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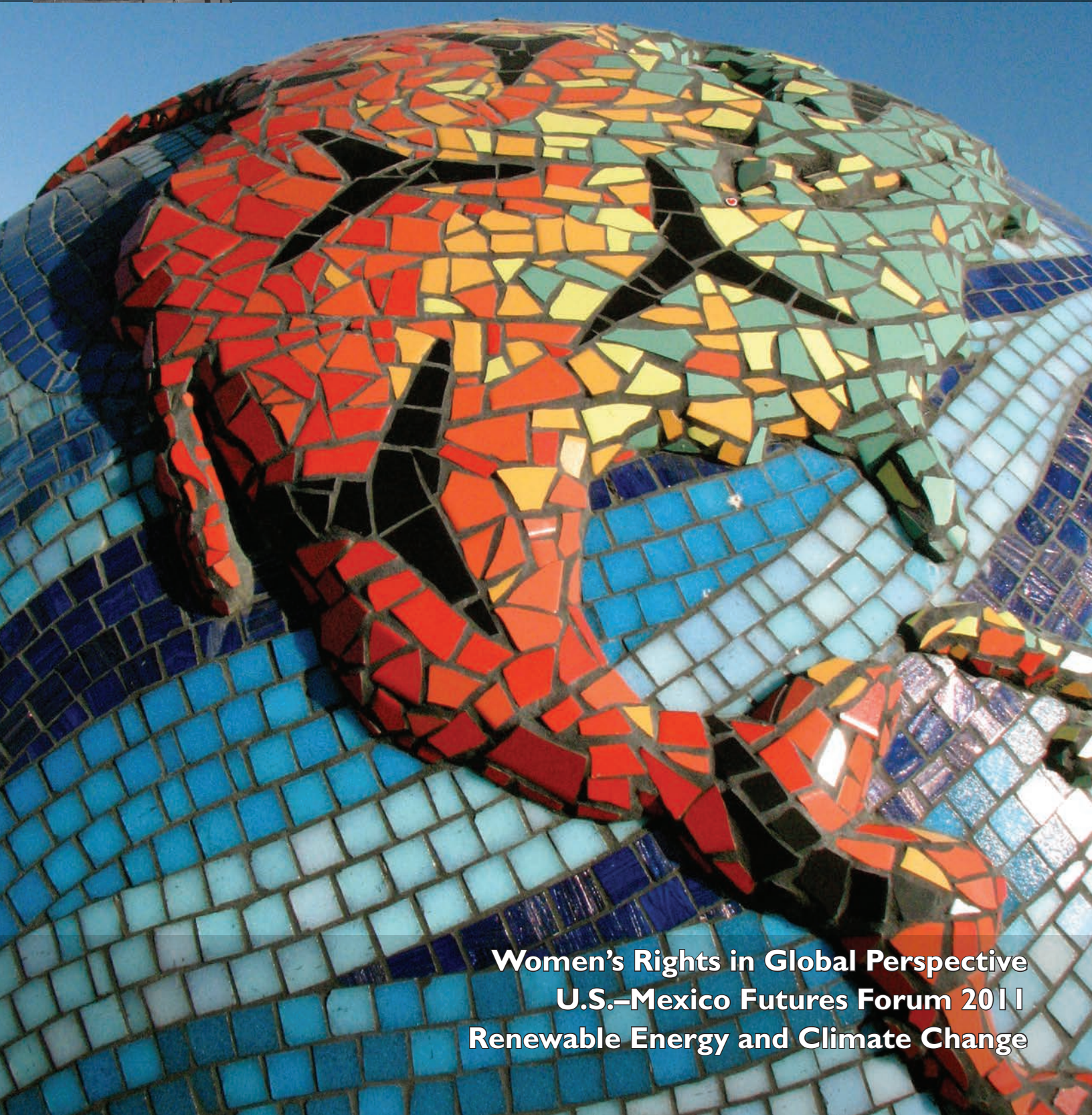

Women's Rights in Global Perspective
U.S.–Mexico Futures Forum 2011
Renewable Energy and Climate Change

Berkeley Review of Latin American Studies
Spring–Summer 2011

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Front cover: A mosaic globe highlighting wind power as a renewable source of energy.
Photo by Darren Kumasawa.

Comment

Michelle Bachelet is once again making history. The Chilean political leader who left the presidency in 2010 with an 80-percent-plus approval rating now heads UN Women, a mega-agency that addresses women's rights globally. She returned to UC Berkeley in April to speak about the challenges of her new position and her vision going forward. She also taught a special seminar on Women, Development and Democracy organized by the Center for Latin American Studies (CLAS). The course was a tour-de-force as President Bachelet drew on her own unique biography and experience in government to address central questions facing women throughout the world today. She led an open, insightful discussion that generated a palpable sense of excitement and engagement among the faculty and students sitting in the seminar. As one graduate student put it in a comment echoed by many, "The seminar with President Bachelet was one of the most incredible academic opportunities I have been offered."

This issue of the Review also features a special section on the U.S.–Mexico Futures Forum, jointly organized by CLAS and the Instituto Tecnológico de México (ITAM), which took place against a backdrop of unfolding economic uncertainty in both countries and a debilitating drug conflict in Mexico. The Forum sought to provide fresh perspectives on the issue of security and also engaged two themes that have received far less public attention but which have long-term consequences:

Photo by Brittany Gabel.

Michelle Bachelet teaches a class at Berkeley, April 2011.

climate change and the rise of China in the global economy. This year, a number of new participants, including Attorney General Kamala Harris, State Controller John Chiang and Senate President Pro Tem Darrell Steinberg, brought a unique California perspective to the discussions.

The Center was also proud to host Spanish jurist Baltasar Garzón who discussed universal jurisdiction, an area in which his pioneering and courageous 1998 indictment of Augusto Pinochet set a critical precedent. In his talk, Garzón placed the concept in both a historical and a contemporary setting.

Roberto Hernández, the director of the documentary "Presumed Guilty" and a Berkeley graduate student in Public Policy, describes the remarkable impact the film has had on Mexican political life in an article for the Review. As we go to press, the documentary has been nominated for three Emmys in the United States.

We are especially pleased to present, in the center of this Review, a painting from a powerful new series by acclaimed artist Fernando Botero, which will open in October at The Marlborough Gallery in New York. Titled "Via Crucis" (The Way of the Cross, in Latin), the new series conveys unusual depth and emotion through the lens of Mr. Botero's unique vision.

We close with another unique perspective: two Robert Harris photographs of Havana taken through the windshields of 1950s American cars, an unusual view of the city, the country and the cars.

— Harley Shaiken

Women's rights leaders greet Michelle Bachelet in Panama, April 2011.

WOMEN'S RIGHTS

UNiting Women Around the Globe

by Gowri Vijayakumar

There is something momentous about Michelle Bachelet's appointment as the Executive Director of UN Women. As Chile's first woman president, she is herself an example of the transformative potential of women's political leadership. During her long career, Bachelet fought for reproductive rights and social protection programs for poor women, including a women's pension and public preschools. Now applying her experience in Chile to advance women's agendas globally — her visit to Berkeley came between trips to Somalia and Panama — Bachelet engages in exactly the kinds of transnational partnerships she sees as central to women's mobilization. In her talk for UC Berkeley's Center for Latin American Studies, she argued passionately for women's potential as powerful agents of social change and appealed to the audience to become champions of women's rights.

Bachelet's appointment comes at a time when, many activists would argue, women's issues have lost precedence on the United Nations agenda. In the last decade, agencies working for gender equality within the UN have been under-funded and relatively marginalized, while attempts at "gender mainstreaming" in the 1990s have materialized more in rhetoric than in practice. Even the UN's own leadership structure has been slow to embrace gender equality — according to the UN Secretary General's office, in 2009 only about 28 percent of the organization's undersecretaries-general were women.

Photo by Fernando Bocanegra/UN Women.

The creation of UN Women at the beginning of this year, with Bachelet as Under-Secretary General for Gender Equality and the Empowerment of Women, thus represents a watershed moment in the history of the UN's relationship with the women's movement. Not only does Bachelet bring deep personal commitment to her position, but she also sends a signal about the UN's reinvigorated commitment to women's issues. UN Women was created in response to decades of advocacy from women's groups around the world. It unites four formerly separate agencies within the UN system and doubles the budget for women's issues to $500 million. (Although, as she noted to laughter from the audience, she had already accepted the job when she learned that she would have to raise those funds herself.) Fresh from her presidential term in Chile, Bachelet also lends much-needed energy and visibility to the cause of gender equality both within and beyond the UN system.

In her public address, Bachelet articulated her vision for UN Women in the context of deep, ongoing exclusion and gender inequality worldwide. Women often bear the brunt of poverty and global inequality, while remaining marginalized from political and economic decision-making. The statistics she listed were grim. Women make up 60 to 70 percent of the global poor, 70 percent of the illiterate and 80 percent of the victims of human trafficking. Every year, 350,000 women die of complications from pregnancy and childbirth. In Africa, women make up 80 to 85 percent of the agricultural labor force, yet only 2 percent have land rights and most cannot inherit property. At least 40 percent of women experience gender-based violence at least once in their lifetimes. Rape is commonly used as a weapon of war, but less than 5 percent of post-conflict funds are dedicated to women's empowerment and gender equality. And the number of women in positions of power remains small: only 19 percent of parliamentarians and 10 percent of heads of state worldwide are women. "It's a little bit sad," Bachelet admitted. "But we're not going to cry, we're going to work." Indeed, she insisted on moving beyond tabulations of all the ways women are excluded to focus on their positive potential, saying, "women's

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Photo by Peg Skorpinski.

Students with Michelle Bachelet after her talk at Berkeley, April 2011.

strength, women's industry, women's wisdom are, I think, humankind's greatest untapped resource."

For women to assert their rights in any arena, Bachelet argued, economic autonomy is critical. "When women earn their own income, they can challenge the way decisions are made in the household; they can demand the right to engage in the political arena; they can claim the right to be safe from violence." The benefits of expanding women's economic participation are not limited to women: countries with greater gender equality in the workforce often see faster economic growth than other countries. Bachelet also emphasized the importance of political autonomy, noting that countries with more female political leaders, such as Rwanda, have made impressive social gains.

Bachelet sees UN Women's role in advancing gender equality taking shape around five core principles. First, the organization provides support to national partners; this support can be technical, legal or financial but it is always driven by demand at the national level. Second, UN Women is working across governments to promote global frameworks and agreements for gender equality. While such international commitments are important, Bachelet noted that they are not always implemented at the national level — indeed, 186 countries have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but many forms of discrimination persist within national policy. (The U.S. is one of only seven countries that have not ratified this convention.) Thus, international agreements must be accompanied by initiatives that address gender equality more broadly, through ongoing advocacy for women's empowerment — the third core principle of UN Women's operation. Fourth, Bachelet said, her organization will work to promote coherence across various agencies within the UN — not as the "gender police," but rather to provide policy guidance across the system. Finally, UN Women will "act as a global broker… of knowledge and experience." Building networks with universities will play a particularly important role in aligning good practice with the best research.

Bachelet's new role has the potential to redefine the future of women's issues at the UN and around the world. At the global level, she is committed to building broad political alliances among women that emphasize unity across difference. For example, when an audience member asked what she would say to those who argue that women's rights are Western values, she replied that, across a wide variety of cultural contexts, women want to be free from physical and mental violence, pursue opportunities and make their own choices. Bachelet's stance on women's rights reflects a return to globalism in the UN's approach

to women's issues. In an intellectual history of the UN's relationship to the women's movement, Devaki Jain argues that the UN has come "full circle," beginning with inclusion of women's rights in the UN agenda, moving into a questioning of the universal category of "woman" and shifting toward the concept of "gender mainstreaming" and finally reclaiming the term "woman" as the basis for broad political solidarities. Bachelet's universalism fits well with this approach.

Yet Bachelet's commitment to universal values does not imply a top-down, unilateral perspective on women's empowerment. Indeed, she insisted that a fundamental task — and a fundamental challenge — she faces in leading UN Women is to coordinate among a variety of stakeholders operating at multiple levels in starkly different regions. In order to function effectively, Bachelet said, UN Women must support local priorities and foster ownership of policy change. Each region requires different kinds of support. Further, in addition to addressing regional differences, she faces the daunting prospect of working with the various sectors of development programming throughout the UN system to create a cohesive, yet multidimensional, strategy for gender equality.

In spite of the challenges, these alliance-building efforts fit perfectly with the broad definition of development that Bachelet has espoused throughout her political career. In her special seminar with students the morning before her public address, Bachelet described a "harmonic concept of development" that extends beyond economic growth to environmental sustainability and social inclusion, underpinned by broad social mobilization and democratic participation. Her view of women's empowerment is similarly multifaceted. Bachelet's task is far from straightforward, but she seems more than up for the challenge. It wasn't surprising that, when an audience member asked, "What are the limits of UN Women's mandate?" she replied immediately, almost instinctively: "There are no limits."

Michelle Bachelet, president of Chile from 2006 to 2010, is the Executive Director of UN Women. She spoke for CLAS on April 14, 2011.

Gowri Vijayakumar is a Ph.D. student in the Department of Sociology at UC Berkeley.

Harley Shaiken interviews Michelle Bachelet on her new role at UN Women, April 2011.

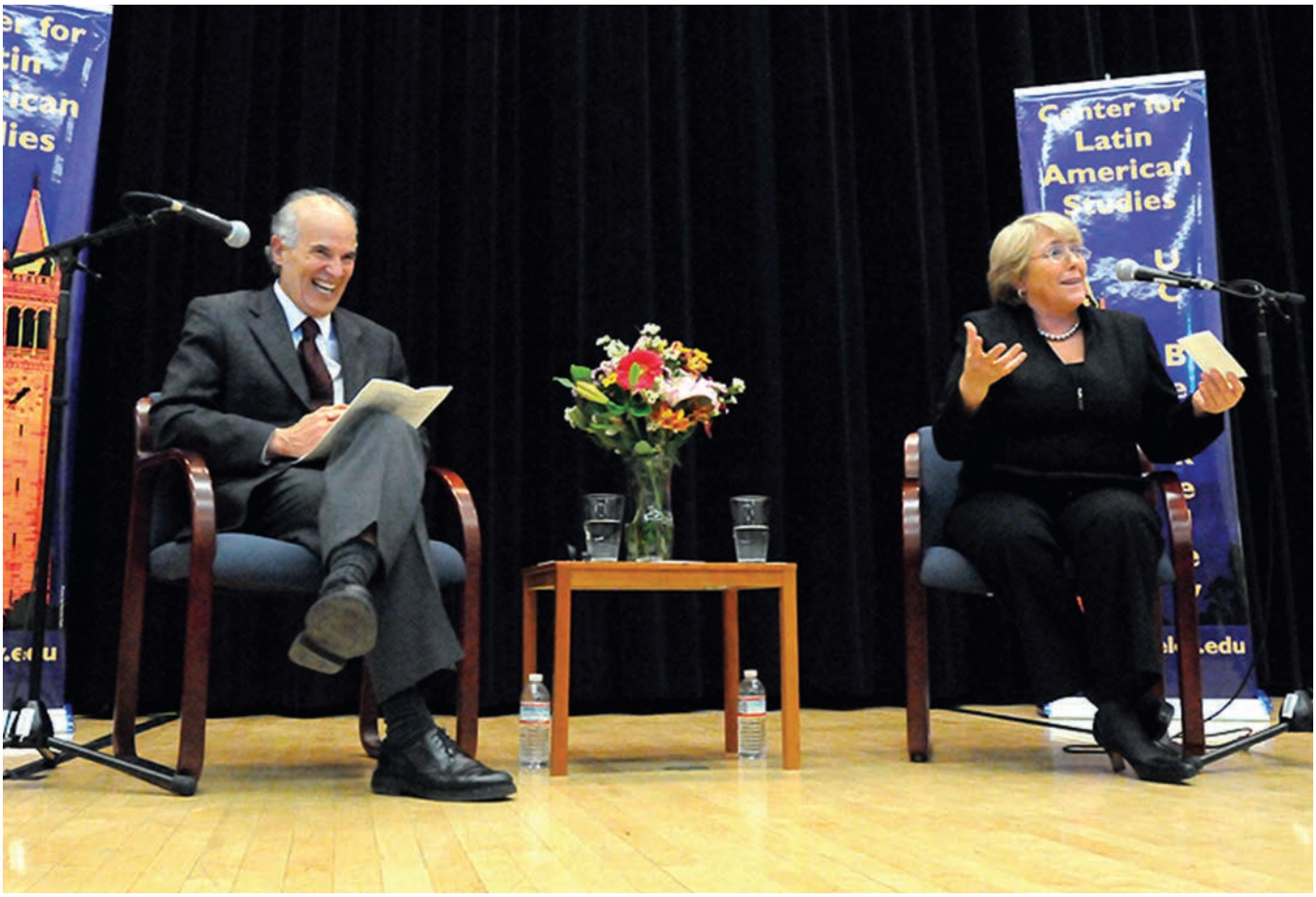


Photo by Peg Skorpinski.

The U.S.–Mexico Futures Forum 2011

Sponsored by the Hewlett Foundation

The border between Tijuana and San Diego. (Photo by Nathan Gibbs.)

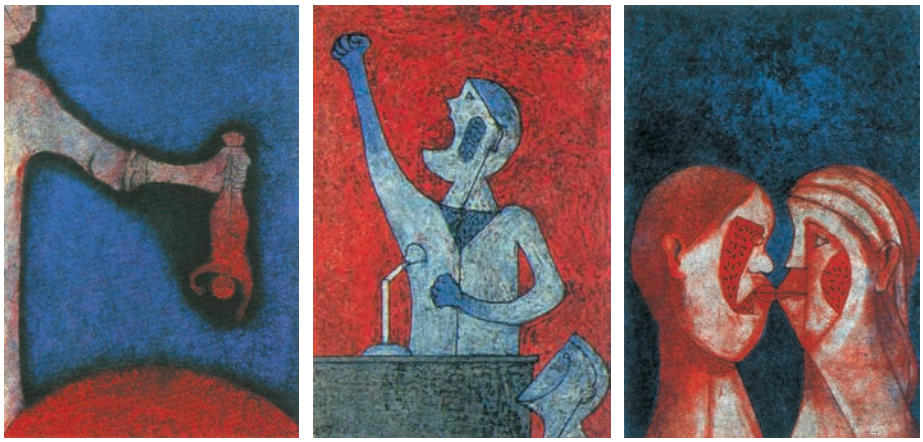
U.S.–MEXICO FUTURES FORUM

Global Crisis, Bilateral Response

by Brian Palmer-Rubin

Crisis has become a familiar theme in United States–Mexico relations today. Whether the epicenter of the crisis is north of the border (the ongoing economic calamity), south of the border (Mexico's drug war), or beyond (global warming), unfolding events have reinforced the shared fates of these two countries. If the participants at the U.S.–Mexico Futures Forum on April 15 and 16 — now in its 10th year — were not convinced of the urgency of these issues before coming to the event, they certainly faced a sobering series of discussions. Three topics were addressed in-depth: renewable energy and climate change; Mexico's security crisis; and North America's response to the emergence of China as a global economic power. Participants also took part in a discussion about Mexico's justice system, prompted by the arresting documentary "Presumed Guilty," and exchanged views with such luminaries as Darrell Steinberg, President pro Tem of the California State Senate; Robert Reich, UC Berkeley Professor of Public Policy and former U.S. Secretary of Labor; Kamala Harris, California Attorney General; and State Controller John Chiang.

The forum occurred at a propitious time to reflect on — and perhaps advance — binational strategies to deal with pressing social, political and economic issues. Both countries will hold presidential elections in 2012 that will serve as referenda on the current national administrations, which have had to navigate turbulent times over the past few years.



Human Rights Trilogy, by Rufino Tamayo. The original symbol of the Forum, now in its 10th year. (Images courtesy of the Olga & Rufino Tamayo Foundation.)

Forum participants from the United States were highly qualified to offer insight during this crucial juncture. Public policy experts, political leaders, entrepeneurs, labor union leaders and scholars provided a wide spectrum of opinions based on their interpretations of the American political climate and its conduciveness to innovative responses to pressing bilateral challenges.

On the Mexican side, the July 2012 elections are expected to lead to the ouster of the Partido Acción Nacional (National Action Party, PAN), the center-right party that has held power since 2000. Mexican news is dominated by ghastly reports of drug-related murders, which the Trans-Border Institute tabulated as exceeding 34,000 in the period beginning in 2006, when President Calderón initiated a military campaign against drug cartels, and ending in 2010. The popular perception that Calderón is losing the drug war and the inability of the center-left Partido de la Revolución Democrática (Party of the Democratic Revolution, PRD) to rally around a single candidate have cleared the path for the Partido Revolucionario Institucional (Institutional Revolutionary Party, PRI) — the party that dominated Mexican politics throughout the 20th century — to retake the presidency.

Given this tense political climate, the diversity of Mexican politicians in attendance at the Forum was notable. All three of Mexico's major political parties were represented, with participants including Beatriz Paredes Rangel, congresswoman and outgoing president of the PRI; Adriana González Carrillo, Senator for the PAN; and Amalia García Medina, outgoing governor of Zacatecas and former president of the PRD.

Participants engaged in frank discussion and expressed a shared appreciation for the need for action by policymakers in both countries. The tone of the event was best reflected by Harley Shaiken's opening remarks,

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summarizing the objective of the Forum: "We've never sought consensus, but we have sought understanding and, hopefully, new policy approaches."

Renewable Energy and Climate Change

A full day of discussions was kicked off by a panel on an issue that affects not only the United States and Mexico but the entire planet: the global environmental crisis. The panelists that spurred the discussion included Luis Alfonso de Alba, Mexico's Special Representative for Climate Change to the United Nations; Robert Collier, consultant for the ClimateWorks Foundation and a visiting scholar at UC Berkeley's Center for Environmental Public Policy; and Steve Weissman, Director of the Energy and Cleantech Program at Berkeley Law.

The consensus among the presenters was that climate change is an urgent threat to global well being and that innovative new framings of the issue are required to generate the political initiative and public support necessary to pass emissions regulation, make the required investments in clean technology and commit to multilateral environmental agreements. Collier promoted a framing of reforms as addressing three symbiotic challenges: climate change, public health and energy security. Christopher Edley, Dean of Berkeley Law , advocated that policymakers should respond to the public's "green fatigue" by framing renewable energy technology as "a Sputnik moment." Edley reasoned that investments in green technology might be more popular with the American public if framed as a strategically crucial economic competition with China.

Security

Perhaps the most far-reaching ideas at the Forum were proposed in response to Mexico's security crisis. This issue is fundamentally binational, both in terms of the drug market — Mexico's drug cartels exist to feed U.S. demand for illicit drugs — and in terms of inter-cartel violence, which threatens to spill over into U.S. border cities and is exacerbated by the free flow of firearms from U.S. vendors across the border. The panelists, who offered nuanced appraisals and suggestions, were Shannon O'Neil, Douglas Dillon Fellow for Latin American Studies at the Council on Foreign Relations, and Sergio Fajardo Valderrama, former mayor of Medellín, Colombia, and a consultant to Mexico on the drug war.

The panel was particularly insightful thanks to the diverse experiences of the participants in dealing with drug-related policy in the United States, Mexico and Colombia, the site of the last major crisis of drug violence in the Western Hemisphere. Both O'Neil and Fajardo urged

Gov. Jerry Brown signs the California Dream Act on the back of its author, Assemblyman Gil Cedillo, July 2011.

Photo by Damian Dovarganes/Associated Press.

U.S. policymakers to take lessons from the Colombian experience. O'Neil suggested that a successful element of U.S. involvement in Colombia's drug war was to help professionalize the military to prevent soldiers from defecting to the cartels. Fajardo explained that his mayoral administration's success in alleviating drug violence in Medellín was achieved by transforming urban spaces and providing sources of employment for youth to decrease the attractiveness of entering drug gangs.

North America, China and the Global Economy

No discussion of U.S.–Mexico relations would be complete without an analysis of the economic predicament that affects both countries. The ongoing economic crisis — and North America's poor prospects for a swift recovery — constitutes a limiting factor for addressing the other crises that confront these two countries. The final panel of the forum focused on strategies for emerging from the recession and for adjusting to the rapid rise of China as a global economic force. The presenters were Enrique Dussel Peters, Professor of Economics and Director of the China–Mexico Studies Center at the Universidad Nacional Autónoma de México, and Clyde Prestowitz, President of the Economic Strategy Institute.

Panelists and participants agreed that both the United States and Mexico should respond to the Chinese threat by investing in bilateral trade deals to confront the competition posed by China to U.S. and Mexican producers. Dussel Peters explained that Nafta's emphasis on promoting U.S. textile exports and automobile manufacturing in Mexico is obsolete, since China has already overtaken the former and is poised to overtake

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Photo by Jim Block.

Steve Weissman and Amalia García Medina.

Pete Gallego.

Photo by Megan Kang.

Photo by Antonio Sierra/Associated Press

Soldiers escort a 14-year-old U.S. citizen accused of four beheadings in Mexico.

U.S.–MEXICO FUTURES FORUM: SECURITY

Attacking the Roots of Insecurity

by Benjamin Lessing

There is no issue higher on the U.S.–Mexico agenda at present than security. The death toll from Mexico's drug war hit some 34,500 by late 2010 and continues to climb at an alarming rate. The issue is dominating the Mexican political scene, with a massive citizen mobilization calling for a shift in President Calderón's "war on narco" policies. In fact, concerns about safety now top the economy as the issue most important to voters. The seemingly unstoppable wave of violence is affecting U.S.–Mexico relations just as powerfully, simultaneously fostering cooperation among diplomatic, law enforcement and intelligence agencies and exacerbating long-standing fears, suspicions and complaints on both sides of the border. The participants in the U.S.–Mexico Futures Forum knew all too well that there would be no easy solutions when the security session began; instead, a tough-minded and sincere debate ensued, that brought out both the immense challenges and the need for flexible, creative and cooperative approaches.

The session began with presentations from the Council on Foreign Relations' Shannon O'Neil and the former mayor of Medellín, Colombia Sergio Fajardo. O'Neil started off with a brief rundown of the situation in Mexico and the state of U.S.–Mexico security cooperation. She pointed out that, while Mexico's overall homicide rates are low by Latin American standards, they have grown precipitously and spread geographically in a way that has left the Mexican public shaken. Moreover, the nature of the violence seems to be changing: new, more violent cartels like Los Zetas are replacing older, more traditional drug operations. These new cartels are diversifying into extortion, smuggling, kidnapping and

human trafficking, while at the same time "outsourcing" much of the dirty work to local street gangs. Drug dealers are thus coming into closer contact with the population, who feel that they are now involved in a war that they never wanted.

U.S.–Mexico cooperation is also changing, O'Neil said. The $1.3 billion Mérida Initiative that began in 2007 was focused on two main goals: first, pursuing kingpins, cartel leaders and other "high-value targets"; and second, strengthening the rule of law, especially the federal police. According to O'Neil, the first took priority over the second, and though there were a record number of arrests and extraditions, the focus on bringing down the dons led to a spike in violence, while the underlying problem of corruption and weak state institutions persisted.

With Mérida up for review in 2009, the incoming Obama administration pushed for a course correction, adding two additional pillars: protecting the border in both directions and building more resilient communities, with an additional $300 million from Congress to get it done. The track record, said O'Neil, has some bright spots. The increased investment signals the importance of the U.S.–Mexico relationship, and the new level of operational cooperation and information-sharing among key agencies and departments is like "night and day" compared to five years ago. Given the history of tension over issues of security, sovereignty and the border, this is no small feat.

Still, said O'Neil, challenges loom. First, there is a vacuum of leadership on the U.S. side, in terms of pulling together a coordinated team to work with Mexico. Second, the Mérida funds have been disbursed slowly and spent disproportionately on military hardware, short-changing social funding. She pointed out that even under Obama, only $30 million for social projects has been approved, as compared with $200 million under Plan Colombia, making the "holistic approach" still more of an aspiration than a reality. Finally, there are sensitive political issues at play for both countries. Mexico, always uneasy with anything that hints of U.S. military intervention, is increasingly unhappy about issues like lax U.S. gun laws and the circumstances surrounding the resignation of U.S. ambassador Carlos Pascual, who stepped down after leaked cables exposed his concerns about the efficiency of Mexican security forces. Meanwhile, the current U.S. Congress has shifted rightward, which augurs a more militaristic approach to border issues, less foreign aid due to a focus on deficit reduction and little hope for reforms to gun policy.

In sum, O'Neil argued that a broad consensus has been forged on both sides of the border to work together and to take a holistic approach, but that it would take time, years maybe, for these efforts to yield real results. The upcoming elections in both countries, she said, would be crucial to whether the U.S.–Mexico security relationship moves forward or backward.

The other opening remarks were given by Sergio Fajardo, the mayor of Medellín from 2003 to 2007. A former professor of mathematics, Fajardo is known for the innovative urban policies his administration put into practice, as well as the precipitous drop in violence that occurred in Medellín on his watch. He began by emphasizing that solutions that work in one place cannot simply be copied. "Bad students copy answers, then they fail the exam," he observed, adding that he hoped lessons could be learned from the experiences of Colombia and Medellín, that country's epicenter of drug violence.

Fajardo pointed out that "something must be going wrong," if after 30 years the violence that wracked Colombia has now spread to Mexico and Central America. His overarching argument was that underlying social inequalities and institutional weaknesses need to be addressed if a permanent solution to the problem of drug-related violence is to be found. Using a series of graphic metaphors, he argued that governments fail to deal effectively with the problem because they focus on capturing big-name drug dealers while ignoring the sources of violence and the drug trade. He first claimed that violence and inequality go hand in hand, that they are like two trees whose roots have intermingled in the "weed grass" of corruption and that it is impossible pull out one without pulling out the other.

He then presented his second metaphor, arguing that poor and marginalized youth look at the world of drug trafficking and see an open door, leading to something better. In fact, it is a series of doors, leading up the drug hierarchy and eventually, almost inevitably, to prison or death. But the young man with no work and no education — the so-called *nini*, "*ni trabaja ni estudia*" (neither works nor studies) — sees only the first door. The door is getting wider, said Fajardo, and all the other doors, those that lead to a legitimate job or other opportunities, seem closed. So the only thing to do is to narrow the door that leads to the drug trade and open the other doors. "We would like to lock it," Fajardo said, "but that is impossible." But, he continued, if we can close the "narco door" even just a little, we will keep many youth from entering.

Fajardo described some of the positive developments he sees in Medellín and Colombia. By focusing investments on public transport and public space, his administration sought to revitalize low-income areas

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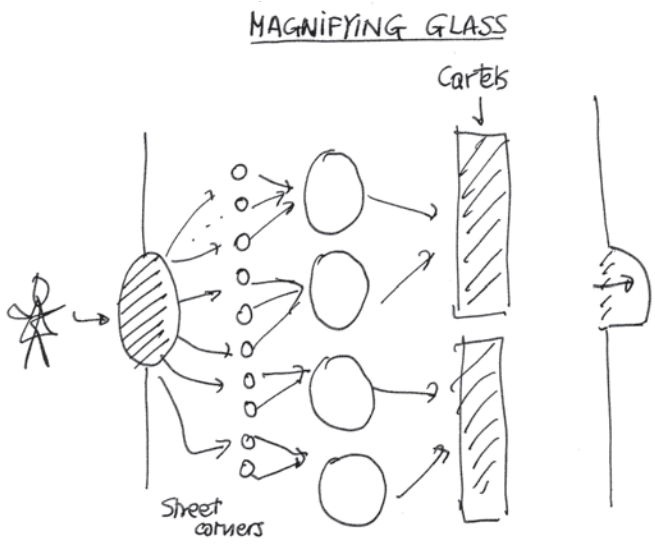

Image courtesy of Sergio Fajardo.

Sergio Fajardo's metaphorical sketch depicts the "series of doors" Mexican youths encounter.

and increase community involvement, getting people out on the streets and reducing fear. He also pointed to progress against corruption and towards a stronger judicial system at the national level, noting that some 50 Colombian congresspeople had been jailed for links to the drug trade, a lamentable reality but an important signal to other politicians that corruption does not go unpunished.

Fajardo concluded by arguing that Latin American countries needed to take a united stand on the drug issue and support one another, as well as to remind the United States that "you are the ones consuming." He noted that although legalization is not yet a realistic political option, ultimately a more public-health -oriented approach is needed.

After the keynote talks, a fascinating debate ensued. Robert Collier, a journalist and visiting scholar at Berkeley's Goldman School of Public Policy, asked whether progress had been made on police corruption in Mexico, and if corrupt police can still get re-hired in other cities, as they had in the past. O'Neil responded that the new Plataforma México national crime database includes data on corrupt police, so that this practice should be curbed. But she agreed that corruption in the municipal police was still rampant and salaries very low. Fajardo recalled a visit to Torreón, where the mayor told him that he had fired 700 police officers upon taking office. "Where

Shannon O'Neil and Sergio Fajardo Valderrama.

Photo by Megan Kang.

Photo courtesy of the California Department of Justice.

California Attorney General Kamala Harris examines a car with U.S. agents at the Mexican border.

did you get 700 new police?" asked Fajardo, "Off the street?" Rafael Fernández de Castro, Presidential Advisor on International Affairs and Competiveness, 2008-11, and professor of International Affairs at the Instituto Tecnológico Autónomo de México, pointed out that the real pay increases made under Calderón have been to army salaries, which have risen from 4,000 to 7,000 pesos per month (from about $340 to about $595), and that despite increasing combat deaths, there has been an increase in willingness to serve in the army. Fernández de Castro saw this trend as a mixed blessing: the army has gotten stronger, but in the long run, it really shouldn't be involved in citizen security.

Chris Edley, dean of the Berkeley Law School, presented a provocative argument, claiming that, while U.S. policy elites admit among themselves that domestic drug policy is a failure, nobody can say so publicly, and any real reform would be politically toxic. So, he reasoned, change would have to come from some outside "shock" to U.S. drug politics. He urged Mexico and other Latin American countries to take more radical postures on the issue, saying to the United States, in effect, "Our people are suffering. We are not going to battle these forces within our own countries any more. We're going to legalize, use an excise tax and deal with the issue as a public-health problem." This, he said, would actually be a boon to the United States, because it would force political elites to seriously address the issue.

Amalia García, governor of Zacatecas from 2004 to 2010, worried that even if legalization were to move forward, it would not address other types of organized crime. She recommended broad-based scholarships to low-income families to encourage students to stay in school. Steve Silberstein, co-founder of Innovative Interfaces, wondered how demographic trends might be exacerbating or easing the situation. Maria Echaveste of the Berkeley Law School picked up on Fajardo's argument about inequality, arguing that it is an important issue in the United States, but that we have ignored it because we put a racial lens on inequality, with violence bottled up in ghettos and barrios. She worried that Mexico would head down the same road, "governing through crime, locking people up and ignoring structural inequality."

Texas State Representative Pete Gallego then raised a crucial point about the unintended consequences of "getting tough on crime." He gave the example of

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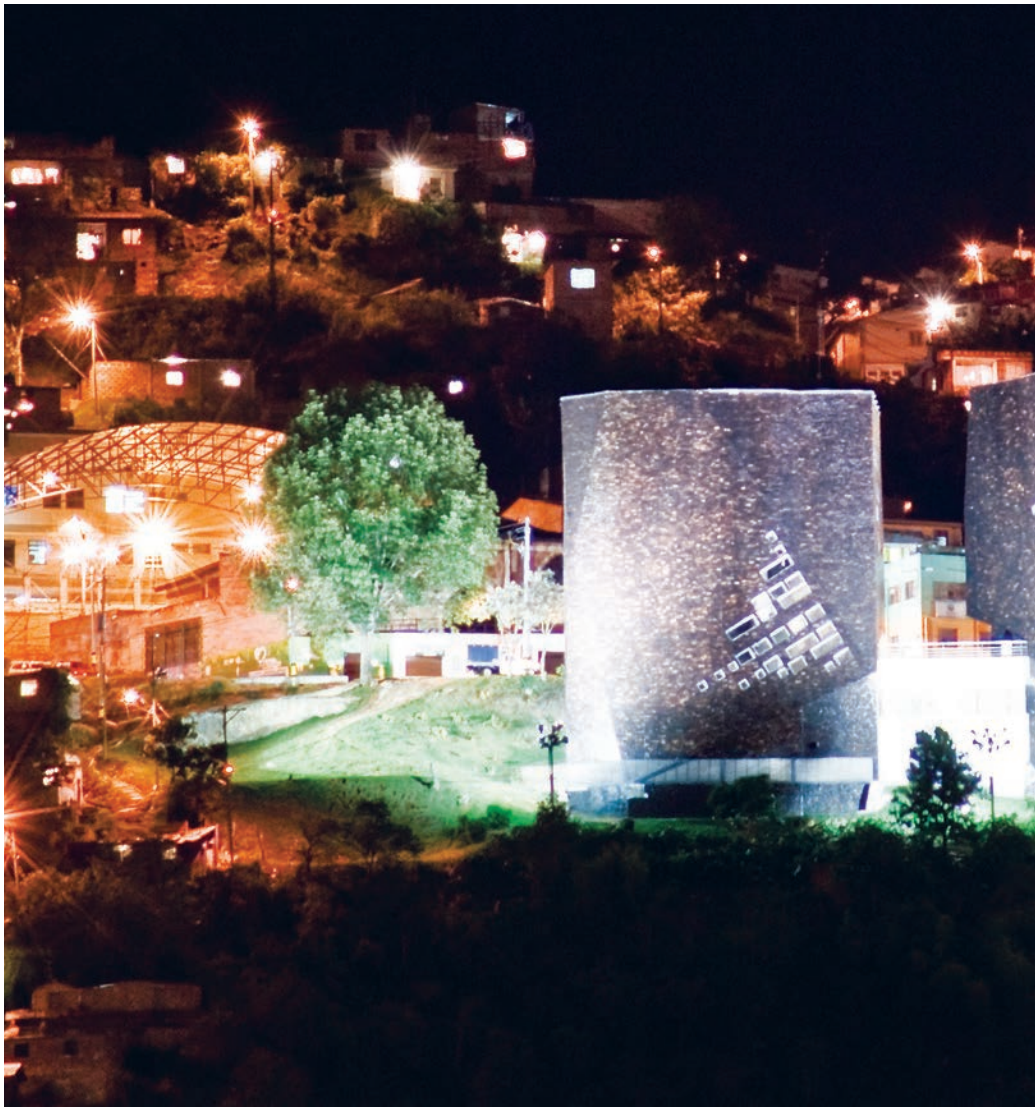
forfeiture laws, one of which permits Texas officials to seize cars used in drug trafficking. In response, he said, drug dealers began using stolen cars to conduct criminal business. Similarly, when a law was passed allowing officials to seize the money of captured offenders, drug dealers began paying in product instead of cash. This forced couriers to become low-level dealers, pushing drugs in their own neighborhoods and thereby spreading the blight of drug consumption. Even more perversely, the distinction that U.S. laws make between adults and juveniles has led drug cartels to recruit kids under 18. Better policies can be formulated and implemented, but it takes time, money and effort. Gallegos summed up the point elegantly: "It's much easier to be tough on crime than to be smart on crime."

Berkeley professor Alex Saragoza identified factors that have exacerbated the problem in the last 30 years, especially technology. Mobile devices have facilitated deals, and financial instruments are now used to launder billions of dollars on the U.S. side. Cartels respond to changes in laws in one country by internationalizing their operations and taking advantage of legal loopholes or weak enforcement somewhere else. Finally, he argued that the United States has not done enough to close the door on its immense demand for drugs, which ultimately drives the market.

Harley Shaiken, Chair of the Center for Latin American Studies at UC Berkeley, drew together points that O'Neil, Fajardo and García had made to put the choices facing the United States and Mexico into stark perspective. Most of the aid from the U.S. is going toward helicopters not social programs. This approach takes out the capos but leaves the ranks of poor youth ready to walk through the "narco door" and replace them. Even if the drug kingpins can be put away, a critical mass of criminality in Mexico retains the capacity to inflict damage on both sides of the border. So the decision for the U.S. is whether to continue to spend billions on wars like that in Afghanistan or to allocate sufficient funds to substantively address the growth of criminality in Mexico. The latter, Shaiken argued, is much more in the United States' national interest.



This library in a poor neighborhood of Medellín, Colombia creates a safe public space.

Fernández de Castro offered his final reflections, saying that, in reality, U.S.–Mexico relations were not in good shape. With only a quarter of the Mérida funds disbursed, Mexico feels it is getting "all stick and no carrot." The U.S. Congress (as well as Amnesty International) has criticized Mexico's human rights record but has not taken constructive steps to truly help. He asked O'Neil how she saw the relationship evolving, and he worried that any gains in Mexico would come at the expense of Central America, where institutions are even weaker than in Mexico.

O'Neil then offered a closing statement, making three points. First, she noted that the security situation and the government's response is "all on Calderón": it is seen as his own personal campaign not as a national project. Neither state governments nor other parties have really debated the issue or offered alternatives,

Photo by Daniel Echeverri.

preferring to let the president take all the heat and all the responsibility. Increasingly, O'Neil said, this will become a national problem, and perhaps the time has come for a national debate. Second, she addressed the question of whether Mexico was headed for a turning point, arguing that such a time had come for Colombia when the economic elites agreed to pay an additional "public security tax" rather than continuing to buy more bulletproof cars and hire more bodyguards. A silver lining to the rising violence in Monterrey, Mexico's industrial capital, would be a decision by Mexico's elite to invest in the public good of security. Finally, she agreed that the future of U.S.–Mexico security cooperation seems to be up in the air, but she added that the United States is generally willing to go along when the impetus comes from Mexico. So, if Mexico, together with Latin America, could lead, the U.S. would probably follow.

Fajardo concluded the session with a provocative claim: Americans don't really care about the drug problem. Neither do the Europeans. "This is an exaggeration," he clarified, but he stood behind the basic truth of his claim. In consumer countries, he said, the problem of drugs is basically under control. Consumption is a problem but not a crisis. Meanwhile, producer countries in Latin America suffer extreme violence and massive social upheaval as a result of their efforts to keep drugs from flowing to the United States. And the United States doesn't seem to care much. So, he concluded, Latin America needs to think for itself. He closed by urging Mexico to engage the problem at the highest level, creating a national youth program along the lines of Mexico's Oportunidades or Brazil's Bolsa Familia, both national cash-transfer programs. So, certainly no silver bullets but perhaps a few silver linings. The shadow of Colombia looms large over the debate on Mexico's drug war, and Fajardo's participation served as a reminder that a nation's security problems cannot be addressed by taking out a few drug kingpins, no matter how powerful they may be. At the same time, it brought home the opportunities that a security crisis can bring: a chance to truly tackle police and institutional corruption, to address at the national level the structural inequality and lack of economic opportunities facing Mexico's youth, and to forge a durable operational alliance with the United States. On the U.S. side, members of the Forum seemed to be in agreement that the biggest challenge will be to maintain and strengthen the will to cooperate and address underlying social issues in Mexico through the "holistic approach" and avoid back-sliding towards purely military solutions.

The panel "Security" was part of the U.S.–Mexico Futures Forum held in Berkeley, California, April 15-16, 2011. Shannon O'Neil, the Douglas Dillon Fellow for Latin American Studies at the Council on Foreign Relations, and Sergio Fajardo, mayor of Medellín from 2003 to 2007, were the presenters.

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Photo by Brent Finnegan.

A Chinese-made American flag at a July 4th parade in Harrisonburg, Virginia.

U.S.–MEXICO FUTURES FORUM: CHINA

Can Eagles Fly With Dragons? China, Mexico and the U.S.

by Julie Michelle Klinger

China's remarkable economic growth has benefited millions of people in China, as well as in the United States and Mexico. However, the current economic challenge posed by China's globalizing influence demands robust and far-reaching action on the part of both North American countries.

When it comes to China, the United States has more in common with Mexico than with its other North American neighbor, Canada. Canada can continue to prosper as a primary commodities exporter — much like Brazil — but the U.S. and Mexican economies have both relied heavily on domestic industry and therefore have been particularly affected by changing trade profiles with China. Both countries experienced capital flight and job losses as firms migrated toward China in the 1990s, while Chinese imports have significantly displaced domestic production since the turn of the millennium.

An international panel on China and the Americas at the 2011 U.S.–Mexico Futures forum agreed that, without losing sight of the important differences between the United States and Mexico, there are several key areas within which coordinated actions should be prioritized. Presenters included Enrique Dussel Peters of the Center for China–Mexico Studies at the Universidad Nacional Autónoma de México and Clyde V. Prestowitz, founder and president of the Economic Strategy Institute and former counselor to the Secretary of Commerce during the Reagan Administration. Participants included a range of political, academic and business leaders from the United States and Mexico.

Although considerable attention has been paid to the challenges and opportunities presented to the West by

China's rise, little headway has been made to establish coordinated, long-term strategies to engage the Asian power. In both the United States and Mexico, trade and industrial policy are in critical need of attention. A coherent trade policy that goes beyond the question of currency manipulation and particular trade practices to consider the functioning of the countries' diverse domestic economies would be an important first step.

Most conspicuously, both countries lack a robust trade policy response to China's economic ascent. However, addressing trade policy alone is not enough to change the current economic course. To be effective, a strong trade policy requires a strong industrial and manufacturing base. According to the panelists, rebuilding the industrial foundation of both countries is critical to reviving the domestic economy through providing secure employment and correcting trade imbalances, with the attendant benefits of reviving the middle class, reducing social inequality and balancing national budgets.

Rebuilding a strong industrial base in the United States and Mexico requires an industrial policy, which the U.S. arguably has not had since the decade following World War II. Reviving U.S. industry means much more than revamping the Rust Belt. It means reinvesting in education and infrastructure, which is another means of incentivizing firms to stay in the United States and hire U.S. workers. Harley Shaiken, Professor and Chair of the Center for Latin American Studies at UC Berkeley and co-convener of the Forum, maintained that U.S. industrial policy extended far beyond the 1950s: "What was the Interstate System or the educational response to Sputnik but an industrial policy? Putting a person on the moon was also an industrial policy." An important first step to meeting the challenge of China is broadening the terms of the debate; evaluating the various political, economic and social tools available; and harnessing the interests common to both the U.S. and Mexico.

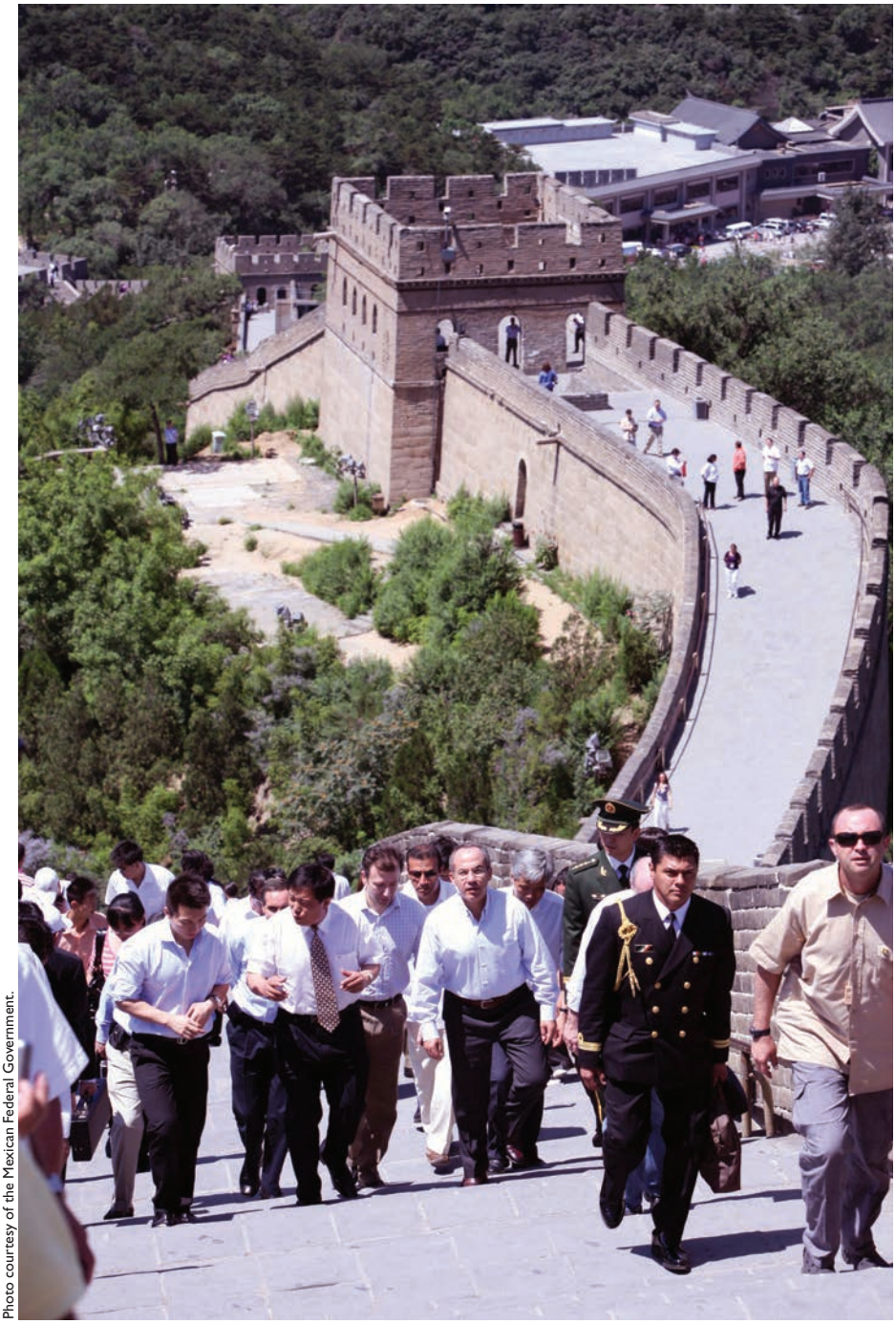

Photo courtesy of the Mexican Federal Government.

Mexican President Felipe Calderón climbs China's Great Wall, 2008.

Governance and Institutions

"We've been working a lot on the question of China," said Dussel Peters "and our analysis finds that the biggest weakness [in Mexico] is institutional." For example, China's political and economic relations with the rest of Latin America have profound impacts on the United States and Mexico, but analyses on the subject remain fragmented. "This

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Photo by Megan Kang.

From left: Adriana González Carrillo, Christopher Edley and California State Controller John Chiang.

weakness is present at all levels," Dussel Peters observes, "At the business level, the academic and the public."

"We need new solutions for which the past has not given us tools," observed Beatriz Paredes Rangel, a deputy in the National Assembly and the former governor of the state of Tlaxcala. "The problems of the United States in the 21st century cannot be solved the same way as the problems in the 20th century. It is a new world, a world in which we do not know how to give jobs to young people, whether in the EU, Latin America or the United States." Paredes Rangel's comment echoed a sentiment that has been growing in the Americas, which holds that China's explosive growth has undermined the economic, labor and geopolitical paradigms built up in the 20th century.

"Although lots of people are talking about China, there is no comprehensive national proposal on this topic," Dussel Peters continued. This observation applies equally to Mexico and the United States. While various actors are implementing short-term strategies, both countries are undermining their own economic and geopolitical standing by failing to develop a coherent, long-term policy, without which they are unable to take a more proactive approach with China to protect their national interests.

China, in contrast, has been very successful in adopting a proactive international trade strategy that safeguards domestic interests. Several participants observed that governments in the Americas should take a cue from the tough negotiating style of their Chinese counterparts and adopt an approach that is more assertive and less concessional.

Prestowitz supported this view with a critique of President Obama's November 2009 offer to Chinese President Hu Jintao to help China build its first commercial jet. "When I asked [the White House] why we would be offering to help China build one of the few remaining high-value goods that we still sell to them, the response was: 'Well, we need to demonstrate our commitment to China.'" Prestowitz went on to observe that the trade and investment volume between China and the United States for the past two decades should be a strong enough indication of U.S. political and economic commitment to China.

While forging an assertive policy response is crucial, it is also important to avoid extremes when discussing China. Those working closely on the question of China and the Americas are in agreement: China-bashing distracts from the structural issues, which include growing trends

of domestic inequality, social polarization and under-investment in education and infrastructure. "We need to think long term," advocated Maria Echaveste of Berkeley Law. "China, the master of long-term thinking, is doing this. If we don't put these pieces together, we won't have any chance of changing this story."

But what if the business sector is relatively unconcerned, as several delegates observed? "The key question is whether the business sector in the U.S. is worried," remarked Paredes Rangel. "Because if it is simply a matter of the business community moving wherever it is most profitable, it seems that the economic problems in the U.S. will continue."

Prestowitz suggested that it would be more useful to think of U.S. corporate giants, like GE and Boeing, as global firms rather than U.S. companies, regardless of where their headquarters may be located. Whatever the patriotic inclinations of the CEO, a company cannot afford to treat its engineers in Boston differently than its engineers in Bangalore. In other words, neither U.S. nor Mexican workers can expect preferential treatment from national firms gone global in the absence of effective policy measures to secure such protections. Furthermore, the assets of global firms are greater than all but a handful of states, but the interests of those firms are much more straightforward. Prestowitz proposed a strategy for dealing directly with "the bottom line" that drives capital flight: establish a "war chest" bargaining fund for the express purpose of making attractive counter-offers to keep firms rooted in North America.

Why is a war chest composed of public funds to incentivize private industry worth considering? Because it is often the initial incentives, rather than long-term variables such as lower labor costs or weaker regulations that stimulate capital flight out of the Americas. For major firms such as Intel — which recently opened its first microprocessor producing plant in Dalian, China — labor accounts for less than 1 percent of the cost of production. That is hardly enough to compensate for giving up the quality and productivity found in the United States — at times at lower cost — unless a healthy capital subsidy and a tax break is offered by the host

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The ground-breaking ceremony for Intel's plant in Dalian, China.

Photo from Associated Press.

country to make up the difference. That is precisely the strategy employed by China, Singapore and other masters of attracting foreign direct investment from the West. If offering a subsidy or a tax break is truly all it takes to seal the deal, as Prestowitz maintained, then establishing a bargaining fund to help North American governments keep skilled, well-paying jobs in the region is worth some thought.

Any such action would, of course, have to be pursued with care. While this is a pragmatic proposal to directly address China's bidding prowess, the strategic value of such an initiative would be undermined if investment in an industrial war chest meant further disinvestment from other vital areas of the economy, such as education and infrastructure.

In short, in order to harness the positive potential of major corporate firms to shape the North American economy for the 21st century, it is important to first reckon with their position as semi-sovereign entities without national allegiance. Going forward, "if we want nations to be relevant," said Maria Echaveste, "we need to take steps for them to be relevant." That includes crafting a strong industrial policy and making the investments necessary to rebuild the North American economy.

Several panelists proposed that these crucial investments should be oriented toward reinvigorating the manufacturing sector and supporting unionized labor, both of which have seen a precipitous decline since the mid-20th century. "In 1955," noted Shaiken, "if you graduated high school and walked into a Ford plant, you stepped into the middle class." This is no longer the case.

Unionized labor was responsible for securing many of the benefits that enabled workers to support their families, their communities and achieve upward mobility. David Bonior, veteran congressman and former House whip, observed, "When I started out in Congress in the late 1970s, we still had a good union density in this country." Contrary to the anti-union sentiments that have gained political traction in some camps, strong unions and a strong economy actually go hand in hand. States in which collective bargaining is illegal have lower GDPs, higher poverty rates and greater incidences of on-the-job injury.

"While we didn't have an industrial policy in the 1970s," Bonior continued, "there was a strong commitment to the manufacturing sector, which people saw as an engine for the middle class, which had spillover effects into other sectors. Manufacturing jobs were well-paying jobs because people organized around them." Shaiken underscored this point: "This created the virtuous circle of a growing economy." Strong unions are far from the remnants of a bygone era. Rather, according to several participants, unions are a vital part of economic competitiveness going forward.

Currently there is little to stop domestic or international firms from pitting several states against each other in search of the most lucrative deal, perpetuating the "race to the bottom." This concept describes the pressure on governments to lower taxes and reduce social and environmental regulations in order to attract investment. While it is commonly used to describe competition between countries, the same process drives down the lowest common denominator within countries as well, unless those countries possess strong national investment policies.

21st Century Cooperation and Prosperity

"China's economic growth presents an important lesson to Latin American countries," observed Dussel Peters, "because — and note the irony — China did everything wrong." China did not follow the Washington Consensus, nor did it accept any aspect of Western economic doctrine in its entirety. This reality is important in terms of policy instruments; it is important for the future of decision-making in the Americas; and it is important in terms of how Mexico and the United States envision their shared and respective futures.

As Prestowitz and Dussel Peters pointed out, there is a strong similarity between what is happening between Mexico and China, and what is happening between the United States and China. The Import-Export ratio between China and Mexico is 11:1, and China is Mexico's second-largest trading partner after the United States. For the United States, the import-export ratio with China is 4.5:1, and China is the second-largest trading partner after Canada. Both Mexico and the United States tend to import higher value-added goods from China, while their exports consist of more basic commodities. For example, in 2009, the single greatest U.S. import from China was computers, while the United States' greatest export to China was scrap metal and waste paper.

Although Mexico and the United States have important differences in their histories, cultures and economies, there are many respects in which the interests and fates of the two countries are closely intertwined.

Rather than considering comparative advantage in terms of winners and losers in a global economic game, Mexico and the United States should collaborate around their respective strengths. Ambassador Luis Alfonso de Alba, Mexico's Permanent Representative to the United

Nations in Geneva, highlighted Mexico's capacity for negotiating directly with China on sensitive human rights issues. "The point," Ambassador Alba emphasized, "is that we have to accept that we need to work together and engage our comparative advantages. The U.S. should take advantage of Mexico's proven capacity for negotiating not only with China but also in the WTO, with Korea and with Indonesia."

The future of decision-making must be directed by sharper analytical capacity as well as a stronger ability to think long term. Thinking long term is not just a matter of seeing beyond the next election cycle. It is also a matter of knowing the past. "If we look into the past," noted Prestowitz, "There are some tools that we have forgotten about." While it is true that the United States and Mexico need to develop new tools to face the challenges of the 21st century, there is also a lot that both countries can learn from their own history, especially the periods that laid the foundations for Mexico's industrial strength and for the United States' 20th-century emergence as an economic super power.

"Between 1800 and 1950," Prestowitz remarked, "the U.S. looked a lot like China. The U.S. was protectionist. The U.S. had an industrial policy. The government worked together with organized labor and identified sectors that it wanted to strengthen. And we did it. So we just need to first read our own history and then decide what we are going to do."

The panel "North America, China and the Global Economy" was part of the U.S.–Mexico Futures Forum held in Berkeley, California, April 15-16, 2011. Enrique Dussel Peters, Coordinator of the China–Mexico Studies Center at the Universidad Nacional Autónoma de México and Clyde Prestowitz, President of the Economic Strategy Institute in Washington, DC., were the presenters.

Julie Michelle Klinger is a Ph.D. student in the Geography Department at UC Berkeley.

The Mexico Pavilion at Shanghai's World Expo, 2010.

Photo by © Virginia & Josh — TwoFatBellies.com.

Photo by Matt Brown.

Climate change may lead to rising water levels, despite denials.

U.S.–MEXICO FUTURES FORUM: CLIMATE

Reversing the Tide of Apathy

by Christian E. Casillas

Cooperation and action among the world's nations is urgently needed to limit greenhouse gas emissions and avert the most dire consequences of climate change. However, cooperation among countries requires convincing their internal constituencies, primarily businesses and the voting population, that the near-term benefits of action far exceed the costs.

At the 2011 U.S.–Mexico Futures Forum, the discussion that unfolded during the panel on climate change focused on how impasses in the climate debate can be overcome. Most agreed that the engagement of civil society would be critical in pressuring governments to aggressively tackle the problem.

Mexico's Special Representative for Climate Change and forum panelist Luis Alfonso de Alba believes that there is now greater willingness among nations for cooperation on climate negotiations than in the past. However, he explained that consensus will be difficult if climate change is treated as strictly an environmental issue. While the action of national governments is paramount, he believes that there should be an increased role for local governments and civil society.

Beatriz Paredes Rangel, a deputy in Mexico's national assembly and former head of the Partido Revolucionario Institucional (Institutional Revolutionary Party), observed that many in Mexico have the impression that powerful industries whose bottom lines are related to the current energy infrastructure — either through fossil-fuel production or its use — heavily influence American politics. Civil society needs to become more active in order to counter these embedded interests. De Alba agreed that

civil society will probably be the most important lever forcing lawmakers to enact effective climate policies.

Moral leadership in Washington has been notably absent with respect to climate issues, observed Steve Weissman, a panelist and the director of Berkeley's Energy and Cleantech Law Program. President Obama did not mention climate change once during this year's State of the Union address, traditionally used to highlight issues deemed important to the voting public. Weissman noted that a lack of progress on climate issues cannot be blamed on one particular party. No significant climate legislation has found its way into law under Democratic- or Republican-controlled Congresses.

Recent findings from an April Rasmussen Reports national survey highlight the voting population's current ambivalence regarding climate change. The survey found that while 62 percent of polled voters in the United States believe that global warming is a "somewhat serious" problem, only 34 percent think it's a "very serious" problem. A more telling poll, conducted in October of 2010 by the Pew Research Center, found that 53 percent of Republicans believe that there is absolutely no evidence of global warming, a figure that increases to 70 percent among supporters of the "Tea Party" movement. In the face of figures such as these, it is critical to sell the fight against climate change as something that is good for Democrats, Republicans, Independents and Tea Partiers.

For de Alba, the key to mobilizing public opinion is finding a way to frame climate change as an opportunity rather than a challenge. Christopher Edley, Dean of Berkeley Law, agreed that tackling the problem should be presented as something both feasible and positive, noting that people "want to work on something where there's hope." Edley advocated a focus on technological solutions to climate change because of the can-do optimism such an effort could generate. "Making this into a Sputnik moment is really important," he said, "even though, in purely analytical terms, tech may not be the place to start."

Addressing the consumption side of the problem, Maria Echaveste of Berkeley Law noted, "Our underlying system is dominated by a market-oriented, consumerist system that is unsustainable, but it is so deeply ingrained it is hard to change… How do we begin to have a different ideology?" The Mexican Federal Senator Adriana González Carrillo raised a similar point, saying that when it comes to global natural resources, "we know the price, but we don't know the value."

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Mexico City's skyline under a layer of smog.

Photo by Ilai A. Magun.

Photo by Michael Kan.

U.S. solar technology helps power the new Capital Museum in Beijing.

Robert Collier, a visiting scholar at UC Berkeley and a forum panelist, proposed a three-pronged approach to reframing the debate: "Climate change has been framed as a science issue — unfortunately too many Americans don't believe in science. It has been framed as an environmental disaster — 'Save the polar bears' — but Americans don't really care that much about polar bears. It has been framed as green jobs, but they haven't really come through. The idea of losing the tech race has had a bit of traction, but not much." The impasse won't be broken, he maintained, until each nation sees fighting climate change as something in its own national interest. To convince a variety of countries with disparate interests of the urgency of the problem, Collier suggested a focus on the overlapping issues of climate change, public health and energy security. These issues "are overlapping in terms of policy, political results and final results," he argued.

Collier isn't alone in the push for a greater emphasis on the relationship between public health and climate change. A group of researchers at the Center for Climate Change Communication at George Mason University recently argued that focusing on public health provides the opportunity to connect climate change to the respiratory issues that many people face, such as allergies and asthma. The public-health framework also allows for a positive spin by focusing on a healthier future rather than looming disaster.

There is ample data connecting public health with emissions. Citing a World Health Organization study, Collier noted that, globally, 800,000 people die every year because of ambient air pollution, while millions more suffer increased morbidity. In the United States, the electricity and transportation sectors together contribute almost two-thirds of annual greenhouse gas emissions, primarily in the form of carbon dioxide. While carbon dioxide in atmospheric concentrations is not toxic to human health, there are myriad co-pollutants released during fuel combustion, including nitrogen and sulfur oxides. These are the primary contributors to smog, acid rain and the formation of fine particulate matter, one of the primary urban pollutants leading to increased mortality rates from cardiovascular and respiratory illnesses. The Environmental Protection Agency (EPA) estimates that every dollar spent on reducing pollution from power plants could result in $5 to $13 in health benefits.

Clean air is something that most Americans care about, and a majority support regulations that would improve air quality. Although a measure was recently passed in the U.S. House of Representatives that would prevent the EPA from regulating industrial carbon emissions, this policy is contrary to what the polls indicate Americans support. A recent poll commissioned by the American Lung Association found that 69 percent of voters are in favor of creating stricter limits on air pollution. Significantly, 68 percent of voters feel that Congress should not prevent the EPA from updating clean air standards, and 69 percent believe that pollution standards should be set by the EPA, not Congress.

The argument for the role of renewables in energy security is a more complicated sell. Collier pointed out that energy security has been on the radar of both Democrats and Republicans since the Carter administration. He also reminded listeners that energy security is not solely an American problem. For Mexico, declines in oil production

create the danger of decreasing oil exports and lower government revenue from the state-owned Petróleos Mexicanos. China, on the other hand, is dependent on rapidly increasing oil imports from the Middle East, Africa and South America, all of which must pass through shipping lanes controlled by the United States. Factors such as these may push more nations toward renewable energy.

However, reducing dependence on Middle Eastern oil doesn't necessarily mean transitioning to cleaner energy sources. As crude oil prices hover above $100 a barrel, Republicans in Congress have responded by working to increase access to off-shore oil drilling. In addition, the Obama administration's commitment to reducing dependence on foreign oil includes increasing access to Canada's oil fields, which also doesn't bode well for the environment. Canada has been the biggest supplier of crude oil to the United States since 2006. Its immense proven oil reserves, second only to Saudi Arabia's, are found in tar sands. The energy needed to extract and process the oil from tar sands results in emissions that range from 10 to 100 percent greater than those from conventional oil.

Weissman noted that renewable energy typically gains traction when natural gas and oil prices are high, but interest quickly fades when fossil fuels become cheap again. Clyde Prestowitz, the president of the Economic Strategy Institute, added that technology which makes sense in the marketplace needs to be part of the answer. However, technologies are not competing on a level playing field, since the indirect environmental and social costs of fossil fuels are not reflected in their price. Therefore, it is critical to develop regulations that put a price on greenhouse gas emissions. In the United States, the answer to a lack of federal regulation

Photo from Leila Mead/IISD Earth Negotiations Bulletin.

Luis Alfonso de Alba speaks at a UN conference in Germany.

has been the creation of state-level renewable portfolio standards (RPSs), mandating the integration of cleaner generation technologies. While state RPSs fill the void created by the lack of federal action, Weissman pointed to several drawbacks. One is that they vary widely between states, with some, like California, setting ambitious goals and others setting moderate targets or none at all. Weissman explained that the RPS is an imprecise instrument that only focuses on energy supply, primarily strengthening the solar and wind industries. Due to the intermittent nature of solar and wind, these generation technologies don't impact base-load generation, which is often met by coal.

Many analysts have argued that transitioning to cleaner energy will result in a stronger economy. While the state of the economy always impacts people's votes, statistics on jobs and economic growth are among the most susceptible to manipulation and cherry-picking. The idea of a green economy has taken root in public dialogue, yet the parameters defining what such an economy might look like have varied. Weissman pointed out that the economic impact of green jobs would likely vary depending on geographic region, noting that in many southeastern states, where fossil fuel resources form an important part of the economy, there is a feeling that enacting a renewable energy agenda would be contrary to economic development goals.

Perhaps the conversation around the economic benefits of a more environmentally benign economy — one not based on the extraction of finite, private fuel resources — needs to be framed around the winners and losers. Putting a price on greenhouse gas emissions will surely result in

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higher costs in manufacturing and transportation, but how will these costs be distributed? A study last year by UC Berkeley researchers suggested that per unit of energy output, there are more jobs supported with renewable energy generation than fossil fuel generation. Transition to low-carbon infrastructure doesn't have to result in a slumped economy, but as the United States drags its feet on federal incentives and regulations, other countries are gaining ground in the technology markets. De Alba pointed out that China is leaving the U.S. behind in many renewable energy markets.

Have there been any successful campaigns that reframe climate change in terms of public health, energy security or a green economy? In the United States, one does not need to look any further than California and the 2010 statewide vote on ballot proposition 23. Prop 23 was funded by a number of oil companies, with the purpose of delaying the implementation of Assembly Bill 32 (AB 32), California's Global Warming Solutions Act. AB 32 calls for the reduction of California emissions to 1990 levels (a 15-percent reduction from 2010 levels) by 2020, using both regulation and market mechanisms. The "No on Prop 23" campaign developed a very simple trio of messages. The campaign villainized the funders, focusing on Koch Industries and the oil refiners Tesoro and Valero, all of which have poor environmental records. Advertisements argued that Prop 23 threatened clean air, turning "the clock back on efforts to reduce illness and death from air pollution." The campaign also argued that "the oil companies deceptively claim they want to reduce unemployment, but killing off California's fastest growing industry is a recipe for higher, not lower, unemployment." The messages were based on numerous polls, ensuring that they resonated with voters. Prop 23 was defeated by a 23 percent margin.

The Prop 23 vote in California provides an example of how more astute messaging can be used to advance an emissions reduction agenda, or at least prevent it from losing ground. The campaign avoided diving into the numbers or the nuances of the messages. It seems that people just want to know the punch line, as long as it is plausible, and they see a clear benefit.

In less-affluent countries, reducing emissions can have much clearer benefits for the marginalized majority. Collier has noted the merits of public transportation systems in Latin American economies. Mexico offers an example of the opportunities in the transportation sector to reduce greenhouse gas emissions, drastically improve clean air and advance the social welfare of the poorest urban constituents. The authors of a 2009 World Bank report estimate that air pollution in Mexico City is responsible for 4,000 premature deaths every year and that 40 percent of air particulates come from the transportation sector. They also calculate that $530 per person are lost due to time spent in congestion. Another World Bank study concluded that carbon emissions can be reduced, at a savings, by increasing the availability of bus rapid transit (BRT). In the past three decades, experiments with BRT in Brazil, Peru, Colombia and Mexico have shown that investment in BRT is not just good for the climate, it's good for economies, energy security and public health.

However, if what the world needs is concerted, collective action, then what is the significance of a rogue U.S. state or a progressive nation? In a world beset by uncertainty, powerful and embedded interests and misleading media campaigns, empirical evidence is critical. Edley noted that pioneers such as California can push forward new policies so that others can learn what works and what doesn't. California is the world's eighth-largest greenhouse gas

Photo by Kathryn Hansen / NASA.

emitter and eighth-largest economy. Its forward-looking climate approach has catalyzed other states to follow its lead on successful policies. California led the world in developing the first low-carbon fuel standard for transportation and recently updated its Renewable Portfolio Standard requiring utilities to have 33 percent of their electricity production coming from renewable energy sources by 2020, one of the most aggressive mandates in the United States. It remains to be seen what the impacts of California policies will be on its air quality and economy. The rest of the nation will surely be taking notes as California's story unfolds.

The current impasse on climate regulation and the historic missed opportunities are the result of politicians responding to the political winds of their constituencies. It has become clear that talking science hasn't sparked the public's concern. If civil society is going to successfully pressure politicians to act on climate change, then the message has to be made personal. If civil society mobilizes and starts to demand government action, the world will begin to transform into a rich policy laboratory. The most effective policies will provide evidence of the public health, energy security and economic benefits of reducing fossil fuel dependence. And they will also help avert the more dire consequences of a quickly changing climate.

The panel "Climate Change" was one of three sessions of the U.S.–Mexico Futures Forum held in Berkeley on April 15-16, 2011. The presenters included Ambassador Luis Alfonso de Alba, Mexico's Special Representative for Climate Change; Robert Collier, visiting scholar at the Center for Environmental Public Policy, UC Berkeley; and Steve Weissman, Director of the Energy and Cleantech Law Program, UC Berkeley Law.

The ClimateWorks Foundation helped to support this panel.

Christian E. Casillas is a Ph.D. candidate in the Energy and Resources Group at UC Berkeley.

The U.S. Coast Guard measures the effects of climate change in the Arctic Sea.

Photo by Megan Kang.

Rafael Fernández de Castro, co-convener of the Forum.

Photo by Jim Block.

Art Pulaski.

Global Crisis, Bilateral Response

continued from page 9

the latter industry in the next two decades. The panelists agreed that the United States and Mexico should focus efforts on retaining high-tech sectors that generate stable, high-quality employment. According to Prestowitz, the U.S. has moved too slowly in countering China's strategy of offering inducements such as subsidies and tax breaks to encourage high-tech firms like Intel to move their plants to China.

Robert Reich's lunchtime remarks placed the global economic situation in the context of historical economic shifts in the United States and the resulting structural imbalances. According to Reich, the current political emphasis on fiscal balance is misplaced and has undermined prospects for both the United States and Mexico to recover from "the Great Recession." Instead, Reich maintained, the Obama administration should focus its energies on short-term expansionary policy to increase demand and long-term redistributive policy to increase the purchasing power of the American middle class. This would, in turn, increase demand for Mexican exports to the United States. Middle-class Americans' wages have languished during the past 30 years, while the GDP has doubled, mostly to the benefit of the richest one percent.

Reich was pessimistic about the likelihood that the Obama administration would switch to a more expansionary policy, however. Republicans' success in steering the political discourse and convincing Americans that the deficit is a bigger problem than job growth has limited Democrats' options, he maintained. Democrats are under pressure to show that they are striving to "get the fiscal house in order" to buttress their electoral prospects in 2012. Reich also expressed doubts about the Obama administration's most concrete proposal to generate employment, calling the cleantech sector "80 percent hype." Reich characterized cleantech as a boutique industry that will likely generate jobs for highly educated workers, the group least afflicted by the current employment predicament.

"Presumed Guilty"

Forum participants also watched clips of "Presumed Guilty," an award-winning film that documents the path

of Toño Zúñiga, a man accused of murder, as he navigates Mexico's perverse criminal justice system. The film was produced by Roberto Hernández and Layda Negrete, doctoral candidates in UC Berkeley's Goldman School of Public Policy, and has received international acclaim, becoming the most watched documentary in Mexican history. Hernández introduced the film and joined in an emotionally charged discussion with forum participants about the failings of criminal justice in both countries and the urgent need for reform.

In one particularly striking sequence, Zúñiga — acting as his own defense attorney, which is routine in Mexican criminal court — questions the chief detective overseeing his case. When Zúñiga confronts the man about the complete lack of evidence to justify his arrest, the officer replies: "If you were arrested by my agents and you're behind bars, it's because you're guilty." According to Hernández, this attitude is symptomatic of a systemic bias in Mexico's criminal justice system. Judges are not present at most hearings, and most guilty convictions are handed down on the basis of no evidence. As a result, due process is routinely violated, and many innocent defendants are found guilty. The statistics speak volumes: the national conviction rate is 80 percent; in Mexico City it is 95 percent.

While "Presumed Guilty" focuses on the shocking flaws in Mexico's criminal justice system, at the Forum it spearheaded a discussion that also delved into the failures of the U.S. justice system to respect the rights of the accused. Texas State Representative Pete Gallego recounted his own personal transformation from a tough-on-

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Photo by Jim Block.

Maria Echaveste.

Adriana González Carrillo.

Photo by Jim Block.

crime district attorney and author of Texas' death penalty law to an advocate for death-row inmates. Gallego explained that after meeting with the families of executed prisoners who were later found to be innocent, he has come to believe that strict safeguards against wrongful convictions are a necessary component of a well-functioning justice system.

The debate sparked by "Presumed Guilty" has pressured policymakers to increase such safeguards in Mexico's justice system. In the past few years, Mexico City and several states have adopted reforms that institute police lineups, require experts to oversee witness testimony and facilitate the presentation of physical evidence. In the words of Amalia García, governor of the state of Zacatecas, "the reforms are expensive, but it is much more expensive not to have reforms."

Bold Ideas, Trying Times

This year's U.S.–Mexico Futures Forum was characterized by sobering accounts of crises, innovative ideas for responding to them and pessimism about the conduciveness of the current political and economic climate to enacting paradigm-shifting policies. Concluding remarks offered by Rafael Fernández de Castro, Chair of the International Studies Department at the Instituto Tecnológico Autónomo de México and former adviser to the Mexican president on International Affairs, summarized the current state of affairs: at a moment when drug violence, economic stagnation and climate change threaten fundamental damage to the United States and Mexico, both countries are ill-prepared to respond.

The economic crisis, coupled with the pressure exerted by deficit hawks to shrink the budget, has drastically limited the resources that the U.S. government can spend to aid Mexico in the drug war, generate job growth or promote green energy technology. The political conditions in both countries are also cause for concern. As Reich explained, the upcoming presidential election and the threat posed by radical right-wing movements in the United States have induced the Obama administration to follow a risk-averse policy path for the coming year. In Mexico, according to Fernández de Castro, party leaders are also consumed by the 2012 electoral campaign and are thus loath to embrace bold ideas for responding to the security crisis and other challenges.

As demonstrated by the two days of Forum discussions, the promotion of cross-border dialogue and solution-seeking is a necessary response to today's challenges.

Brian Palmer-Rubin is a Ph.D. candidate in the Charles & Louise Travers Department of Political Science, UC Berkeley.

From left: Shannon O'Neil, Christopher Edley and David Bonior.

Photo by Megan Kang.

Photo by Jim Block.

Participants at the 2011 U.S.–Mexico Futures Forum

Front row, from left:

Luis Alfonso de Alba
Mexico's U.N. Special Representative for Climate Change

Juan Ernesto Pardinas
Director of Analysis of Public Finances,
Instituto Mexicano para la Competitividad

Shannon O'Neil
Douglas Dillon Fellow For Latin American Studies,
Council on Foreign Relations

Maria Echaveste
Berkeley Law School;
White House Deputy Chief of Staff (1998-2001)

Rafael Fernández de Castro
Mexican Presidential Advisor, International Affairs (2008-11);
Professor, International Studies Department, ITAM

Harley Shaiken
Class of 1930 Professor of Letters and Science;
Chair, Center for Latin American Studies, UC Berkeley

Amalia García Medina
Governor of Zacatecas (2004-10)

David Bonior
Chair, American Rights at Work;
Democratic Whip, U.S. Congress, 1991-2002

Sergio Fajardo Valderrama
Mayor of Medellín, Colombia (2004-07)

Second row, from left:

Pete Gallego
State Representative, Texas

Art Pulaski
Chief Officer, California Labor Federation

Clyde Prestowitz
President, Economic Strategy Institute

Claudia Corichi García
Plurinominal Senator, Mexico

Adriana González Carrillo
Federal Senator, State of Mexico

Steve Silberstein
Co-founder and first President, Innovative Interfaces Inc.

Enrique Dussel Peters
Professor of Economics, Director, China–Mexico Studies, UNAM

Beatriz Paredes Rangel
Deputy, National Assembly;
President of the PRI (2007-11)

Alex Saragoza
Professor of Ethnic Studies, UC Berkeley

Beatriz Manz
Professor of Geography and Ethnic Studies, UC Berkeley

Gil Cedillo
State Assemblyman, California

Robert Collier
Visitng scholar, Center for Environmental Public Policy, UC Berkeley

Steve Weissman
Director, Energy and Cleantech Program, Berkeley Law School

Christopher Edley
Dean, Berkeley Law School

Dionicia Ramos
Vice Chair, Center for Latin American Studies, UC Berkeley

Special Guests

John Chiang
California State Controller
(Photo by Roger Bayne.)

Kamala Harris
Attorney General of California
(Photo by Steve Rhodes.)

Robert Reich
Professor of Public Policy, UC Berkeley
(Photo by Matty Nematollahi.)

Darrell Steinberg
President Pro Tem of the California State Senate
(Photo courtesy of the Office of the President Pro Tem.)

The Passion of Fernando Botero

Fernando Botero spoke briefly with Beatriz Manz, professor of Geography and Ethnic Studies at UC Berkeley, about his latest series "Via Crucis."

BM: Why did you choose the Via Crucis as a theme in your latest artistic work? And can you say something about placing these paintings in a contemporary context?

FB: The Via Crucis was the great theme of art up until the 16th century. It gradually began to disappear, and by the time of the French Revolution, it had practically disappeared. Today it is nonexistent. Perhaps that is why I became interested in it. I am not a religious person, but this theme has a beautiful artistic tradition. In that era, painters mixed daily reality with history: the Roman centurions [of traditional Via Crucis paintings] are soldiers of the epoch in an Italian landscape. I took the same liberty to mix certain Latin American realities with the biblical theme.

BM: You appear in the painting "The Kiss of Judas." Can you give me a hint?

FB: That was another tradition — to paint one's own portrait in the midst of biblical themes. Masaccio [appears] next to Jesus in the Brancacci Chapel of Florence, Pinturiccio in the frescos in Siena and Michelangelo in the Sistine Chapel's "Last Judgment," and so on. I put on my Sunday best to appear near Christ. It couldn't have been any other way.

Translated from the Spanish by Beatriz Manz.

Fernando Botero
"The Kiss of Judas"
(El beso de Judas)

2011, oil on canvas, 55" x 63"
From his series "Via Crucis: The Passion of the Christ."

ENVIRONMENT

Save the Trees to Save the Forest

by Robert Collier

When Chilean President Sebastian Piñera inaugurated an electric car charging station last April, there was plenty of optimism far and wide. The facility in the nation's capital, Santiago, was the first of its kind in Latin America, and its grand opening seemed like a bellwether event. Perhaps it would show the way for a new era of alternative-fuel vehicles in the region. Perhaps it might even signal Latin America's shift toward leadership on climate-change policy in general.

Unfortunately, however, it was none of these things. Instead it was a sign of why Latin America, despite some encouraging steps, has made little progress on climate change.

For many Latin countries, climate policy cuts in many-sided ways. Just weeks after Piñera's event, his government's environmental authority gave final approval to a controversial, $7 billion series of five hydroelectric dams in southern Chile. That project would require a 1,000-mile power line slashed through pristine coastal rainforests in what environmentalists say could be the world's longest clearcut. While the government portrayed the decision as a carbon-reducing way of weaning Chile from unreliable imports of Argentine natural gas, environmentalists call it a boomerang in the making that would destroy a carbon-absorbing wilderness and distract attention from the need for a low-carbon energy policy emphasizing energy efficiency.

Soon afterward, a rapid-fire series of events in Brazil gave notice that protection of the Amazon jungle, the lungs of the planet and the world's largest carbon sink, is faltering.

Capping a years-long battle with environmentalists, Brazil's environmental agency gave final approval for the Belo Monte dam, a hydroelectric power plant in Pará state that will be the world's third largest, producing 11,200 megawatts of electricity. Environmentalists have long said the dam will spur deforestation, endanger indigenous groups and increase carbon emissions throughout the Amazon.

Days later, unidentified gunmen in Pará killed husband-and-wife anti-logging activists José Cláudio Ribeiro da Silva and Maria do Espírito Santo. It was yet another spilling of blood in the lawless region's decades-long trend of violence against forest protectors. And mere hours after that killing, the lower house of Congress in Brasilia approved a revision of the Forest Code that would open up protected areas to logging while granting amnesty to landowners for previous illegal logging. Brazil's rate of deforestation has spiked dramatically this year after several years of decline, and environmentalists have become increasingly critical of the country's efforts to protect the jungle.

At the time this article went to press, it was unclear whether the new forestry bill would become law, but its political significance was clear — despite the wishful thinking of environmentalists around the world, the Brazilian Amazon is open for business, not for forest protection.

For many nations, deforestation is the prime source of emissions. The share of forestry and land use in total greenhouse gas emissions ranges from as high as 80 percent in Nicaragua and Panama to about 60 percent in Brazil and over 50 percent in the rest of Latin America's tropical nations.

For good reason, U.S. public opinion on global climate policy has focused primarily on the deforestation issue rather than other sources of carbon emissions. The dramatic, iconic specter of the Amazon rainforest is powerful and awe-inspiring, and it rivals "charismatic megafaunas" such as the polar bear and the panda as an environmental bellwether.

California's carbon-trading program, which was given final approval in December 2010 but is currently in legal limbo after adverse court decisions, would eventually allow the state's industries to offset part of their greenhouse gas emissions by purchasing credits generated by forest preservation in Brazil and other nations.

Elsewhere in Latin America, strategies for climate action have been caught in the same trap as in other developing countries — waiting for economic aid and leadership from developed nations that have generally avoided moving beyond the level of mere rhetoric. So far, only Mexico and Chile have adopted fuel-economy regulations.

Some nations have made pledges and elaborate programs, such as Mexico's Special Program for Climate Change (PECC), which in 2008 set a target of cutting the country's carbon dioxide output in half from 2000 levels by 2050. Yet the PECC and others were conditioned on the Catch-22 availability of foreign funding.

The one notable exception is Costa Rica, which has taken independent action. It not only pledged to become the first carbon-neutral nation in the world,

Photo by Bruno Abreu.

The watershed of Belo Monte, site of a controversial dam project in Brazil.

but it has pioneered a program, funded by a 5 percent gasoline tax, that pays property owners to conserve forests on their land.

Many environmentalists throughout the hemisphere have looked to California for leadership. The state's climate action strategy has spawned a broader initiative, the Western Climate Initiative, which is intended to eventually create a cross-border cap-and-trade system spanning Canada, the United States and Mexico. The initiative is set to start trading on January 1, 2012. Participants will include California, British Columbia and Quebec, with Ontario expected soon after, although the launch could be delayed by California's legal troubles.

The Mexican states of Baja California, Chihuahua, Coahuila, Nuevo León, Sonora and Tamaulipas have observer status in the initiative. Major environmental philanthropies in the United States, with the active support of Mexican President Felipe Calderón, have trained state officials for years in the possible implementation of sectoral strategies, such as carbon trading within the power sector. But the collapse of cap and trade in the U.S. Congress and the legal delays for California have cast that bottom-up strategy in doubt.

Latin America's fastest-rising emissions sector is transportation. The region's carbon emissions from transport — mostly cars — comprise 32 percent of its total emissions, higher than the global average of 17 percent, and those emissions are predicted to triple by 2030. As millions of people scramble toward middle-class living standards, growth in both auto ownership and distance traveled are booming, and suburbs are sprawling across the landscape.

Paradoxically, this sector is also where Latin America's greatest hope lies, and it is one in which real steps are being made to reduce emissions. None of this progress, however, is due primarily to climate concerns. As elsewhere around the world, many Latin nations are adopting genuinely forward-looking, innovative transportation policies whose prime motivations are not the polar bear, the rainforest or the planet.

Latin America has become the pioneer of bus rapid transit, known as BRT, which is a favorite of transit policy wonks everywhere but is virtually unknown among the U.S. public. The system, which uses dedicated lanes, articulated buses, street-level stations and electronic fee payment, functions essentially like a high-speed streetcar system and is touted as a low-cost alternative to urban

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rail systems. Stations are connected to local bus services, creating a hub-and-spoke system.

Across the region, 32 cities have BRT systems. They represent one-quarter of the BRT systems globally and serve almost 18 million people or two-thirds of total BRT ridership worldwide. No BRT systems exist in the United States.

The BRT boom started in 1972 in Curitiba, Brazil. Currently, around 70 percent of Curitiba's commuters, a total of 1.3 million people, use BRT to travel to work, resulting in congestion-free streets and pollution-free air. Compared to other Brazilian cities of its size, Curitiba uses about 30 percent less fuel per capita, resulting in one of the lowest rates of outdoor air pollution in the country.

Bogotá, Colombia, conceived its TransMilenio system as a copycat of the Curitiba BRT but soon expanded the plan's scope and complexity. It now has the highest number of users among BRT systems globally, with close to 1.3 million trips per day, or 20 percent of total trips in the city, on a 52-mile network. TransMilenio even includes routes on freeways, where busses whiz by bumper-to-bumper traffic. TransMilenio is also part of a more comprehensive mobility policy that includes car restrictions and the implementation of hundreds of miles of pedestrian promenades and separated bicycle paths.

In Mexico City, BRT was introduced in 2005 as the Metrobús. Developed in cooperation with international experts including Lee Schipper, then director of the transportation think tank EMBARQ and now a project scientist in Global Metropolitan Studies at UC Berkeley, Metrobús has grown to three lines covering 41 miles, 113 stations and 280 buses, moving 620,000 passengers per day.

Elsewhere in the region, cities large and small, from Pereira, Colombia, to León, Mexico, have built successful BRT systems. In doing so, these cities have reduced their CO_2 emissions considerably while increasing public mobility, despite bumper-to-bumper gridlock for car traffic.

However, it is important to note that climate was not a major concern in any of these cases. On the contrary, the main public policy motivations were congestion, pollution, quality of life and public health. But by reducing automobile-related CO_2 emissions, these policies have done more than all the region's ostensibly climate-related policies put together.

This contradiction points to the overall urgent need to reframe the climate debate in Latin America, the United States and around the world. Instead of being cast as merely a fight to save the climate, the same goals can be achieved, perhaps faster and with less controversy, if they are cast in terms of public health and energy security.

Conventional pollutants have a direct and visible impact on quality of life and public health, causing the increased incidence of asthma, bronchitis, heart disease, cardiopulmonary disease, stroke, cancer and premature mortality. According to the World Health Organization, outdoor air pollution causes approximately 800,000 premature deaths annually, more than half of which are in developing countries. In Mexico City alone, air pollution causes 4,000 premature deaths and 2.5 million lost work days each year, according to the nonprofit Mario Molina Center for Strategic Studies in Energy and the Environment.

Bogota's Transmilenio.

Photo by Juan Felipe Rubio.

Photo by Martin Mejia/Associated Press.

A Peruvian boy receives asthma treatment in Lima, a city rated among the most polluted in Latin America.

Low-carbon strategies can also appeal to national-security conservatives. For many countries, increased fuel efficiency means a decrease in oil consumption. For countries that are oil importers, every barrel saved is precious foreign currency saved. Chile, Central America and most of the Caribbean desperately need to reduce their oil imports, and tough fuel-economy rules could do just that.

Mexico has perhaps the most to gain by cutting its oil use. Petroleum revenues provide about 40 percent of federal government revenue, but declining production is expected to wipe out the country's oil exports. In all, Mexican oil output has dropped from just short of 3.5 million barrels a day in 2004 to about 2.5 million barrels in 2010. Mexican oil exports to the United States, now 1.1 million barrels a day, have fallen by nearly a third in the past six years. The U.S. Energy Information Administration estimates that Mexico could become a net oil importer as early as 2015, with net imports reaching 1.3 million barrels per day by 2035 — about half of its current production levels. This would be catastrophic for Mexico. It would upend its patronage-oriented political system, do serious damage to its economy and increase social and political instability.

Climate per se does not figure in these considerations. But just as some U.S. national-security conservatives drive Priuses and many Chinese generals advocate for energy conservation to reduce their country's dependence on oil imports, environmentalists in Latin America may be well advised to recast their message.

Public health, mobility and energy security hardly seem like dramatic, attention-getting slogans for saving the planet. But around the region, from Tierra del Fuego to the Río Bravo, they are achieving real results in reducing carbon emissions and improving the quality of human life.

Robert Collier is a journalist and a visiting scholar at the Center for Environmental Public Policy at UC Berkeley's Goldman School of Public Policy. He was a panelist at the U.S.–Mexico Futures Forum hosted by CLAS in April.

Photo by Camilo Rueda López.

Mario Irarrázabal's sculpture of a hand in search of liberty, Madrid.

HUMAN RIGHTS

No Safe Haven: Universal Jursidiction Trumps Impunity

by Krystel Abi Habib and Celeste Kauffman

Since 1998, when he issued an arrest warrant for former Chilean dictator Augusto Pinochet under the controversial legal theory of universal jurisdiction, the Spanish judge Baltasar Garzón has been an influential figure in international human rights circles. In the ensuing years, he has continued to champion accountability for serious international crimes, such as crimes against humanity, war crimes and torture. In 2008, Garzón tried to bring accountability home, ordering an investigation into Franco-era human rights violations in defiance of Spanish amnesty laws, an act that led to his suspension and indictment for abuse of judicial power. During his visit to UC Berkeley's Center for Latin American Studies, Garzón discussed current developments and challenges in international justice, including universal jurisdiction, the International Criminal Court (ICC) and the future of international accountability, in light of recent political developments in the Arab world and elsewhere.

In spite of his own difficulties, Garzón expressed optimism about advancements in international justice for grave human rights violations. Focusing specifically on universal jurisdiction and the ICC, Garzón discussed several of the most significant developments in this area.

Universal jurisdiction is a principal of international law that permits states to exercise criminal jurisdiction over individuals who have committed crimes outside the physical boundaries of the prosecuting state, regardless of the nationality of either the criminal or victim. The application of universal jurisdiction is reserved for crimes that the international community views as so abhorrent to

civilization that all states are legally obligated to prosecute accused offenders when the country possessing traditional criminal jurisdiction over the perpetrator fails to do so. Although principles of universal jurisdiction have been used for centuries to prosecute crimes such as piracy, it is only recently that states have begun to apply the theory to grave violations of international law such as crimes against humanity and war crimes. Indeed, it was Garzón's indictment of Pinochet that served as the catalyst for renewed global interest in universal jurisdiction.

The historic criminal investigation into Pinochet's crimes initiated by Judge Garzón led to a change in the international political climate. Other European countries such as Belgium, Germany and France began to make use of their own latent universal jurisdiction legislation. However, after initiating legal action against former members of the Chilean and Argentine dictatorships, the initial euphoria of human rights activists began to dim, as political debates raged regarding the unforeseen and far-reaching nature of such universal jurisdiction statutes. Following the investigations of Belgium and other European countries of U.S. Secretary of Defense Donald Rumsfeld and other top U.S. officials for the war in Iraq, the United States began to apply strong pressure against universal jurisdiction theories, causing many states to amend their domestic universal jurisdiction statutes. The revised statutes restricted the applicability of universal jurisdiction to crimes that were somehow attached to their own country, effectively curtailing the "universality" of universal jurisdiction.

Garzón praised the Rome Statute — the 1998 treaty that established the International Criminal Court — as the most important peace initiative of the 20th century, and he maintained that the ICC and its increasing number of States Parties are an example of increased international cooperation and commitment to victim's rights. An independent and permanent judicial body with jurisdiction over individuals charged with a limited set of international crimes, including crimes against humanity, war crimes, genocide and aggression, the ICC takes action when domestic criminal justice systems fail to hold perpetrators accountable. Before the establishment of the ICC, the international community struggled to address mass violations of human rights, creating a series of ad hoc tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as short-term solutions in specific countries. The permanent nature of the ICC represents the strengthening of the international community's resolve to prioritize justice for grave violations of international law. There are currently 139 signatories and 115 States Parties to the Rome Statute, despite the failure of countries such as the United States, Russia, China and Israel to ratify the treaty.

For Garzón, initiatives like universal jurisdiction and the ICC make it possible to expand international cooperation beyond fighting terrorism and narco-trafficking to include bringing justice to the victims of human rights abuses.

Garzón stressed that universal jurisdiction is not a panacea to end all human rights abuses; such abuses will undoubtedly continue. However, universal jurisdiction can make it more difficult for governments to commit human rights abuses with impunity. In order for universal jurisdiction and other human rights norms to be effective, however, governments must do more than simply ratify treaties. Every citizen has a role to play in ensuring that international human rights norms and international and regional human rights jurisprudence are integrated into domestic legislation. While politicians are distrustful of handing too much power to judiciaries to investigate and prosecute violations of international law and states remain wary of holding other states' officials accountable for grave human rights abuses, citizens can demand that their governments not remain passive bystanders to torture and genocide.

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A statue of Francisco Franco in Sardinero, Cantabria, Spain.

Photo by Carlos Luna.

Additionally, states must address what is effectively becoming a double standard in international criminal justice. According to Garzón, it is morally and legally indefensible for states such as Spain to take one position on justice for human rights violations when they occur in foreign countries, while ignoring similar crimes committed by their own citizens. Though Spain has been a leader in universal jurisdiction, it remains defiant in the face of attempts to investigate its Civil War past, continuing to enforce the amnesty laws enacted during the dictatorship of General Francisco Franco, who ruled Spain from 1936 to 1975.

In spite of these challenges, Garzón is confident that the world community is making progress toward enforcing accountability for perpetrators of grave violations of international law. The only global language today is the language of human rights, Garzón argued, noting that institutions such as the ICC and the prosecution of former heads of state under universal jurisdiction would have been unthinkable only a few years ago. According to Garzón, the international community has a newfound commitment to responding to human rights crises. The UN Security Council was immobilized for years before making serious attempts to address the human rights and humanitarian crisis in Darfur, while earlier this year, the Security Council authorized the ICC to issue an arrest warrant for Gaddafi just weeks after the uprisings in Libya. Garzón is optimistic about what such actions might mean for the protection of human rights in the Arab world as it undergoes significant transformation. Middle-Eastern dictators have long escaped accountability for crimes against humanity and war crimes. Nonetheless, Garzón maintained, these new developments in international accountability are an unexpected ray of hope for the region, and accountability for human rights violations is no longer considered an impossibility.

Baltasar Garzón is a Spanish judge and consultant to the International Criminal Court. He gave a talk for CLAS on April 27, 2011.

Krystel Abi Habib and Celeste Kauffman are students at Berkeley Law School.

Baltasar Garzón prior to his Berkeley talk.

Photo by Noah Berger.

HUMAN RIGHTS

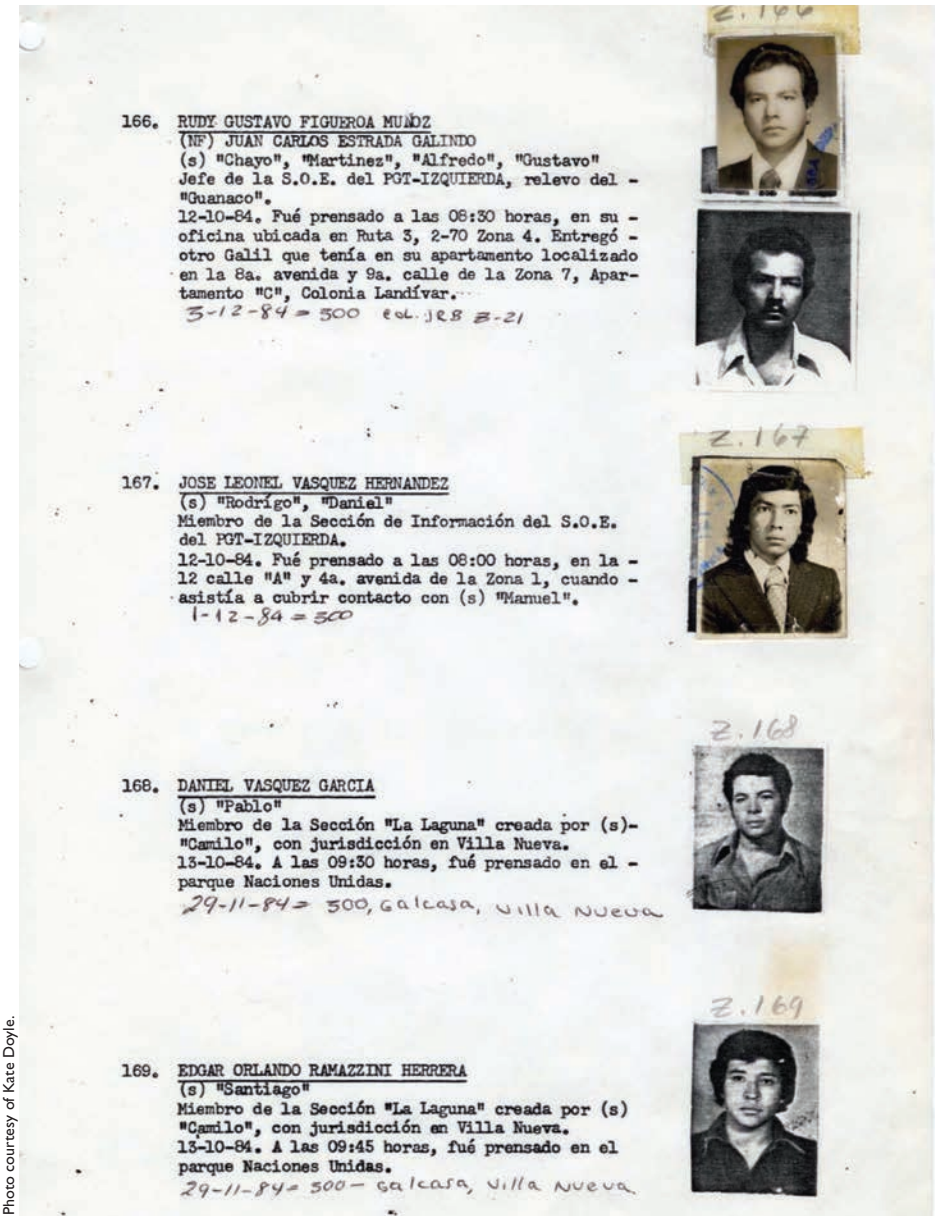
Chasing Terror's Paper Trail

by Sarah Krupp

While the Nazis are infamous for keeping meticulous records of their atrocities, they are not alone in creating a bureaucracy of terror. Kate Doyle, a Senior Analyst at the National Security Archive, has found that murderous regimes tend to document their deeds, recording illicit abductions and assassinations in "the death squad equivalent of an annual productivity report."

Using their own paper trails against them, Doyle tracks the perpetrators of state terror and serves as an expert witness in human rights trials in an attempt to bring justice to countries where impunity has reigned for decades. A specialist in U.S. policy in Latin America, Doyle has testified in Guatemalan genocide cases and in a trial against former Peruvian president Alberto Fujimori. As central to her mission as convicting perpetrators is using archival evidence to fill in the blanks for survivors who want to know what happened to their vanished family and friends.

During the Cold War, state violence against citizens rose in many Latin American countries — among them Brazil, El Salvador, Guatemala, Argentina and Chile — often with the tacit or explicit approval of the United States. In Guatemala, where the violence escalated into full-blown war and genocide against the Mayan population, at least 200,000 people were killed, 93 percent of them by government security forces. In her



166. RUDY GUSTAVO FIGUEROA MUÑOZ
(NF) JUAN CARLOS ESTRADA GALINDO
(s) "Chayo", "Martínez", "Alfredo", "Gustavo"
Jefe de la S.O.E. del PGT-IZQUIERDA, relevo del - "Guanaco".
12-10-84. Fué prensado a las 08:30 horas, en su - oficina ubicada en Ruta 3, 2-70 Zona 4. Entregó - otro Galil que tenía en su apartamento localizado en la 8a. avenida y 9a. calle de la Zona 7, Apartamento "C", Colonia Landívar.
5-12-84 = 300 ESL. JRB 8-21

Z.167

167. JOSE LEONEL VASQUEZ HERNANDEZ
(s) "Rodrigo", "Daniel"
Miembro de la Sección de Información del S.O.E. del PGT-IZQUIERDA.
12-10-84. Fué prensado a las 08:00 horas, en la - 12 calle "A" y 4a. avenida de la Zona 1, cuando - asistía a cubrir contacto con (s) "Manuel".
1-12-84 = 300

Z.168

168. DANIEL VASQUEZ GARCIA
(s) "Pablo"
Miembro de la Sección "La Laguna" creada por (s)- "Camilo", con jurisdicción en Villa Nueva.
13-10-84. A las 09:30 horas, fué prensado en el - parque Naciones Unidas.
29-11-84 = 300, Galcasa, Villa Nueva

Z.169

169. EDGAR ORLANDO RAMAZZINI HERRERA
(s) "Santiago"
Miembro de la Sección "La Laguna" creada por (s) "Camilo", con jurisdicción en Villa Nueva.
13-10-84. A las 09:45 horas, fué prensado en el parque Naciones Unidas.
29-11-84 = 300 — Galcasa, Villa Nueva

Photo courtesy of Kate Doyle.

A page from the Guatemalan military's dossier of the disappeared. The penciled code "300" indicates execution.

CLAS talk, Doyle described the prevalence of secret abductions of those considered subversive:

> There's a familiar trope in the studies of recent Latin American history… the idea of the disappeared. The snatching of men and women off the streets. The disappearance of these people from one day to the next… by the forces of the state who are never identified, never named and… never brought to justice.

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Photo courtesy of Kate Doyle.

The logo of the Guatemalan prosecutor's team of inspectors.

By gaining access to government records, survivors at last learn what happened to their family and friends, and historical accounts are made more accurate. Doyle obtains these documents primarily through government requests — both in the United States and abroad — but also through leaks and occasionally by happenstance — as in Guatemala, where a decrepit munitions depot turned out to be a storehouse for police reports. The passage of access to information laws, as well as a recent Inter-American Court of Human Rights ruling that countries must make every effort to provide citizens with information about human rights crimes, have made her work easier, but it is still slow going.

Doyle has done most of her research in Guatemala, where locating documents that expose the crimes of the 36-year civil war has been a difficult process. The cover-up takes place at all levels. When investigators first began to request state documents, officials insisted they did not exist, claiming that Guatemala lacked the organization for the "First-World occupation" of record-keeping. Later, a leaked military dossier revealed that detailed records of abductions were maintained: each entry included a photo, the date of seizure, an address and the victim's fate — 300 being the code for execution.

When human rights investigators learned of a municipal logbook maintained by the town of Panzos — the site of an infamous 1978 massacre of local farmers protesting land grabs — they set out to review its account of the violence. When they arrived, they found that the pages describing the events of that day had been painstakingly scribbled over, rendering them illegible. The pages apparently had not been ripped out because the back sides contained other municipal activities. The scribbling was so concentrated with layers of dense looping circles that the ink could not be penetrated with infra-red light.

Efforts to conceal the crimes of the past are not limited to Latin America; the United States also continues to obscure much of its role in the terror. The central mission of the National Security Archive, the organization Doyle works for, is to publish declassified U.S. records related to national security, foreign intelligence and economic policy obtained through the Freedom of Information Act in order to improve access to the historical record. Among the items published by the Archive is a group of documents released by the CIA that detail the agency's role in plotting the 1954 coup that destroyed Guatemala's democratic government. The records include dozens of proposals to assassinate prominent Guatemalans, who were targeted for their alleged affiliation with communist organizations. Although the documents were declassified more than 40 years after the coup, the names in the assassination proposals were all redacted. The CIA maintains that the plans were never carried out.

Even when the facts are revealed, justice does not always prevail in human rights proceedings. The Inter-American Court, which presides over a large number of the Latin American cases, cannot force state governments to abide by its decisions. Perpetrators have also found safe havens in countries such as the United States that do not recognize the principle of universal jurisdiction, making it difficult to prosecute them except through legal loopholes such as naturalization fraud. In one such case, a former Guatemalan special forces military officer involved in the 1982 Dos Erres massacre of more than 250 civilians had been living comfortably in the U.S. for decades. He was sentenced in 2010 to 10 years in prison for falsely answering a citizenship application question about whether he had persecuted someone or committed a criminal act and not been prosecuted for it. It was a severe sentence for naturalization fraud, yet insignificant compared to his crimes.

Perhaps one of the most remarkable examples of justice in a Latin American human rights case is former

Photo by Rodrigo ABD/Associated Press.

Workers at Guatemala's Historical Archives of the National Police inspect and restore documents.

Peruvian president Alberto Fujimori's conviction for the atrocities committed in the name of defeating the Sendero Luminoso, a Maoist guerilla insurgency. Trials against his regime began nearly immediately after he was forced from office in 2000. The Inter-American Court found Fujimori and his aides responsible for the massacre of 15 unarmed people in 2001 and called for reparations. Following the decision, the Peruvian government agreed to pay the victims' families $3.3 million. Six years later, in a separate trial in which Doyle was an expert witness, the court convicted Fujimori of human rights violations. Doyle's testimony was based on U.S. documents, including an embassy report that discussed Fujimori's strategy of using "army special operations units trained in extrajudicial assassinations." During her Berkeley presentation, Doyle displayed a photo of Fujimori in court. The image is one she shows often, especially to Latin Americans, so that they "see a president in a courtroom being forced to stand up in front of his accusers."

In January 2010, more than a decade after Fujimori left the presidency, the Peruvian Supreme Court upheld a decision sentencing him to 25 years in prison for voluntary manslaughter, abductions and forced disappearances.

Despite setbacks, the shift toward recognizing human rights and repudiating violence against civilians in even the most war-torn countries is significant. Doyle believes that uncovering past horrors and pursuing perpetrators is crucial, not only for addressing the crimes of the past but also for strengthening jurisprudence and respect for the rule of law in the present. Doyle maintains that despite the gains of the last two decades, Latin America is not yet free of the specter of state violence. She cites Mexico and Colombia as countries where the present-day war on drugs has led, once again, to the implicit sanctioning of extrajudicial violence.

Kate Doyle is a Senior Analyst of U.S. policy in Latin America at the National Security Archive. She spoke for CLAS on January 27, 2011.

Sarah Krupp is a graduate student in the Latin American Studies Program at UC Berkeley.

Photo by Damaris Vilchis.

A 2011 mass demonstration against violence in Mexico City.

MEXICO

Reclaiming Mexico's Democracy

by Tara Buss

Mexico is in crisis. Large swaths of the country are at war. Mass graves, beheaded bodies and public shootouts have become a regular feature of the Mexican news cycle. Meanwhile, government institutions are even more corrupt than they were under one-party rule, according to Transparency International's Corruption Perceptions Index, and trust in government — and the concomitant willingness to pay taxes — remains low. This was not how democracy was supposed to be.

For Professor Sergio Aguayo, a journalist, scholar and human rights advocate considered one of Mexico's foremost public intellectuals, the decade following democratization has been rife with paradoxes.

Increases in political freedom have served to facilitate the growing power of drug cartels, the primary source of violence in the country. Economic gains have been elusive. Drastic changes are necessary to reduce the turmoil and violence that plague large swaths of the country, Aguayo argued in his CLAS talk, and the key to initiating these changes is the mobilization of citizens determined to hold politicians accountable.

The year 2000 ushered in a new era for Mexico. Presidential power was democratically exchanged, and President Ernesto Zedillo — a member of the Partido Revolucionario Institucional (Institutional Revolutionary Party, PRI), which had ruled for 71 years

— ceded power to Vicente Fox of the Partido Acción Nacional (National Action Party, PAN). This democratic turnover was accompanied by substantive changes in the internal political and economic structuring of the country. In a process that had begun under President Zedillo, decentralization efforts increased dramatically, with federal budget allocations to state governments increasing from 11 percent to 30 percent annually. At the same time, funding for the Department of the Interior decreased sharply, and regressive fiscal policies were adopted, including extensive tax refunds to large corporations. These changes, made under the auspices of political opening and modernization, served to reduce the government's resources and, in turn, its capacity for domestic control.

Ironically, Aguayo pointed out, it was the undemocratic nature of the PRI that allowed the party to come to an "understanding" with the cartels. Under the PRI, the president and the minister of the interior were at the helm of a well-controlled, institutionalized hierarchy. Cartels could negotiate with municipal and state officials, assured that those officials had real, effective power with the central government and a specified, stable role in the hierarchy. Their power was not circumscribed by the need to be responsive to their constituents.

Perhaps unsurprisingly, given decreased stability and increased violence, democracy has not yet pervasively influenced Mexican culture and attitudes toward authority, which Aguayo argues is indicative of a nation that is not truly democratic. According to the 2006 World Values Survey, democratic values were embraced by 80 percent of those polled, but simultaneously, authoritarian rule by the army was supported by 41 percent. Human rights were endorsed by 55 percent of the populous, but bribing officials and tax evasion were seen as justified by 65 percent and 60 percent of the population, respectively. These data show that public acceptance of tax evasion and bribery has increased since democratization. Aguayo maintained that the results of the survey show not only a "society in flux," but a society that can be seen as "schizophrenic."

Aguayo interprets the main problem as stemming from a lack of trust in institutions. Less than a quarter of the population trust political parties, and less than

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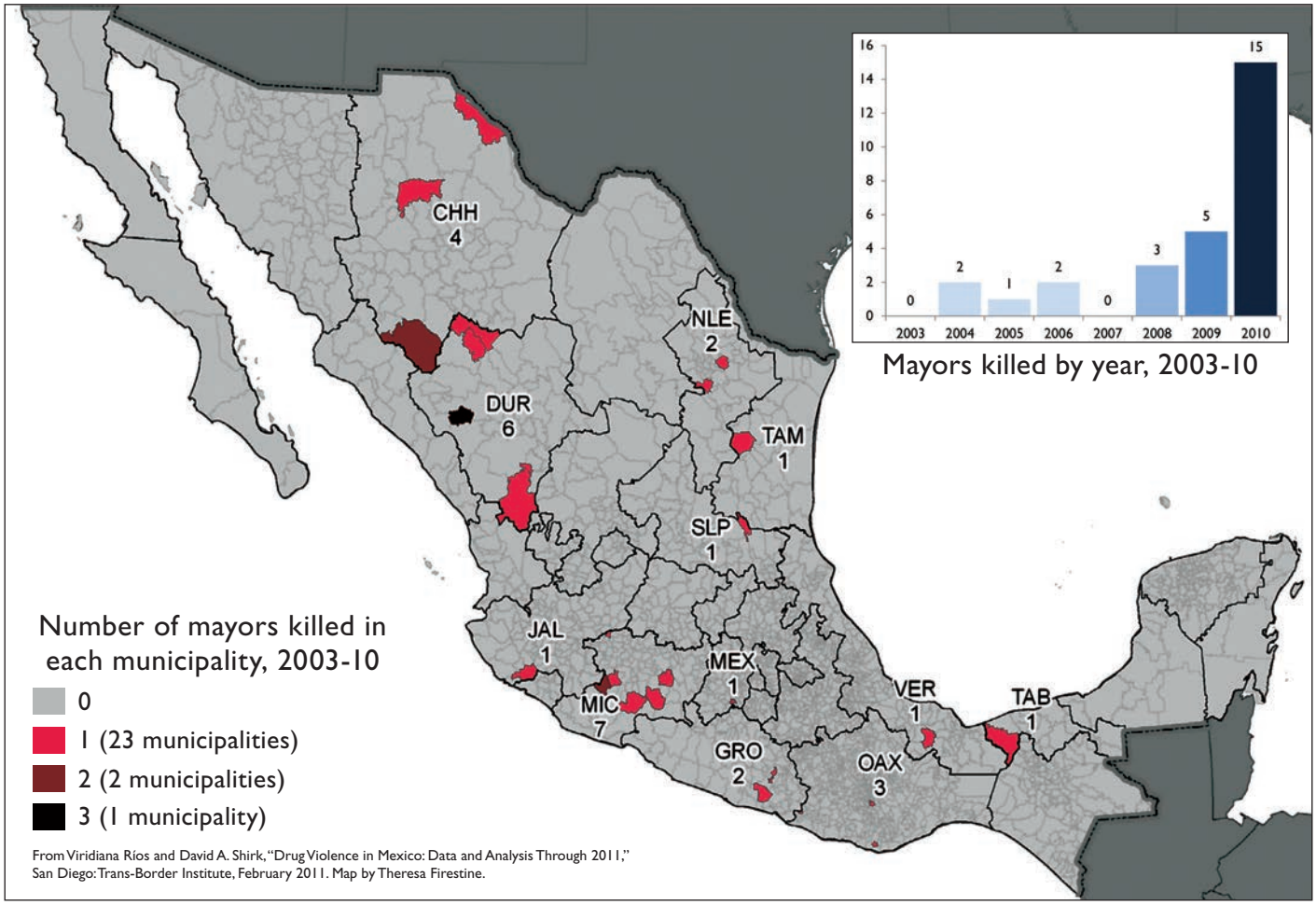
The widespread and increasing killing of government officials represents a direct threat to Mexican democracy.



From Viridiana Ríos and David A. Shirk, "Drug Violence in Mexico: Data and Analysis Through 2011," San Diego: Trans-Border Institute, February 2011. Map by Theresa Firestine.

Photo by Xareni Guzmán.

A demonstrator at the May 8, 2011 march in Mexico City.

a quarter express willingness to involve themselves in politics. This mistrust is well-founded: corruption within public institutions has increased, not decreased, since the PRI handed over power, despite their opening to political competition. Indeed, in comparative perspective, the country fell back 40 places between 1999 and 2010 on Transparency International's Corruption Perceptions Index, going from 58th to 98th in the world.

According to Aguayo, the effective results of democratization have been decentralization, tax breaks for large corporations and the weakening of the Department of the Interior, which destabilized the strong, hierarchical structure through which the PRI had effectively suppressed cartel violence. In 2007, Calderón admitted that 40 percent of Mexico was controlled to various extents by cartels — a statistic that has led people in both the United States and Mexico to question the legitimacy of the Mexican state.

What can be done to rectify this crisis of growing violence? Aguayo has a simple prescription: "get involved." Aguayo estimates that the 21 percent of citizens who had signed a petition, according to the 2006 World Values Survey, is reflective of only a fifth of the population actually being engaged substantively in civil society. Yet, civic participation is one of the most powerful ways in which citizens can hold their government accountable and reverse Mexico's trend toward ever-greater corruption.

Beyond increases in civic participation, Aguayo provided several more explicit prescriptions for reducing narco-violence in Mexico. First, the Mexican government must acknowledge that democracy is not functioning in the way in which it was intended. While Mexico has managed to hold competitive elections to decide between three viable political parties, the uncomfortable truth is that the parties themselves are corrupt.

Second, government officials must acknowledge that the country is at war. Their persistent denial that Mexico is experiencing a state of national emergency has suppressed civic participation, negotiation with elites and systematic seeking of solidarity and support from neighboring countries such as the United States. Acknowledging the severity of the situation could have explicit, instrumental purposes as well. Currently, the U.S. government does little to stem the flow of assault rifles into Mexico, the majority of which end up in the hands of cartels. Stopping the illegal export of assault rifles would likely increase the cost to the cartels of escalated violence.

Third, Aguayo insists that journalists must be protected and the right to freedom of information enforced. Media is still considered to be one of the more trusted institutions in the country, but Mexico is one of the most dangerous countries in the world to be a journalist. In the last decade, almost 600 journalists have been threatened, and 89 have been assassinated or disappeared, and yet media remains one of the most important access points through which pressure can be exerted on the government. For example, the newspaper Reforma began the first count of the casualties of the war on drugs in 2007, forcing the issue of the social cost of the war into the public arena at a time when the national government was unwilling to officially record the death toll. Without more explicit and extensive protections for journalists and support for freedom of the press, the Mexican media will not be able to continue to play its crucial role in civil society, disseminating information and challenging the government.

Democracy is not working in Mexico. The country is at war. Newly democratized institutions have failed. The expectations that frequently accompany democratic transitions — for increases in public safety and more power in the hands of the citizens — have not been met. Nor has corruption waned. Instead, it has been transferred from a centralized, bureaucratic exchange within the PRI, which exercised high levels of control over the territory, to other parties that now compete democratically but have systematically failed to maintain internal control and stability. Aguayo argues that increases in citizen participation, protection for journalists and human rights advocates, explicit acknowledgment of the pervasiveness and extent of drug violence and the social costs of the war, and close ties between the United States and Mexico are crucial first steps toward ameliorating the violence and increasing social and economic prosperity.

Sergio Aguayo is a professor at the Center for International Studies at El Colegio de México and a columnist for Reforma and El País. He spoke for CLAS on April 7, 2011.

Tara Buss is a Ph.D. student in the Charles & Louise Travers Department of Political Science at UC Berkeley.

Sergio Aguayo works on the campaign against gun trafficking, May 2011.

Photo courtesy of Alianza Cívica.

Photo courtesy of Janice Perlman.

Janice Perlman at the Conjunto de Quitungo Housing Project, 1973.

BRAZIL

Becoming Gente in Rio's Favelas

by Wendy Muse Sinek

Urban poverty reduction, particularly efforts to improve the livelihoods of slum dwellers, is one of the greatest challenges facing global policymakers. The United Nations Human Settlement Programme estimates that by 2030, an additional 2 billion individuals will live in the Global South, and the vast majority will reside in urban slum communities. Rio de Janeiro exemplifies this trend: it is both one of the world's most luxurious cities and the site of hundreds of poor urban neighborhoods, known as *favelas*.

Janice Perlman has been working in favela communities since 1968. Her early research resulted in the seminal work *The Myth of Marginality*, which argued that, contrary to conventional wisdom, favelas were not marginal in any sense. Instead, these communities were tightly integrated socially, politically and economically with the rest of the city. Therefore, the problem for favela residents was not that they were disconnected from Rio, it was that their ties with the wider city were characterized by exploitation and repression. In this way, the "myths" of marginality were not only false, they were particularly damaging with respect to the way they justified inequality and legitimized favela eradication policies.

The intervening decades brought renewed attention to the issue of urban poverty. Population growth in urban areas exploded around the world, and Rio de Janeiro was no exception. Mirroring global trends, the city's poor neighborhoods grew more rapidly than Rio as a whole in the period from 1950 to 2000. Government officials responded with a variety of policy strategies, ranging from eradication efforts to infrastructure improvement projects within targeted favelas.

However, none of these strategies was successful in checking favela growth, either in terms of population or geographic area, and their impact on alleviating poverty was minimal. Why did public policy fail to transform

Rio's favelas, and how have these communities changed over the intervening years? In 1998, Perlman returned to Rio to find out. The results of her multi-generational study were published in Perlman's recent book, *FAVELA: Four Decades of Living on the Edge in Rio de Janeiro*.

Perlman explained that the first challenge in conducting longitudinal research was finding the original study participants. Due to fears of repression during the dictatorship, interviewees' last names had not been recorded, and street addresses were uncommon in many communities. Moreover, one community — Catacumba — had been completely eradicated to make way for upscale condominiums on prime lakefront real estate. Nevertheless, using innovative strategies — such as driving around various communities and announcing over a loudspeaker that everyone was invited to a Saturday barbecue in exchange for assistance in locating former interviewees — Perlman managed to reconnect with 41 percent of those who participated in the original study.

Over the next 10 years, Perlman collected quantitative and qualitative data from the original participants and a sample of their children and grandchildren as well as from a random sample of residents who did not participate in the original study in order to control for bias. Her rigorous methodology resulted in rich, detailed insights regarding the dynamics of urban poverty over time. Pairing statistical data with favela residents' personal stories, Perlman vividly conveyed the changes that transpired, both in the lives of individuals and in their communities as a whole.

Has life gotten better for favela residents over time or has it become worse? Perlman contends that the answer to both questions is yes. On the positive side, living conditions have improved in many communities. In 1969, few houses had indoor plumbing, electricity or running water, but decades later, most residents have access to these amenities at home. Public areas such as plazas and soccer fields have been upgraded, and some main streets have been paved. Even satellite dishes are occasionally present today. Interestingly, Perlman noted that these infrastructural improvements were made regardless of whether or not the community was part of a formal favela renovation project. Living conditions in communities that were never selected for an upgrading project were equivalent to those that were. Perlman explained that, in many cases, residents improved their own communities without assistance from government programs.

Favela residents also have access to many domestic goods at levels that are comparable to Rio overall. Telephones, TVs and refrigerators are commonly found in homes, and more people than ever before own washing machines, air conditioners and a fixed telephone line. Car and computer ownership remain much higher in the formal areas of Rio than in the favelas, but these rates are on the rise in favelas as well, especially among the grandchildren of the original study participants.

Image courtesy of Janice Perlman.

A flyer Perlman used to reconnect with favela residents after 30 years.

Educational levels have also increased dramatically. In 1969, 72 percent of the original interviewees were illiterate; by 2001, the illiteracy rate for these same individuals had dropped by almost half, to 45 percent. More strikingly, only 6 percent of their children were illiterate, and among the grandchildren, the illiteracy rate was 0 percent. Moreover, at present 61 percent of the grandchildren earn their living through non-manual jobs, and 11 percent have attended university.

If one looks only at living conditions, access to domestic goods and educational attainment, it would be easy to conclude that life for favela residents has improved substantially. But, Perlman emphasized, despite these material and educational improvements, favela residents feel more marginalized than ever before. This perception may be due in part to the expansion of the drug- and weapons-trafficking gangs that solidified control over most favela communities during the mid-1980s. However, Perlman claims that the roots of modern marginality go much deeper.

For example, impressive educational gains do not translate into higher incomes for favela residents.

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Photo courtesy of Janice Perlman.

Catacumba in 1969.

Perlman cited Brazilian economist Valerie Pero, who found that a favela resident needs to complete 12 years of schooling to equal whan a non-favela resident earns after only six years of education. In addition, jobs requiring unskilled, manual labor are increasingly scarce. Perlman related a striking anecdote: in years past, parents used to encourage their children to study so that they wouldn't have to work as garbage collectors. However, almost 40 years later, when a few vacancies opened up in the city sanitation department, thousands of people turned out to apply — and all of the available positions required a high-school diploma.

Moreover, some jobs are simply unavailable to those who live in favelas. Discrimination is unapologetically rampant. Perlman noted that, for favela residents, the following story is all too common: the interview might go extremely well, but as soon as one's address is revealed to be in a favela, the interview is over, and the position is mysteriously no longer available. Perlman's quantitative data reinforced this finding. Being "from a favela" was the most frequently mentioned basis for discrimination, outpacing skin color, appearance and gender. In light of this reality, it is unsurprising that despite their higher educational levels, 50 percent of all the grandchildren in Perlman's study remain unemployed.

The lack of access to formal employment is just one way that Brazil's return to democracy in the mid-1980s did not deliver on its promises for favela residents. Even though citizens have the right to vote, to join parties and unions and to participate in political life, many are quite cynical when it comes to politics. Personal security, access to health care and stable employment are further out of reach for favela residents than ever before. Faith in elected officials has been correspondingly eroded. Only 38 percent of Perlman's interviewees thought that "government tries to solve our problems" — a sharp decline from the 61 percent of individuals who responded similarly to this question during the dictatorship years. Youth in particular are keenly aware of corruption, including the control that the trafficking gangs exercise over their communities, and therefore, Perlman states, they tend to withdraw from political participation entirely.

Photo courtesy of Janice Perlman.

The site of Catacumba, 2009.

The most pernicious aspect of the new marginality, however, is the way in which residents of favelas have been increasingly dehumanized. Forty years ago, marginality may have been a myth but, according to Perlman, today it is all too real, especially in terms of citizenship and personhood. Favela residents are closely tied to the life of the formal city of Rio, but they are not considered true citizens. Instead they are "an invisible part of the infrastructure that makes life workable for the privileged elite." In order for the upper classes to maintain their lifestyles, as well as their peace of mind when facing stark inequalities, it is necessary for there to be not only a flexible lowerclass workforce but also a prevailing sentiment that these individuals deserve their fate.

Reasons for this state of affairs are varied and reach back as far as the beginnings of Rio de Janeiro itself, when the city was segregated along race and class lines. Today, violence in the favelas is a reality, but it also presents an excuse for residents of the "formal" city to perpetuate the idea that favela residents do not deserve the same rights as everyone else. In turn, when one is constantly passed over — for jobs, for medical care and even for attention in public shops and banks — it engenders a lack of self-esteem that fuels a pernicious downward spiral.

Therefore, for favela residents, respect and dignity do not come hand-in-hand with educational or professional success. Perlman described in vivid detail the way respondents would talk about striving to become *gente* — to become "somebody," a human being — and their despair as they realized that, despite a life of hard work and education, attaining the status of "fellow human being" in the eyes of others may be permanently out of reach.

Perlman concluded her talk with a few thoughts on the public policy implications of her findings. Most policies aimed at improving poor communities and alleviating poverty tend to focus on infrastructure — upgrading roads, sanitation, buildings and the like. However, the overwhelming priority for the favela residents that Perlman interviewed was access to good jobs. Improving urban services is undoubtedly beneficial, but it is steady work and a rising income that allow a favela resident to become gente, a person with dignity.

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For example, Perlman suggested, what if Rio's city government decided to hire only favela residents to perform the work necessary to prepare for the 2014 World Cup and the 2016 Olympics? Providing well-paying jobs for residents would do far more to improve these communities than building elevators and paving roads.

In addition, there is a strong commitment among favela residents to democratic participation in theory, if not in practice. Perlman found that in 2001, 61 percent of the original interviewees believed that "every Brazilian should participate in politics," almost double their response from decades ago. In order to translate these ideals into reality, it is necessary to raise the self-esteem of favela residents, particularly young people. If the younger generation can recognize their self-worth and see themselves as gente, citizens deserving of the same rights and responsibilities as anyone else, they may begin to challenge public perceptions of favela residents.

Historical, cultural and structural forces have certainly shaped life's realities for residents of Rio's favela communities. City government leaders and policymakers must rise to the challenge of successfully integrating these neighborhoods into the city on an equal footing with non-favela areas. Moreover, as favela residents themselves refuse to be complicit in their own marginalization, they may demand public policies that address issues that truly matter and that reflect the dignity and worth all human beings deserve, regardless of where they live.

Janice Perlman is a researcher, consultant and nonprofit leader who founded the Mega-Cities project (http://www.megacitiesproject.org/) and recently published *FAVELA: Four Decades of Living on the Edge in Rio de Janeiro*. She spoke for CLAS on February 23, 2011.

Wendy Muse Sinek is a Ph.D. candidate in the Charles & Louise Travers Department of Political Science at UC Berkeley.

A decaying foundation is all that remains of a Catacumba home.

Photo courtesy of Janice Perlman.

Photo courtesy of Fundación BBVA Bancomer.

CINE LATINO

Pascual, featured in "Those Who Remain," lives with his wife in a remote region of Puebla and has three children in the United States.

The Presence of Absence

by Anthony Fontes

An eight-year-old girl leans in towards the phone, chewing on the tip of a pen as her father's voice crackles over the line.

In Spanish, he asks, "Do you know how much I want to see you?"

"How much?" She leans over the phone a little closer. There is a moment of silence.

"Like from here to where you are."

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Mexican migration to the United States most often breaks the surface of Americans' attention in stories of migrants dying in the desert, spectacular raids on factories employing "illegals" or legislative battles over fixing the broken immigration system. The documentary "Los que se quedan" (Those Who Remain) portrays the other side of the story — the journey of waiting, absence and hope that marks the lives of those left behind in Mexico when a spouse, parent or child goes to the United States. Co-directors Juan Carlos Rulfo and Carlos Hagerman are careful to avoid explicit political statements on the usual questions that swirl around Mexican migration. Instead, with humility, grace and even humor they trace the contours of the absence created by migrants gone north and document the stark realities that force whole families into painful limbo. We do not witness the militarized U.S.–Mexican border, the rising violence of the journey north or the growing hostility toward Latino migrants in certain U.S. communities. But these specters haunt the homes and dinner tables of those left behind.

The stars of this film are the usually anonymous loved ones for whose sake so many migrants travel northwards. The stories of those who stay are colored with disappointment and longing but also with hope and strength in the face of an implacable status quo. The film delves into nine Mexican families' everyday struggles to

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Photo courtesy of Fundación BBVA Bancomer.

A promotional image for the film.

overcome the unique tragedy of a loved one's migration. It offers a glimpse into the quotidian emptiness left in the wake of the countless journeys northwards. Husbands, wives, parents and children wrestle with the choice faced by so many poor families: stay together in poverty or live apart from those you love most. The film captures the blank spaces left behind and the migrants' constant presence in their absence. The intimacy is striking, almost discomfiting, as we sit through family dinners, first-communion dress shopping, couple's quarrels and awkward goodbyes.

By shifting the focus to those who stay, it becomes clear that they are as much a part of migration as those who make the journey. It is their presence that requires the migrant's absence. So, we witness Yaremi, dressed in uniform, at her high school. Her father has just returned after seven years in the United States. He could not stand to be away from his wife and daughters any longer, but his homecoming may force Yaremi to abandon her education because, at home, her father cannot make enough money to pay her fees. It was to pay for his children's schooling that he left in the first place. She can either have her father or an education and the chance of a future. As Rulfo reflected in a discussion after the film screening at the Center for Latin American Studies, documenting these realities made him savor the everyday pleasures so often taken for granted, like coming home and kissing his child good night after a long day's work.

In the stories of migration and hoped-for return woven throughout the film, it becomes clear that while each family struggles and carries on uniquely, the grand narrative belongs to Mexico itself. The nine families live in six different states, and the very landscape is made to speak of the migrants' absence and the unfulfilled dreams that drive so many north. The camera lingers on the empty doorways of unfinished homes and the dusty fields left fallow because the crops they might bear would not be worth the labor put into them. These spaces are both signs of the migrants' absence as well as their dreams of return.

One man has been travelling back and forth to the United States for almost a decade. We see him and his wife arguing bitterly over whether he should go north again. She does not hide her cold anger at his leaving her behind again and again, returning only long enough to get her pregnant. Through most of the film, he manages to deflect her accusations and complaints, even telling the camera that all the women in his town suffer the same fate, but only the weak ones complain. But towards the end, we find him drunk and shaking his head sadly before his untilled fields. "It's hopeless," he mumbles. "And then they accuse you of leaving them."

We also meet Rosi, walking through the empty rooms of the very pink house she is building with the money her husband sends home. "He's been away for five years," she says and smiles shyly. "When he gets back, we'll choose who sleeps in which room."

Clearly, the experience of those who stay is not monolithic. Don Pascual and his wife bear their three children's nine-year absence without complaint. Don Pascual rolls a clove

of garlic in his hand as he inspects the foundations of the home he is building for his son with his son's money. They are foundations of stone he points out proudly. He says his eldest son is fed up with the United States, he is "…bored of the place. He's going to come home." Back in the dirt yard before a sheet metal shack, Don Pascual dusts his hat as his chickens and dogs make an ungodly racket. His wife makes tortillas on her hearth behind him. "As a mother, it breaks my heart, but we have to accept our lot in life." Later, their two sons and daughter return. They are each at least a head taller than their parents, wearing backpacks and "American" clothes. They sit down to eat the meal that their mother has prepared for them.

For some, the absence is permanent, and they must forge new dreams and carve out new futures. Raquel, a young Maya woman, breaks down weeping before the camera as she recounts the phone call she received from the United States two years past, informing her of her husband's murder.

Despite the hardship, the film makes clear why migration *al norte* will continue. For the young and the strong, staying means sacrificing the dream of a secure future. Jorge Rueda, a well-preserved man in his sixties, sits beneath a tree on his pastureland, surrounded by his cattle and horses. "My father, he went to the United States, and he told me, 'When you grow up, you'll go north and make money, and you'll return home.'" He smiles enigmatically. "And what happened was that very few stayed. And those of my generation that stayed, today they have nothing."

As "Los que se quedan" opens, small children in a schoolhouse in northern Mexico describe the treasures to be found *al norte*. "There is money on the ground in the U.S." There are gifts and gold chains. And work! Their teacher asks the class who wants to go to the United States when they grow up, and the children gleefully throw up their hands. And so it seems that the next generation will also set out on the migrant's odyssey, leaving their families to live in longing.

The Center for Latin American Studies screened the documentary "Los que se quedan" on March 8, 2011. The director, Carl Hagerman, answered questions after the film.

Anthony Fontes is a Ph.D. student in the Department of Geography at UC Berkeley.

This still from "Those Who Remain" features Evelyn, a young girl from the Yucatán, whose father is in the United States.

Photo courtesy of Fundación BBVA Bancomer.

Photo courtesy of Layda Negrete and Roberto Hernández.

CINE LATINO

The attempt to censor "Presumed Guilty" helped catapult the film to national prominence.

No Such Thing as Bad Publicity

by Roberto Hernández

March 2, 2011. At home in Berkeley, California the phone rings. A voice tells me: "You're going to be on the air in five minutes." In the background, Joaquín López Dóriga, Mexico's Anderson Cooper, introduces me to the audience, and I'm on.

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Surely this surreal moment is the wildest dream of every documentarian: to tell a story that will catch the attention of the mainstream media. And here I am, awake. I hear my trailer playing, reaching the millions of Mexicans watching their televisions. But this isn't a moment of unmitigated joy. Joaquín is telling the audience that a judge has banished my film from theaters, news to all of us — but especially to me.

My wife — Layda Negrete, the film's co-star and producer — and I had yet to unpack from our whirlwind tour through Mexico for the theatrical launch of our film "Presunto Culpable" (Presumed Guilty). Exhausted from the weeks spent glad-handing and giving hundreds of interviews, all we wanted was rest and a return to the privacy and scholarship of our doctoral dissertations — and perhaps a glass of celebratory champagne.

Box office returns had "Presunto Culpable" trouncing Oscar heavyweights "Black Swan" and "The King's Speech" — a rare feat for a film bearing not one, but two handicaps:

nationality and genre. Mexicans may like the national soccer team, but they don't go to Mexican films; and they aren't accustomed to watching documentaries.

How did this happen? Back in June 2010, I had called Miguel Mier, the COO of Mexico's biggest theater chain with a crazy proposal. "Presumed Guilty" was ending a nearly two-year film festival run. Our winning streak included 15 top honors from Los Angeles to New York, Copenhagen to Madrid. Along the way, we had graced the weekend front page of The Wall Street Journal, and PBS had aired our film nationally in the United States. Still, no Mexican distribution company wanted to touch it.

Universal Pictures flirted close to a deal, but backed out when a Mexican animated film bombed at the box office. Tired of not cementing a satisfactory agreement with distributors, I went straight to Cinépolis, the biggest Mexican exhibitor and the fourth-largest theater chain worldwide.

"Miguel, has anyone ever distributed a Mexican film on a not-for-profit basis in Mexico?"

He laughed, "Not intentionally. Most of them lose money." The line was breaking up, as always, at the worst possible moment.

It was the same number Toño Zúñiga, our protagonist, had used to call us from the Mexico City prison where he was held for two and a half years. "Presunto Culpable" is his story. An inmate, falsely accused of murder, Toño is one of the few to have emerged victorious from the hell that is the Mexican judicial system.

I had never met Miguel Mier, but several months previously, I had spoken briefly with his boss, Alejandro Ramírez, the CEO of Cinépolis. After seeing "Presunto Culpable" at the Morelia Film Festival, Alejandro rose from the audience and said: "Everyone in Mexico must see this film." At the time, I had no idea who he was or of the significance of his comment. When the screening was over, reporters rushed to us with their questions, and I fled to the entrance of the multiplex as soon as I could manage it. There, I was approached by the man from the theater. He was in his forties, wearing a black suit and a nametag hung backwards. Assuming that he needed no introduction, he congratulated me and offered to help. I took the liberty of grabbing his nametag and drawing it close to my nearsighted eyes. "Alejandro Ramírez," I read, mortified. Nearly a year later, Alejandro's help would materialize in an extraordinary way. Months after that day, he would be holding home dinners with Mexico's top opinion-makers and film industry moguls. His engagement in every detail propelled the film's launching.

As the line crackled back to life, I closed my eyes, trying to shape my thoughts into a clear sentence: "Miguel, has Cinépolis ever distributed a film so that the box office proceeds go to a cause? Has it ever been done?"

"In the 40 years this company has existed, we've never distributed a film," he said. "And as far as I can recall, not-for-profit distribution has never been done in Mexico." So began a conversation that culminated in the most ambitious — and most successful — theatrical release of a documentary in Mexican history. But "Presunto Culpable" was not born destined to be a lucrative crowd-pleaser.

We had filmed with a budget donated by the William and Flora Hewlett Foundation, which had sent its support through the Center for Latin American Studies at UC Berkeley and Renace, an organization in Monterrey, Nuevo León, that specializes in helping those who have been wrongfully convicted. In 2008, with the aid of film editor Felipe Gómez, Layda and I produced the first rough cut of the film. We were invited to the Amsterdam Film Festival, where it did well, ranking sixth for the audience award. Then we went on to Belfast, where it earned the top prize. In spite of our success, I was not convinced that the film was at its best: pieces were missing — including footage I had lost and later recovered.

My worst fears were confirmed at the True/False Film Fest in Columbia, Missouri. Since we didn't want to show the film as it stood, the festival organizer offered us a "secret" screening. But the intimate showing proved a disaster. Layda watched the audience of about 30 from the back of the room. Distracted throughout, at the climatic moment, the faceoff between the witness and the protagonist, people began to leave. It was clear that this was not an easy film to watch for an American audience. And the question remained: How would it play in Mexico?

Resolved to improve the film, our producers Martha Sosa and Yissel Ibarra, agreed to help. Martha asked Geoffrey Smith, a BBC documentary director with decades of experience, to come to our aid. Geoffrey joined me in the cutting room for two months in Valle de Bravo, Mexico. His approach was to keep the storyline as simple as possible, eliminating subplots and secondary characters. Martha and Yissel brought in Lynn Fainchtein from "Precious" as music supervisor, and she in turn invited Milo Froideval and Raul Vizzi, the top musicians from "Capadocia" and other Mexican TV dramas. Toy Hernández, a rap artist, made Toño Zuñiga's original rap songs sound louder. And lastly, my brother Jorge Hernández added motion graphics, leaving the film ready for Martin Hernández to edit the sound.

During this reconstructive surgery (with an unfinished sound edit), the film premiered at the Toronto Film Festival. During its second screening, at a packed AMC

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theater, Geoffrey and I got a two-minute standing ovation. But all this excitement garnered only silence from buyers and distributors. I soon learned that film festival success and commercial success are two entirely different things.

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Options for a U.S. theatrical release dwindled and died. PBS had already scheduled the broadcast, and we decided not to renegotiate to push back the broadcast date, effectively ending our chance for a U.S. theatrical launch. Meanwhile, Mexico remained a sort of forbidden territory for "Presumed Guilty."

Without a distributor, how could we reach a Mexican audience? Could we rent theaters? Hold free public screenings? But then, why would an audience show up? Is a free movie really appealing? Could we ask for donations to make the theatrical release as large as possible? But then, why would donors contribute to an essentially commercial enterprise? Slowly the idea of a not-for-profit distribution started to take shape. But time passed quickly, and the film was by no means a hot, new thing.

When Cinépolis finally agreed to distribute "Presunto Culpable" pro bono, they projected losses of $150,000, and Miguel Rivera, the head of programming, suggested that the company could only commit to 50 or 60 prints.

At the Morelia Film Festival in October 2010 — a year after I had met Alejandro Ramírez — I finally met Miguel Mier in person. It was after a party, and I finagled a ride back to my hotel. Clearly excited about launching, he told me, "You can't imagine what we're going to do with this film!" I trusted his enthusiasm but worried that our efforts were being spent on too few prints. Sixty prints would not cover Mexico City — precisely why I had rejected offers from minor distributors. And though we could take the 60 prints and run around Mexico, by the time we got to the north or the south, the publicity would have faded. Moviegoers would be on to the next new release.

In the car, I made my pitch. "So, Cinépolis is going to make 50 or 60 prints, right?"

"Maybe 60."

"Suppose I can get donors to make individual donations to buy more prints…"

"Yes…?"

"I'm thinking it's feasible to ask people to donate a print… I mean, each might cost, what? $900?"

"About."

"So, the question is, how many prints would Cinépolis program? Because I can't ask donors to put in money if…"

Miguel replied quickly, as if the number had already been in his head. "We could program up to 300 prints."

Roberto Hernández with, from left, Senator Adriana González Carrillo, Senator Claudia Corichi García, and former governor Amalia García Medina, Mexican participants at the U.S.–Mexico Futures Forum, April 2011.

Photo by Megan Kang

Photo courtesy of Layda Negrete and Roberto Hernández.

A still from the film depicts prison life.

I got to work right away. That night, I e-mailed Ernesto Canales, a long time supporter and one of Mexico's leading crusaders for judicial reform. I briefly explained that we needed 250 friends willing to donate about $900 a piece. I also used social networks and, thanks to the San Francisco Film Society and the efforts of Anat Shenker-Osorio, we were able to set up an Internet mechanism to receive donations. Finally, we knocked on the doors of the American Embassy in Mexico. For its part, Cinépolis obtained in-kind donations and discounts that reduced the costs of prints and advertisement. And the efforts paid off.

The film launched on February 18, 2011, with 130 prints — a sizable number for a documentary. Cinépolis financed 60, and donors covered the rest, mostly through tiny contributions in pesos from all across Mexico. Nicolás Vale, an associate producer, and Renace obtained donated publicity at bus stops in México City, Guadalajara and Monterrey. We and Cinépolis agreed to give the box office proceeds, after taxes and the exhibitor's fee, to Renace.

The opening gala drew 900 celebrities, with Mexico's First Lady among the crowd. By early March, "Presunto" had exceeded everyone's expectations, and Cinépolis decided to add copies, bringing the total to 200 prints in circulation. When Toño Zúñiga and his family showed up to see the film one Saturday afternoon, they couldn't get tickets! With Cinépolis, the operation worked like an expertly orchestrated dream. A dream interrupted by a judge named Blanca Lobo, who decided our film should not be seen.

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The voice of Joaquín López Dóriga breaks in on my remembrances: "Roberto Hernández is the producer and director of 'Presunto Culpable.' You are a lawyer, so what is your opinion of the judicial order that temporarily prohibits the theatrical exhibition, promotion and distribution of 'Presunto Culpable' in Mexico?"

Silent seconds go by as I try to formulate an answer. The question seemed technical and at the same time was presented as if this were a normal legal procedure. However, it is anything but normal for a judge to decide what can be seen on the big screen. The question cried out for a simple answer, but I could not provide one: "Every democratic society recognizes the right of its citizens to be tried in a public hearing when the state accuses them of a crime. We think filming a trial is the only way to force transparency into this system. We are sadly surprised at this attempt to censor the film."

Seemingly unsatisfied, Joaquín goes to the heart of the issue: Did I have the consent of the participants? "Víctor Reyes, the witness who accused Zúñiga, he says he did not authorize the use of his image in the film. What do you say?"

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Photo courtesy of Layda Negrete and Roberto Hernández.

A courtroom scene from "Presumed Guilty."

Indeed, what to say? Should I respond that Mexico City inmate surveys show that 60 percent of inmates can hear little to nothing of their trial? That it is a physical impossibility for them to hear anything because judges place dot matrix printers at the center of the desk where witnesses are deposed? That defendants stand behind a barred window, where simultaneous hearings of other trials are routinely held? That witnesses are forced to dictate their statements, very slowly, for the benefit of a typist? And that, even then, typists can edit responses or simply invent them out of whole cloth? That the chaos is such that it is impossible, without the aid of microphones, videotaping and serious editing, to actually be able to make sense of a trial?

"We believe that the consent of trial participants is not necessary to videotape. We had permission to film. At this point, we need the support of the people. We need them to flock to theaters before the film is pulled. We need them to express indignation on social networks, we…"

Joaquín interrupts: "You may not be aware of this, but as we speak, on Twitter 'Presunto Culpable' is among the top 10 trending topics. People are generally upset, with a few exceptions, of course. However, Víctor Reyes says his testimony was recorded without consent. And a judge in principle agrees, so she temporarily banned the film. She says she will decide if it is a definitive ban by mid-March. The 200 prints will be pulled from theaters tomorrow. That is what we know right now. Now, should the judge next decide to withdraw the ban, it will have been great promotion for the film, just like what happened with 'El Crimen del Padre Amaro,' when the Catholic Church prohibited it, isn't that right?"

"No," I think. "That's not the right comparison. This is far more serious."

What I actually manage to say is: "Joaquín, this is very different from what happened to 'Padre Amaro.' This is a censorship attempt straight from the judiciary. It is an attempt from a dying system, overdue for reform, to hide a very serious problem. We do not have a democratic judiciary that shows its face to its citizens. This must change, and 'Presunto Culpable' is, for the first time, showing Mexicans how they would be tried if criminally accused. And it is urgent for them to know because the freedom of all Mexicans depends on this system, and our freedom today is in the hands of these judges."

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The judicial ban was a blessing in disguise. To quote The Economist, it "backfired gloriously." In a matter of

hours, counterfeit copies of the film crammed flea-market stalls. Merchants selling pirated copies stockpiled it next to Hollywood's most recent releases. Pirates used the festival version of our film's poster to wallpaper their stands. They played the movie nonstop on the TV sets they use to show off their products to customers. Subway merchants hawked it: "*Llévela, llévela*… take it home, take it home, the movie that our government doesn't want you to see."

Even though Renace will see none of the revenue the pirates pocketed, they took the film where no legal film distributor ever could. Almost overnight, "Presunto Culpable" became the best-selling film in prisons across Mexico. Within days, an inmate dared to demand that his trial proceedings be videotaped.

A YouTube link to the film received 300,000 views in one weekend, and we received e-mails of support from all over the world. In the end, we had to be thankful to Judge Blanca Lobo: we never would have been so successful without her.

A couple of days later, a superior court reversed Judge Lobo's injunction, and the film returned to theaters. Cinépolis went up to 300 prints — the number that Miguel Mier had intuitively felt was right from the start. And by the end of April, the theatrical run came to its natural end.

The labyrinthine trial before Judge Lobo continues, silently. It has become impossible for the media to follow its twists and turns. Meanwhile, the substantive discussion remains to be had: What does it mean to be tried in a public hearing in Mexico? What are the limits of public hearings vis-à-vis the right to privacy? What is the extent of free speech? The answers from the Mexican judiciary will come very slowly, if at all, and we don't know who will prevail in court.

Regardless of the verdict, "Presunto Culpable" has already placed millions of Mexicans in Toño's shoes. For the first time in Mexican history, people saw their justice system at work, uncovered by a film that refused to be didactic. Instead, viewers got to experience emotionally what it would be like to be falsely accused of murder. Through the magic of cinema, viewers gradually acquire Toño's point of view. They share his dread as he chooses to risk his life in order to make the documentary. They are there as he fights his unequal courtroom battle. They experience his doom and his hope, just as we did.

Roberto Hernández is the director of "Presumed Guilty" and a Ph.D. candidate at UC Berkeley's Goldman School of Public Policy.

Produced with the support of the Center for Latin American Studies and the William and Flora Hewlett Foundation, "Presumed Guilty" was nominated for three News and Documentary Emmy Awards in 2011.

Layda Negrete speaks at the Morelia Film Festival, while Roberto and co-director Geoffrey Smith comfort a weeping Toño.

Photo by Paulo Vidales/Imagen Latente.

BRAZIL

Answering the Call

by Marcel Paret

In 2002, the celebrated union leader Luiz Inácio Lula da Silva was elected president of Brazil, bringing the Workers' Party (PT) to power. This victory raised important questions for Brazil's labor movement: How would workers respond? Would they sit back and wait passively for the new government to deliver? Or would they continue to challenge the state and press for political and economic change?

Sociology professor Ruy Braga of the Universidade de São Paulo offers a third possibility. During Lula's presidency (2003-10), the working-class was a key component of government support. They backed Lula's reelection in 2006 and recognized his contribution to increased living standards. But workers were far from passive. Working-class consciousness was palpable and manifested in ongoing strike activity. Workers supported the state while continuing to press for political and economic change.

Braga's conclusions are based on a study of the telemarketing industry, which spanned six of Lula's eight years at the helm of the Brazilian state (2003-08). The telemarketing industry exploded during this period, employing 1.2 million operators by 2010. Braga conducted field research in two of the largest telemarketing businesses in São Paulo, Brazil's most populous city, and in two telemarketing unions. The study included a survey given to over 300 workers as well as participant observation of work activities and interviews with workers, managers and union officials.

Telemarketing office jobs might appear to be comfortably white collar, but in reality, they are poorly compensated and working conditions are less than ideal. Brazilian "*teleoperators*" earn between $3,400 and $4,500 a year, comparable to housekeepers and markedly less than in other countries. Similar workers make three times as much in South Africa and 10 times as much in the United States. Long hours, limited breaks and repetitive computer work also have detrimental effects. Workers reported physical fatigue, dizziness, repetitive stress injuries, tendonitis, depression, vocal chord damage and even urinary tract infections caused by bathroom deprivation. These effects, Braga points out, must be viewed in the context of a broader trend of declining work conditions under Lula's government. Between 2003 and 2008, the number of "work-related accidents" increased from roughly 400,000 to over 700,000 per year.

Despite these deteriorating conditions, support for Lula remained significant among both trade-union leaders and rank-and-file activists. Support was justified by comparing Lula to his predecessor, Fernando Henrique Cardoso, whose policies were viewed as less favorable to labor. Also important were the state resources, such as the Worker's Relief Fund, which funded trade union development and educational programs. The labor movement thus remained supportive of Lula despite his mixed track record. It is noteworthy that a 2008 "Telemarketing Law," which protects consumers but does little for workers, did not provoke a single protest.

Another reason why telemarketing workers have failed to pressure the state is the weakness of their unions. While 70 percent of telemarketers are covered by collective bargaining agreements, unions in the industry face a number of organizing challenges. The prevalence of temporary work contracts is among the most important of these obstacles. Temporary contracts result in extremely high turnover rates (42 percent per year) and put more power in the hands of employers, who can easily terminate actively involved union members by not renewing their contracts.

Another defining characteristic of the telemarketing industry is that the workforce is dominated by the most underprivileged workers. The majority are young, black women, many of whom are the sole breadwinners in their families. Braga notes that employers purposely hire single mothers, which in turn has "a very strong disciplinary effect." There are also a substantial number of lesbian, gay, bisexual, transvestite, transsexual and transgender (LGBT) workers who have found the telemarketing industry, with its relative anonymity, to be a refuge against discrimination in the broader labor market.

While many telemarketers have little experience with labor politics, the study nonetheless revealed evidence of militant working-class consciousness. While appreciating their jobs, the workers also expressed dissatisfaction with their wages and working conditions. They were not content to wait for the state to deliver. Despite their lack of political experience, workers began to mobilize in the middle of the 2000s. Strikes began to occur, year after year, registering demands for profit-sharing, childcare, higher wages and shorter working hours, among other things.

Braga rejects the idea that these low-wage workers are simply passive recipients of the Lula state. He also

Photo by Andre Penner/Associated Press.

Luiz Inácio Lula da Silva and his successor, Dilma Rousseff, both represent the Worker's Party (PT).

argues that their mobilizations are not simply a product of union leadership. He believes they "have started to form an embryo of collective consciousness, strong enough to guarantee some important steps on the path to union self-organization." In other words, the Lula victory did not make the working class defensive or passive: working-class resistance is alive in Brazil.

One of the study's most inspiring discoveries was the evidence of ties being built between this emerging labor movement and non-labor social movements. Due to the prevalence of black women and LGBT workers, the telemarketing union Sintratel has turned to alternative forms of solidarity along the lines of gender, race and sexuality. One of the most notable expressions of this solidarity is the union's participation in the São Paulo LGBT Pride Parade. Sintratel is one of the only unions or professional associations that is consistently involved in the event. In turn, many of the LGBT workers have begun to participate in the labor movement as active rank-and-file members.

Braga hopes that social movement alliances will reignite the labor vibrancy of the 1970s and 1980s. It was, indeed, the inclusiveness of this earlier unionism that made the Brazilian labor movement so successful. But the benefits of an outward-looking unionism are not limited to Brazil or even to Latin America or developing countries. Inclusive, social movement unionism helped to usher out authoritarian regimes in countries such as Korea and South Africa. Similarly, immigrant workers are remaking the labor movement in the United States. Unions have abandoned their hostility to non-citizen workers and become actively engaged in citizenship struggles. The potential of the labor–immigrant alliance was illustrated by the Immigrant Worker Freedom Rides in 2003 and the massive protests for immigrant rights that captured the nation's attention in 2006.

These examples provide a glimpse of the potential in Brazil. The organizing successes in the telemarketing industry are only a beginning or, as Braga puts it, an "embryo." But if the labor movement continues to be inclusive and outward-looking, the results are likely to be significant. For those who are interested in working-class politics, the situation in Brazil requires close attention.

Ruy Braga is a professor in the Department of Sociology at the Universidade de São Paulo (USP). He spoke for CLAS on April 4, 2011.

Marcel Paret is a Ph.D. student in the Department of Sociology at UC Berkeley.

Cuba Through the Windshield

Photos by Alex Harris

If you look at my photographs of Cuba — what are they really? They are looking at the symbols of Cuba that most Americans have in their minds, the archetypes of Cuba: the American car, the beautiful woman, the revolutionary hero. I approach each of these archetypes as a photographer asking a question: If this is our sense of Cuba, if Americans see Cuba through this lens, what does that really mean?

And the cars that are in Cuba today, the predominant cars, are the American cars from the 1950s and early 1960s. So I thought to myself, what if I could see Cuba, literally through that lens? I used the car as a way of looking at the landscape of Havana, not because I knew what the pictures would say, but because I wanted to see what they would say if in every image you had an American car and a landscape of Havana. What would they say in relation to one another?

"Sol and Cuba, Old Havana" [on the back cover] is an example of the way in which these car pictures work and speak to us that's really subtle; it's almost subconscious. You look at an image like this and your eye imagines the way you'd see it in reality. What you would see in focus is either the landscape in the background or the dashboard in the foreground. With my camera, I am seeing them together. I am seeing them absolutely in focus together. So there's a kind of a hyperrealism there. And then there's a kind of a surrealism there because you see outside the window: there is blur; there is motion. And I think at first these pictures make you think, "Okay, this is reality." And then in another second you look, and you think, "This is something a little bit surreal and strange." So these photographs ask you to look at them and then to look at them again.

In fact, this is the same window through which we in the United States still look at Cuba — the window of the 1950s and 1960s. So really, these cars are a kind of metaphor for our ongoing relationship, and they ask us to think about that relationship and what it means that as nations we are still stuck in this place.

Adapted from the transcript of a video interview with Alex Harris on The Iris, the blog of the J. Paul Getty Museum. The video "Alex Harris, Virginia Beahan and Alexey Titarenko on Photographing Cuba" was filmed in the galleries of the exhibition "A Revolutionary Project: Cuba from Walker Evans to Now" at the J. Paul Getty Museum, The Getty Center, Los Angeles.

Photos from The Idea of Cuba *by Alex Harris. Reprinted with the permission of the University of New Mexico Press.*

The beach at Miramar, looking north from Rudy Hermando Ramos's 1957 Chevrolet, Havana, May 20, 1998. Photo by Alex Harris.


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Sol and Cuba, Old Havana, looking north from Alberto Rojas's 1951 Plymouth, Havana, May 23, 1998.
Photo by Alex Harris.

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