contribute to chronic impunity. Criminal activity is left unpunished. In these contexts, gang presence is perpetuated, and extortions and extractive activities expand and affect people's lives. Furthermore, in some communities, gangs also act as the arbiters of personal conflicts, judges in family disputes, and third-party enforcers of other groups. In addition, they enact rules of individual and collective behavior that range from who can enter the community to what residents are allowed to keep their homes.

The apparent success of Bukele in the fight against gangs in El Salvador should not divert attention to the fact that several communities in the region remain under some type of criminal rule. Even with the enactment of the State of Exception—and its deleterious effects on human rights in that country—reports of gang activity keep unnerving some communities in need of youth violence prevention programs and rule of law. Responses addressing the chronic problems of criminal violence in Central America need to tackle the structural conditions that have allowed the rise of criminal rule in so many neglected communities across the region.

References

Arana, Ana. 2005. "How the Street Gangs Took Central America." *Foreign Affairs* 84 (3): 98-110.

Arias, Enrique Desmond. 2006. "The dynamics of criminal governance: Networks and social order in Rio de Janeiro." *Journal of Latin American Studies* 38 (2): 293-310. https://doi.org/https://doi.org/10.1017/S0022216X06000721.

Córdova, Abby. 2019. "Living in gang-controlled neighborhoods: Impacts on electoral and nonelectoral participation in El Salvador." *Latin American Research Review* 54 (1): 201-221. https://doi.org/https://doi.org/10.25222/larr.387.

Cruz, José Miguel. 2022. "Police Legitimacy and Hybrid Security Orders in Central America." *Social Forces* 100 (4): 1833-1855. https://doi.org/10.1093/sf/soab087.

Fontes, Anthony W. 2018. *Mortal doubt: Transnational gangs and social order in Guatemala City*. Berkeley, CA: University of California Press.

Lessing, Benjamin. 2021. "Conceptualizing criminal governance." *Perspectives on Politics* 19 (3): 854-873.

Rosen, Jonathan D. 2021. "Understanding support for tough-on-crime policies in Latin America: The cases of Mexico, El Salvador, and Honduras." *Latin American Policy* 12 (1): 116-131. https://doi.org/https://doi.org/10.1111/lamp.12208.

Rosen, Jonathan D., and José Miguel Cruz. 2023. "Dancing with the devil: Intervention programs under criminal governance in Northern Central America." *Criminology & Criminal Justice* 0 (0): 17488958221140548. https://doi.org/10.1177/17488958221140548.

Savenije, Wim. 2009. *Maras y barras: pandillas y violencia juvenil en los barrios marginales de Centroamérica*.

Seelke, Clare Ribando. 2016. *Gangs in Central America*. Congressional Research Service (Washington, DC).

USAID. April 2006. *Central America and Mexico Gang Assessment*. USAID Bureau for Latin American and Caribbean Affairs (Washington, D.C.).

Van Damme, Ellen. 2019. "When Overt Research Feels Covert. Researching Women and Gangs in a Context of Silence and Fear." *Journal of Extreme Anthropology* 3 (1): 1-14. https://doi.org/http://dx.doi.org/10.5617/jea.6696.

Ward, Thomas W. 2013. *Gangsters without borders: An ethnography of a Salvadoran street gang*. Oxford, U.K.: Oxford University Press.

Weber, Max. 2009. *From Max Weber: Essays in Sociology*. New York: Routledge. //

The Expansion of Police Violence and Impunity in Venezuela

by **Rebecca Hanson** | Department of Sociology and Criminology & Law and the Center for Latin American Studies, University of Florida | r.hanson@ufl.edu

Police violence in Venezuela has been on the rise since at least the 1980s. This violence attracted international attention in 1989 when police officers participated in viciously repressing protests and lootings referred to as *El Caracazo*. According to official figures state security forces killed 277 people over two days, but human rights organizations placed the number of deaths much higher (Coronil & Skurski 2006). By the early 2000s Venezuelan police forces were competing for the highest number of abuses in the region, moving from nine civilian deaths for each officer killed in 2000 to 28 in 2001 (Ungar 2003).

If excessive and extrajudicial use of force has long been accepted by and even encouraged within security institutions in the country (Antillano 2010, CONAREPOL 2007), police violence has reached unprecedented highs under the government of Nicolás Maduro. Since 2015 state security forces have been responsible for a significant portion of violent deaths each year, with special tactical units in the Bolivarian National Police frequently ranked as one of the most lethal groups in the country. A comparison between Brazil and Venezuela is instructive. Since 2016 state security forces in Venezuela have killed people at a rate three times higher than in Brazil. In 2016, in a country with 209 million inhabitants, Brazil's security forces were responsible for 4,219 deaths, or 7% of violent deaths in the country. In Venezuela, with a population of around 30 million, security forces killed 4,667 people, making the state responsible for 21% of deaths. By 2019 the percent of violent deaths perpetrated by state security forces had reached forty-four percent (Hanson, Smilde, and Zubillaga 2022).

My research in recent years has focused on this astonishing rise in police violence in the country, to understand how and why violence increased so rapidly and what policing practices can tell us about Chavismo's legacy. In my forthcoming book, *Policing the Revolution: The Transformation of Security and Violence in Venezuela during Chavismo*, I analyze how failed efforts to reduce police violence under Hugo Chávez and the political, economic, and humanitarian crisis that has defined Maduro's presidency saw his government support extreme mano dura policies, expanding impunity for the police.[1] At the same time, other government policies saw coercive power disperse and impunity expand for non-state armed actors (see also Smilde, Zubillaga, and Hanson 2022), resulting in a chaotic security landscape in which multiple state and non-state armed groups supported or tolerated by the government have competed for control over territory and resources. As I discuss below, this chaotic landscape and its primary victims contradict popular ideas about how authoritarian power operates in the country and who it targets.

In the case of impunity for police, I refer not only to crimes and violence that police officers get away with due to an *inability* of the state to investigate and sanction but also the *active participation* of state actors in allowing and encouraging violence and certain crimes. Two initiatives implemented by the Maduro government provide insight into how state policies have expanded impunity, resulting in the most lethal policing practices ever seen in the country. The first, the *Operación de Liberación*

[1] On efforts to reduce police violence in Venezuela see Antillano 2016; El Achkar, 2012; Gabaldón, 2013.

del Pueblo [Operation Liberation of the People] or OLP implemented in 2015, deployed police forces alongside the National Guard; state actors justified this deployment by claiming the plan would "eradicate" criminals and paramilitary forces. A year after the OLP was implemented the number of people killed by the police skyrocketed. In 2017, after consistent public criticism, the government added "humanist" to the plan's name, changing it to *Operación de Liberación* Humanista *del Pueblo* (OLHP). The initiative did not last long after the name change; instead, it was phased out and replaced by new special tactical groups housed within the *Policía Nacional Bolivariana* [Bolivarian National Police] or PNB. These tactical units, the *Fuerzas de Acciones Especiales* or FAES, were created in 2017 and were announced by Vice-Minister of Citizen Security Alexis Escalona Marrero as working "day in and day out…in the streets with the goal of defending the people, always adhering to the respect and guarantee of human rights" (Runrun.es 2018). The units, however, quickly outpaced the OLP in terms of human rights violations. Only a year into their inception the FAES were implicated in numerous massacres, including a juvenile detention center in Amazonas state (Provea 2019).

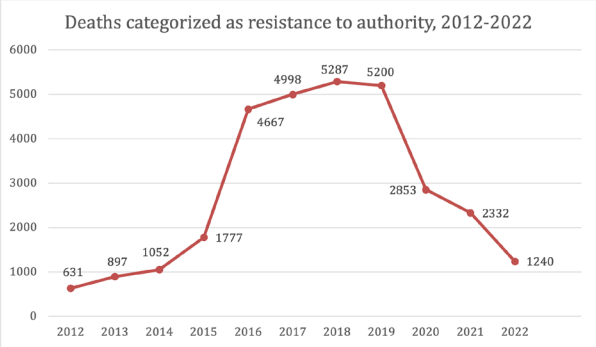
Raids (often "mixed commissions," or raids that involved both the police and military) were the modus operandi of both the OLP and the FAES. While raids have become an increasingly common crime-fighting strategy since the 1970s in Venezuela (Hernández 1991), the number of officers involved and the expansive impunity officers enjoyed in recent years distinguished these raids from their predecessors. In interviews, community residents described officers arriving in groups of 50 or more, unloading from unmarked trucks and jeeps, and swarming into the barrios on foot with high-caliber weapons. Officers often entered homes by breaking down doors, usually in the early hours of the morning when people were still asleep. In a survey we conducted in 2018, 53% of respondents said they felt less safe in their communities after an OLP raid (Hanson and Gómez 2018). When asked why, 61% responded that it was because officers "entered homes without permission or a warrant." Robbery during raids became commonplace. After breaking in, officers often stole appliances, clothes, cash, and cellphones; refrigerators and furniture were even loaded into unmarked police vehicles. Memes began popping up online warning Venezuelans to hide even their dirty laundry before a raid took place.

If from the outside raids seemed like a continuation of traditional practices, they also indicated rupture as practices were aimed toward new ends. Past raids were focused on arrest and incarceration while, as Verónica Zubillaga, Leonard Gómez, and I have argued, systematic killing became an additional metric of success (Zubillaga and Hanson 2018, Gómez and Hanson 2022). Officers we interviewed consistently used words like "eliminate," "liquidate," and "wipe out" when we asked them why the government created the OLP and then the FAES. In the words of one PNB officer: "*La OLP no significa la Operación de Liberación del Pueblo, sino la Operación Liquidar al Pueblo*" [The OLP doesn't mean Operation Liberation of the People but rather Operation Eliminate the People]. Nicolás Maduro has also deployed this rhetoric at public events. In a phone call to an event celebrating recent graduates of the SEBIN, Venezuela's political police, Maduro referred to criminals as terrorists, declaring: "We must hit violence and terrorism before they act…our greatest victory is a preventative hit, to neutralize them, to …wipe them out, before the terrorists act" (Provea 2021).

In interviews, officers spoke of killing as a requirement of the job, an indicator of success for those engaged in OLP and FAES raids. Rather than understood as "collateral damage"—language often used by police when they took a life before the OLP—officers spoke of death as the goal. In our interview with a former FAES officer, he stated without hesitation: "They line you up in formation, the big bosses [say]: "Today I want a body…each brigade has to bring in a body".

This turn to systematic killing had devastating effects, resulting in thousands of people killed each year by state security forces. The International Criminal Court has taken steps to investigate these and other human

rights violations—Venezuela has been under preliminary examination for crimes against humanity by the Office of the Prosecutor since February 2018—despite numerous attempts by the government to block the investigation.



This graph shows the number of people categorized as killed by state security forces due to resistance to authority, which increased significantly the year after the OLP was implemented. Deaths within this category ostensibly occur when a person violently resists arrest or police intervention.

Sources: Ministerio Público, CICPC, United Nations, and El Observatorio Venezolano de Violencia

As I show in *Policing the Revolution*, impunity for crimes committed during raids was extended from the top down. Both the OLP and FAES units were proposed within the Ministry of Justice, with the minister overseeing their creation and implementation. As tactical groups within the PNB, the FAES should report and be accountable to a director of this police force. Yet, each of the FAES officers that we interviewed reported that they did not receive orders from the PNB director but instead from the minister of justice (at the time National Guard Commander General Néstor Reverol). Officers also spoke of protection they believed they would receive from the Ministry of Justice if someone lodged a report against them. One FAES officer told us: "If a complaint appears, at the end of the day nothing happens because we clean things up [*se cuadra bien*]. Besides, we are protected by the minister." When we asked another FAES officer if he was worried someone might report violations committed by the tactical units he replied, "Who the fuck is going to report us? And if they report us, we have a green light, we are untouchable. Those who kill must die, it is the only way to solve this shit."

A report issued by the UN's International Fact-Finding Mission (2020) in Venezuela corroborates the impunity police officers who participated in raids enjoyed. According to the UN report, "far from being isolated acts…crimes are coordinated and committed in conformity with state policy, with the knowledge and direct support of commanders and high-ranking members of the government" (Venezuela-FFM 2020). The Fact-Finding Mission reported that in most cases where killings were committed by security forces, no one was prosecuted (Venezuela-FFM 2020).

This staggering increase in state violence is perhaps unsurprising given the government's blatant turn to authoritarianism. Authoritarian states have historically been characterized by an excessive centralization of power and intense efforts to monopolize violence as they attempt to neutralize opponents and avoid overthrow. Impunity for repression and violence becomes widespread as the state empowers security forces to police resistance and opposition through highly coordinated violence wielded by ideologically driven officers (see Davis, 2010; Hagenloh, 2009; Savelsberg, 2000). Much reporting during this period has framed police violence in Venezuela in this way, with a focus on political persecution. For example, opposition politicians in the country have highlighted the police's political persecution. After a battle for control over a National Guard command station between gangs and state security forces in March 2021, Delsa Solórzano—National Assembly representative and vocal member of the opposition—told the press "While Caracas is at the mercy of delinquents…state security forces dedicate themselves to political persecution but not to pursuing criminals."

Indeed, both the OLP and the FAES were initially deployed in moments of acute instability for the government. In 2015, the same year that OLP raids began, there were National Assembly elections in which the opposition coalition won a majority of the seats. In 2017, the year the FAES were created, the government's decision to rewrite the constitution and effectively dissolve the National Assembly and replace it with a Constituent National Assembly controlled by

Chavismo resulted in massive and sustained protests. Yet, a focus on police violence as a tool to punish political dissidents in Venezuela overlooks one of the most tragic ironies of the Bolivarian Revolution—the same populations that supported and had been the face of Chavismo were targeted and executed by Maduro's government.

Indeed, most OLP and FAES raid victims were not political actors. Rather than political opponents it was young men from popular sectors who were positioned as the most dangerous threat to state and society. Around 96% of raid victims each year were men between the ages of 15 and 30 from excluded sectors with little education who worked in the informal sector or were unemployed (Monitor de Victimas, 2018; Lupa por la Vida 2021). In interviews, officers alluded to a certain profile when talking about the targets of raids—"because he is black" or "he has a tattoo"—a profile built on the criminalized bodies of youths established by the media's crime chronicles and discourses reproduced by state actors and the police.

The frequency with which officers killed and injured young men in the barrios was recognized in memes shared by barrio residents. Memes referenced young men's response to FAES units when they entered a barrio, suggesting that running (and running fast) was the only option to stay alive. One meme used photographs of Jamaican sprinter Usain Bolt to highlight men's (particularly dark-skinned men's) reactions when a FAES vehicle showed up.

The top frame of the meme reads, "Where did you learn to run so fast?" The bottom frame reads, "I was with some friends on the corner and a FAES truck showed up out of nowhere."

It is also important to embed these raids within a broader transformation of the security landscape that has taken place in the past twenty years. As I show in my forthcoming book, Chavismo has never been an ordered or consistent project. Nor did it produce the kind of hierarchical regime or penetration of society often associated with socialist, revolutionary, and authoritarian projects of the past. Even as it shifted towards open authoritarianism under President Nicolás Maduro the state remained highly fragmented and internally chaotic. This is perhaps nowhere clearer than when we look at those institutions that we presume are synonymous with state control.

Rather than a police state, it is more accurate to think of Maduro's survival as dependent on multiple armed groups with distinct interests competing for resources and recognition from state actors. Police power and impunity have expanded but at the same time coercive power has been decentralized and social control has been outsourced to non-state armed groups. In some places, this has involved efforts to expand the role of Chavista civilian organizations—including groups often referred to as *colectivos*—in national security. Take the *Plan Estratégico Especial Cívico-Militar Zamora*, which sought

to expand the role of civilian groups in securing the nation. While Maduro described the plan as a tool to liberate territory from right-wing paramilitaries, NGOs in the country argued that it allowed paramilitary groups to police territory alongside the National Guard (Provea 2017). In other places, the government has constructed pacts with gangs that allow members to engage in illicit activities in exchange for reducing visible violence in their areas (Zubillaga, Hanson, and Antillano 2021). All these moves have resulted in impunity for multiple state and non-state armed actors as the government attempts to survive and consolidate in post-Chávez Venezuela.

References

Antillano, Andrés. 2016. "La reforma policial en Venezuela." *Venezuela Dossiê: Segurança Pública e Reforma das Polícias na América Latina* 16 (4): 618-635.

Antillano, Andrés. 2010. "¿Qué conocemos de la violencia policial en Venezuela? Las investigaciones e hipótesis sobre el uso de la fuerza física por la policía." *Espacio Abierto Cuaderno Venezolano de Sociología* 19(2): 331-345.

Coronil, Fernando and Skurski Julie. 2006. "Dismembering and Remembering the Nation: The Semantics of Political Violence in Venezuela." In *States of Violence*, edited by Fernando Coronil and Julie Skurski, 83-152. Ann Arbor, MI: University of Michigan.

CONAREPOL. 2007. "La policía Venezolana: Desarrollo institucional y perspectivas de reforma al inicio del tercer milenio." Tomo I & II. Edited by Luis Gerardo Gabaldon y Andrés Antillano. Caracas: Ministerio de Cultura.

Davis, Diane E. 2010. The Political and Economic Origins of Violence and Insecurity in Contemporary Latin America: Past Trajectories and Future Projects." In *Violent Democracies in Latin America*, edited by Desmond Arias and Daniel M. Goldstein, 35-62. Durham: Duke University Press.

El Achkar, Soraya. 2012. "Police Reform in Venezuela: An Ongoing Experience." *Policing and Society* 22(1): 89-100.

Gabaldon, Luis Gerardo. 2013. "La reforma policial en Venezuela: Lecciones aprendidas e implicaciones para las políticas públicas de seguridad ciudadana." *Espacio Abierto Cuaderno Venezolano de Sociología* 22(3): 667 – 679.

Gómez, Leonard and Hanson, Rebecca. 2022. "The Pressure to Bring in a Body: How Systematic Killing Transformed Police Raids and Gangs in Post-Chávez Venezuela." In *The Paradox of Violence in Venezuela: Revolution, Crime, and Policing during Chavismo*, edited by David Smilde, Verónica Zubillaga, and Rebecca Hanson, 187-210. Pittsburgh, PA: University of Pittsburgh Press.

Hagenloh, Paul. 2009. *Stalin's Police: Public Order and Mass Repression in the USSR, 1926–1941*. Baltimore: John Hopkins University Press.

Hanson, Rebecca. Forthcoming. *Policing the Revolution: The Transformation of Security and Violence in Venezuela during Chavismo*. Oxford: Oxford University Press.

Hanson, Rebecca, David Smilde, and Veronica Zubillaga. 2022. "The Paradox of Violence in Venezuela: An Introduction." In *The Paradox of Violence in Venezuela: Revolution, Crime, and Policing during Chavismo*, edited by David Smilde, Verónica Zubillaga, and Rebecca Hanson, 3-28. Pittsburgh: University of Pittsburgh Press.

Hanson, Rebecca and Leonard Gómez. 2018. "Los operativos policiales en Venezuela post-Chávez: Análisis crítico de sus actuaciones desde la perspectiva de los ciudadanos y los funcionarios de los cuerpos de seguridad." Commissioned by the Development Bank of Latin America. Submitted May 31.

Hernández, Tosca. 1991. "'Extraordinary' Police Operations in Venezuela." In *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*, edited by Martha K. Huggins, 157-165. New York: PRAEGER.

Lupa por la Vida. 2021. Presuntos ejecuciones extrajudiciales a manos de los cuerpos de seguridad. Accessed March 3, 2023.

https://provea.org/wp-content/uploads/2022/03/lupa2021-1-1.pdf

Monitor de Victimas. 2018. FAES: El grupo exterminio de la PNB. Accessed January 15, 2021.

https://monitordevictimas.com/ejecucion-2/faes-el-grupo-de-exterminio-de-la-pnb/

Provea 2021b. Informe especial: 25 años de ejecuciones extrajudiciales en Venezuela: 1995-2020, December 15.

https://provea.org/publicaciones/investigaciones/informe-especial-25-anos-de-ejecuciones-extrajudiciales-en-venezuela-1995-2020/

Provea. 2019. Informe especial | FAES asesinó a 205 venezolanos entre enero y diciembre de 2018, January 30.

https://provea.org/trabajos-especiales/especiales/informe-especial-faes-asesino-a-205-venezolanos-entre-enero-y-diciembre-de-2018/

Provea. 2017. Más de 70 ONG exigimos desactivación inmediata del Plan Zamora y el fin de la actuación de "Colectivos" armados contra manifestantes, April 23.

https://provea.org/comunicados/78-ong-exigimos-desactivacion-inmediata-del-plan-zamora-y-el-fin-de-la-actuacion-de-colectivos-armados-contra-manifestantes/

Runrun.es. 2018. #MonitorDeVíctimas | FAES, el grupo de exterminio de la PNB, Runrun.es, January 16.

https://runrun.es/investigacion/335526/monitordevictimas-faes-el-grupo-de-exterminio-de-la-pnb/

Savelsberg, Joachim J. 2000. "Contradictions, Law, and State Socialism." *Law & Social Inquiry* 25(4): 1021-1048.

Smilde, David, Verónica Zubillaga, and Rebecca Hanson (eds). 2022. *The Paradox of Violence in Venezuela: Revolution, Crime, and Policing during Chavismo*. Pittsburgh: University of Pittsburgh Press.

Ungar, Mark. 2003. "La policía venezolana: El camino peligroso de la politicización." *Revista Venezolana de Economía y Ciencias Sociales* 9 (3):205-229.

Venezuela-FFM. 2020. “Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela.” United Nations Human Rights Council, September 15.

https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf

Zubillaga, Verónica, Rebecca Hanson, and Andrés Antillano. 2021. “Gangs in the Post-Chávez Bolivarian Revolution: How Mano Dura Policies and Political Pacts have Organized Crime in Venezuela.” In *International Handbook of Critical Gang Studies*, edited by David C. Brotherton and Rafael Gude, 473-488. New York: Routledge Press.

Zubillaga, Verónica and Rebecca Hanson. 2018. “Del punitivismo carcelario a la matanza sistemática: El avance de los operativos militarizados en la era post-Chávez.” *REVISTA M. Estudos sobre a Morte, os Mortos e o Morrer* 3(5): 32-52. //

When Impunity Fights Back: The Legacies and Lessons of Guatemala's CICIG

by **Rachel A. Schwartz** | University of Oklahoma | rachel.schwartz@ou.edu

Over roughly a decade, Guatemala was home to a unique innovation in international rule of law support: the United Nations International Commission against Impunity in Guatemala (CICIG) (2008-2019). Through the CICIG model, Guatemalan prosecutors worked hand-in-hand with international experts to strengthen domestic capacities to fight corruption and impunity. The Commission's mandate outlined three core tasks: (1) to investigate the operation of illicit, clandestine security organizations and their co-optation of state institutions, (2) to prosecute and dismantle these groups, and (3) to recommend institutional reforms to strengthen law enforcement and judicial entities.

By the late 2010s, the CICIG had achieved remarkable results. According to the Washington Office on Latin America (2019), it partnered with Guatemala's Public Prosecutor's Office (MP) to file more than 120 cases implicating over 1,500 individuals. The conviction rate in CICIG-backed cases was roughly 85 percent. The CICIG's most notable wins came starting in 2015 when authorities uncovered an array of high-level corruption schemes within the Patriot Party (PP) government of President Otto Pérez Molina and Vice President Roxana Baldetti (2012-2015). Following revelations that they were the masterminds behind the *La Línea* customs fraud network, both were ousted from office, indicted, and eventually convicted (Schwartz 2021a).

The CICIG's accomplishments went beyond dismantling state-based criminal networks. It helped create specialized high-impact courts, build up the capabilities of its key MP partner, the Special Prosecutor's Office against Impunity (FECI), and establish new modern investigative and legal tools. The CICIG's tenure is associated with a drastic reduction in Guatemala's homicide rate (Trejo and Nieto-Matiz 2022; International Crisis Group 2018). And despite its international roots, the CICIG enjoyed tremendous domestic legitimacy, with some 70 percent of Guatemalans expressing trust in the Commission in 2017 (Zechmeister and Azpuru 2017).

In its heyday, the CICIG also served as a beacon for other countries across Latin America and the Caribbean. Opinion leaders and civil society organizations urged the creation of similar commissions in countries like Mexico, Panama, Haiti, and Ecuador (see Fonseca 2019, Berrios 2017, Cardamone and Joseph 2021).[1] Following its own high-profile corruption scandal within the ruling National Party (PN), the Honduran government created the Support Mission against Corruption and Impunity in Honduras (MACCIH), which was sponsored by the Organization of American States (OAS), in 2016 (Call 2020). Meanwhile, outsider presidential contender Nayib Bukele made the introduction of the International Commission against Impunity in El Salvador

[1] Ecuador came close to implementing the International Experts Commission against Corruption in Ecuador (CEICCE), which was to be backed by the United Nations Office on Drugs and Crime (UNODC). For more on the CEICCE proposal and the failures of implementation, see Escobar Mejía (2021).

(CICIES) a central campaign promise—one he delivered on with the OAS' help during his first 100 days in office in 2019 (Romero 2019).[2]

Despite its success and the regional aspirations it ignited, the CICIG is now a thing of the past, having been ousted from Guatemala in 2019. Even its most ardent proponents recognize that the chances of reviving an international anti-impunity commission in the country are slim. In its wake, corruption has only deepened. According to Transparency International, Guatemala's perceived levels of corruption have steadily climbed since 2019, reaching an all-time high in 2023 and placing it amongst the top 15 percent of most corrupt countries worldwide.[3]

The end of the CICIG also marked the beginning of a systematic campaign to dismantle democracy by criminalizing regime opposition and further co-opting state institutions. In recent years, the MP, under the leadership of Attorney General Consuelo Porras, has targeted former CICIG allies and anti-corruption crusaders on spurious criminal charges. According to a 2022 investigation by *Agencia Ocote*, some 86 former prosecutors, judges, journalists, student activists, and human rights leaders went into exile during the previous seven years. This figure only increased in the aftermath of the 2023 election of longshot, anti-corruption candidate Bernardo Arévalo, which was met with a concerted MP-led effort to prevent the constitutional transfer of power. These developments have made Guatemala one of the fastest backsliding countries in the world, according to the Varieties of Democracy project (V-Dem), which now labels the country an "electoral autocracy" (see Papada et al. 2023).

This essay aims to make sense of this precipitous reversal in the rule of law and take stock of the CICIG's legacies—the good and the bad. In so doing, it chronicles the rise and fall of the CICIG, as well as its aftermath and consequences. Specifically, I focus on three primary legacies: (1) the vicious elite backlash and rejuvenation of the pro-impunity coalition that has long controlled Guatemalan politics; (2) the new legal instruments that have been appropriated by prosecutors and judicial authorities to criminalize regime opposition; and (3) the emergence of a new political consciousness, solidarities, and forms of mobilization, which have been critical to resisting authoritarian deepening in key moments. Analyzing these aftereffects illustrates how future anti-impunity initiatives regionwide must better anticipate inevitable elite counteroffensives, as well as embed such efforts in broader reforms to strengthen democratic contestation and accountability.

The CICIG's Rise and Fall

The CICIG's roots can be found within the peace settlement that ended the Guatemalan armed conflict (1960-1996), specifically the 1994 Agreement on Human Rights. Among other provisions, the human rights accord committed the government to investigating and dismantling "*cuerpos ilegales y aparatos clandestinos de seguridad*" ["illegal and clandestine security apparatuses"] referred to by their initials, CIACS—the military-linked organized criminal groups that continued to engage in violence and corruption well after the 1986 return to civilian rule (Peacock and Beltrán 2004). As the UN mission overseeing peace implementation (MINUGUA) continued to monitor CIACS abuses, human rights organizations increased pressure for government action to dismantle the criminal networks, which thrived under the protection of state agencies.

Under President Alfonso Portillo (2000-2004), civil society groups proposed an internationally-backed investigative body that would relay findings about the criminal structures to state agencies for prosecution. However, because the *modus operandi* of the CIACS was to penetrate institutions and secure impunity, this initial

[2] It is important to note that in Honduras, MACCIH enjoyed a more limited prosecutorial role than the CICIG, a point of significant criticism. And in El Salvador, the CICIES had no prosecutorial function, but instead was envisioned as an auditing body for the offices within the executive branch.

[3] See the 2023 Corruption Perceptions Index at https://www.transparency.org/en/cpi/2023.

blueprint contained a fundamental flaw—it assumed law enforcement and judicial entities would, in essence, prosecute their own. Human rights leaders and their allies in government thus reworked their plan for the so-called CICIACS (International Commission Against 'CIACS'), giving international experts broad prosecutorial powers. But this version of the Commission never got off the ground. After Portillo officials and the UN signed the agreement in 2004, it was declared unconstitutional on sovereignty grounds by the country's highest court.

Under the subsequent administration of Óscar Berger (2004-2008), Guatemalan authorities went back to the drawing board, reworking the plan into the CICIG which was ratified by Congress in mid-2007 and became operational in mid-2008 ("Against the Odds" 2016). Under this iteration, the activities of international experts had to be carried out alongside their domestic counterparts. Yet the Commission still possessed significant authority, as CICIG officials were permitted to argue cases in national courts with the MP.

The CICIG's start under its first two commissioners, Spanish jurist Carlos Castresana (2007-2010) and Costa Rican prosecutor Francisco Dall'Anese (2010-2013), was slow and, at times, plagued by controversy. Lawmakers passed key CICIG-backed institutional reforms during this period; however, the Commission's investigations focused on high-profile individuals mostly in an isolated fashion and under some allegations of politicization (Ibid.).

This approach, however, changed under the CICIG's third and final commissioner, Colombian jurist Ivan Velásquez (2013-2019), who, in partnership with two successive Guatemalan Attorneys General, Claudia Paz y Paz (2010-2014) and Thelma Aldana (2014-2018), refocused its work on uncovering the fluid and interconnected illicit political-economic networks that co-opted state institutions (Schwartz 2021b). This strategy bore fruit when beginning in 2015, the CICIG-MP team unveiled a slew of corruption schemes that were orchestrated by the Pérez Molina government and embedded in state agencies like the Guatemalan Social Security Institute (IGSS), the National Civilian Police, the Superintendent of Tax Administration (SAT), the Ministry of Communications, and the Ministry of Energy and Mines, among others (Ibid.).

Not only did the anti-corruption crusade indict political and economic power brokers long considered "untouchable," but it also spurred an extraordinary wave of social mobilization. After Baldetti and Pérez Molina were identified as the leaders of *La Línea*, protestors of all political stripes took to Guatemala's central square demanding their resignations. Urban professionals took to the streets in a way that they hadn't since the 1980s democratic opening. Long-divided public and private university students marched under one banner. Historically marginalized Mayan communities streamed into the capital from rural areas, or staged demonstrations in local municipal squares. Business associations and private sector leaders even supported a national strike.

International backing of the CICIG also reached an apex. Foreign governments had shouldered the financial burden for the CICIG since its inception, with the United States providing roughly half of the $12-15-million-dollar annual budget (Dudley 2016). The investigations and indictments signaled that these investments were paying off.

But the CICIG's momentum would soon dwindle in the face of elite resistance and a changing international landscape. Initially, the government of Jimmy Morales (2016-2020), who took office amid the anti-corruption fervor, vowed to continue cooperating with the CICIG and appointed many cabinet ministers also committed to tackling impunity. Yet, at the beginning of 2017, the CICIG and MP unveiled a case against Morales' son and brother, who were indicted for defrauding the national property registry—a moment that marked the beginning of Morales' campaign to oust the Commission altogether (Schwartz 2019). The government's anti-CICIG efforts only escalated when Morales' political party came under investigation for accepting illicit campaign funds.

Rather than consider the CICIG as a critical partner, it was increasingly framed as a gross violation of Guatemalan sovereignty (Fuentes 2022). Authorities openly confronted CICIG personnel, with Morales declaring Commissioner Velásquez persona non grata and (unsuccessfully) ordering his expulsion from the country in late 2017 (Schwartz 2017). In one dramatic incident in 2019, police swarmed the Guatemala City airport to block a CICIG prosecutor from re-entering the country (Schwartz 2019).

The Commission's opponents, which came to include much of the organized private sector, also benefited from changing international tailwinds, especially with the United States' isolationist turn following the 2016 election of Donald Trump. Guatemalan political and economic elites mounted a lobbying campaign to convince US lawmakers of the CICIG's political motives. The attacks came to a head in April 2018 when Congressional Republicans temporarily froze US assistance to the Commission after its antagonists invented claims it had become a weapon of dictator Vladimir Putin to persecute a Russian family in Guatemala (Schwartz 2018). Though funding resumed, the CICIG's image had been sufficiently tarnished. Morales' refusal to renew its mandate in late 2019 drew limited international outcry.

Beyond putting an end to the CICIG, the powerful pro-impunity coalition—often referred to in Guatemala as the "*Pacto de Corruptos*" ["Pact of the Corrupt"]—also had a new champion in Attorney General Consuelo Porras (2018-present). Porras' MP unleashed a fierce lawfare campaign to ensure that another CICIG never again became thinkable.

The Legacies of the CICIG

After its roughly decadelong run, what has the CICIG left behind? Considering its meteoric rise and precipitous fall, the answer to this question is, no doubt, complicated and fraught. On the one hand, the CICIG's demise might be the ultimate indicator of its success. Had the Commission and its allies not so effectively exposed and prosecuted the criminal networks holding the Guatemalan state hostage, it may not have faced the intense backlash that drove its collapse. In other words, impunity fought back precisely because the CICIG and MP had brought it to its knees.

Yet, on the other hand, given the post-2019 patterns of deepening corruption and democratic backsliding, it is hard to paint the CICIG experience as an unmitigated triumph. And there are certainly questions about whether greater political savvy in the kinds of cases it pursued could have prevented the loss of government support and extended the CICIG's lifespan.

In the remainder of this essay, I grapple with the question of what the CICIG has left behind and the lessons we might draw as a result. Here, I elaborate on three key legacies: (1) elite backlash which reinvigorated the *Pacto de Corruptos*; (2) new investigative and legal instruments that have been appropriated by the current MP to persecute previous anti-corruption officials and civil society leaders; and (3) new possibilities for collective mobilization due to an emergent political consciousness and cross-cutting solidarities.

Reconsolidation of the Pacto de Corruptos

A first legacy of the CICIG's tenure in Guatemala is the rejuvenation of the pro-impunity coalition that has long controlled the levers of power in the country. In contrast to the patterns of personalism and executive aggrandizement that have characterized Latin America's other non-democracies (or weak democracies), the predominant post-1986 regime in Guatemala has been "coalitional" in nature (Sánchez-Sibony 2023). Rather than the extreme concentration of authority in one figure or party, in Guatemala, power is exercised by a loose confederation of allied interests, including the traditional political class, compromised judicial and administrative institutions, factions of the economic elite, organized criminal groups, and ex-military leaders, who amassed significant power during the 36-year civil war. Elsewhere, Anita Isaacs and I have labeled this regime form as a

"criminal oligarchy" to illustrate how the interests underlying it are fueled by licit and illicit modes of wealth accumulation (Schwartz and Isaacs 2023).

Importantly, this coalition is not immutable. It does not always walk in lockstep and is often plagued by internal divisions and power struggles. However, it coalesces in defense of certain shared interests—chief among them, the preservation of impunity for crimes, past and present. In this respect, the CICIG emerged as an existential threat that prompted the tentative pro-impunity alliance to close ranks, especially as the anti-corruption crusade ensnared a widening group of political, economic, and criminal elites.

The reinvigorated *Pacto de Corruptos* not only ushered in the CICIG's demise but empowered Attorney General Porras and Morales' successor, President Alejandro Giammattei (2020-2024), to take all actions to prevent a similar anti-corruption campaign in the future. Porras dismantled the CICIG-allied FECI, forcing its leader Juan Francisco Sandoval into exile before rebuilding the office in the regime's own pro-impunity image (Martínez 2021). Working alongside the far-right legal organization *Fundación contra el Terrorismo* (FCT) and several criminal court judges, the MP brought charges against other leading anti-corruption figures, prompting dozens more to flee abroad, while imprisoning others, including investigative journalist and *elPeriódico* founder José Rubén Zamora, ex-CICIG prosecutor Virginia Laparra, and Laparra's lawyer and former CICIG official Claudia González (Rodríguez Mega and García 2023, García 2023). It shelved countless corruption probes previously investigated by the CICIG and FECI, including some against Giammattei and his cabinet. Loyalist judges also overturned earlier verdicts, acquitting the ringleaders of the PP-era corruption schemes, as well as ex-military leaders convicted for conflict-era human rights abuses (Pérez Marroquín 2023, *Al Jazeera* 2023).

In mid-2021, Porras received awards from private sector organizations, including the Coordinating Committee of Agricultural, Industrial, and Financial Associations (CACIF) and the Industrial Chamber (CIG), as well as the main association of municipal mayors (ANAM)—a sign of political and economic elite support of the MP under her leadership (España, 2021). And as a reward for Porras' service to the *Pacto*, Giammattei—with the help of the Constitutional Court's intervention in the Attorney General selection process—reappointed Porras to another four-year term in 2022 (Mistler-Ferguson 2022).

In sum, the CICIG's unprecedented anti-corruption campaign drew equally zealous backlash, which ultimately reconsolidated the criminal oligarchic coalition bent on securing impunity as the rule in Guatemala. Today this alliance is not without its cracks. Notably, the 2023 election and MP-led campaign to reverse its results sowed renewed divisions, as key public institutions and private sector groups broke away to defend the popular will (See Schwartz and Isaacs 2023). Yet the specter of the CICIG looms large, and the anti-impunity agenda of President Arévalo is likely to unify the same forces that came together to curtail previous advances against corruption.

Lawfare Campaign Using New Legal Instruments

Paradoxically, CICIG-backed efforts to modernize rule of law institutions generated new investigative and legal instruments that the current MP has weaponized to persecute regime opponents. This is a second, if unintended, legacy of the CICIG. Perversely, the very reforms that are among the CICIG's major accomplishments have been turned against their chief proponents, providing a cautionary tale of what happens when the fruits of institutional strengthening fall into the wrong hands.

The CICIG was instrumental in the passage of critical reforms that furnished MP personnel with new tools in the fight against corruption. Among the modern instruments at their disposal was the authority to engage in wiretapping, plea bargaining, and the creation of witness protection services ("Against the Odds" 2016). These reforms gave greater teeth to the 2006 Law against Organized Crime implemented to combat criminal groups involved in drug and

arms trafficking, money laundering, and political corruption. In addition, the MP utilized a key legal technique to permit the CICIG's participation in criminal cases—that of the *querellante adhesivo*, which allows a third party to engage in proceedings as the accuser.

These instruments, which were critical to the CICIG and MP's joint success in the mid-2010s, were appropriated by Porras and her henchman in their subsequent persecution of dissident voices. For example, far-right, pro-impunity groups like the FCT have served as *querellante adhesivo*, allowing them "to play an active role in the prosecution with full access to the investigation" (Dudley et al. 2024). By mid-2021, dozens of FCT denunciations of former prosecutors, judges, human rights activists, and journalists were at the top of the MP's docket, fueling the stream of exiles fleeing the country (*Agencia Ocote* and Guatemala Leaks 2022).

Another example of how the ruling coalition weaponized legal tools created to combat corruption is the Law on Organized Crime. Under Porras' tenure in the MP, this statute has become the key mechanism to persecute critics and political rivals (Sas 2023). For instance, José Rubén Zamora was convicted under the law when the MP charged that he had laundered money from an ex-banker. A similar distorted rationale under the Law against Organized Crime was used in the bid to disband Arévalo's political party, Movimiento Semilla. According to MP officials, Semilla organizers had allegedly paid for the signatures needed to establish the party using funds of unknown origin. As a result, authorities claimed that this money was laundered and that Semilla was a criminal organization—leading to the temporary suspension of its legal status, which remains in force as of this writing (Ibid.).

CICIG-era legal changes have also stymied efforts by the Arévalo government to roll back the co-optation of the MP. A 2016 legal reform, for example, stipulated that the executive could dismiss the Attorney General only when the latter had been convicted of a criminal offense—an exceedingly high bar intended to insulate then-Attorney General and CICIG ally Thelma Aldana from political attacks. The reform, however, now stands as a barrier to removing Porras, who has wielded the MP to consolidate impunity for the traditional political class and target its most vocal opponents.

In short, the CICIG's institutional legacies, particularly the modern tools, legal reforms, and prosecutorial strategies introduced within the MP, have furthered the *Pacto de Corruptos*' counteroffensive. The hard-won reforms to strengthen the rule of law have become the primary instruments used to undermine it in a way few anticipated.

Broad-Based Mobilization in Defense of the Rule of Law and Democracy

The above-mentioned consequences of the CICIG point to perhaps its most perverse legacies. But this analysis would be incomplete without examining its critical impact beyond the elite circles that fought back. Within Guatemalan society broadly, the CICIG had a transformative effect, breeding a new political consciousness, unifying disparate sectoral interests, and demonstrating the efficacy of collective mobilization in defense of the rule of law and democracy.

Beginning in 2015, the CICIG-MP team laid bare the extent of the criminal capture of the state and its devastating consequences in a way that no one had before. In so doing, it prompted the eruption of protests that drew together long-divided social and political sectors. Between the April 2015 *La Línea* revelations and Pérez Molina's September 2015 resignation, mass demonstrations in Guatemala City's historic center became a weekly routine ("Against the Odds," 2016). Even after the president's ouster, this same script was re-enacted in subsequent years when demanding President Morales' resignation for corruption, defending the CICIG and its commissioner amid political attacks, and, most recently, fighting regime attempts to overturn the 2023 elections (Amaya Porras 2019, Abbott 2023). Without the mobilizational foundations

established during the mid-2010s, it is hard to imagine such an active and organized pro-democratic resistance taking shape in 2023.

Importantly, the broad coalition forged through these moments in the central plaza overcame the political, class, and ethnic divisions that have long plagued Guatemalan society, at least temporarily. The cross-cutting appeal of the anti-corruption message allowed new solidarities to emerge, bringing together young urban professionals, students, peasants, indigenous communities, women's organizations, and business leaders, among others. In a concrete sense, the mobilization fueled by the CICIG-MP campaign crystallized into new political movements. The most notable is Arévalo's Movimiento Semilla, which was forged amid the demonstrations in the mid-2010s, transformed into a political party and a small Congressional opposition bloc thereafter, and won the presidency in 2023 (Pradilla 2018).

Though Guatemalan society remains highly fragmented, the CICIG and its work provided a rallying point for otherwise disparate social, economic, and political actors, allowing them to realize the promises of collective action. The Commission's activities may have enlivened Guatemala's pro-impunity alliance, but they also marshaled an unprecedented counter-coalition capable of resisting it.

Lessons Learned

Now approaching five years since the CICIG's end, what lessons can we draw from this unique institutional innovation? A first has to do with the need to better anticipate backlash and its consequences, especially for the domestic anti-corruption allies most vulnerable. Even when investigations are conducted strategically with attention to the balance of political forces, anti-impunity campaigns will almost inevitably find themselves in the crosshairs of an elite counteroffensive reacting to the loss of power and privilege. But in the Guatemalan case, the costs of this backlash overwhelmingly fell to the CICIG's domestic partners, who faced severe criminal sanctions and were forced to choose between abandoning their country and livelihood and landing behind bars. Safeguarding the welfare of these investigators, prosecutors, judges, and civil society allies and their families, as well as ensuring their access to protection, should be central policy concerns.

But beyond preparing for this inevitable blowback, the CICIG experience also leaves us with important takeaways related to the limits of internationally-backed institutional strengthening efforts. Ultimately, progress in bolstering rule of law institutions will remain tenuous absent broader efforts to strengthen democracy. Remarkably, by the time it was pushed out of Guatemala, the CICIG had, in many ways, achieved its overarching objective: to allow Guatemala's prosecutorial institutions to stand on their own. From 2019 to 2021, the MP's impunity-fighting unit, the FECI, continued the activities initiated with the CICIG alone. The much-touted "transfer of capacities" from international experts to domestic partners largely came to fruition in the Guatemalan case. The CICIG succeeded in turning the MP into an island of excellence.

But even the most well-equipped islands of excellence can be inundated in hostile political waters. This is exactly what happened in Guatemala. By most accounts, the MP could have sustained the rule of law advances made during the CICIG era, but Guatemala's political system—characterized by fragile democratic norms, legislative horse-trading, weak and fleeting parties, and a compromised judiciary—could not. Though policy prescriptions often hold that strengthening state institutions should precede enhancing democracy in fragile, conflict-affected settings, the two tasks are inextricably linked. Absent parallel reforms to deepen democratic contestation, participation, and accountability, the broader political coalitions needed to keep anti-corruption progress afloat will face long odds of achieving and maintaining institutional power.

References

Abbott, Jeff. 2023. "Guatemala's Indigenous Leaders Take to the Streets in Nationwide Protests." *Al Jazeera*, October 11. https://www.aljazeera.com/news/2023/10/11/guatemalas-indigenous-leaders-take-to-the-street-in-nationwide-protests.

"Against the Odds: A New Report Tells the Story of CICIG in Guatemala." 2016. Washington, DC: Open Society Justice Initiative. https://www.justiceinitiative.org/publications/against-odds-cicig-guatemala.

Agencia Ocote and Guatemala Leaks. 2022. "El francotirador." *Agencia Ocote* (blog). December 7. https://www.agenciaocote.com/blog/2022/12/06/el-francotirador/.

Al Jazeera. 2023. "Guatemala Releases Military Officials Convicted of Grave Crimes," June 10. https://www.aljazeera.com/news/2023/6/10/guatemala-releases-military-officials-convicted-of-grave-crimes.

Amaya Porras, Andrea. 2019. "Guatemala: protestas a favor y en contra del presidente Jimmy Morales y la Cicig." *France 24*, January 12. https://www.france24.com/es/20190112-guatemala-protestas-favor-contra-cicig.

Berríos, Adolfo. 2017. "¿Debería contar Panamá con un organismo como la Cicig para combatir la corrupción?" *Tvn Panamá*, October 31, 2017, sec. Nacionales. https://www.tvn-2.com/nacionales/corrupcion-panama-cicig-odebrecht-ministerio-publico-guatemala_1_1442343.html.

Call, Charles T. 2020. "Fleeting Success: The Legacy of Honduras' International Anti-Corruption Mission." CLAS Working Paper Series, 27. Washington, DC: Center for Latin America Studies; American University. https://doi.org/10.2139/ssrn.3633943.

Cardamone, Tom, and Raymond Joseph. 2021. "No Quick Fix for Haiti — but Corruption Comes First." *The Hill*. December 9. https://thehill.com/opinion/international/584357-no-quick-fix-for-haiti-but-corruption-comes-first/.

Dudley, Steven. 2016. "Guatemala's CICIG: An Experiment in Motion Gets a Report Card." *InSight Crime*. March 24. http://insightcrime.org/news/analysis/guatemala-cicig-an-experiment-in-motion-gets-a-report-card/.

Dudley, Steven, Alex Papadovassilakis, and Jody García. 2024. "Ricardo Méndez Ruiz and the Art of Lawfare in Guatemala." *InSight Crime*. February 7. http://insightcrime.org/investigations/ricardo-mendez-ruiz-art-lawfare-guatemala/.

Escobar Mejía, Claudia. 2021. "Empty Promises to Fighting Corruption in Ecuador." In *The Politics of Anti-Corruption Agencies in Latin America*, edited by Joseph Pozsgai-Alvarez, 1st edition (Kindle), 7865–8514. New York: Routledge.

España, Maria. 2021. "Al igual que CIG y Cacif, ANAM entrega reconocimiento a Fiscal General Consuelo Porras." *La Hora*. April 13. https://lahora.gt/nacionales/maria-espana/2021/04/13/al-igual-que-cig-y-cacif-anam-entrega-reconocimiento-a-fiscal-general-consuelo-porras/.

Fonseca, Diego. 2019. "Un Regalo de Año Nuevo Para AMLO: Que Establezca Una Cicig En México." *The New York Times*, January 2. https://www.nytimes.com/es/2019/01/02/espanol/opinion/lopez-obrador-corrupcion.html.

Fuentes, Alberto. 2022. "Learning Targets: Policy Paradigms and State Responses to the Anticorruption Transnational Advocacy Network Campaign in Guatemala." *Latin American Politics and Society* 64 (1): 93–116. https://doi.org/10.1017/lap.2021.55.

García, Jody. 2023. "El caso contra Claudia González es «el símbolo de la lucha contra la injusticia del MP»." *Plaza Pública*, September 14. https://www.plazapublica.com.gt/noticia/informacion/el-caso-contra-claudia-gonzalez-es-el-simbolo-de-la-lucha-contra-la-injusticia.

International Crisis Group. 2018. "Saving Guatemala's Fight Against Crime and Impunity." Latin America Report, 70. https://www.crisisgroup.org/latin-america-caribbean/central-america/guatemala/70-saving-guatemalas-fight-against-crime-and-impunity.

Martínez, Carlos. 2021. "Juan Francisco Sandoval: 'Todo lo hecho por Porras es oscuro, ahora lo puedo decir.'" *Plaza Pública*, July 26. https://www.plazapublica.com.gt/content/juan-francisco-sandoval-todo-lo-hecho-por-porras-es-oscuro-ahora-lo-puedo-decir.

Mistler-Ferguson, Scott. 2022. "Controversial Attorney General Outlasts Guatemala's Anti-Corruption Efforts." *InSight Crime*. May 18. http://insightcrime.org/news/controversial-attorney-general-outlasts-guatemalas-anti-corruption-efforts/.

Papada, Evie, David Altman, Fabio Angiolillo, Lisa Gastaldi, Tamara Köhler, Martin Lundstedt, Natalia Natsika, et al. 2023. "Defiance in the Face of Autocratization." Democracy Report 2023. University of Gothenburg: Varieties of Democracy Institute.

Peacock, Susan C., and Adriana Beltrán. 2004. *Poderes ocultos: grupos ilegales armados en la Guatemala post conflicto y las fuerzas detrás de ellos*. Washington, DC: Washington Office on Latin America.

Pérez Marroquín, César, Elmer Vargas, and Byron Baiza. 2023. "Caso Cooptación Del Estado: Jueza Eva Recinos Cierra El Proceso y Beneficia a Exministros Del Gobierno de Otto Pérez Molina." *Prensa Libre*, November 23. https://www.prensalibre.com/guatemala/justicia/caso-cooptacion-del-estado-jueza-eva-recinos-cierra-el-proceso-y-beneficia-a-exministros-del-gobierno-de-otto-perez-molina/.

Pradilla, Alberto. 2018. "Cómo pasó Semilla de grupo de análisis a querer competir en las elecciones." *Plaza Pública*, May 7. https://www.plazapublica.com.gt/content/como-paso-semilla-de-grupo-de-analisis-querer-competir-en-las-elecciones.

Rodríguez Mega, Emiliano, and Jody García. 2023. "He Exposed Corruption in Guatemala. Now He's Been Sentenced to Prison." *The New York Times*, June 14. https://www.nytimes.com/2023/06/14/world/americas/jose-ruben-zamora-journalist-guatemala.html.

Romero, Fernando. 2019. "Bukele anuncia su CICIES sin respaldo legislativo ni judicial." *Revista Factum*. September 7. https://www.revistafactum.com/cicies-sin-legislativo/.

Sánchez-Sibony, Omar. 2023. "Understanding the Level and Fate of Democracy in Guatemala: Actor-Centered Theory." In *State–Society Relations in Guatemala: Theory and Practice*. Rowman and Littlefield. https://rowman.com/ISBN/9781666910100/State–Society-Relations-in-Guatemala-Theory-and-Practice.

Sas, Luis Ángel. 2023. "Este es el instrumento legal que usa la Feci para perseguir a periodistas y afectar las elecciones." *Plaza Pública*, July 20. https://www.plazapublica.com.gt/noticia/informacion/este-es-el-instrumento-legal-que-usa-la-feci-para-perseguir-periodistas-y.

Schwartz, Rachel A. 2017. “Guatemala’s President Tried to Expel the U.N. Commissioner Who Announced He Was under Investigation.” *Washington Post*, September 6. https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/06/guatemalas-president-tried-to-shut-down-a-u-n-commission-that-announced-it-was-investigating-him/.

Schwartz, Rachel A. 2018. “Is Russia Interfering in Guatemala’s Anti-Corruption Commission? The Real Story Might Surprise You.” *Washington Post*, May 9. https://www.washingtonpost.com/news/monkey-cage/wp/2018/05/09/is-russia-meddling-in-guatemalas-anti-corruption-court-the-real-story-might-surprise-you/.

Schwartz, Rachel A. 2019. “Guatemala’s Anti-Corruption Struggle Teeters on the Edge: What’s behind Guatemala’s Constitutional Crisis and the Battle over the International Commission Against Impunity (CICIG)?” *NACLA Report on the Americas* 51 (2): 200–205. https://doi.org/10.1080/10714839.2019.1617492.

Schwartz, Rachel A. 2021a. “How Predatory Informal Rules Outlast State Reform: Evidence from Postauthoritarian Guatemala.” *Latin American Politics and Society* 63 (1): 48–71. https://doi.org/10.1017/lap.2020.32.

Schwartz, Rachel A. 2021b. “Conjuring the Criminal State: The ‘State-Idea’ in Post-Conflict Reconstruction and International Statebuilding.” *Journal of Global Security Studies* 6 (2): ogaa031. https://doi.org/10.1093/jogss/ogaa031.

Schwartz, Rachel A., and Anita Isaacs. 2023. “How Guatemala Defied the Odds.” *Journal of Democracy* 34 (4): 21–35.

Trejo, Guillermo, and Camilo Nieto-Matiz. 2019. “Containing Large-Scale Criminal Violence through Internationalized Prosecution: How the CICIG Contributed to the Reduction of Guatemala’s Murder Rate.” APSA Preprints. https://doi.org/10.33774/apsa-2019-crqt0.

Washington Office on Latin America. 2019. “Fact Sheet: The CICIG’s Legacy in Fighting Corruption in Guatemala.” Accessed April 15, 2024. https://www.wola.org/analysis/cicigs-legacy-fighting-corruption-guatemala/.

Zechmeister, Elizabeth J., and Dinorah Azpuru. 2017. “What Does the Public Report on Corruption, the CICIG, the Public Ministry, and the Constitutional Court in Guatemala?” Topical Brief 29. Nashville, TN: Vanderbilt University. https://www.vanderbilt.edu/lapop/insights/ITB029en.pdf. //

Aproximaciones a la impunidad en Venezuela: la pérdida de la independencia judicial frente a crímenes de lesa humanidad

por **Laura Cristina Dib-Ayesta** | Directora del Programa para Venezuela de WOLA | ldib@wola.org

Carolina Jiménez Sandoval | Presidenta de WOLA | cjimenez@wola.org

Venezuela opera bajo un clima de impunidad que ha permitido que las violaciones a los derechos humanos (DDHH) se repitan y que se profundicen los problemas que subyacen a la estructura de las instituciones. Durante veinticinco años el país ha sido gobernado por la coalición dominante de la misma tendencia política, primero bajo Hugo Chávez (1999-2012) y luego bajo Nicolás Maduro (2013-actualidad). A lo largo de ese período se ha producido un desmantelamiento de la institucionalidad democrática, en la que el Poder Judicial ha jugado un papel central. Venezuela es el único país de las Américas con una investigación abierta ante la Corte Penal Internacional (CPI) por crímenes de lesa humanidad, cosa que ocurre cuando hay suficientes elementos para considerar que el Estado parte del Estatuto de Roma no quiere o no puede investigar los presuntos crímenes cometidos en su jurisdicción. Es decir, la jurisdicción de la CPI solo se activa cuando se cumplen una serie de elementos, siendo la impunidad uno de ellos.

Una cuestión que ha estado muy presente en el debate público es la necesidad de generar condiciones propicias para que quienes se han mantenido en el poder durante más de dos décadas lo abandonen a partir de un resultado electoral adverso. El debate parece estar planteado en términos de "impunidad vs. justicia", un escenario en el que solamente la impunidad podría garantizar la factibilidad y sostenibilidad de una transición política; esto no solo no es del todo cierto, sino que además pone en peligro la posibilidad de establecer una democracia sostenible en el tiempo. De allí la necesidad de hacer una aproximación a la impunidad en Venezuela, dimensionar su gravedad y abordar, desde los estándares del derecho internacional de los DDHH, algunos mínimos para la promoción de la justicia en el marco de una potencial transición hacia la democracia en Venezuela.

Venezuela: una gran deuda con la justicia

La magnitud de los abusos cometidos en Venezuela es inconmensurable. Según la ONG Provea, entre 2013 y 2023, bajo el gobierno de Nicolás Maduro, se registraron 1652 víctimas de torturas, 7309 víctimas de tratos crueles, inhumanos y degradantes, y 10085 asesinatos cometidos por agentes de seguridad (Provea 2024). Solamente en el 2017, un año caracterizado por protestas y una profunda crisis institucional, se registraron 143 asesinatos, más de 3000 personas heridas y 5000 detenciones, así como el uso de la justicia militar para procesar a civiles, la realización de allanamientos y demás ataques represivos.

Según el Atlas Mundial de Impunidad, de 163 países Venezuela ocupa el lugar número 11, con uno de los mayores índices de impunidad a nivel mundial. La impunidad no solo afecta a aquellas personas que han sido víctimas de persecución política, sino que es un problema estructural que afecta a toda la población. Muestra de ello es que

para el año 2019, el Observatorio Venezolano de Violencia reportó que el 92% de los homicidios quedaron impunes (OVV 2019). Según el Panel de Expertos Internacionales Independientes de la Organización de Estados Americanos (OEA) sobre la posible comisión de crímenes de lesa humanidad en Venezuela, existe "una política deliberada de procurar impunidad a los perpetradores de nivel medio y alto responsables de los crímenes de lesa humanidad [...]", lo cual ha alentado a las autoridades a continuar, sin temor a represalias, sus ataques sistemáticos contra la sociedad civil (OEA 2024). De los 183 casos analizados por el Panel, solo doce tienen juicios; en el 52,5% de los casos ni siquiera se ha iniciado algún procedimiento judicial, y del 39,3% de los casos que están en investigación, la gran mayoría no tiene perpetradores individualizados o presenta retraso procesal (OEA 2024).

Si bien la Constitución y las leyes internas garantizan formalmente la independencia judicial, el Poder Judicial y el Ministerio Público han sido cooptados por el Ejecutivo. Según la Comisión Interamericana de Derechos Humanos (CIDH), desde el año 2003 no se realizan concursos públicos para la designación de jueces titulares (CIDH 2022). Desde la provisionalidad de los jueces y la ausencia de garantías en sus cargos (CIJ 2017) hasta la falta de control judicial, son muchas las fallas que hoy permiten que sigan ocurriendo violaciones de DDHH y que, como ha sido documentado, se instale una política de represión selectiva contra personas opositoras o percibidas como tales (ONU, Consejo de Derechos Humanos 2023).

Los operadores de justicia que buscan mantener su independencia han sido sometidos a medidas de acoso, intimidación y amenazas, así como a remociones arbitrarias, siendo el caso más emblemático el de la jueza María Lourdes Afiuni, conforme al cual se acuñó la expresión "efecto Afiuni" para describir las consecuencias a las que puede estar sometido un juez o jueza que no cumpla con las expectativas u órdenes del Ejecutivo (IBAHRI s.f.).

Afiuni era jueza de control del Circuito Judicial Penal y fue privada de la libertad tan solo 45 minutos después de haber tomado la decisión de otorgar una medida sustitutiva de libertad a un adversario del presidente Hugo Chávez (Eligio Cedeño), en cumplimiento a un dictamen del Grupo de Trabajo de Detenciones Arbitrarias de la Organización de Naciones Unidas (ONU), que calificaba su detención como arbitraria porque excedía dos años en detención preventiva sin sentencia judicial. La jueza Afiuni fue torturada en prisión, bloquearon sus cuentas bancarias, la bloquearon en el Registro Electoral, no puede obtener un pasaporte y sigue pesando sobre ella una prohibición de salida del país y de declarar ante medios de comunicación y en redes sociales. Diez años después de su detención, en 2019, fue condenada a cinco años de prisión por el delito de "corrupción espiritual", sin que hubiese recibido dinero alguno (Acceso a la Justicia s.f.). En 2023 fue notificada de su destitución como jueza titular, sin haber recibido nunca notificación del procedimiento ni haber gozado de derecho a la defensa. Afiuni es el rostro más palpable del sometimiento cuasi absoluto del Poder Judicial a las decisiones políticas del Poder Ejecutivo en Venezuela. A la fecha, las múltiples violaciones de DDHH cometidas en su contra permanecen impunes.

La respuesta de los organismos internacionales a las graves violaciones de ddhh y la impunidad instalada

Como resultado de la grave situación descrita, los organismos internacionales han producido de forma prolífica jurisprudencia y doctrina sobre los patrones de graves violaciones de DDHH cometidos en diversos períodos y la impunidad con la que las autoridades niegan justicia en Venezuela. Se pueden encontrar desde informes en casos específicos, informes anuales e informes de país en la CIDH hasta sentencias de la Corte IDH, así como numerosos pronunciamientos de parte de órganos de tratado y mecanismos especiales del Sistema Universal de Derechos Humanos. Hay al menos tres mecanismos específicos que merece la pena destacar por su importancia de cara a una eventual transición hacia la democracia.

1) La Misión Internacional Independiente de Determinación de los Hechos sobre la República Bolivariana de Venezuela (Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela)

En 2019, frente al reconocimiento de la existencia de patrones graves de violaciones a los DDHH en Venezuela, el Consejo de Derechos Humanos de la ONU decidió establecer una misión internacional independiente de determinación de los hechos, con el fin de investigar las ejecuciones extrajudiciales, desapariciones forzadas, detenciones arbitrarias, torturas y otros tratos crueles, inhumanos y degradantes cometidos desde el 2014, año en el que tuvieron lugar manifestaciones masivas en todo el país. Este mandato se establecía con el fin de "asegurar la plena rendición de cuenta de los autores y la justicia para las víctimas" (ONU, Consejo de Derechos Humanos 2019). El gobierno venezolano no ha permitido hasta la fecha que la Misión pueda visitar el país. La misión ha documentado casos específicos y ha llevado a cabo entrevistas con víctimas, familiares, abogados, testigos, exfuncionarios públicos y miembros activos de las fuerzas de seguridad, entre otros.

La Misión ha publicado, además, informes detallados que dan cuenta de abusos perpetrados en el control de manifestaciones, crímenes de lesa humanidad cometidos a través de los servicios de inteligencia del Estado, violaciones a los derechos humanos cometidas en el Arco Minero del Orinoco,[1] patrones de actuación de fuerzas de seguridad del Estado como las Fuerzas de Acción Especiales (FAES), y el cierre del espacio cívico y democrático. La Misión también ha formulado recomendaciones detalladas sobre las medidas que deberían adoptarse para hacer frente a las violaciones a los derechos humanos y los delitos documentados, incluyendo los factores estructurales que favorecen que estos hechos ocurran. De allí la importancia del rol de la Misión ante una eventual transición o cambio político democrático: esta no solo ha contribuido a la satisfacción del derecho a la verdad, y sus hallazgos podrían contribuir a la justicia, sino que adicionalmente las recomendaciones formuladas, sumadas a las de otros organismos internacionales, pueden servir como punto de inicio para abordar las estructuras que han facilitado la violación sistemática de DDHH.

3) Mandato de la Oficina del Alto Comisionado de Derechos Humanos de la onu

Desde 2019 y hasta su suspensión en febrero de 2023, la Oficina trabajaba en Venezuela como parte de la Oficina del Coordinador Residente de Naciones Unidas. La Oficina firmó un Memorando de Entendimiento con el Ministerio de Relaciones Exteriores, que no es público pero se conoce que su mandato es de monitoreo de la situación de DDHH, así como de cooperación técnica para el fortalecimiento de los mecanismos nacionales de protección de los DDHH y del acceso a la justicia. Ya la Oficina había emitido informes públicos sobre Venezuela en 2017 y 2018, seguidos de actualizaciones orales ante el Consejo de Derechos Humanos. Sin embargo, el canciller de la República anunció la suspensión de la Oficina y su expulsión del país en 72 horas, luego de que esta se pronunciara sobre la desaparición forzada de una prominente defensora de DDHH, Rocío San Miguel (WOLA 2024). Producto de una solicitud explícita del fiscal de la CPI, el presidente Nicolás Maduro señaló que estaría dispuesto a permitir su reingreso al país, aunque ello no se ha materializado. La importancia de la presencia de esa Oficina en Venezuela en el caso de una transición hacia la democracia radica en la capacidad que esta tiene para brindar su cooperación técnica en la labor de reinstitucionalización democrática, así como en continuar monitoreando la situación de DDHH.

3) La Corte Penal Internacional

En febrero de 2018, la entonces fiscal de la CPI anunció que su oficina abriría un examen preliminar sobre Venezuela para analizar hechos

[1] El Arco Minero del Orinoco es una "zona de desarrollo estratégico nacional" designada en el año 2016, pero cuyo término es empleado para referirse a las zonas mineras del estado de Bolívar y a otras zonas del sur del país hasta donde se extiende la actividad minera.

cometidos desde abril de 2017, incluyendo el uso excesivo de la fuerza en el control de manifestaciones, detenciones arbitrarias y torturas. En noviembre de 2021, el fiscal Karim Khan anunció que había concluido la etapa del examen preliminar y que se abriría una investigación, porque había razones suficientes para creer que se han cometido crímenes de lesa humanidad. Desde entonces, la Fiscalía ha venido trabajando en lo que denomina la "complementariedad en doble vía." Es decir, por un lado, continúa investigando crímenes de lesa humanidad que el Estado no ha investigado ni sancionado, y ello podría dar lugar a la apertura de casos ante la CPI, y por otro, fomenta la cooperación técnica para que Venezuela cumpla con su obligación de administrar justicia con base en estándares del derecho internacional. Específicamente para cumplir la función de asistencia técnica dentro del mandato de la complementariedad positiva, la Fiscalía inauguró una oficina en Caracas el 22 de abril de 2024.

Siendo la CPI un tribunal internacional independiente, la Fiscalía solo podría cerrar su investigación si Venezuela cumple con su deber de investigar y sancionar crímenes de lesa humanidad internamente. Esto tiene su base en el principio de complementariedad, conforme al cual la CPI no sustituye la jurisdicción del Estado ni el deber de este de impartir justicia.

Posible transición a la democracia: ¿una oportunidad para la justicia?

No es posible conocer *a priori* si será posible una transición democrática ni en qué condiciones tendría lugar. Lo cierto es que de esa transición depende que pueda haber un abordaje a las causas estructurales de la impunidad en Venezuela. En contextos de transición desde regímenes autoritarios hacia la democracia, suele haber discusiones muy complejas en torno a la necesidad de generar incentivos para que quienes detentan el poder lo abandonen. Si bien es cierto que toda transición requiere balancear imperativos éticos y jurídicos con las restricciones políticas y prácticas propias de la realidad, en Venezuela será fundamental abordar el problema de la impunidad, en el entendido de que este es un requisito necesario para la construcción del Estado de derecho y la democracia que el país clama. Para ello, hay algunas condiciones mínimas que deberían cumplirse.

Un primer paso tiene que ver con la recuperación de la independencia y la imparcialidad del Poder Judicial. No es posible consolidar la democracia si la población no tiene un mínimo nivel de confianza en las estructuras encargadas de administrar la justicia. La reconstrucción de esa confianza es un reto profundo y es claro que, para lograr una transformación social duradera, se requieren intervenciones que exceden lo jurídico (Dib-Ayesta 2021). La creación de procesos formativos, con una visión de DDHH inclusiva, será una parte central de este proceso. Una forma de abordar esta problemática, al menos en su etapa inicial, es con un enfoque "de arriba hacia abajo", que se inicie con la revisión del proceso de designación de magistrados del Tribunal Supremo de Justicia, en cumplimiento con el procedimiento establecido en la Constitución.

En segundo lugar, deben descartarse por completo las leyes de amnistía general. El estándar establecido por la Corte Interamericana de Derechos Humanos (Corte IDH) en casos como Barrios Altos vs. Perú, es que son inadmisibles las disposiciones de amnistía, prescripción y exclusión de responsabilidad que pretendan impedir la investigación y sanción de los responsables de las violaciones *graves* a los DDHH. Con el retorno a la democracia de países de la región latinoamericana en la década de los ochenta, se emplearon las amnistías generales como una política que partía de la premisa de que la búsqueda de justicia por graves violaciones de los DDHH ponía en riesgo la posibilidad real de transitar a la democracia. Ha quedado demostrado que la impunidad y la negativa a abordar las heridas del pasado perpetúa la violencia y las estructuras que la hicieron posible. Como explica Santiago Cantón, las amnistías son un importante instrumento de negociación política que los Estados emplean para buscar soluciones en casos complejos como las transiciones políticas y podrían tener

validez siempre y cuando no sean generales y se empleen bajo los estándares del derecho internacional (Cantón 2011).

Si bien no existe una definición en el derecho internacional sobre qué constituye una violación *grave*, se entiende que comprende los crímenes consagrados en el Estatuto de Roma (Open Society Foundations 2018). Para que se configuren los crímenes de lesa humanidad deben cumplirse los cuatro elementos contextuales de estos: que exista un ataque, que sea contra una población civil, que sea de carácter generalizado o sistemático y que se cometa con conocimiento de dicho ataque; todos estos elementos deben ser comprendidos a la luz de la jurisprudencia y doctrina del derecho penal internacional (CPI, s.f.). Tal como lo prevé la Constitución venezolana en su artículo 29, los crímenes de lesa humanidad deberán entenderse excluidos de la posibilidad de recibir amnistías generales.

Otro elemento que contribuirá de forma positiva a la satisfacción de los derechos de las víctimas y a la reconstrucción del Estado de derecho es la recuperación de una relación del Estado con los organismos internacionales, comprometida con la promoción y protección de los DDHH. Será fundamental que se declare la nulidad del acto administrativo mediante el cual se llevó a cabo la denuncia de la Convención Americana sobre Derechos Humanos (Ayala Corao 2013), que se ratifique la competencia contenciosa de la Corte IDH para conocer casos relativos a Venezuela y que se acepte la realización de visitas al territorio por parte de organismos internacionales. Venezuela podría emplear el mecanismo de soluciones amistosas de la CIDH para allanar su responsabilidad frente a abusos del pasado y adoptar medidas para la satisfacción de los derechos de las víctimas. Permitir la visita de la Misión Internacional Independiente de Determinación de los Hechos, el retorno de la OACNUDH y el funcionamiento pleno de la oficina de cooperación técnica de la Fiscalía de la CPI podrá contribuir ampliamente desde el punto de vista técnico a la reinstitucionalización del país y la lucha contra la impunidad.

Reflexiones conclusivas

Cuando Venezuela transite hacia la democracia, lo hará con una enorme deuda con la justicia. La construcción de soluciones al problema de la impunidad en Venezuela no puede abstraerse de la realidad política y económica del país, que puede limitar en gran medida la implementación de medidas de justicia transicional. Es claro que será un proceso complejo y retador, pero la dimensión de la impunidad en Venezuela es tal que queda demostrado cómo este ha sido uno de los principales factores que ha permitido que se instaure una política de persecución y de cierre del espacio cívico. Tanto una aproximación absolutamente punitiva como una visión de "perdón y olvido", son problemáticas. Usualmente las transiciones ameritan vías intermedias y realistas, pero no puede perderse de vista que, sin abordar la impunidad y la falta de independencia del Poder Judicial, no será posible sanar las heridas del pasado y reconstruir un Estado de Derecho en Venezuela.

Referencias

Acceso a la Justicia, "Cronología del caso de María Lourdes Afiuni", disponible en: https://accesoalajusticia.org/cronologia-maria-lourdes-afiuni/.

Ayala Corao, Carlos. "Inconstitucionalidad de la denuncia de la Convención Americana sobre Derechos Humanos por Venezuela", *Anuario de Derecho Constitucional Latinoamericano* Año xix (2013): 43-79.

Cantón, Santiago A. "Leyes de amnistía". En *Justicia Transicional: manual para América Latina*, editado por Félix Reátegui., 265-291. Nueva York: Centro Internacional para la Justicia Transicional, 2011.

CIDH, "Informe Anual 2021. Capítulo IV.b: Venezuela", n.d., disponible en: https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap4B.Venezuela-es.pdf.

Comisión Internacional de Juristas, "El Tribunal Supremo de Justicia de Venezuela: un instrumento del Poder Ejecutivo", 2017.

CIDH, "Jueces en la cuerda floja: informe sobre independencia e imparcialidad del Poder Judicial en Venezuela", 2021.

CIDH, "Lograr justicia por graves violaciones a los derechos humanos en Venezuela", 2017.

Dib-Ayesta, Laura Cristina, "La reconstrucción del Poder Judicial como garantía de no repetición y prerrequisito para la implementación de mecanismos de justicia transicional", *Almanaque*, Departamento de Humanidades, Universidad Metropolitana, vol. 10, n° 12 (noviembre de 2021).

IBAHRI. "IBAHRI Condemns Sentence against Venezuela's Judge María Lourdes Afiuni." https://www.ibanet.org/article/EA4166DE-BC83-46D3-AB38-317618953F1A.

ICC, "icc Prosecutor Karim A. A. Khan KC Concludes Visit to Venezuela, Opens in-Country Office in Caracas | International Criminal Court", disponible en: https://www.icc-cpi.int/news/icc-prosecutor-karim-aa-khan-kc-concludes-visit-venezuela-opens-country-office-caracas.

Observatorio Venezolano de Violencia, "En Venezuela 92% de los homicidios quedan impunes", n.d., disponible en: https://observatoriodeviolencia.org.ve/news/en-venezuela-92-de-los-homicidios-quedan-impunes/.

OEA, "Impunidad en Venezuela: luz verde para crímenes de lesa humanidad", marzo de 2024, disponible en: https://www.oeapaneldeexpertos.org/_files/ugd/56aada_6c68a75fe7f344509187f1e00ce40543.pdf.

OHCHR, "El acnudh en Venezuela,", disponible en: https://www.ohchr.org/es/countries/venezuela/our-presence.

OHCHR, "Oficina de Derechos Humanos de la ONU y gobierno de Venezuela firman Memorando de Entendimiento", disponible en: https://www.ohchr.org/es/2019/09/un-human-rights-office-and-venezuelan-government-sign-memorandum-understanding.

ONU, Consejo de Derechos Humanos, "Conclusiones detalladas de la Misión Internacional Independiente de Determinación de los Hechos sobre la República Bolivariana de Venezuela", 16 de septiembre de 2021, disponible en: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf.

ONU, "El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático", 18 de septiembre de 2023.

ONU, "Resolución aprobada por el Consejo de Derechos Humanos el 27 de septiembre de 2019. Situación de los derechos humanos en la República Bolivariana de Venezuela", 8 de octubre de 2019.

Panel de Expertos Internacionales de la oea sobre la Posible Comisión de Crímenes de Lesa Humanidad en Venezuela, "La Reforma Institucional de Venezuela, reforzando la Impunidad", n.d., disponible en: https://www.oeapaneldeexpertos.org/_files/ugd/56aada_6e6132b4f8154125a2ffae9657f04707.pdf.

Provea, "Informe Provea 2023 | Situación de los Derechos Humanos en Venezuela □ Provea", disponible en: https://provea.org/publicaciones/informes-anuales/informe-provea-2023-situacion-de-los-derechos-humanos-en-venezuela/.

Venezuela, Ministerio del Poder Popular para las Relaciones Exteriores, "Comunicado: Venezuela anuncia suspensión de las Actividades de la Oficina Técnica de Asesoría del Alto Comisionado de la onu para los ddhh En Caracas", 15 de febrero de 2024, disponible en: https://mppre.gob.ve/comunicado/venezuela-anuncia-suspension-actividades-oficina-tecnica-asesoria-alto-comisionado-onu-ddhh-caracas/.

Venezuela, Ministerio del Poder Popular para las Relaciones Exteriores, "Conozca los acuerdos entre Venezuela y la Fiscalía de la cpi", disponible en: https://mppre.gob.ve/2024/04/23/conozca-acuerdos-venezuela-fiscalia-cpi/.

WOLA, "Venezuela: la escalada de represión del gobierno e intentos de evadir el escrutinio enfrentan el contundente rechazo de sociedad civil internacional", wola, 16 de febrero de 2024, disponible en: https://www.wola.org/es/2024/02/venezuela-la-escalada-de-represion-del-gobierno-e-intentos-de-evadir-el-escrutinio-enfrentan-el-contundente-rechazo-de-sociedad-civil-internacional/. //

El Poder Judicial reconoce derechos fundamentales al río Marañón

por **Juan Carlos Ruiz Molleda** | Área de Litigio Constitucional Instituto de Defensa Legal (IDL) | jruiz@idl.org.pe

Por primera vez un tribunal de justicia en el Perú ha reconocido derechos fundamentales a un río. Corely Armas Chapiama, jueza del Juzgado Mixto de Nauta, de la Corte Superior de Justicia de Nauta, en Loreto Perú, expidió la sentencia el 8 de marzo de 2024.

El proceso de amparo fue iniciado por la organización de mujeres indígenas Cocamas, Federación de Mujeres indígenas Huaynakana Kamatahuara Kana, del distrito de Parinari, provincia de Loreto Nauta de la región de Loreto, ante los sistemáticos derrames de petróleo del Oleoducto Norperuano, operado por Petroperú. La demanda de las mujeres cocamas fue presentada además, contra la Autoridad Nacional del Agua, el Gobierno Regional de Agua, el Ministerio del Ambiente y el Ministerio de Justicia, entre otros.

1) Antecedentes del reconocimiento de los derechos de los ríos en el Perú

Los antecedentes de esta sentencia son las ordenanzas de gobiernos locales de Puno en el Altiplano peruano, que han reconocido sus cuencas y sus ríos como sagrados. Por ejemplo, la ordenanza del Municipio Provincial de Melgar,[1] en la región de Puno en el Altiplano, que reconoció como sujeto de derechos a la cuenca del Llallimayo. Así como también la Ordenanza del Municipio Distrital de Orurillo, provincia de Melgar en Puno. Esta se trata de un reconocimiento más general de todas las fuentes de agua que existen en el distrito de Orurillo;[2] es una ordenanza que aprueba "el reconocimiento de la madre agua, La Yaku Unu-Mama, como un ser viviente sujeto de derechos dentro de la jurisdicción de esta municipalidad". En tal sentido, reconoce como sujeto de derechos a los puquios, los manantiales, los ríos, las lagunas y los lagos. Finalmente, en igual sentido se pronuncia la Ordenanza del Municipio Distrital de Ocuviri, de la provincia de Lampa.[3]

Adicionalmente, otras dos iniciativas legislativas intentaron el reconocimiento de los derechos de la naturaleza. En primer lugar, un proyecto de ley para reconocer los derechos de la naturaleza.[4], que fue aprobado y dictaminado favorablemente por la Comisión de Pueblos Indígenas, Afroperuanos y Medio Ambiente del Congreso peruano, pero nunca fue agendado por la Junta de Portavoces del mismo Congreso para que fuera discutido por el pleno. En el artículo 1 de este proyecto de ley se precisa que "la presente Ley tiene por objeto reconocer que la Madre Naturaleza, los ecosistemas y las especies son titulares de derechos y sujetos de protección por parte del Estado; por tratarse de entes vivos, con valor intrínseco y universal, que tienen derecho a existir, desarrollarse naturalmente, regenerarse, restaurarse y evolucionar".

[1] Véase: Ordenanza Municipal No. 081-2019-CM-MPM/A, Concejo Municipal de la Municipalidad Provincial de Melgar. 23 de setiembre del 2019.

[2] Véase: Ordenanza Municipal No. 006.2019-MDO/A, Municipalidad Distrital de Orurillo. 26 de diciembre de 2019.

[3] Véase: Ordenanza que aprueba el reconocimiento de La Madre Agua - La Yaku – Unu-Mama como un ser viviente sujeto de derechos, dentro de la jurisdicción de la Municipalidad Distrital de Ocuviri, Municipalidad Distrital de Ocuviri, Lampa - Puno.

[4] Véase: Proyecto de Ley No. 6957/2020-CR. Proyecto de Ley que reconoce derechos de la Madre Naturaleza, los Ecosistemas y las Especies. Congreso de la República del Perú.

Existe también un proyecto de ley que tiene por objetivo descontaminar los principales ríos del Perú.[5] En este se precisa, en el artículo 2.5: "Reconócese (sic) que los ríos, lagos y lagunas del Perú tienen derecho a existir y a regenerar sus ciclos vitales y procesos evolutivos". Este proyecto, si bien fue aprobado por el pleno del Congreso, fue observado por el Gobierno, y nunca el Congreso volvió a insistir en su aprobación.

2) ¿Qué ha dicho la sentencia que reconoce derechos al río Marañón?

En la parte resolutiva la jueza decide: "Declarar al Río Marañón y sus afluencias como titular de derechos". A continuación, reconoce que este río "tiene derecho a fluir, para garantizar un ecosistema saludable, el derecho a brindar un ecosistema sano, el derecho a fluir libremente de toda contaminación; el derecho a alimentar y ser alimentado por sus afluentes, el derecho a la biodiversidad; el derecho a que se la restaure, Derecho a la regeneración de sus ciclos naturales; Derecho a la conservación de su estructura y funciones ecológicas; Derecho a la protección, preservación y recuperación."

Añade que son "Derechos [...] que el Estado debe proteger legalmente, por ser parte importante en los derechos fundamentales de todo ser humano y de nuestras futuras generaciones al ser vida, salud, y representa una de nuestras necesidades básicas, para nuestra subsistencia."

La jueza no solo reconoce al río Marañón como titular de derechos, sino que reconoce otras medidas, orientadas a proteger a las comunidades nativas. En primer lugar, la jueza ordena la creación del Comité de Cuenca del Río Marañón. Se trata de la implementación de un espacio que permita la participación ciudadana de los pueblos indígenas y de la sociedad civil en general en la gestión del Río Marañón.

En segundo lugar, la jueza reconoce a los pueblos indígenas como guardianes, defensores y representantes del río Marañón. Ordenó el reconocimiento y nombramiento "del Estado (Ministerio del Medio Ambiente, Ministerio de Desarrollo Agrario y Riego y la Autoridad Nacional del Agua), Gobierno Regional de Loreto y de las organizaciones indígenas como guardianes, defensoras y representantes del río Marañón y sus afluentes". Esta medida apunta a que el río Marañón no esté indefenso, sino que esté representado y defendido, entre otros, por los pueblos indígenas. Pero con la advertencia de que no solo los demandantes cocamas de la organización Huaynakana, serán los defensores, sino todos los pueblos indígenas y entes públicos del Estado. Esto fue solicitado siguiendo el caso de la sentencia del río Atrato en la Corte Constitucional de Colombia.

En tercer lugar, la jueza ordena a Petroperú que actualice su certificación ambiental. De acuerdo con la legislación, no puede haber ninguna actividad extractiva sin estudio de impacto ambiental, y este debe ser actualizado cada cinco años. El actual instrumento de gestión ambiental (IGA) del Oleoducto Norperuano es del año 1995, y no ha sido actualizado. Pero no solo eso, la jueza de Nauta también ordena que debe haber consulta previa con las instituciones y organizaciones indígenas acerca de la actualización de IGA.

3) ¿Cuál es la fundamentación de la sentencia?

La jueza no reconoce al río Marañón como sujeto de derechos, sino como titular de derechos. Sostiene ella en la parte considerativa de la sentencia que "la Constitución Política del Perú, y en general el marco jurídico peruano, no ha adoptado el paradigma jurídico de los Derechos de la Naturaleza, ni ha reconocido explícitamente los ríos como Sujeto de derechos". No obstante, "corresponde a este despacho tutelar el derecho del Río Marañón y sus afluencias como titular de derechos".

Un segundo elemento es que la jueza desarrolla el contenido constitucional protegido del derecho fundamental a disfrutar de un medio ambiente equilibrado y adecuado a la vida, reconocido en

[5] Véase: Ley que establece las acciones de protección descontaminación, remediación y recuperación de cuencas hidrográficas afectadas por daños ambientales. Congreso de La República de Perú. 22 de julio de 2021.

el artículo 2.22 de la Constitución. En sentido estricto, no estamos ante derechos innominados o implícitos (art. 3 de la Constitución), sino ante la manifestación innominada de un derecho fundamental ya reconocido, como es el derecho a disfrutar de un medio ambiente equilibrado y adecuado a la vida reconocido en el artículo 2.22 de la Constitución. Esto se advierte, por ejemplo, cuando la jueza sostiene en la parte resolutiva en relación con los derechos "que el Estado debe proteger legalmente, por ser parte importante en los derechos fundamentales de todo ser humano". Posteriormente, sostiene la jueza en la parte considerativa que "existen diversos instrumentos internacionales ratificados por el Estado, así como de la jurisprudencia del Tribunal Constitucional que permiten complementar el contenido tradicional el derecho al medio ambiente equilibrado". Esta idea también se repite cuando la jueza precisa que "corresponde a este despacho tutelar el derecho del Río Marañón y sus afluencias como titular de derechos, y que el Estado debe proteger legalmente, por ser parte importante en los derechos fundamentales de todo ser humano" (los resaltados son nuestros).

Un tercer elemento es que la jueza sostiene que la perspectiva ecocéntrica y el valor intrínseco de la naturaleza, son parte del contenido constitucional del derecho a disfrutar de un medio ambiente equilibrado y adecuado a la vida, reconocido en el artículo 2.22 de la Constitución.

Si tenemos en cuenta que la jueza ha reconocido el valor intrínseco de la naturaleza y luego ha reconocido que el enfoque ecosistémico es parte del contenido constitucional del derecho a disfrutar de un medio ambiente equilibrado y adecuado a la vida, resulta irrelevante que la jueza haya reconocido derechos al río Marañón pero que no se haya reconocido al río Marañón como sujeto de derechos.

4) Sí existe reconocimiento jurídico de los derechos de la naturaleza y de los derechos del río Marañón en el ordenamiento jurídico peruano

Contra lo que señalan algunos críticos, sí existe reconocimiento jurídico normativo de rango constitucional en el Perú de los derechos de la naturaleza, tal como pasaremos a demostrar y a explicar a continuación. En efecto, el reconocimiento del valor intrínseco de la naturaleza puede ser encontrado de forma expresa en el derecho internacional de los derechos humanos, que en el ordenamiento jurídico es de rango constitucional, y es de aplicación inmediata y protegible a través de procesos constitucionales.

El primer fundamento de la sentencia es el preámbulo del Convenio sobre la Diversidad Biológica, del año 1992, que en el 1er considerando reconoce: "Las Partes Contratantes [son] Conscientes del valor intrínseco de la diversidad biológica y de los valores ecológicos, genéticos, sociales, económicos, científicos, educativos, culturales, recreativos y estéticos de la diversidad biológica y sus componentes" (el resaltado es nuestro). Adviértase que ya desde el año 1992 se reconoció el valor intrínseco de la naturaleza en un tratado internacional de derechos humanos.

También, la Opinión Consultiva 023 (OC-023) de la Corte Interamericana de Derechos Humanos (Corte IDH), del año 2017 (párrafo 62). Allí, la Corte IDH reconoce que se trata de proteger la naturaleza en general y los ríos en particular, no porque sean útiles al ser humano, sino porque tienen un valor en sí mismos:

> Esta Corte considera importante resaltar que el derecho al medio ambiente sano como derecho autónomo, a diferencia de otros derechos, protege los componentes del medio ambiente, tales como bosques, ríos, mares y otros, como intereses jurídicos en sí mismos, aun en ausencia de certeza o evidencia sobre el riesgo a las personas individuales. Se trata de proteger la naturaleza y el medio ambiente no solamente por su conexidad con una utilidad para el ser humano o por los efectos que su degradación podría causar en otros derechos de las personas, como la salud, la vida o la integridad personal, sino por su importancia para los demás organismos vivos con quienes se comparte el planeta, también merecedores de protección en sí mismos. En este sentido, la Corte advierte una tendencia a reconocer

personería jurídica y, por ende, derechos a la naturaleza no solo en sentencias judiciales sino incluso en ordenamientos constitucionales.

Posteriormente, la sentencia Lhaka Honhat, también de la Corte IDH, de 2020 (párrafo 203). En esta sentencia, la Corte IDH, en un fallo vinculante, reitera el reconocimiento formulado en la Opinión Consultiva 023 del año 2017, en los mismos términos. Es decir, debe protegerse la naturaleza porque tiene un valor en sí misma.

Además, el Caso Punchana, STC Nº 03383-2021-AA. En los fundamentos 40 al 42, el Tribunal Constitucional, luego de reconocer el enfoque ecocéntrico, establece que este no puede ser excluido. Este pronunciamiento resulta vinculante toda vez que los pronunciamientos del TC constituyen doctrina jurisprudencial, de acuerdo con el artículo VII del Título Preliminar del Nuevo Código Procesal Constitucional, aprobado por Ley 31307.

Finalmente, la sentencia de la Corte IDH expedida en el caso La Oroya vs. Perú (2023). Aquí, la Corte IDH, luego de desarrollar la diferencia entre el derecho a un medio ambiente sano y el derecho al agua, no solo reitera el reconocimiento del valor intrínseco de los ríos, la existencia de un interés universal en proteger los ríos y la importancia del agua para los demás seres vivos, sino que da un paso más y reconoce el enfoque ecocéntrico como parte de contenido convencional del derecho a un medio ambiente sano.

5) Los principales obstáculos no son filosóficos o jurídicos sino políticos por intereses económicos

Ciertamente hay mucha resistencia al reconocimiento de los derechos de la naturaleza. Sin embargo, consideramos que la resistencia principal no viene de la academia ni desde la filosofía del derecho, sino desde las empresas mineras, petroleras, de la industria y sobre todo las empresas de saneamiento, responsable del vertimiento de sustancias tóxicas, de aguas residuales y excretas en los ríos y fuentes de agua.

Como señala Kerstein, "los principales argumentos contra el reconocimiento de los derechos de la naturaleza no provienen de la filosofía, sino de aquellos que tienen intereses económicos y que quieren seguir explotando la naturaleza sin ningún tipo de control, para seguir enriqueciéndose, generando contaminación y deforestación. El reconocimiento de los derechos de la naturaleza significa una atribución de poder a la naturaleza, reconociendo una parcela de poder en ella, antes exclusiva del ser humano, y fortaleciendo su peso en conflictos con otros derechos humanos" [6]. Añade este autor, "otorgar derechos a la naturaleza o una parte de la naturaleza no significa que estos derechos siempre prevalecerán en todos los casos. Los derechos de la naturaleza deben ser equilibrados con otros intereses sociales y económicos que quieren poseer, utilizar, contaminar o destruir la naturaleza sin obstáculos significativos"[7].

6) A manera de conclusión

La consecuencia es evidente; existe fundamento jurídico para reconocer los derechos de la naturaleza toda vez que existe un tratado internacional de derechos humanos y también pronunciamientos vinculantes de la Corte IDH que reconocen el valor intrínseco de la naturaleza en general, y de los ríos en particular. Además, la Corte IDH ha reconocido que forma parte del contenido convencional del derecho a un medio ambiente sano. Pero, también, existe un pronunciamiento del TC que ordena no excluir el enfoque ecocéntrico. //

[6] Jens Kersten. "Who needs Rights of Nature?", pág. 10, 2017. En *Can Nature Have Rights? Legal and Political Insights (RCC Perspectives: Transformations in Environment and Society), editado por Anna Leah Tabios Hillebrecht y María Valeria Berros. Munique: Rachel Carson Center/LMU, 2017, citado por Ingo Wolfgang Starlet, "A dignidad e os direitos da natureza: o direitos no limiar de um novo paradigma jurídico ecocéntrico no antropoceno", pág. 18. Traducción nuestra del portugués.*

[7] Ibídem.

LASA África. Un hito y una promesa de resignificar conexiones

por **Mara Viveros-Vigoya** | Universidad Nacional de Colombia y expresidenta de LASA
mviverosv@unal.edu.co

El primer Congreso Continental de la Asociación de Estudios Latinoamericanos (LASA), en Accra, Ghana – LASA/África, tuvo lugar entre el 15 y el 18 de noviembre de 2023 en la sede de la Universidad de Ghana, en forma virtual. Era la primera vez que la Asociación de Estudios Latinoamericanos (LASA) organizaba un evento en África. Hace seis años, cuando me postulé para la presidencia de la Asociación, subrayé la importancia de fortalecer el diálogo Sur-Sur y la colaboración entre América Latina y África. De hecho, propuse el tema "Améfrica Ladina, vinculando mundos y saberes, tejiendo esperanzas" para el Congreso LASA 2020 en Guadalajara. Con este tema, buscaba ir más allá del concepto de "Nuestra América" y visibilizar la influencia de poblaciones indígenas y de origen africano en la formación de América Latina. Esta idea estaba en sintonía con el proyecto institucional de LASA de fortalecer su enfoque global, y en línea con su plan 2015-2020 que buscaba extender sus congresos a otras regiones, como Asia del Este, Asia Central y África. En 2022, esto se materializó con el Primer Congreso Continental de LASA, LASA/Asia 2022, centrado en "Repensar los Lazos Transpacíficos: Asia y América Latina".

En el Congreso LASA/África, tuvimos la oportunidad de llenar un vacío de información sobre un continente de más de treinta millones de kilómetros, del cual conocemos muy poco y sobre el que existen numerosos estereotipos. Se suele confundir África como continente con África como país, como si fuese una comunidad con una sola organización política y una cultura homogénea. Olvidamos fácilmente que cada país de este inmenso continente está moldeado por distintas influencias y realidades históricas, políticas, económicas, ambientales, sociales y culturales.

Para gran parte de América Latina, la historia de África empieza con la trata transatlántica de las personas esclavizadas y la colonización. Se ignoran las numerosas civilizaciones milenarias y la multitud de tradiciones, etnias y lenguas que la componen. Desconocemos también que uno de los puntos comunes de los países africanos es su intenso dinamismo; hace poco leí que las migraciones internas del continente africano mueven a una cantidad más grande de personas que las migraciones africanas hacia el norte global.

Las percepciones actuales sobre África a menudo se centran en su pasado histórico sin considerar su presente ni su papel decisivo en el futuro global. Destacados intelectuales como Achille Mbembe y Souleymane Bachir Diagne destacan que el continente africano es un epicentro de cambios significativos a una escala sin precedentes, planteando interrogantes vitales para el futuro del planeta. Ambos enfatizan la creciente importancia geopolítica de África, debido a su considerable potencial demográfico, y la necesidad de asociaciones equitativas en un mundo fracturado y enfrentado a desafíos sin precedentes, como la crisis ambiental. Bachir Diagne aboga por enfrentar estos desafíos desde perspectivas africanas, defendiendo el *ubuntu*, un enfoque de reciprocidad y humanismo, como una estrategia pertinente para desafiar la crisis mundial.

A menudo se cree que los afrodescendientes viajan a África para reconectar con sus raíces, pero también es crucial reconocer la importancia de que los africanos busquen esas conexiones en América Latina. Han sido descritos como parientes separados de su tierra y sus familias, llevados a nuevos lugares en condiciones deshumanizantes. Wilfrid Massamba, director del Quibdó África Film Festival, compartió en la revista colombiana *El Malpensante* la sensación de vacío que sentía antes de llegar a Colombia, en donde finalmente pudo llenar esta ausencia al estar rodeado de personas con sus mismas raíces, sin poder distinguir quién era quién. Hace veinte años, la gestora cultural belga-congoleña Catherine Dunga llegó a Colombia y decidió quedarse, al descubrir un poco de sus propias raíces africanas en este país. Esta conexión la inspiró a crear, junto con una historiadora del arte belga, Kitambo, "un espacio para pensar sobre las identidades africanas y diaspóricas, cambiar la historia y escribir otras nuevas". No hay que olvidar que, aunque las cifras del dane sobre la población afrodescendiente en Colombia pueden estar subregistradas, se estima que hay más de 4,6 millones de personas negras, afrodescendientes, raizales y palenqueras, lo que representa más del 9 % de la población total del país.

El congreso LASA/África 2023 buscó establecer un puente entre estos continentes, propiciando vínculos académicos, culturales y humanos. En primera persona, quiero compartir los lazos que me unen con África. Además de mis raíces africanas, fue Aimé Césaire, el poeta y político martiniqueño que descubrí siendo una estudiante en Francia, quien me transmitió su profundo amor por el continente africano, al que consideraba su principal fuente de vitalidad. Aimé Césaire abogó siempre por la valoración del imaginario africano y negro, afirmando que su auténtica aceptación era fundamental para la liberación psíquica de los sujetos poscoloniales, como los africanos antillanos y afrolatinoamericanos.

Siguiendo las enseñanzas de Césaire, Frantz Fanon, psiquiatra, filósofo y escritor caribeño de origen martiniqués, se dedicó a comprender el impacto del colonialismo en la conciencia de las y los colonizados, pieza fundamental de las dinámicas de poder, la alienación y el racismo internalizado en las sociedades africanas y colonizadas. Por su parte, las ideas de la escritora camerunesa Leonora Miano abrieron nuevas perspectivas. Comparto con ella la noción de que la multipertenencia no implica una pérdida de identidad, sino más bien la oportunidad de elegir lo mejor de cada cultura. Aprendí de ella que escribir en francés no implica adoptar una perspectiva francesa, ya que la lengua es lo suficientemente flexible para reflejar diversas sensibilidades, llevando consigo los ecos de varias culturas. Sus reflexiones me ayudaron a comprender que la visión actual de África es, en su mayor parte, un concepto creado por Europa, y que esta región, en su configuración actual, es el fruto del diseño europeo de divisiones impuestas en comunidades homogéneas y la imposición de diferentes lenguas mediante políticas de asimilación.

Con estas preguntas llegué al Congreso LASA/África en Ghana. Este encuentro fue un espacio transformador. Nos permitió discutir sobre una amplia gama de desafíos comunes, desde la reconfiguración de las relaciones geopolíticas entre ambas regiones hasta la justicia en temas de género, sociales, raciales y ambientales. Se abordaron cuestiones vitales como la solidaridad Sur-Sur, los legados coloniales, y el impacto económico de China en el continente. Otros temas importantes incluyeron las dinámicas migratorias de África a través de América Latina hacia la frontera de los Estados Unidos y México en busca de asilo, y las tensiones entre crecimiento económico, pobreza y desigualdad. También se discutieron los efectos del extractivismo y el cambio climático, la penalización de la protesta social, la reconciliación y las respuestas comunitarias a la violencia, además del importante papel de las expresiones culturales y artísticas en estas conexiones.

La posibilidad de realizar el congreso en formato híbrido, la amplia respuesta a la convocatoria y la destacada presencia de conferencistas latinoamericanos y africanos, junto con la realización de una muestra de cine y de libros

que exploraron la relación entre África y América Latina, generaron encuentros, debates y discusiones sumamente enriquecedores. Este evento tuvo una gran presencia de intelectuales y artistas colombianos de distintas generaciones, y una amplia gama de eventos culturales gracias al apoyo de la embajada colombiana en Ghana y el compromiso del embajador de Colombia en ese país, Daniel Garcés Carabalí. De este modo, no solo se facilitó un intercambio profundo de ideas y experiencias, sino que también se fortalecieron lazos entre las comunidades de ambos continentes, promoviendo una mayor comprensión y colaboración futura. La actual presidenta de LASA, Jo-Marie Burt, ha recogido el legado de este encuentro, buscando prolongar su resonancia tanto en la Asociación, con la creación de la sección África and the Américas, como en un panel invitado del Congreso LASA 2024, que se realizará en Bogotá, del 12 al 15 de junio próximos.

Este congreso se suma a los logros del precedente Congreso LASA/Asia, gracias a la colaboración con otros centros e investigadoras e investigadores de diferentes continentes. En particular, vale la pena mencionar la alianza entre LASA y el Centre for Latin American Studies at the University of Ghana, el patrocinio de Maestro Meetings y de la embajada de Colombia en Ghana, y el esfuerzo de un equipo de coordinación académica que reunió a seis docentes e investigadores africanas/os de Camerún, Congo, Gabón y Ghana, así como a tres latinoamericanas/os de Argentina y Colombia. Con este evento se abrió el camino para escuchar lo que están diciendo las y los académicos africanos sobre América Latina, y viceversa.

Quiero hacer un reconocimiento a mis colegas del equipo de coordinación académica por su compromiso y entusiasmo en esta tarea, a saber: Aníbal Pérez-Liñán (Universidad de Notre Dame), Charles Didier Noa (Universidad de Ghana), Claudia Ferman (Asociación de Estudios Latinoamericanos), Georges Moukouti Onguedou (Universidad de Maroua), Joanna Boampong (Universidad de Ghana), Kasongo Kapanga (Universidad de Richmond), Maimouna Sankhé (Universidad Gaston Berger de Senegal) y Véronique Solange Okome (Universidad de Libreville en Gabón). Igualmente, agradezco a los miembros del equipo de LASA, que apoyó directamente este congreso: Anna Ruscalleda, John Meyers, Mildred Cabrera, y en particular a Milagros Pereyra-Rojas, directora ejecutiva, por orquestar con maestría y sutileza la tarea del equipo que lo hizo posible. Por último, va mi agradecimiento a Daniel Garcés Carabalí, actual embajador de Colombia en Ghana, por su generosa contribución a este congreso. ¡Es una gran alegría y un privilegio haber sido parte de este proceso! //

LASA-África 2023: una reflexión y una mirada al futuro

por **Joanna Boampong** | University of Ghana | jboampong@ug.edu.gh

Maïmouna Sankhé | Université Gaston Berger | maimouna.sankhe@ugb.edu.sn

Georges Moukouti Onguedou | University of Bertoua | moukouti@yahoo.fr

Charles Didier Noa | University of Ghana | cdnoabela@ug.edu.gh

La Conferencia continental inaugural de LASA en suelo africano, LASA-África 2023, fue un éxito rotundo. Organizada en colaboración con el Centro de Estudios Latinoamericanos de la Universidad de Ghana, se celebró del 15 al 18 de noviembre de 2023 en la Universidad de Ghana, en Accra. Superó con creces todas las expectativas. Para los investigadores de diversos países africanos especializados en estudios latinoamericanos, la Conferencia constituyó una clara respuesta al creciente deseo de estrechar lazos entre África y América Latina y de facilitar la mejora de los vínculos entre ambas regiones. La siguiente sección presentará un resumen de nuestra experiencia en la organización de LASA-África 2023. Pondrá de relieve la importancia de establecer un foro de debate e intercambio entre LASA y África, el cual constituye un proyecto institucional prometedor para el futuro.

En primer lugar, queremos expresar nuestro agradecimiento a la ejecutiva de LASA por su disposición a iniciar el proceso que culminó con un Congreso que reunió a unos cuatrocientos ponentes en once espacios para paneles, sesiones invitadas y una sala especial, en modalidad híbrida. LASA facilitó la participación de los miembros del Comité organizador y de aquellos que fueron invitados a presentar ponencias, además de proporcionar apoyo logístico al congreso. Este apoyo fue un factor crucial para la realización con éxito del evento.

En segundo lugar, nos gustaría expresar nuestra gratitud por el espíritu de colaboración, respeto y consideración demostrado por todo el equipo de coordinación y organización, en particular por Claudia Fermín, Kasongo Kapanga, Aníbal Pérez-Liñán, Milagros Pereyra-Rojas, Mara Viveros-Vigoya y Mildred Cabrera. A lo largo de aproximadamente diez meses, trabajamos en estrecha colaboración con este equipo para definir el tema de la conferencia, las áreas temáticas, los paneles de debate, el presupuesto provisional y la logística de acogida de invitados y participantes, reuniéndonos entre dos y cuatro veces al mes. Cabe destacar que, a lo largo de las sesiones de trabajo, el Comité alcanzó sistemáticamente un consenso aceptable para cada uno de sus miembros. Prueba de ello fue la ausencia de debates acalorados o de cuestiones sin solucionar, resolviéndose todos los asuntos de forma razonable y justa.

Además, agradecemos la asistencia personal de la presidenta de LASA, Jo-Marie Burt, a la Conferencia. Su presencia y participación en todos los actos organizados fue significativa, y pareció ser una fuerte demostración de voluntad política y compromiso para cumplir los objetivos de las conferencias continentales.

Al tratarse de nuestra primera experiencia en la organización de una Conferencia continental de LASA en África, concretamente en Ghana, tuvimos la oportunidad de conocer las experiencias de nuestros colegas de la Asociación, acostumbrados a organizar conferencias que atraen a miles de participantes. Como ya se ha dicho, los debates se desarrollaron de forma abierta e igualitaria, respetándose el tiempo de palabra de cada miembro. Los moderadores

se aseguraron de que cada miembro tuviera la oportunidad de aportar su opinión cada vez que se planteaba un nuevo punto. La paciencia y la comprensión con las que trabajamos fomentaron un ambiente alentador, con numerosos casos de aprendizaje mutuo.

La experiencia de formar parte del equipo organizador de LASA-África 2023 nos ha enseñado que las conferencias continentales brindan la oportunidad de centrarse en las relaciones entre América Latina y las demás regiones del mundo y de abordar los temas que les conciernen de manera más profunda. Como grupo académico y como parte del Comité organizador, fue necesario considerar temas y actividades basados en realidades que estamos viviendo en el continente y que tienen relevancia tanto para el contexto africano como para el latinoamericano.

A la Conferencia asistieron participantes muy diversos, entre ellos/ellas académicos/as, investigadores/as, activistas, artistas, diplomáticos/as, políticos/as, estudiantes y otros/as. Los y las asistentes contribuyeron colectivamente a una experiencia enriquecedora y esclarecedora sobre el tema de la Conferencia, los diálogos y las conexiones entre África y América Latina. Tuvimos el honor de escuchar las presentaciones de un variado abanico de ponentes, entre los que se encontraban profesores-investigadores o profesoras-investigadoras, doctorandos/as, estudiantes y miembros de la sociedad civil, sobre multitud de temas relacionados con la literatura, la antropología, la filosofía, la sociología, la historia, la política, la economía, la lingüística y muchos otros. El congreso facilitó el intercambio de perspectivas sobre África, procedentes de diversas regiones del mundo, como América Latina, el Caribe, América del Norte y otras. Además, facilitó la discusión de proyectos de política intelectual y cultural que se están planeando en colaboración con intelectuales, estudiantes y profesionales residentes en el continente africano.

Asimismo, algunos ponentes cuestionaron la herencia colonial común de África y América Latina, al tiempo que intentaron identificar formas de rectificar los errores y tergiversaciones de sus respectivas historias en relación con Europa y, más recientemente, con los Estados Unidos. Los diversos participantes realizaron presentaciones, tanto en persona como virtualmente; proyectaron documentales y películas; participaron en ceremonias de danza, visitaron los castillos de esclavizados de Cape Coast y Elmina, y también disfrutaron de pausas para el café; lo que en conjunto facilitó una interacción más estrecha y sentó las bases para diálogos y conexiones más significativos para nuestro pasado, presente y futuro.

La Conferencia LASA-África 2023 se considera un avance significativo para LASA, y el establecimiento de una sección de África y América Latina se ve como una inversión que debe mantenerse y mejorarse, dadas las numerosas razones por las que tal sección es crucial. En primer lugar, es evidente que África y las Américas tienen mucho que aprender la una de la otra, dado que ambos continentes han experimentado la colonización y la esclavitud, procesos durante los cuales millones de africanos fueron transportados a las Américas. En consecuencia, puede observarse que una parte importante de la diáspora africana se encuentra en las Américas y que los incesantes esfuerzos de esta por restablecer los vínculos con sus raíces africanas son notables en la actualidad. Además, es evidente que las relaciones entre África y América Latina no son tan fluidas como deberían, debido a una serie de factores, como las barreras lingüísticas y la falta de conocimiento mutuo entre los dos continentes.

En segundo lugar, es de gran importancia reconocer el significado de las relaciones Sur-Sur para el desarrollo de las sociedades y el establecimiento de instituciones académicas y culturales de forma duradera tanto para África como para América Latina. Por lo tanto, es de interés seguir fomentando los lazos académicos, diplomáticos, culturales y económicos entre ambas regiones. Se puede argumentar que la creación de una sección de África y América

Latina facilitará la creación de conexiones entre ambas regiones. Estas conexiones se nutrirán del estudio de las lenguas, la literatura, la historia, la política, el derecho, la diplomacia, la cultura, la economía, el medioambiente, la medicina y los estudios de género, entre otras disciplinas.

Por último, como consecuencia de la Conferencia continental LASA-África 2023, celebrada el año pasado en la Universidad de Ghana, Accra, y a la luz del interés y el deseo expresados por parte del público africanista y latinoamericanista, se ha considerado necesario crear un espacio permanente de encuentro y debate entre África y América Latina. Ello permitirá a LASA servir de plataforma óptima para su apertura académica. El considerable interés manifestado por los especialistas en estudios latinoamericanos y africanos, como lo demuestra el gran número de comunicaciones recibidas, ha confirmado la imperiosa necesidad de que tanto África como América Latina estrechen lazos, se conozcan mejor y establezcan conexiones duraderas mediante la creación de una sección específica dedicada a temas relativos a las dos regiones.

Como latinoamericanistas de África, constatamos que nos hemos acostumbrado a conocer América Latina a través de los libros y de la pantalla. La apertura de esta Sección nos ofrecerá la posibilidad de dialogar e intercambiar nuestras experiencias históricas y filosóficas con nuestros vecinos latinoamericanos, permitiéndonos así compartir experiencias. Por ejemplo, recordamos que la participación de afrodescendientes en la Conferencia Continental de LASA/África en Ghana constituyó una experiencia dinámica que nos inspiró y nos impulsó a considerar la creación de dicho espacio LASA/África, que facilitaría también el intercambio de ideas entre especialistas africanos en estudios latinoamericanos en los congresos continentales de la Asociación.

La creación de una Sección de África y las Américas representaría un paso importante para fomentar unos lazos más estrechos entre los pueblos de estas vastas regiones. También facilitaría la identificación de necesidades compartidas de colaboración, así como proporcionaría una plataforma para el intercambio intelectual, el diálogo, el debate y la cooperación. Esto permitiría la elaboración de nuevas teorías científicas desde y sobre África, América Latina y el Caribe. Dichas teorías estarían informadas por las epistemologías y construcciones intelectuales únicas de cada región, así como por la exploración imaginativa de posibles futuros para ambas.

Concluimos este informe reiterando nuestro agradecimiento a la presidenta de LASA Jo-Marie Burt por su decisión de invitar al equipo del Comité organizador del Congreso LASA-África 2023, a saber, Joanna Boampong, Georges Moukouti Onguédou, Maïmouna Sankhé y Charles Didier Noa, así como a tres estudiantes de la Sección de español de la Universidad de Ghana, al Congreso LASA 2024, que tendrá lugar del 12 al 15 de junio en la Pontificia Universidad Javeriana de Colombia. Señalamos que, con financiamiento obtenido de las Open Society Foundations, la presidencia de LASA cubrirá los gastos de viaje y manutención en Bogotá del equipo que participará en el panel invitado, "*LASA/África: Tejiendo lazos entre África y América Latina*". Apreciamos su amable gesto y le enviamos un cordial saludo. //

Re-membering Africa: el panafricanismo, trayectoria, tribulaciones y actualidad

por **Mwalimu Victorien Lavou Zoungbo** | Groupe d'Etudes et de Recherches sur les Noir-e-s d'Amérique Latine (grenal) cresem, Université de Perpignan | victorien.lavou@univ-perp.fr

A
Quince Duncan
Yolanda Arroyo
Mara Viveros Vigoya
Maïmouna Sankhé
Georges Moukoudi Anguedou
Milagros Peyrera Rojas

El panafricanismo, mejor sería decir las diferentes corrientes del río panafricano, parece haberse (re) convertido en un imperativo que no solo deben profesar sino también abrazar prioritariamente los africanos y afrodescendientes de ambos lados del Atlántico, así como los de Europa. Este imperativo se está convirtiendo en una línea divisoria política activa entre los "verdaderos negros", auténticos afrodescendientes y africanos, preocupados por el destino y el futuro de su raza y de su continente matriz, y los Otros, percibidos como traidores aún enredados en el velo negro del afropesimismo.

Si uno se fija en la "digénesis" (Édouard Glissant) del panafricanismo, verá que está plagada de debates, conflictos de liderazgo y demás. No solo entre panafricanistas y otros, sino en el seno de los propios panafricanistas aunque profesen el mismo ideario político.

Esa desconexión da lugar a una serie de preguntas, que no pueden pasarse por alto, como, por ejemplo, si deben juzgarse y valorarse las acciones panafricanistas sobre la base de un sacrificio de sangre o exclusivamente sobre la base de una oposición sistemática y clara a los valores de las antiguas potencias imperiales y coloniales que siguen beneficiándose de un orden mundial que, en última instancia, está diseñado a su imagen y semejanza.

Mi disquisición no será la de un historiador consagrado del tema ni la de un activista reconocido. Como mínimo, serán las palabras de un africano negro nativo, preocupado por el destino de su continente e interesado por las agendas políticas e imaginarias de las diásporas negras históricas y contemporáneas.

Parte del título de mi ponencia viene de uno de los libros de Ngugi Wa Thiong'o, escritor y activista keniano, a saber, *Re-membering Africa* (2009). Dicho esto, aunque la palabra *Re-membering*, que he querido mantener, parece introducir una paradoja en mi título, tiene una doble ventaja. Se refiere tanto a la idea de reunir lo que anteriormente fue dislocado y balcanizado, como al recuerdo activo del acto político (esclavitud, colonialismo, imperialismo) que condujo a esa balcanización, que tuvo consecuencias políticas, sociales, económicas, culturales y lingüísticas que aún se dejan sentir en el continente africano y en sus diversas diásporas.

Las Américas/el Caribe tampoco escaparon a la balcanización programada, desde el principio imperial, colonial e imperialista por el "Tratado de Tordesillas" (1494), santificado por el papa Alejandro VI. Siguieron guerras, tomas de posesión y trueques que condujeron a la actual cartografía de estas regiones del mundo. Todo esto es ahora bien conocido y está documentado.

Para Wa Thiong'o, el *re-membering* conlleva una preocupación por resolver, tanto imaginativa como políticamente, las "fallas" que habitan África y sus hijos. El compromiso fundamental del panafricanismo reside en el cuestionamiento constante de estas "fallas", pero aún más en la voluntad política de resolverlas (Wa Thiong'o 2009). La cuestión de estas "fallas" o "heridas" (A. Césaire) ha sido, y sigue siendo, un punto de controversia política entre los panafricanistas, pero también en la gnosis de la amefricanidad. ¿Qué soluciones políticas se han previsto para resolver el problema, para que África pueda salir del estatuto político y económico asignado de "utensilio", "depósito" o "peldaño"? ¿Hasta qué punto podemos afirmar que esas "fallas" han introducido de forma permanente e inexorable problemas en las subjetividades africanas negras?

Ngugi Wa Thiong'o identifica dos momentos claves en el desmembramiento de África. El primero fue la trata transatlántica que sufrió el continente tras haberse enfrentado a la trata y la esclavitud árabe-musulmana, que no fue en sí misma menos *dismembering*. El segundo momento de la balcanización reside en el llamado "*scramble of Africa*" (1884), que estableció la fragmentación y el reparto arbitrario de África entre los países europeos. En cierto modo, después de la Segunda Guerra Mundial y tras las independencias africanas, la organización política panafricana (oua 1963), al legitimar las fronteras heredadas de la Conferencia de Berlín, refrendó ese gesto imperial y colonial. Parece indiscutible que la decisión de la Unión Africana (oua) ha dividido a pueblos que ahora se encuentran separados por fronteras estatales artificiales heredadas.

Se trata de una realidad que a menudo ignoran las diásporas negras, partidarias de la idea de "*re-membering*", en el segundo sentido del término, y que, a veces, tienden a ver África como un único gran país, como un único "*home*". También hay que decir que la idea que a menudo sostienen los panafricanistas de una "personalidad negra" que es absolutamente necesario redescubrir también ha contribuido a esa representación unívoca del África (negra).

Tengo motivos para creer que el tercer factor que potencia y actualiza constantemente el riesgo de dislocación de África se encuentra en lo que Kwame Nkrumah designara en su día como "conciencismo":

> En términos intelectuales, el conciencismo es la organización de fuerzas que permitirán a la sociedad africana asimilar los elementos occidentales, musulmanes y eurocristianos presentes en África y transformarlos para que pasen a formar parte de la personalidad africana. Esta última se define a su vez por el conjunto de principios en los que se basa la sociedad africana tradicional (Nkrumah 1976, 98; traducción propia).

Intentemos ahora una exégesis limitada de esta afirmación. Podríamos compararla con la idea de "canibalismo cultural", al estilo del Brasil de los años veinte, o de "transculturación", al estilo de la Cuba de los años cuarenta. Al igual que estas dos categorías, el "conciencismo" no indica claramente cómo se produce, desde un punto de vista socioantropológico y político, esta transformación o reciclaje. ¿Se trata de un proceso natural y silencioso de transformación inherente al "contacto cultural"? Además, al igual que Cheick Anta Diop, Nkrumah defiende la idea de la existencia de una sociedad africana culturalmente uniforme. Como pasó con la "transculturación" y el "canibalismo cultural", el subtexto también incluye la idea de un remanente o rechazo formado por elementos heterogéneos y, por tanto, incompatibles con la sociedad africana tradicional.

Así, lo que se plantea como alteridad en relación con el África imaginada no solo es fundacional, sino también constitutivo de las subjetividades africanas negras. Un país como Senegal, por ejemplo, es ahora casi un 80% o 90% musulmán. Lo mismo ocurre en Nigeria, Malí, y Níger. En estos países, las oraciones y los rituales se hacen preferentemente en árabe y no en lenguas africanas. Hoy en día, no es raro notar en las redes sociales o escuchar en las calles de África (negra) a un sujeto X, Y, Z proclamando con orgullo que es ante todo musulmán, cristiano, antes que miembro de X, Y, Z nacionalidades o etnias

africanas. En las grandes ciudades africanas, las prácticas culturales o religiosas que con razón se asocian (en las diásporas negras) con el África tradicional son a menudo objeto de burlas públicas; son juzgadas retrógradas o incluso demoníacas por comentarios recurrentes desde la tribuna, en templos, mezquitas e iglesias, o en discusiones entre amigos y familiares. A ello se añade una geografía etno religiosa restrictiva, cuyos efectos nocivos pueden sentirse a veces en tiempos de "crisis política".

Este desprecio por las prácticas culturales y religiosas escandalizaría a ciertos miembros de las diásporas negras de las Américas y el Caribe que las defienden porque proyectan en su permanencia, vitalidad y fuerza irradiadora una resistencia política activa siempre renovada al occidentalocentrismo hegemónico que impide a los sujetos de estas regiones del mundo abrirse y abrazar verdaderamente la "copresencia negra" (Lavou Zoungbo 2013).

También se ha de notar que incluso los discursos más virulentos y disidentes de los dirigentes africanos negros en las instancias regionales (ua) e internacionales (onu, unesco) no se pronuncian en las lenguas o en una de las lenguas más habladas en sus países o regiones. Con el pretexto de una razón práctica, perpetúan así lo que Ngugi Wa Thiong'o denuncia como "lingüifame". Este autor señala con razón que Suecia y Holanda, por ejemplo, tienen menos habitantes que los yorubas de África, pero se expresan oficialmente en sus propias lenguas en las reuniones internacionales. Ni se menciona el lugar que ocupan las lenguas africanas en las universidades africanas y, del mismo modo, las lenguas que se utilizan desde las independencias para redactar, firmar y ratificar convenios internacionales y acuerdos comerciales y de cooperación que vinculan al África con el resto del *Tout-Monde* (Édouard Glissant) y a los países africanos entre sí.

A la luz de estos hechos masivos, ¿podemos seguir hablando de una exterioridad en relación con el África tradicional? Para evitar enfrentarse a esta inevitable doble inscripción fundadora de las identidades y subjetividades culturales negroafricanas, algunos se apresurarán a hablar de alienación, de colonialidades remanentes. Es muy posible que así sea. Pero, al mismo tiempo, la persistencia, masificación y estandarización de este (auto) "desprecio cultural" en África no deja de plantear interrogantes. Tanto más cuanto que los "elementos eurocristianos" y el islam, mezclados con la manipulación política, han provocado a veces destrucciones, crímenes y asesinatos atroces en el África contemporánea. África, por cierto, no tiene el monopolio ni la exclusividad de esas aberraciones.

Sin entrar en lo que podría equivaler a una acusación fácil y engañosa, me gustaría evocar una última inquietud. Ya sea en África, América y el Caribe, Europa, Oriente Medio o Asia, entre el gran público o entre intelectuales de renombre y algunos panafricanistas, sigue siendo difícil abordar la cuestión de la trata de esclavos árabe-musulmana en el África negra. ¿Qué originó ese silencio y afasia persistente?

Como es sabido, unificar, recordar constantemente el gesto imperial y colonial, forjar una personalidad africana negra consciente de sí misma, forman parte de los grandes ideales que permean los debates, las luchas y las aspiraciones del panafricanismo. Ya sea en la gran diáspora de África o en lo que, creo que desde los años noventa, ha sido considerada por la Unión Africana como la 6ª región de África: las diásporas negras de América, el Caribe y Europa.

Parece casi seguro que muchos en estas diásporas ni conocen esa "nueva" demarcación simbólica. Y se diría que con razón. También, vale la pena recordar, relativamente esta vez a los africanos, que, aparte de la República Democrática del Congo (rdc) y Nigeria, Brasil es el país con más población negra viviendo fuera del continente. Le siguen los Estados Unidos y Colombia.

Kwame Nkrumah abogaba por la unidad política de *súbito* de toda África, costase lo que costase, y siguiendo el modelo federal estadounidense; Léopold Sédar Senghor advertía contra el "territorialismo", al tiempo que discrepaba de la propuesta política de Nkrumah. Algunos, como Barthélemy Boganda, sugerían construir

la unidad política de África sobre la base de las estructuras regionales federales heredadas de la colonia, mientras que otros abogaban por avanzar hacia la unidad política africana en círculos concéntricos. ¿La raza o la clase social como motor de la unidad africana? ¿Liberalismo/capitalismo o socialismo/marxismo, incluidas sus versiones africanas? Parece cierto que, aunque todos los líderes panafricanistas tenían en mente el modelo político federal estadounidense, ninguno de ellos previó el uso de la violencia armada como medio para re/unificar África, aparte de en las luchas por la liberación nacional (Angola, Mozambique, Guinea Bissau, Cabo Verde) y contra el apartheid (Unión Sudafricana, Rodesia).

La trayectoria política e imaginaria del panafricanismo ha sido (y sigue siendo) ponderada, criticada, o realzada por unas "bibliotecas" directa o indirectamente vinculadas a él; las independencias africanas, que para algunos suponen su culminación, no lo han sido menos. En ambos casos, a menudo se ha hecho hincapié en la influencia, la participación y el activismo político de los afroamericanos y, especialmente, de los afrocaribeños; a veces se citan y exaltan las figuras masculinas del panafricanismo defendido por afrocaribeños y afroamericanos. Pero ¿qué ocurre con las figuras femeninas a ambos lados del Atlántico?

Ahora, a la hora de hacer el balance del panafricanismo, es importante para mí, pedir una comprensión detallada de la permanencia y amplificación (?), contra viento y marea, de su ideario en el momento actual del capitalismo globalizado. En efecto, si aceptamos reconocer que los contornos del discurso se mueven o cambian al mismo tiempo que los contextos sociopolíticos, debemos aceptar también plantearnos la cuestión del momento actual del panafricanismo.

Así, ¿a qué nuevos problemas y retos se enfrenta, en particular en el África (negra), que sigue siendo considerada como el innegable punto de culminación del panafricanismo? ¿Se ha convertido finalmente en nada más que un *wokismo* de nueva ola, un mito degradado que, a falta de ser realmente movilizador, seguimos agitando en el bosque de nuestros callejones sin salida, de nuestra incapacidad para transformar realmente África y el destino de sus hijos?

Gran parte de la opinión pública del África negra, de las Américas y del Caribe, por ejemplo, contemplará con asombro, y a veces con *amusement*, la voluntad política de Gustavo Petro y Francia Márquez de volver a poner la cuestión del recuerdo y de las reparaciones en el centro de las relaciones de Colombia con los países del África negra. Oficialmente, también es en parte en nombre del *re-membering*, esta vez a la inversa, que Kenia, a instancias de la onu (los Estados Unidos, en realidad), pretende hacer de policía de paz en Ayití (grafía del nombre taíno que Dessalines devolvió a la isla tras el triunfo de la revolución). Pero, a pesar de un cromatismo compartido, de una memoria común de desarraigo y dispersión violentos, ¿qué representa exactamente el keniano para el pueblo ayitiano? Lo contrario también es cierto. ¿Debemos olvidar que, tras el terremoto de 2010, Ayití ingresó en la Unión Africana en 2012 y que, cuatro años después, fue expulsada porque, según los textos fundacionales de la ua, no es un país africano?

Parece claro que hace mucho tiempo que Aimé Césaire podía declarar orgullosamente al mundo que Ayití fue el país donde la negritud se levantó por primera vez sobre sus propios pies; el país donde la palabra "*nègre*" recobró todo su significado político. Parece lejano el tiempo cuando algunos líderes negros africanos (África francófona) implicados en las luchas independentistas panafricanas veían a Ayití, en una imaginaria relación política invertida, como la "madre de África"; es decir, como el pasado de un presente que intentaban reconstruir a través de las luchas políticas por la descolonización. Al igual que Ayití derrotó al colonialismo francés al que ellos mismos se enfrentaban, se esperaba conseguir el mismo resultado político. Ayití se convirtió así, idealmente, en un modelo de compromiso inquebrantable, de autodeterminación y de soberanía política que los países africanos y sus pueblos debían seguir.

La tragedia del rey Cristóbal (1963) de Aimé Césaire, que también se representó en Senegal en 1966 con motivo del primer Festival de las Artes Negras organizado bajo los auspicios de Léopold Sédar Senghor, anticipaba y llamaba la atención de los dirigentes africanos sobre la experiencia de Ayití, sobre el volverse libre, el fundar un pueblo o nación, el peligro de división, el papel del dirigente político poscolonial, la relación que debe mantener con el pueblo al que se supone representa. Pero, aunque esforzándose mucho, ¿pueden leerse o apreciarse los experimentos políticos africanos poscoloniales (y, en última instancia, su fracaso) a la luz de la ruptura histórica entre el ideal político representado por Pétion y el encarnado por el rey Christophe?

Además de los "desvíos" imaginarios o ideológicos, y a veces físicos, a través de Ayití, en los siglos xix, xx, se han producido retornos físicos (colectivos e individuales), temporales o definitivos, de negros de las Américas/Caribe a África. En cuanto a los retornos físicos, cabe mencionar las experiencias de los padres fundadores del panafricanismo, la de los "agoudas" o "brasileños" en Dahomey, la de los Retornados Negros en Liberia, Sierra Leona y Etiopía, tras la visita del Emperador Haile Selassié a Jamaica, en los años sesenta.

Las estadísticas y las pruebas de adn no tienen cabida aquí; es más importante considerar los mundos imaginarios en juego en estos desvíos/retornos y los efectos que han tenido en las formaciones imaginarias, sociales y culturales africanas de arribada y "re/territorialización". En relación con estos desvíos/retornos y re/territorializaciones a través/en el África negra surgen al mismo tiempo cuestiones ineludibles:

1. ¿Cómo se percibían estos Retornados en el continente africano y cómo ellos percibían África en su globalidad?
2. ¿Por qué las mujeres negras, en sus escritos y testimonios, parecen haber experimentado de forma mucho más dolorosa estos desvíos/retornos temporales o definitivos, en el continente africano?

En las últimas décadas, África ha sido testigo de un importante movimiento de su población hacia otras partes del mundo, y estos movimientos migratorios hacia el "Norte" están tomando caminos bifurcados. Ya no se basan automática o únicamente en ciertas "lealtades" coloniales heredadas (lengua, educación, cultura, religión, etc.). Así, nos encontramos con congoleños, centroafricanos, senegaleses y otros condenados de la tierra o del mar en Brasil, Colombia, Costa Rica (por Darién), Guatemala y México.

Me pregunto si los vagabundeos asociados a estas migraciones generan o reactivan el "*re-membering Africa*" en países como Brasil, Colombia o los Estados Unidos, por ejemplo. Para otros países, y quizá también para los mencionados anteriormente, estas rutas errantes parecen reactivar el temido espectro de la "africanización", es decir, la contaminación de sus países por el signo negroafricano.

Por último, aparte de la fatigosa búsqueda de financiación o de préstamos para hacer frente al costoso desembolso económico que tienen que hacer los miembros de las diásporas negras para llegar a África, ¿con qué trámites administrativos y otros biopoderes tienen que lidiar a ambos lados del Atlántico? Si nos tomamos en serio la cuestión de "*re-membering Africa*", deberíamos preocuparnos por la política de visados y la implementación de rutas directas entre África y su "6ª región".

Ello también debería conducir a una política de doble o conacionalidad recíproca, desde ambos lados del Atlántico negro (P. Gilroy), para quienes lo deseen. Es a la elaboración política de una nueva ciudadanía a lo que deberían entonces dedicarse los distintos dirigentes africanos para facilitar los abrazos bifrontes entre los miembros de la 6ª región y África. De no ser así, permanecerá en África la tendencia, entre las poblaciones y los Estados, en el marco del mal llamado "turismo conmemorativo", a percibir a los sujetos negros de las diásporas como dólares o euros en pie.

Al igual que Ngui Wa Thiong'o (2016), pienso que urge, por motivos memoriales (cura) y políticos, llevar a la Unión Africana a comprometerse a instaurar en el continente tan siquiera un día oficial transcontinental para conmemorar la trata transahariana y transatlántica de esclavos que tuvo lugar en África.

Bibliografía limitada:

Kwame, Nkrumah. 1969. *Le consciencisme.* París: Editions Présence Africaine, p. 98.

Lavou Zoungbo, Victorien. 2013. *Les blancs de l'histoire*. Perpignan: Presses Universitaires de Perpignan.

Wa Thiong'o, Ngugi. 2009. *Re-membering Africa*. Nairobi/ Kampala/Dar es Salam: East African Educational Publishers Ltd.

Wa Thiong'o, Ngugi. 2017. «L'héritage de l'esclavage », *Pour une Afrique libre*. París: Philippe Rey. //

Festival Internacional de Cine LASA 2024: el cine, una herramienta de reflexión crítica, un espacio de diálogo e interpelación, archivo vivo de propuesta de futuros otros

por **Claudia Ferman** | directora del Festival Internacional de Cine de LASA | cferman@richmond.edu

El Festival Internacional de Cine LASA 2024 ofrece en esta edición sesenta y tres películas, que cubren un amplio espectro de lenguajes cinematográficos: documental, ficción, docuficción, ensayos audiovisuales, proyectos comunitarios y de investigación, creación colectiva, animación, video performance, metraje encontrado (*found footage*), y varias formas de video experimental. Estas producciones provienen de veintitrés países y se despliegan sobre un extenso espectro geográfico y temático de las Américas, África y Europa. Como siempre, el Festival de Cine constituye una parte consustancial que dialoga e interactúa con la propuesta general del Congreso "Reaction and Resistance: Imagining Possible Futures in the Americas". Las 63 películas presentan voces y lenguajes que suman y profundizan la discusión desde las comunidades, las organizaciones, los artistas y los activistas.

Esta edición del Festival pone especial atención en tres filmografías: la de Colombia, país anfitrión; la de Argentina, una producción hoy violentamente amenazada, y la de Brasil, que continúa proponiendo gran originalidad y experimentación. También se ocupa centralmente de los universos sociales y culturales de las comunidades indígenas en su múltiple adscripción nacional e identitaria, tanto en trabajos y visiones que provienen de afuera de las comunidades, como en producciones de la propia comunidad. Asimismo, esta edición dirige su atención a África, proyectando tres de las películas que formaron parte de la muestra de Cine Africano exhibida en el Congreso Continental LASA/África realizado el año pasado en Accra, Ghana: *Cuba in Africa*; *L'Argent, la liberté, une histoire du Franc cfa*; y *Bantú Mama*; que acompañan a un número importante de películas protagonizadas por comunidades latinoamericanas afrodescendientes: *El viaje de la marimba*; *Amatif; Quilombo, Continuum y Chache Lavi,* entre otras.

Además de la exhibición de películas, el festival ha organizado actividades con los y las directores/as: tres conversatorios (Q&A's) con directoras, después de la proyección de sus películas: Margarita Weweli-Lukana, indígena sikuani quien codirigió, junto con Juma Pariri, *Pe ataju jumali / Hot Air*; María Galindo, activista del feminismo radical y directora de *Revolución puta*; y Coco Fusco, reconocida artista y directora de *La noche eterna.* El Festival también presentará una mesa redonda sobre cine colombiano con un grupo representativo de los directores y directoras de las producciones exhibidas en el Festival: Marino Aguado, Jerónimo Atehortúa, William Cayapur, Carolina Navas, Claudia Salamanca, Jason Vital, César Zuluaga y Margarita Weweli-Lukana. También participará de la mesa Nelly Kuiru, coordinadora general de la Coordinadora Latinoamericana de Cine y Comunicación de los Pueblos Indígenas (CLACPI).

Si en la gran variedad formal y temática que presentan los filmes de este festival se buscaran algunos elementos comunes, podrían mencionarse dos que resaltan: la insistencia en la "recuperación", y "el cuerpo" como protagonista. "Recuperar" como una

reivindicación y actualización de conocimientos ancestrales que se han mantenido vivos gracias a la resistencia, la memoria y la acción de los pueblos originarios de Abya Yala y de la diáspora africana. Recuperar es afirmar que existe un conocimiento otro, unas tecnologías otras, que han estado al cuidado de esos pueblos y que constituyen formas de cambio y progreso hacia sociedades en las que se promueva el cuidado y la igualdad. Son voces y acciones que atraviesan toda Latinoamérica, acciones y reflexiones de mujeres, de maestros/as, de agricultores/as, de científicos/as, de organizaciones populares, de emprendimientos. Voces al unísono que, aunque separadas por selvas, montañas, miles de kilómetros, políticas neoliberales, ejércitos y violencias, encuentran un desarrollo sostenido que queda expresado en estos filmes. En estas voces testimoniales, el Estado, como institución política de la nación, aparece distante, ensimismado y muchas veces resulta ser el agresor. Un Estado que a veces se manifiesta completamente ausente y no acompaña las luchas por la defensa de los ecosistemas, las economías comunitarias, el acceso a la tierra y la vivienda; y que, en otros casos, se manifiesta para imponer leyes, regulaciones y políticas en directa confrontación con las necesidades de la población, la supervivencia de las comunidades ancestrales o migrantes, o la promoción de la salud y el trabajo. De esta manera, "recuperar" constituye lo nuevo, resulta un arma de la decolonialidad, una respuesta a las preguntas por el futuro, el encuentro de las continuidades con el pasado precolonial en diálogo con los desafíos del presente.

El segundo elemento en común es el cuerpo / los cuerpos, indudables protagonistas en estos filmes; su presencia icónica irrumpe desafiante para desubicar, antagonizar y proponer el desacato a la convencionalidad vigente. El Festival afirma y no censura esta libertad creativa, atendiendo al gran interés que presentan estas producciones.[1] Recuperar los saberes otros es también recuperar el cuerpo, los cuerpos, un nuevo acto de empoderamiento para re-accionar a las muchas violencias que registra la región; es una afirmación de que hay otros conocimientos precursores que permiten pensar y actuar defendiendo la vida sustentable y promoviendo la justicia y la igualdad.

Para facilitar el visionado, y para que cada participante del Congreso encuentre los materiales que le interesen, presentamos las películas organizadas en tres ordenamientos: Mapa del Festival (ordenadas según debates académicos); Catálogo (información detallada de las películas por orden alfabético, con descripción, geografía tratada, informaciones de producción y contacto, y calificación de público); y Cronograma de Proyecciones (fechas y horarios de las proyecciones en el Centro Ático de la Universidad Javeriana).

Asimismo, en cada en una de estas secciones se indica mediante signos si la película es un corto o un largometraje, si es documental o ficción, si se proyecta en el Centro Ático de la Universidad Javeriana, si tiene restricciones de público, y si ha recibido el premio *LASA Award of Merit in Film*. El/la espectador/a puede identificar en el Mapa del Festival o en el Catálogo alfabético una película de su interés, y luego consultar el horario de proyección cuando se trate de un filme que se proyecta en el Centro Ático. En varios casos, para amplificar la propuesta, se han programado juntos un filme corto con un largo o mediometraje; en estos casos solo se indica el horario de comienzo del corto que inicia la proyección de ambos filmes, ya que se proyectan continuados. Todas las películas podrán verse *en línea*, desde cualquier dispositivo (*on demand*), durante los cuatro días del Congreso, y en cualquier horario, lo que permitirá el acceso directo a las películas del Festival a todos los y las miembros registrados.

El Festival de LASA ha tenido un crecimiento sostenido, en consonancia con el crecimiento de la producción de materiales audiovisuales que se han ido conformando como parte integral de los procesos de organización comunitaria, de

[1] Para facilitar el visionado, y para que los/as espectadores puedan navegar el Festival con información clara, hemos identificado las producciones que contienen escenas que pueden afectar la sensibilidad del público.

proyección educativa y de investigación. Gracias a las facilidades que ofrece la comunicación virtual y la ingeniería de las plataformas, el Festival de LASA está en condiciones hoy de optimizar el acceso a los materiales audiovisuales para sus miembros. Del mismo modo, debe emprender la tarea de documentación integral de la trayectoria del Festival para hacer accesible esa información a miembros, instituciones e individuos. En pocas palabras, la estrategia que ha estado guiando el desarrollo del Festival se sostiene sobre dos ejes conceptuales y de acción: 1) expansión del acceso, y 2) documentación (creación de archivos).

Nada de todo esto habría sido posible sin el constante apoyo institucional de LASA y sin la colaboración del equipo asesor con el que trabajo, a quienes les estoy profundamente agradecida: Susana Miranda, Valeria Grinberg-Pla y Roberto Forns-Broggi.

El cine argentino en emergencia

Como dijimos al comienzo, la producción cinematográfica argentina está hoy violentamente amenazada. En lo que sigue, repasamos hechos recientes que describen esta situación. El Gobierno argentino ha proyectado una nueva estructura organizativa del Instituto Nacional de Cine y Artes Audiovisuales (INCAA), mediante la resolución 62/2024 del 18 de abril de 2024. Esta reestructuración amenaza con extinguir el fomento a la producción cinematográfica y paralizar su producción en todo el país, ya que se eliminan funciones esenciales del organismo previstas en la Ley de Cine N° 17741 de 1968 y modificatorias[2]. En el último Festival de Cannes, los cineastas argentinos afirmaron en una declaración: "Es muy probable que los festivales de cine de los próximos años tengan poquísima o nula representación argentina", debido la gravedad de las medidas que se han estado tomando en la Argentina; "Actualmente nos enfrentamos a una parálisis absoluta. El Gobierno ha emprendido una cruzada contra la cultura, la ciencia y la educación". Se trata, señalan, de medidas que no son económicamente necesarias, dada la "mínima importancia" que esos recortes tienen para las finanzas públicas; estas medidas deben entenderse, entonces, como "un ataque ideológico".[3] Es indudable la importancia del cine argentino, tanto por su trayectoria como por su calidad, pero fundamentalmente por su capacidad de expresar las múltiples voces en las que la comunidad argentina y latinoamericana se reconoce, actuando como un multiplicador cultural de gran potencial educativo. Se trata de una industria que provee trabajo argentino, que genera inversión y que se exporta. Sin duda, no son estas las consideraciones que se tuvieron en cuenta cuando se interrumpieron las tareas del INCAA; el cine ha sido en América Latina una herramienta de reflexión crítica sobre el pasado y el presente, un espacio de diálogo e interpelación, y un archivo vivo de propuestas de otros futuros. El cine argentino merece políticas de Estado que reconozcan y promuevan su valor humano, cultural, económico y educativo. //

[2] https://dac.org.ar/es/leycine

[3] Véase: https://www.pagina12.com.ar/738174-el-cine-argentino-se-manifesto-en-el-festival-de-cannes, 20 de mayo de 2024, edición impresa. Más información en: http://www.incaa.gov.ar/; https://www.lanacion.com.ar/politica/incaa-el-gobierno-oficializo-la-reduccion-del-presupuesto-y-una-reorganizacion-interna-nid22042024/; https://www.el1digital.com.ar/cultura/alarma-en-el-cine-argentino-denuncian-que-se-profunfiza-el-desmantelamiento-del-incaa/; https://www.pagina12.com.ar/731474-que-no-apaguen-el-cine-nacional; https://www.pagina12.com.ar/731866-abrazo-al-incaa-en-defensa-del-cine-nacional; https://www.pagina12.com.ar/718388-una-de-terror-en-el-incaa-despidos-venta-del-cine-gaumont-y-
https://caligari.com.ar/se-realizo-manifestacion-en-el-incaa-por-el-desmantelamiento-completo-del-area-de-fomento/; https://purocontenido.com.ar/7588-2/?fbclid=IwZXh0bgNhZW0CMTEAAR0DRQO354JHJd34ePhd5yaMKcY-_SmlZgmNW8ox4AJjtu4PNKktiW94mbk_aem_AT5fHDgc8IC91iMpzCwWDGhahBHEj5zAYlGQjpfd9_Rvb3Hbn0-Z6D3c00ZJtAls3FqMa9LPdwldlcklr2QihaMj

MaestroMeetings and LASA

By the MaestroMeetings Board of Directors: John Coatsworth, Carmen Diana Deere, Milagros Pereyra-Rojas, Timothy Power and Lars Schoultz

Along with the publication of scholarly books and journals, one of the principal activities of academic associations such as LASA has always been the organization of congresses, where the organization's members can present their research, discuss issues of common concern, and organize future activities. Over time, these congresses have evolved to include a large number of additional activities, such as book exhibits, film competitions, job placement, and, in LASA's case, even an enormously popular *Gran Baile*.

The organization of congresses typically falls upon each association's secretariat, as with LASA. This organizational task was not difficult in LASA's early years in the 1960s when the association had only a couple hundred members, but today's membership of nearly 13,000 makes the task enormously complex. In 2019—the year before the Covid pandemic—more than 5,600 members attended the Boston LASA Congress.

Fortunately, LASA's half-century of experience with ever-larger congresses has given the Secretariat what many other associations lack: a highly organized set of skills that the secretariats of younger or smaller organizations cannot be expected to possess. Some of the most important of these skills are:

- how to inspect and select a meeting's location;
- how to negotiate hotel and convention center rates;
- how to obtain hotel and travel discounts for congress participants;
- how to organize a congress within a university setting;
- how best to schedule plenaries, panels, meetings, and other activities; and
- how to organize a virtual and, increasingly, hybrid congress.

There are also dozens of less obvious tasks, from printing the congress program to choosing the best scheduling app, coordinating arrangements with host institutions to staffing registration desks, and securing childcare services, among many others.

Over the years, but especially during the past decade, other academic institutions have knocked on LASA's door, seeking to tap this expertise. Most often, these inquiries have come from smaller institutions that cannot afford to pay for in-house personnel devoted to congress organization, or from relatively young organizations—or both. Typically, commissions on hotel bookings, for example, go to travel agencies, not to the organizations that book them.

As the number of ad-hoc requests for assistance continued, the "burden" on LASA's Secretariat, especially during the time of executive director Milagros "Mili" Pereyra-Rojas, came to be seen as an "opportunity." With her leadership, in 2014, LASA's Executive Council created MaestroMeetings, a meeting planner organization, as a social enterprise initiative with the objective of assisting these smaller or younger scholarly associations in the production of professional conferences while generating a new source of income for LASA.

Like LASA itself, MaestroMeetings is a non-profit 501(c)(3) institution, which exempts it from U.S. federal taxes. Its principal activity is to support LASA and other non-profit entities in organizing events and negotiating contracts with vendors, mainly hotels, convention centers, and universities. MaestroMeetings receives commissions from hotels and other vendors, which are equally shared with partners. It also provides meeting planning services for a fee.

These services are provided by three permanent employees, part-time employees, or contractors—an Operations Director, a Sales Director, and a Technology Coordinator—and MaestroMeetings contracts with others as needed for specialized tasks. MaestroMeetings is overseen by a four-person Board of Directors, made up of previous LASA officers and LASA's Executive Director.

In addition to LASA itself, in its first decade MaestroMeetings has partnered with 17 associations. Current partners include the Brazilian Studies Association (BRASA), the Middle East Studies Association (MESA), the Association for Jewish Studies (AJS), the Association for Slavic, East European and Eurasian Studies (ASEES); the Comparative and International Education Society (CIES), the Red para el Estudio de la Economía Política de América Latina (REPAL) and the International Conference on Economics, Finance and Management (ICFEM).

MaestroMeetings is self-sustainable, and since its inception in 2014 has generated accumulated net revenue of $443,276 for LASA. The Association uses these earnings to support its general operating programs and special activities.

To maintain its status as a meeting planner, MaestroMeetings has become an active member of the IATA, and for marketing and recruiting purposes, it also maintains an active membership with the Union of International Associations and the International Congress and Convention Association.

After working its way through a pandemic, which dramatically affected every academic institution and association, and leading the way in adopting post-pandemic technologies, the future of MaestroMeetings looks bright, given the demand for the services it provides. What is clear after a decade of operations is that LASA has benefited significantly from its operations, as have the sister associations it serves.

MaestroMeetings is governed by a Board of Directors comprised of three LASA past presidents (John Coatsworth, Lars Schoultz and Carmen Diana Deere), a past LASA treasurer (Timothy Power), and LASA Executive Director Milagros Pereyra-Rojas. //

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Latin America Research Commons (LARC) es la editorial de acceso abierto de la Asociación de Estudios Latinoamericanos (LASA) fundada en Pittsburgh en 2018 con el objetivo de tender puentes entre ámbitos académicos y contribuir a la difusión del conocimiento a través de la publicación de libros inéditos en español y portugués y de traducciones en todas las disciplinas relacionadas a los estudios latinoamericanos. Los libros son aprobados por un comité editorial de prestigio basado en las Américas y lleva nueve libros publicados en cuatro colecciones.

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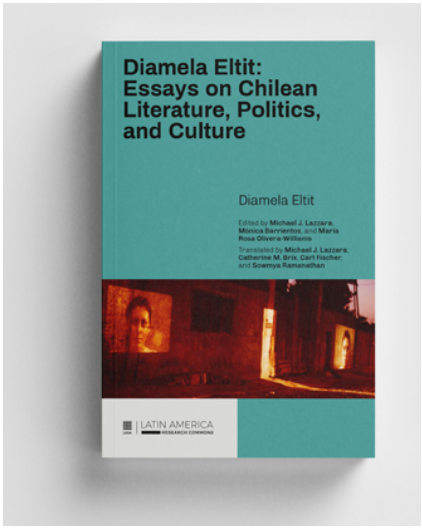

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