



FALL 2001

## Wellstone Addresses U.S. Policy on Colombia

In December 2000, Senator Paul Wellstone of Minnesota became the first member of the United States Senate to set foot in Barrancabermeja, Colombia, a place that has been described as the “deadliest town in the Americas.” Perhaps this firsthand experience accounts for the unusual perspective he has brought to discussions on Plan Colombia. As the U.S. Congress debated its increased involvement in the Andean country through the \$1.3 billion aid package, Wellstone said he visited the city in December 2000 to show his solidarity with local human rights workers.

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AP/Wide World Photos

Senator Paul Wellstone in Washington

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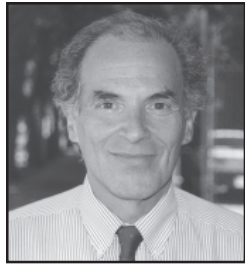
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# Letter from the Chair

**A**s we go to press with this newsletter, *New York Times* columnist Bob Herbert writes that “the World Trade Center, the skyline’s most distinctive feature, is a mixture of dust and memories.” The shadow of September 11 is still very much with us: the grief, the incalculable personal loss, the economic damage, and the sharp shift in political priorities in the United States.

President Vicente Fox presented a bold new immigration plan to a joint session of Congress in Washington only days before the planes careened into their targets. What happens to U.S.-Latin America issues in this dramatic new environment? The issues addressed in these pages from conflict in Colombia to economic contraction in Mexico remain as pivotal as ever; attention in the short run is understandably elsewhere. The coming weeks and months will see the ways in which priorities are set and these questions are addressed both in the U.S. and throughout the Americas.

We lead in this issue with an original interview with Senator Paul Wellstone on the continuing traumas in Colombia. In the interview,

done at the beginning of September, Senator Wellstone talks about his experiences in Colombia, human rights, and the role for the U.S.

We have extensive coverage of Brazil beginning with “Postcard from Timbauba,” a report on the research and active engagement of Professor Nancy Scheper-Hughes with human rights and death squads in Northeast Brazil. CLAS was also pleased to host the visits of many Brazilians including Minister of Culture Francisco Corré Weffort and novelist Márcio Souza. In the spring we are looking forward to the visit of photographer Sebastião Salgado to the campus and the exhibit of his work at the University Art Museum.

This issue also features a report on the spring visit to the campus of Judge Juan Guzmán, the Chilean judge in the case against General Pinochet. Finally, Jorge Arrate, the Chilean Ambassador to Argentina and a former Minister of Labor, comments on the current contentious debate over trade and labor issues.

We look forward to reporting on our current series on “The U.S. and Mexico: Redefining the Relationship” in our next issue.

- Harley Shaiken

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# Challenges to the Fox Administration



Adolfo Ventura

Left:  
Workers at lunch time near  
the border

by Enrique Dussel Peters

**V**icente Fox's clear victory in the July 2, 2000 elections reflected Mexican civil society's thirst for change. Yet Mexico's transition remains at a crossroads: it has neither dismantled old institutions nor built significant new ones. After seven decades of PRI rule — which began to erode at the end of the 1960's, and to crack with the campaign of Cuauhtémoc Cárdenas in 1988 — the victory of the National Action Party (PAN) showed that *sí se puede* (it is possible). The authoritarian system designed by the PRI had seemed omnipresent and adaptable as recently as a few years ago. The “new breed” of post-Salinas government officials and technocrats — including many current high-level officials, such as Guillermo Ortíz, President of Banco de México; Francisco Gil Díaz, Secretary of Finance, and Santiago Levi, Director of the Instituto Mexicano de Seguro Social (IMSS) — were expected to “resuscitate” PRI's ideological and socioeconomic debacle but they visibly failed, both within the PRI and before Mexican society as a whole.

As Fox completes his first year in office, the main features of the current transition stand out. The period has been free of scandals and major stumbles within the administration and with the inherited institutions, an important achievement given the inexperience of the new administration and the uncertainty this provoked. The continuity of economic policy in general has been striking, further reducing inflation rates and attracting foreign investments. Three other themes, however, cause concern:

## **1. There has been too much continuity and too little change.**

With the exception of the fiscal reform attempt and the Indigenous Law, the new administration has shown an inability to present a bold new strategy regarding social, economic, or political topics. This content vacuum dates back to 1997, when Fox's inner circle chose to market their candidate as “product x” — their term for Fox — despite the fact that “product x” did not have any specific content. In contrast, the transi-

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## Challenges to the Fox Administration

Megan Lardner



Above:  
Buses for maquiladora  
workers

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tion groups (*equipos de transición*), which Fox created after the election in several areas such as social, business, fiscal and regional policies, presented very specific policies and generated an initial consensus among different social groups. These results, however, were discarded since the PAN and other influential interest groups negotiated with Fox to place people not involved in the transition groups in important posts.

### 2. Is a recession or even an economic crisis coming?

External economic conditions have been unfavorable for Mexico in 2001, particularly in response to the global economic slowdown and the uncertainty of oil prices. There were few expectations that these conditions would improve, even in the United States, and after September 11 the situation has gotten markedly worse. Moreover, the profound structural problems that plagued Mexico's economy throughout the 1990's remain unsolved in 2001. As a result, the ex-

port-oriented sector, the only motor of growth, has stalled for the first time in more than 12 years: the maquiladora sector lost more than 90,000 jobs and, in May 2001, posted the worst annual growth rate since 1982. In this context, the economically active population will grow by around 1.2 million in 2001, whereas the economy will lose 800,000 jobs, totaling an employment generation deficit of 2 million. These trends are far from the promised 1.2 million jobs to



Right:  
Cars in line to cross  
the U.S. - Mexico  
border

Adolfo Ventura

be created annually. Added to these disturbing trends, manufacturing shrunk 3.4% for the second quarter of 2001, the worst results since the crisis of 1995. And unlike prior economic calamities, this time around the international economy will not be able to jump-start the domestic market through exports.

### **3. The Mexican economy has been suffering from structural limitations at least since the 1995 crisis, and they have yet to be discussed by the current administration.**

In the last 12 years the domestic market has not recovered. Only a small group of households, firms, branches, sectors and regions have benefited from export-orientation, underscoring severe polarization. Adjusted for inflation, the minimum wage this year has hovered at 30% and the manufacturing wage at 60% of their 1980 levels. The financial sector in Mexico, after a massive bailout that cost more than 20% of GDP as a result of the crisis of 1995, is still anemic. Added to high real interest rates, the exchange rate has been highly overvalued, as much as it was before the 1995 crisis, and up to 30% according to some analysts. This is a hard hit for exports and a magnet for imports. Finally, only a small segment of firms, branches and regions have been highly dynamic in terms of GDP and productivity. This segment is extensively integrated with the U.S. economy through exports and intraindustrial trade, but has few linkages to the rest of the Mexican economy, which has not recovered throughout the 1990's — particularly micro, small and medium firms.

From this perspective, the Fox administration faces substantial challenges in the short run, many of which are likely to last throughout the *sexenio*. To begin with, the administration needs to develop a workable political strategy. It needs to deepen contacts and negotiations with the PAN itself, since substantial opposition to Fox's initiatives comes from his own party. Fox must also reach out to the

opposition parties, since the experiences of the Indigenous Law and the fiscal reform proposals underscore the limits of the executive branch seeking to “market” the “products” directly to the population. Second, the Fox administration has to start analyzing the main priorities of its *sexenio*: beyond the success of beating the PRI, what are the main socio-economic targets of the respective policies? On which objectives does the Fox Administration want to be evaluated in 2006? So far, the recently presented *Plan Nacional de Desarrollo* (National Development Plan) does not provide guidelines to understand this process. Third, regarding economic policy, fiscal reform is pivotal for the policy options and potential during the *sexenio*. Based on the outcome of fiscal reform, the Fox administration will be able to prioritize either poverty; financing; micro, small, and medium firms; education; and/or a regionalization process, among other issues that have yet to be defined.

At the beginning of the 21<sup>st</sup> century, Mexico and the Fox administration have the unique opportunity to achieve a socio-economic integration of its households, firms, branches and regions, after a profound process of polarization since the end of the 1980's. Yet many challenges remain ahead: although the election victory of Fox showed that “*si se puede*” (it is possible), the voters, the same night of the election, reminded him: “*no nos falle*” (don't fail us). ■

A former visiting scholar at CLAS, Enrique Dussel Peters is a professor at the Graduate School of Economics of the Universidad Nacional Autónoma de México (UNAM).



Above:  
Enrique Dussel Peters at CLAS

# Postcards from Timbauba:

## Human Rights vs. Death Squads in Northeast Brazil

by Nancy Scheper-Hughes



Viviane Moos

Right:  
Street children sniffing glue

Until last year, no one in Timbauba — a sprawling market town on the border between northern Pernambuco and Paraíba, a place where 80% of the population live in deep poverty — knew exactly where the local government began and where the death squads (*grupos de extermínio*) ended. During the 1990's Timbauba had become a transit point for the burgeoning traffic in drugs, small arms, and children for international adoption. And as an outgrowth of this illicit commerce, the town and its rural surroundings fell into the hands of a sadistic band of hired killers. Led by Abidoral Gomes Queiroz, the son of an itinerant hammock salesman and *pistoleiro*, and his large band of accomplices, the *grupo de extermínio* eventually came to assume the roles of police, local government, and judiciary. But a year ago things changed

abruptly when a small group of local activists, constitutionally empowered as human rights and child rights advocates, joined forces with a newly appointed judge and a tough, fair-minded district attorney in a battle to wrest the city away from the death squads. Armed with no more than the Brazilian Constitution and their passion for human rights, the movement succeeded despite persistent death threats and a local populace either too complicit or too frightened to take action.

Death squads are nothing new in Brazil. During the military dictatorship (1964-1985), the existence — real or merely rumored — of paramilitary death squads with ties to local police was sufficient to terrorize rural workers and the urban poor into political passivity, coerced complicity,

and silence. Yet following democratization, despite the adoption of a progressive Constitution and the implementation of new municipal structures to safeguard the rights of vulnerable groups, the attacks not only failed to cease, they expanded. In the 1990's the targets of these summary executions were not politically engaged "trouble-makers," but ordinary people, most of them poor, illiterate, and socially marginal. And these attacks occurred in the absence of public outrage.

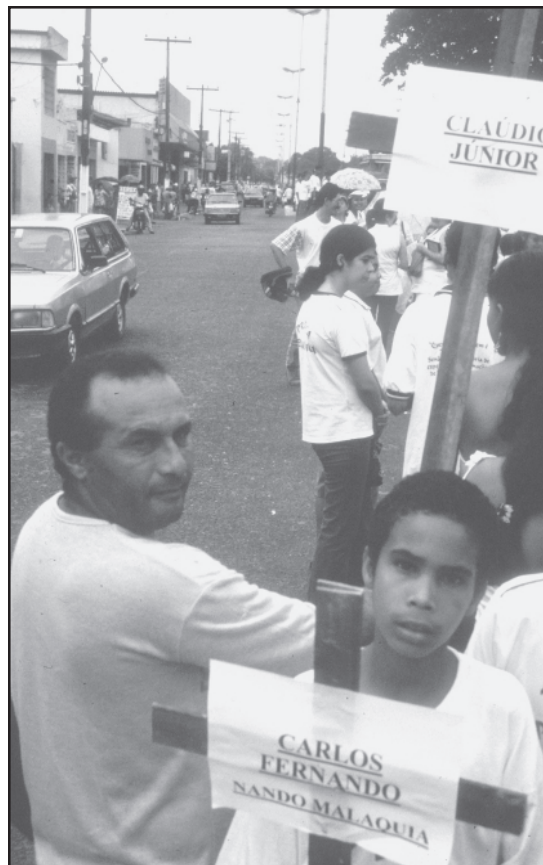
Between 1995-2000 Abidoral's death squad operated openly and flamboyantly in Timbauba, with the support of high-profile citizens, especially business people and landowners. Some 200 petty thieves, drug sellers, and street kids were executed in this *município* of just 58,000. The vigilantes collected tribute and bounty money from local businessmen looking to "clean the streets" of local riff-raff and for protection against highway bandits; names of those who refused to accept this "protection" were inscribed on the death squad's hit list. Things veered so out of control that in 2000, the annual "*Seite de Setembro*" parade celebrating the national holiday was led by a dozen armed vigilantes wearing jackets bearing their insignia, "*Anjos de Guarda*" ("The Guardian Angels"). Some hired gunmen were even on the municipal payroll, protected by the mayor.

The population of Timbauba was mixed in its views about the death squads. Many had grown accustomed to the protection that the "Guardian Angels" gave to the working and middle classes, and they referred to the outlaws not as terrorists or vigilantes but as "*justiceiros*," representatives of popular justice. But for those residing on the hillside shantytown of Alto do Cruzeiro, Abidoral and his band of outlaws had turned them into shut-ins, living under self-imposed curfews. Many recalled with horror a night in 1999 when six people were murdered on the Rua do Cruzeiro, the principal

road of the hill. "During this time," said "Black" Irene, "we all went underground. The streets were deserted, and we kept our doors and wooden shutters closed tight. One never knew when the 'exterminators' might appear or why someone else had been 'fingere'" Irene knew well enough, having lost two sons and her husband during an earlier phase of death squad activity in Timbauba.

Biu, my comadre and key informant of many years, was among the last to lose a loved one to Abidoral's band. Emaciated, her face drawn, and her skin stretched tight as a drum over her high cheekbones, 57-year-old Biu explained how her 24-year-old son had met his untimely end. "He was coming home from a late-night holiday party along the main road leading up to Alto do Cruzeiro. Neighbors heard the shots and screams, but they were too frightened to leave their homes." The next morning Gilvam's older sister, Pelzinha, discovered what was left of his body, sprawled over a large mound of

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Nancy Scheper-Hughes

Left:  
At a July 19, 2001 march against death squad violence in Timbauba, street children carried crosses emblazoned with the names of the victims

# Unwelcome Haitian Labor: Forced Migration and the Dominican Republic

by Laurel Fletcher and Jennifer Lenga



Angela Perry

Right:  
Jennifer Lenga in Haiti  
with Haitians who were  
forcibly expelled from  
the Dominican Republic

Last spring, students from the International Human Rights Law Clinic at UC Berkeley's Boalt Hall packed their bags and traveled to the Dominican Republic and Haiti in search of numbers — numbers that would make vivid a trail of human suffering, and in so doing possibly change its course. In October 1999, the Dominican Republic initiated mass expulsions of Haitians and Dominicans of Haitian descent. In less than four weeks, government agents rounded up thousands of individuals suspected of being undocumented Haitian migrants and pushed them across the border into Haiti. What triggered this treatment? A few days earlier, the Inter-American Commission for Human Rights, the human rights arm of the Organization of American States, had released its report critical of the government's treatment of Haitians and Dominicans of Haitian ancestry. In response, the government initiated mass expulsions as a brutal display of its sovereign right to control its borders.

Supported by a CLAS grant, Boalt students went to the region to challenge

the legality of the operation under international law.

The expulsions began virtually without warning as agents raided the poor communities of Haitians and Dominicans of Haitian ancestry, seizing anyone black (Haitians are dark skinned, predominantly Creole-speaking descents of African slaves, and Dominicans, whose Spanish ancestors colonized the eastern side of the island, speak Spanish and are lighter skinned). This was the fourth time in the last decade that the government had expelled thousands in the span of a few weeks. As in past episodes, there was no pretense of "due process" — individuals were arrested on their way home from the fields or the market, forced onto military trucks, and taken to Haiti.

For decades, Haitians have migrated to the more prosperous Dominican Republic in search of work. The majority of Haitians who live in the Dominican Republic work in the fields of sugar cane plantations or in other agricultural sectors like coco, or perform manual labor in the construction



industry. Most live in extreme poverty in shantytown communities. Even many individuals of Haitian descent who are born in the Dominican Republic are unable to obtain Dominican citizenship and the rights that go with it, including the right to vote, and thus have little ability to protect their rights.

Clinic students Angela Perry and Jennifer Lenga spoke with one of the victims, a twenty-year-old woman of Haitian descent who was caught up in the 1999 expulsions. She had been arrested while walking to work at a laundry in Santo Domingo carrying her 16-month-old baby. Dominican officials forced her onto a bus with about 50 others and drove her and her child to Haiti. She was never given the opportunity to explain or prove that she was born in the Dominican Republic and thus legally entitled to Dominican citizenship. She was not allowed to contact her husband, children, or any of her extended family. She was dumped at the border in Haiti with no money, no food, and no contacts. Having lived in the Dominican Republic her entire life, she did not speak Creole and had no friends or known family members in Haiti. She became entirely dependent on the aid of a non-governmental organization for food, shelter, and assimilation into a society she did not know. As far as her family knew, she and her child had simply vanished.

To the human rights community in the Dominican Republic, the government's action was woefully familiar: a display of strength in answer to the challenge from the international community to adhere to the rule of law. Yet groups on the ground felt it important to continue to press the government to live up to its international legal obligations. Yet civil society in the country is vulnerable. In the popular press, government officials vilify leaders of groups working with Haitians; and memory of the 1937 massacre of an estimated 30,000 Haitians,



Angela Perry

ordered by President Trujillo to rid the country of “dark” influences, constantly reminds community leaders of the lethal underside of official policy. Human rights advocates in the country welcomed international attention as a means to provide political support and protection from physical threats. Thus, with guidance from the *Movimiento de Mujeres Dominico-Haitianas* (MUDHA) and other groups working with the affected communities, the Clinic initiated a new action before the Inter-American Commission for Human Rights to pressure the government to stop the collective expulsions.

Within days, the government announced that it was suspending expulsions because it had reached a new agreement on migration with the Haitian government. Relieved that the expulsions had ceased, the Clinic continued to press for an international ruling that the government had engaged in a pattern and practice of illegal, collective expulsions. In the absence of such a decision, the government would be able to resume mass expulsions with political impunity, but condemnation from an international tribunal might make the government hesitate before doing so.

The Commission requested an emergency order from the Inter-American Court for

Above:  
Jennifer Lenga with  
human rights activists in  
the Dominican Republic

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# Free Trade and Labor

by Jorge Arrate



Photo courtesy of Owen Herrmstadt

Right:  
Labor protesters in Seattle,  
1999

**T**he development of social rights in the 20<sup>th</sup> Century was based on the notion of establishing mandatory mechanisms to compensate the substantial imbalance between capital and labor. To face capital's power a set of regulations were designed—multilateral and bilateral international treaties as well as regional social charts and national laws and regulations—with the goal of endowing organized labor enough power to enable employers and workers to negotiate a wide range of subjects in a balanced framework.

In the last 25 years the world has seen an unprecedented worldwide expansion of the market as the main economic mechanism. At the same time, democracy has become the planet's predominant political system. Technological changes and a new open economy have endowed capital with extraordinary volatility. Deregulation has allowed freedoms that companies have never before experienced. Because of this, the former imbalance that earlier social legislation helped to alleviate, has again become a characteristic of capital-labor relations.

It is clear that the expansion of free trade has created previously unknown possibilities for specialization, exchange and economic growth. It is desirable that these new opportunities, an effect of more open relations between national economies, could help to overcome the poverty that affects hundreds of millions of the world's inhabitants, many of whom are in Latin America. To insure that free trade reaches its full value as a catalyst for development, the new wealth must be distributed fairly among and within countries. Moreover, it would be desirable to recognize a preference in this fair distribution for those sectors generally excluded from social progress such as unemployed and underemployed low productivity workers, who are not in a position to adequately negotiate working conditions and salaries.

However, an acceptable distribution of larger free trade benefits is not easy to achieve as long as a sharp imbalance between capital and labor persists. While this unequal relationship may not impede economic growth, it makes it impossible to translate its benefits into greater social justice.

Because of this, even in the global economy of the 21<sup>st</sup> Century, regulatory instruments designed to insure that free trade translates into social equity, are relevant. The conventions of the International Labor Organization (ILO), in particular those known as “basic agreements” (on trade unions, collective bargaining, discrimination, forced labor and child labor) and the concept of “decent work”, promoted nowadays by the ILO, are sound instruments. In the Americas the efforts of the Working Group on Labor of MERCOSUR, the complementary NAFTA labor agreement, the labor agreement complementary to the free trade treaty between Canada and Chile, and other similar instruments, are interesting experiences that should be evaluated to consolidate and promote those aspects that have been successful.

It is also important that national labor laws consider the need for flexibility for employers while protecting worker’s rights. These laws should establish basic rules and accept areas of possible negotiation between social parties. Among different possibilities, those based on the willingness of corporations and business groups to self regulate could open new avenues for action. It’s also worth considering proposals in which em-

ployers make transparent their undertakings with labor and social issues and agree to keep the public informed. This transparency is necessary to stimulate better practices and to progressively improve social and labor conditions.

The proposals to dismantle protective national labor legislation that we sometimes hear in Latin America, are not acceptable demands and do not express a real and sound condition to develop free trade. There can be no doubt that it is also inadequate to look to the past to find norms now surpassed by current economic reality. Sooner or later these will hinder development. But worthwhile are those efforts, performed with modern and dynamic mentality, that achieve an equation capable of making free trade an instrument of greater equality instead of a mechanism that concentrates its benefits on the rich. In the case of Latin America -because of its cultural and social economic profile- these efforts could have unexpected success.

There are those who fear that considerations of this type will only give ammunition to the adversaries of free trade or to those powerful states that can use labor questions as a pretext for practicing protective policies and close their markets to countries relatively less developed. An action of this type obviously annuls any legitimate competitive advantage and creates a vicious circle of poverty that has as one of its elements the unfair treatment of workers. It is obvious that bad faith in agreements or norms on basic labor questions will be prejudicial to less developed countries that need the consumer markets of more developed economies.

But the inverse is also true: the line that defends free trade and refuses to consider the labor question could be a way of masking the lack of specific public policies oriented to dimin-

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Left:  
Ambassador Jorge Arrate

Photo courtesy of Lydia Chavez



# Wellstone Addresses U.S. Policy in Colombia

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AP/World Wide Photos



Above:  
Senator Wellstone in Colombia

One of the few U.S. Senators to oppose Plan Colombia, Wellstone has urged that any assistance to the country be conditioned on compliance with human rights norms, and expressed deep reservations about the potential effectiveness of a counternarcotics program that does not address the domestic demand for drugs. His views spring directly from his on-the-ground experiences in Colombia, as he explained during a spring 2001 visit to CLAS.

On April 16, in a presentation to some 200 students, faculty, and community members, Wellstone described his visit to Barrancabermeja, where hundreds of residents were slain in politically-motivated violence in 2000. In Barrancabermeja, Wellstone saw contemporary Colombia in all its complexity: grinding poverty and a lack of economic alternatives for peasants; a population besieged by warring government and guerrilla forces, and terrorized by para-

military violence; government officials too complicit, or cowed, to confront the perpetrators. Despite it all, human rights defenders, like Jesuit priest Francisco De Roux, were struggling for justice amidst the devastation. In early September, Senator Wellstone shared his reflections on Plan Colombia, Barrancabermeja, and the “War on Drugs” in an exclusive interview with CLAS Chair, Prof. Harley Shaiken. Selections from this interview are reproduced below.

**Harley Shaiken:** Plan Colombia was approved by an overwhelming margin of the U.S. Senate. What do you think led to this overwhelming approval and in what ways do you sense that opinion might have changed on it?

**Senator Wellstone:** On the Senate side, it was really clear to me that the Clinton administration was able to cut the issue this way. I think it was deceptive, but they were basically able to say that a vote on Plan

Colombia is really a vote on whether or not you as a senator are willing to step forward and protect American children from being killed by drugs from Colombia. That's really the way they cut the issue: "are you willing to keep these drugs away from our children?" So I think a lot of people in the Senate were very worried about being accused of being "soft on drugs." I think that was the "why" of the overwhelmingly strong vote for Plan Colombia.

There were plenty of questions to be raised about whether this was counternarcotics or counterinsurgency. There were plenty of questions to be raised about the extent to which the Colombian government was willing to crack down on all the violence against civil society people, whether it be from the FARC (*Fuerzas Armadas Revolucionarias de Colombia*, the country's main guerrilla group), ELN (*Ejército de Liberación Nacional*, the second largest guerrilla group), or the paramilitaries. There were questions to be raised about collusion between the military and the paramilitaries, the paramilitaries being responsible for most of the extrajudicial killings in the country. But I think overall, the real reason it passed was that the administration was able to . . . cast this as a vote as to whether or not Senators were willing to protect the American children from drugs coming over from Colombia. That's what I think.

I had one amendment that I think now would get more support, much more support — it didn't say there would

be no Plan Colombia, but it said that at least a portion of this money would go to drug treatment programs in our country. The argument being that as long as the United States [has] a market for 300 metric tons of cocaine a year from Colombia or wherever, then it's going to be grown. I mean, you can spray one place and production would shift somewhere else in Colombia, or to Ecuador, or to Peru, or to Brazil, or whatever! But you [aren't] going to stop it unless you stop the demand.

. . . This time around, we'll see what happens not just with Plan Colombia but with the whole Andean Initiative, which would be \$730 million for Colombia, Bolivia, Ecuador, you name it. And . . . this time around, I think an amendment that says, "Look, some of that money ought to go to drug treatment programs [to address] the demand for drugs in our own country," is going to get much more support. Interestingly enough, I think the movie *Traffic* actually has helped. . . I think there is much

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Below:  
Senator Wellstone in Colombia



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more discussion about this. And the other thing is, I think we're going to be able to hammer away much more at the human rights abuses and the failure on the part of the military to extricate itself from some of the human rights abuses, ranging from torture to actual murder of people by the paramilitaries. At the brigade level there are entirely too many ties between the military and the paramilitaries.

**H.S.:** You've been to Colombia several times in the last year. What do you see as the key issues on the ground, the things affecting ordinary people's lives in this process?

**Senator Wellstone:** I would mention three. First of all, in the southern part, in Putumayo, where a lot of the spraying is taking place, there was supposed to also be money for social development and economic development, so there [would be] alternatives for campesinos. And it has not come. So on the ground it's a disaster, because the only thing people have seen is the

herbicide spraying which has wiped out their livelihood, and there's been none of the money that was supposed to be there. I've raised questions over and over again with the administration on this, for social and economic development there on the ground. That's just a prescription for disaster.

... I think the second thing that I would mention, which is I think is extremely important, having been to Barrancabermeja several times — in some ways the Sarajevo of Colombia. Unfortunately the paramilitaries have taken over a good part of the city now. Literally [they] have taken people's phones, cut the wires, taken people's cell phones away, moved into people's homes. I've spent a lot of time working with Francisco De Roux, and his *Programa de Desarrollo y Paz del Magdalena Medio* (Program of Development and Peace of the Magdalena Medio) and seen how this has happened to a lot of the civil society people, the defenders of human rights. But these people are not part of the FARC, they're not



Right:  
Senator Wellstone in the  
Morrison Room, Doe Library  
UC Berkeley

part of the ELN; they command great respect. Francisco de Roux did some of the best economic development work in the country, yet in the last 35 or 40 days two of his workers have been brutally murdered. And his plea — which I think is the plea for many in Colombia — is to the government: “Look, we want to see the military, we want to see the police, but we want to see them defending us! Where are they?” I have been in touch with General Carreno who is in command in the Barrancabermeja area, and at several meetings with him . . . I’ve said, “Look, here’s where the AUC (*Autodefensas Unidas de Colombia*, the umbrella organization of paramilitary groups) or paramilitary headquarters are. Here’s a list of a couple really bad guys. We know what they do. We know they’ve been involved in atrocities, so go get them. And we just don’t see that happen. So a lot of the civil society people that are doing the very best economic development work, the defenders of human rights, are murdered with impunity, and the government does not provide them with protection. That is for me the most compelling issue of all.

As long as we’re talking about on the ground, I’ll mention two other things. I think the campesino people in the countryside have every reason to be skeptical about claims that the herbicide spraying doesn’t affect their health or the health of their children. There have been lots of reports of dizziness and nausea and skin rashes and illness, and I think people feel like, “We’ve heard this all before: ‘there’s no problem,’ but we’re sick. What is it doing to us?” And then the final point I would make, which I have made many times over in debates about Plan Colombia, is to ask if this was truly counternarcotics as opposed to counterinsurgency. What exactly are we involved in? The government and the military [should] make at least an equal effort to go after the paramilitary and the AUC, [but]

we see none of that. Because [the paramilitaries] are involved in narco-trafficking up to their eyeballs, just as the FARC and the ELN have been. Everybody agrees that the paramilitaries and the AUC, the FARC, the ELN, they’re all narcotraffickers. I have nothing good to say about the FARC or the ELN. But the point is, if this was all about counternarcotics, you would expect to see bold, all-out military campaigns against the paramilitaries too. You don’t see any of that! So, one wonders, to what extent is this really counternarcotics, or is it basically counterinsurgency? What exactly is the United States getting involved in? That’s another question.

**H.S.:** What role do you think the U.S. could play in the peace process?

**Senator Wellstone:** I think the role that we can play is, when it comes to negotiations and whether or not the FARC will be able to maintain this safe haven, I think we need to be tough with the [Colombian] government, and the government needs to be tough and say the kidnappings and the violence have to stop. We should be clear about that, and the Colombian government needs to be clear about that. There can’t be any agreement otherwise. We’ve said we’re for continuing negotiations, but we’ve taken a very passive stand. I think we should just be much more assertive. There’s no question in my mind about that. And at the same time, returning to the city Barrancabermeja, it’s a cause of great concern. This is not an insignificant city. It’s a major port city, in a major part of the country, the oil-producing part of Colombia, and when you see the AUC basically taking over the city and everybody pretty much isolated almost all the opposition [has been] eliminated, many of them having been murdered and many others just afraid to speak up. Why is our government not being much more assertive and demanding that the Colombian government abide by basic

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# Judging Pinochet

by Alexandra Huneus

**D**espite one indictment, two arrests, three years of litigation, and 259 criminal claims against him, it appears that Augusto Pinochet will, in the end, elude the Chilean courts as he did Spain's Judge Garzón. The Chilean Supreme Court is

expected to uphold a lower court's ruling that a series of strokes have left the aging general unable to stand trial. But while such an outcome may disappoint many, it should not be construed simply as a failure of justice. Not only has the general's drawn-out legal saga shaped international human rights law, it has reshaped the way Chilean society confronts its divisive past. As Judge Juan Guzmán, the magistrate in the case against Gen. Pinochet in Chile, explained in his visit to CLAS last April, Pinochet's court battles have provided Chileans with a bridge from forgetting to contested remembrance, even as they strained the link between international and local justice. They have also partly redeemed the Chilean judiciary, catapulting the thoughtful Judge Guzmán from obscurity to human rights hero status. As we await the final Supreme Court ruling, it seems timely to reflect on the significance of these changes.

The most important effects of the Pinochet court battles are not legal but social. Although the Truth and Reconciliation Commission published in 1991 a report on the atrocities committed during the military regime (1973-1990), its effects were muted: in the midst of an economic boom and a fragile transition to democracy, most Chileans preferred not to dwell on decades-old

crimes. To look back was to imperil the future. As an acquaintance who worked on the Commission told me, even friends and family did not want to hear what he had learned during the closed hearings. He paid a counselor to listen to the heart-rending stories.

But with Pinochet's 1998 London arrest, denial gave way to debate and discomfort. Suddenly, even the right-leaning newspapers were giving full coverage to the once-taboo topic of human rights. Reporters began following Judge Guzmán and other judges as they oversaw exhumations in cemeteries, abandoned mines, and forgotten hillsides. Judges around the country dusted off old case files and began questioning retired members of the armed forces. Suddenly, copies of documents that incriminated Pinochet appeared on the Internet. People stepped forward to accuse their torturers, and the media actually reported it. Even television talk shows put human rights crimes at center stage now and then. The nation, it seemed, had begun to openly reconsider the Pinochet regime's rights violations — if not to truly consider them for the first time.

The attention Chile is paying to the past should not be overstated. Gen. Pinochet no longer makes the headlines each day, and President Lagos gingerly sidestepped these issues so as to focus on trade in a recent trip to England. But even if the crimes of the past disappear from the headlines and news hours, they have at last been openly aired, and they continue to be treated by academics, poets, sculptors, and novelists. It is not that Chile rewrote its past and can now move on; rather, this past at last became a site for ongoing debate and national self-understanding. Through such a debate those who suffered most can perhaps begin to feel less marginalized.



Above:  
Judge Guzmán at CLAS



At the level of international relations, the Pinochet cases complicate the relation between international and local justice. For perhaps the most ironic part of Pinochet's detention in London, the most surprising twist of the whole transnational saga, was the Chilean government's reaction. Anyone who thought Europe was helping the Chilean government, made up of those who risked their lives in opposing the regime, must have been baffled by its indignation. Chile did not embrace its European saviors for relieving them of a world-class criminal. Rather, it clamored for the dictator's return, even well after it became clear that Pinochet's absence did not threaten the transition — indeed, even after it was clear that his absence had helped spark a long belated national debate about the regime's crimes. This most open-marketed of developing nations flat-out rejected the notion of universal jurisdiction.

The human rights community, on the other hand, scoffed at Chile's claim that Pinochet must first face trial at home. After all, local courts had let a quarter-century slip by without pursuing cases against Pinochet. Many of the judges that served under the dictatorship — when courts denied over 99% of all *habeas corpus* claims — were still on the bench. It seemed that Chile's judiciary would be even more anxious than its politicians to keep past evils quiet.

In retrospect, it is hard to know who was right. While it may be true that the local prosecution was prompted by Pinochet's detention in London, it is also true that, had Spanish Judge Garzón succeeded in extraditing him, local courts would have been unable to try the general at home. His indictment and loss of senatorial immunity were crucial symbols for the rule of law in Chile. But those who think it better that Pinochet was tried at home must admit that, as predicted, the judges unduly twisted the law in his favor, excusing Pinochet by relying on

reforms that were not yet in effect in the Santiago jurisdiction.

Whether or not the Pinochet cases actually bolstered the rule of law in Chile, they did boost the judiciary's moral standing. In the 1991 Report of the Truth and Reconciliation Commission, the courts were singled out for having failed to protect rights during the regime. Judge Guzmán, himself a member of the judiciary under Pinochet, struggled to explain to his CLAS audience how regular, well-meaning people such as his colleagues could have participated in evil. Peer pressure, cowardice, and lack of independence shaped the judiciary's stance toward the regime's abuses, with only a few exceptions.

Thus it was a breakthrough to have the little-known Judge Guzmán surprise the world by actually investigating the case that chance landed on his docket in 1998. Only a year earlier Judge Guzmán had banned *The Last Temptation of Christ* from showing in Chilean movie theatres — not exactly a liberal move. Now he faced an excruciating challenge: how to walk the line between law

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Above:  
Judge Guzmán and Professor  
Harley Shaiken at CLAS

## Postcard from Timbauba

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uncollected garbage. A crowd of black, greasy winged vultures had gotten to him first, and Pelzinha could barely recognize her brother.

Well seasoned by a lifetime of traumatic events, Biu was stoic, elliptical, and ambivalent about the murder of her son. “Gilvam was no angel. My own family had turned against him, saying he was no good, a brawler, a drinker, and a thief who was always getting into trouble. But when they say that Gilvam had to be killed, I feel dead inside. He was still my son! But I can’t tell anyone, except you, how much I miss that boy. My own niece said, ‘Be grateful, Tia, for the little bit of tranquility that Gilvan’s death has brought into your life.’ What does *she* understand?”

In March 2001, I received a startling fax from the new judge, Dra. Marisa Borges, and district attorney, Dr. Humberto da Silva Graca, of Timbauba. It was a summons to please come help them in the research for their legal proceedings against Abidoral and his “extermination group,” 14 of whom (including Abidoral) had been arrested and



D. Michael Hughes

Right:  
Professor Scheper-Hughes  
carries a cross with the name  
of Biu’s murdered son

were in various stages of hearings and trials. They had used parts of my book, *Death without Weeping*, to understand the physical and psychological terror used by local death squads and their effects on the general populace. Despite facing many death threats, they said they were determined to reinstall basic civil rights guarantees to the population. But they needed help in identifying many still-unknown victims and survivors of Abidoral’s gang. Many were afraid to testify, and dozens of deaths were still unaccounted for, the victims’ bodies having been deposited in clandestine graves.

During the summer of 2001 my work began in the *cartorio civil* of Timbauba, where I reviewed all officially registered deaths (including homicides) from 1994-2000. These represented only a fraction of the actual killings, most of which were concealed as traffic or train accidents or as suicides. Nonetheless, my husband and I were able to identify 31 homicides that could be traced, at least hypothetically, to death squad operations. The average victim was a young black male in his twenties, unemployed or casually employed, and the resident of an extremely poor and marginal community. In the earlier years the death squads had been engaged in a project of *limpeza* (social hygiene), targeting the town’s disproport-



Nancy Scheper-Hughes

Below:  
Children carrying crosses with  
names of victims

tionately large population of older street kids. Toward the end of the decade, however, the suspicious homicides included an older population of young men who could best be described as social misfits or marginals.

It was decided that our visible presence and involvement in the investigations could work toward a broader-based recognition of the “abnormality of the normal” that the *município* had been living under for the past several years. Working closely with child advocates and human rights activists in Timbauba, we organized a “day of peace” and a march against death squad violence. It was held on July 19, 2001, exactly one year after the capture of Abidoral and several of his men. While most residents were still too fearful of, or complicit with, the death squads, and many of their accomplices were still at large, the march was led by street children and followed by public school children and their teachers. At the vanguard, the street kids were dressed in white, each carrying a wooden cross with the name of a young person executed by the local squad. This marked the

first time that a “backlands city had taken a public stand against vigilante violence.

In the midst of this dramatic manifestation of public resistance, and without forewarning, the judge arranged for heavily armed police cars to arrive, exposing the shackled figure of Abidoral Queiroz to the young marchers and forcing the convicted killer to view the spectacle of raised crosses bearing the names of the men and boys he had murdered on consignment. At the City Hall, spontaneous speeches were given by the mayor and town councilors, to whom I presented a brass plaque memorializing the end of this most recent reign of terror in Timbauba. It will be placed on the wall of a public square to be re-named the “Praça de Paz.” It reads: “The Gratitude of the People for Those who Fought Against Violence and for Human Rights. Commemorating One Year of Peace in Timbauba. July 19, 2001.” ■

Nancy Scheper-Hughes is professor of Anthropology at UC Berkeley.

Below:  
Street child sleeping



Wiviane Moos

# Ernesto Cardenal

by Marcelo Pellegrini

Right:  
Father Cardenal  
during his talk at the  
Faculty Club,  
UC Berkeley



**O**n April 17, 2001, Nicaraguan poet Ernesto Cardenal visited Berkeley to share his greatest passions: poetry, politics, and God. In a public reading and discussion at the Faculty Club, Cardenal shared his work with an enthusiastic audience of over one hundred students, faculty, and community members. While Father Cardenal is known for his opposition to U.S. involvement in Central America, he told the audience that his love for literature drew him to New York as a young man. Although most Latin American poetry traces its literary influences to France, Cardenal explained that the U.S. influence has always been strong in Nicaraguan poetry. Inspired by Walt Whitman, Carl Sandburg, Marianne Moore, Robert Frost, Robinson Jeffers (whom he described as “a skeptical Whitman”) and William Carlos Williams, Cardenal enrolled at Columbia University. These great North American authors, he explained, wrote a direct poetry without adornment, close to the daily language of people and thus engaged with the average individual, an approach Cardenal sought to cultivate in his own work.

At Columbia, Cardenal first read the work of Trappist monk Thomas Merton. Shortly thereafter, he felt the call of God and went to the Kentucky monastery of Getsemany. There he met

Merton, who was director of novices, and a great friendship was born — as well as a religious calling that has lasted ever since. He described his encounter with God as a mystical experience dominated by silence and seclusion, the characteristics of the Trappist order. His trip to the monastery was “full of God,” Cardenal explained, and he fell in love; the trip, for him, was the equivalent of a honeymoon.

When Cardenal returned to his country, he founded the community of Solentiname on an island in Lake Nicaragua. Solentiname was a poetic, religious, and political utopia, and served as preparation for the work that Cardenal would later undertake as Minister of Culture under the Sandinista government. In the revolution, Cardenal saw his long-desired utopia realized. At the same time, he noted, working in political affairs meant entering the “tumult of the world,” something that was difficult for a person with a calling to silence and withdrawal.

After this brief recounting of his past experiences, the poet read some of his more well-known *Epigrams*; fragments of his autobiography entitled *Lost Life*, which in its final version will consist of three volumes; and parts of what he considers his greatest poetic project, *Cosmic Canticle*. The latter is a poem of more than 500 pages in which he tells the story of the universe using linguistic resources from the natural and physical sciences. The poem is also a dialogue with divinity, a characteristic that has been constant in Cardenal’s work. ■

Translated from Spanish by Adam Lifshy

Marcelo Pellegrini is a graduate student in the Department of Spanish and Portuguese.

## Free Trade and Labor

Continued from page 11

ish the abysmal difference between the rich and the poor that burden many nations including those in Latin America.

It is critical to stop discussions on suspicions that will make a viable solution impossible. The inability to sort out these difficulties creatively could set undue limits to expanding free trade. They also signal an obstacle that all of Latin America must avoid so that the elimination of poverty can move from words and speeches to fact.

It is impossible to forget that the relationship between democracy and the market is not made virtuous by some automatic mechanism already in place. It must be built. And it should be precisely constructed to harness the virtues of each institution while bringing both together. An essential part of this architecture is the existence of labor relations that insure basic rights. ■

Jorge Arrate is the Chilean Ambassador to Argentina. He was the Minister of Labor from 1994 to 1998; and served as the President of the Governing Board of the International Labor Organization (ILO) from 1995 to 1996. He was a visiting scholar at CLAS in Spring of 1999.

## Unwelcome Haitian Labor

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Human Rights to suspend collective expulsion of Haitians and individuals of Haitian descent. To assist the tribunal, the Clinic and volunteer members of UC Berkeley's demography department are preparing a study of migration patterns during the expulsion period in question. Combined with the interviews students conducted with victims, Haitian government officials, and NGOs, this study will provide qualitative and quantitative data to answer the question of whether the state could have upheld the expelled people's rights to due process. The use of statistical analysis is innovative in human rights reporting, and the Clinic hopes it will have an impact on the Court's decision.

Regardless of the ultimate outcome of the case, the study already has made a difference. One of the goals of the Clinic is to provide law students with hands-on human rights experience, teaching students about human rights lawyering by *being* a human rights advocate. The fieldwork complements traditional legal coursework and prepares a new generation of human rights lawyers.

Furthermore, there have been hopeful signs that international scrutiny of the Dominican government is yielding positive results. There have been no mass expulsions since November of 1999, and an army general recently expressed the desire to have soldiers receive human rights training. Progress is slow, but international human rights advocacy has become an effective tool in the fight against discrimination for Haitians in the Dominican Republic. As Sonia Pierre, MUDHA's leader, remarked: "The Inter-American System has helped us immensely. We have achieved more in the last three years than in the prior seventy. I never thought it possible." Bolstered by such optimism, the Clinic and its students continue to press the Court to declare the Dominican expulsion practices illegal. ■

Laurel Fletcher is the associate director of the International Human Rights Law Clinic at Boalt Hall, UC Berkeley.

Jennifer Lenga is an intern in the International Human Rights Law Clinic and a third year student at Boalt Hall.

## Wellstone Addresses U.S. Policy in Colombia

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human rights standards, since our money is being used? Along with the Blackhawk helicopters should come major human rights standards that have to be met. President Pastrana should be in a position to be able to say to his military based upon the pressure that he gets from us, "Look, whether you like it or not, with the Blackhawk helicopters and with other financial aid come the human rights conditions, and if we don't meet them we don't get the money."

Now, let me just say one final thing if I could Mark Grossman, who is Undersecretary of State for Political Affairs, just led this high level trip to Colombia. I talked to Mark Grossman. In particular I raised these questions about human rights, and I raised the questions about why we aren't seeing more of an effort to go after the AUC. He was in agreement in our conversation, and he made a very good faith effort. He called Father Francisco de Roux. I told him about Father de Roux's plea, what's happening to his own organization. We need some protection for them. He called them, and tried to meet with him, and he invited him to come to Washington DC. So I want to give some credit to the State Department.

I think they are at least willing to really take a serious look at some of the questions that I raised in this interview. I don't want to be overly optimistic, but on the other hand I want to give them credit for the discussion, and for following through on some commitments during their trip. . . . I'm going to work with the State Department [on this], and I'd like to get their support on some of these amendments that we're going to introduce in the Senate. The final thing I want to mention is that we're trying to organize with a lot of the human rights community, a lot of labor. The steel workers with the International Labor Rights Fund have now issued a lawsuit against Coca-Cola Company, basically saying "You're in collusion with the paramilitary and some of our labor organizers are being murdered." I think between labor and human rights, and a lot of people in our own country who are concerned, we want to try to put some amendments on this Andean package [and to focus] on some of the concerns that I've raised with you in this interview. We'll see what happens. I certainly think we're going to get much better votes than we did before. I hope we can even win! ■

# Showcasing Brazil:

## Special Offerings in 2001-2002

The Center for Latin American Studies' program for 2001-2002 is brimming with Brazil-related events and activities. In October, a special focus on the Amazon aims to expand and reinforce two related courses this semester: a graduate seminar on "Rain Forests, Wilderness and Jungle" offered by Prof. Candace Slater of the Department of Spanish and Portuguese, and an undergraduate survey course taught by historian, video maker and poet Victor Leonardi. A professor at the Federal University of Brasília, Prof. Leonardi is also co-organizer of the commemorative Humboldt Expedition which took place last year.

On October 15, CLAS and the Townsend Center for the Humanities will sponsor a conversation on contemporary writing about the Amazon. "Writing the Amazon" will feature Márcio Souza, president of the Brazilian Foundation for the Arts (FUNARTE) and a well-known novelist whose work has been translated into various languages, including English. Souza will be joined by Prof. Nicomedes Suárez-Araúz, a professor of Latin American literature at Smith College and editor of the *Amazonian Literary Review*, which publishes writing about the nine Amazonian countries. Prof. Lucía Regina de Sá, of Stanford University's Spanish and Portuguese department, will serve as commentator.

The following week, Brazilian anthropologist Alcida Ramos will visit Berkeley. Well-known for her work on the Yanomami Indians, Prof. Ramos will speak on images of the Amazon and their political import, revisiting the Tierney affair ("Darkness at El Dorado") a year later. Her talk "Old Ethics Die Hard: The Yanomami and Scientific Writing" will be followed by responses from Profs. Nancy Scheper-Hughes of the Department of Anthropology and Candace Slater of Spanish and Portuguese.

Brazilian ethnographer and filmmaker Vincent Carelli will also develop a number of the themes highlighted by Prof. Ramos.

Founder of the "Video in the Villages" project intended to bring an understanding of media technology to indigenous peoples struggling for their rights, Carelli will spend ten days in residence at the Pacific Film Archive. The events that will comprise the series "Electronic Indians: The Activist Ethnography of Vincent Carelli" include screenings of a half-dozen of his videos ("Jungle Secrets," "Amazon Trilogy", etc.) as well as two meetings with Berkeley students.

Yet not all of the Brazil-related events this semester are related to the Amazon. Adélia Prado, one of Brazil's best-known poets, will be spending the month on campus as our Distinguished Brazilian Writer in Residence. On October 8, Prado and her American translator, Ellen Watson, director of Smith College's Poetry Center, will offer a reading with accompanying discussion open to the campus community. The event, which will be part of the Holloway Poetry Series, is co-sponsored by the department of English and the Townsend Center for the Humanities.

In the spring semester, the Avenali Lecturer will be celebrated Brazilian photographer Sebastião Salgado, whose work will be featured at the University Art Museum from January 16-March 24. There will also be a public lecture by noted literary critic Benedito Nunes, who will be teaching two courses in Berkeley's Department of Spanish and Portuguese. And lastly, in April Susanna Hecht, professor of urban planning at UCLA, will return to Berkeley. A specialist on development and deforestation, she will turn her attention to the great turn-of-the-century essayist Euclides da Cunha's Amazonian essays, and their potential policy dimensions. ■



Above:  
José Lindgren Alves ,  
Consul General of Brazil  
and Brazilian writer  
Márcio Souza  
Spring 2001

# Brazil's Minister of Culture Visits Berkeley

by Nora Varela



Above:  
Minister Weffort speaks  
at Berkeley

**B**y definition culture is particular to a society: it is a form of identification, what differentiates “us” from “them.” Yet identity and culture are never absolute; they shift and grow constantly, becoming ever more complex with the passage of time. At the same time, as Brazilian Minister of Culture Francisco Corrêa Weffort explained during a recent visit to CLAS, the creation of a relatively uniform sense of national identity constitutes a crucial part of nation building. On April 18, Minister Weffort shared a brief historical report of the politicization of culture in Brazil, providing insight on how the Ministry of Culture and other government institutions play a role in the propagation of Brazilian culture today.

Though the Ministry of Culture in Brazil was not created until 1985, the role of government in vulcanizing a “Brazilian” culture has a much longer history. Minister Weffort argued that various political leaders had different visions of what should define Brazil, and therefore very different

policies for promoting culture.

In particular, he mentioned three key Brazilian leaders who molded their visions into policies with the hopes of creating a modern external image of Brazil and a common Brazilian identity. In the European tradition, Pedro II (1831-89) made culture a central fo-

cus of his reign. Getúlio Vargas (1930-45, 1950-54), on the other hand, was obsessed with bringing Brazil into the modern era, but aimed not to import culture but to give Brazilians pride in their past. He founded the *Instituto de Patrimônio Histórico* (the Institute of Historic Patrimony) in 1937 to restore and preserve the foundations of Brazilian identity. Lastly, Minister Weffort explained, the modernist vision espoused by Juscelino Kubitschek (1955) is embodied in the city of Brasilia. Completed in 1960, Brasilia was not only an effort to project an image of a modern Brazil to the world, but also an effort to unify the nation by placing the capital in the center of the country, rather than the very prosperous and dominant southeast.

For Minister Weffort, the politics of culture can be a strategy for the building of tradition. Tradition needs to be based on common ground. It needs to build a national identity, which in Brazil is a challenge. Minister Weffort compared Brazilian culture to a cornucopia filled with a great diversity



of views, traditions, and histories. The priority of the government is to make sure that the cornucopia — the container itself — is solid; this is why image-based issues continue to be a priority. Weffort explains that the Ministry of Culture places great emphasis on the renovation of historical centers and libraries because such projects create a sense of shared history and national patrimony. While artistic ventures such as film, music, dance, and theater can also turn to the Brazilian Foundation for the Arts (FUNARTE) and private capital for funding, the government is uniquely positioned to support the preservation of historic sites.

The importance of building a national identity is clear, and history is very impor-

## Judging Pinochet

Continued from page 17

and politics when perhaps the country's very stability hung in the balance. It is a dilemma that changed his life. On his visit to Berkeley last April, Guzmán explained how he immersed himself in events of a quarter-century ago, and in the pain of the victims and witnesses. He braved death threats, public insults, political pressures (as in “friendly” phone calls from politicians) and even the disdain of colleagues in the judiciary. Like many of the judges in Chile who have investigated human rights cases, Guzmán acted bravely, and with balance. Significantly, he has not given up on the over 250 human rights claims on his docket, for even if Pinochet is excused, his accomplices are not.

In the end, regardless of the Supreme Court's final decision, the Pinochet cases have taken us places we would not have otherwise gone. Following the arrest in London, there were days when it seemed to some that justice was finally at hand: the prime culprit, and not some middling

tant to the creation of this sense of tradition, but at one point someone will have to decide which history to tell. If Brazil is truly a cornucopia of cultures that together make a “Brazilian” culture, then theoretically all projects are worthy of funding and support. However, in reality funds are not available to support all projects. A stamp of approval on a project proposal is simply a symbolic pat on the back and not much more. If the government relies on the private venture to support the myriad of cultural projects that they can't, such a move can, and does, threaten the survival of smaller and less popular (in the larger sense of the word) folkloric ventures. ■

Nora Varela is a student in the Department of Spanish and Portuguese.

bureaucrat or henchman, was to be judged under international law. There were other times — such as the day Pinochet returned to Santiago and suddenly stood up from his wheelchair to greet supporters — when he seemed invincible. But now we are left with an ambiguous, almost Solomonic result. There have been gains for the left: Pinochet has been stripped of senatorial immunity, indicted, and reduced to a minor political player of questionable repute. And there have been gains for the right: Pinochet will probably not receive a criminal sentence or face legal punishment. But there have also been gains which cross partisan lines: the country has taken one more step towards a full democracy. ■

Alexandra Huneus received her J.D. from Boalt Hall School of Law last May and is currently a doctoral student in the Program for Jurisprudence and Social Policy. Her dissertation research focuses on human rights trials in Chile and Argentina.

# Migrations:

## Photographs by Sebastião Salgado



Above:  
With the men away in  
the cities, the women  
carry their goods to the  
market of Chimbote.  
Region of Chimborazo,  
Ecuador, 1998  
Photo by  
Sebastião Salgado  
from *Migrations:  
Humanity in Transition*,  
Aperture, 2000

by Constance Lewallen

**R**enowned Brazilian-born photo-journalist Sebastião Salgado has been crisscrossing the Third World for many years, producing images to document the changing face of humanity. In a new book of over 300 unforgettable black-and-white photographs and an exhibit opening at the UC Berkeley Art Museum in January, Salgado explores migrations, examining why people leave their communities, what happens to them en route, and where they end up.

Salgado spent six years traveling in forty countries to create this compelling project. Powerful images from Afghanistan, Kurdistan, Rwanda, Congo, Angola, Mozambique, and the Balkans show victims

of war and repression, and the plight of whole societies set adrift from their homelands. Other photographs document the plight of the rural peasants of Latin America and Asia who are forced to relocate to overcrowded cities and there to eke out a living in the shadow of thriving financial centers like Shanghai and Mexico City. Overall, his photographs are testament to what he calls “a revolution in the way we live, produce, communicate, and travel,” often summarized by the catchword “globalization.” As Salgado writes in his introduction to *Migrations*, “We are all affected by the widening gap between rich and poor, by the availability of information, by population growth in the Third World, by the mechanization of agriculture, by destruction of the environment, by nationalistic, ethnic, and religious bigotry.”



*Migrations: Photographs by Sebastião Salgado* was organized by the Aperture Foundation for Photography and the Visual Arts. The Berkeley exhibition is cosponsored by the UC Berkeley Art Museum and the UC Berkeley Graduate School of Journalism, and is funded by the LEF Foundation and

Ofoto, A Kodak Company. Additional support is provided by Joan Roebuck, and by the Doreen B. Townsend Center for the Humanities and the Center for Latin American Studies at UC Berkeley. ■

Constance Lewallen is Senior Curator for Exhibitions at the UC Berkeley Art Museum.

Above left:  
From *Portraits: Devoted to Refugee Children Around the World*  
Above Right: The Beach of Vung Tau, Vietnam, 1995

Bottom:  
Bombay, India, 1995  
Photos by Sebastião Salgado  
from *Migrations: Humanity in Transition*, Aperture, 2000



# Tinker Research

## Field Research by Graduate Students

**T**hrough its summer travel grant program, CLAS provides funding for graduate students to carry out field research in Latin America and the Caribbean with the generous support of the Tinker Foundation. This year, 29 grants were awarded to students from a range of departments and professional schools. Highlights from 3 projects are provided below.

**Mary Beth Kaufman**, a law student at Boalt Hall, visited Ecuador as part of her project researching efforts to hold Texaco legally responsible for dumping toxic waste in the Amazon in the 1970's and 1980's. In 1993, a group of Ecuadorians filed a class action lawsuit against Texaco in Federal Court in New York. Seven years after the lawsuit was initially filed, the case remains undecided and the situation continues to be grave for affected communities. By documenting the stories of those involved in the suit, Kaufman aims to examine the difficulties of holding multinational corporations legally responsible for their activities.

While in Ecuador, Kaufman visited Lago Agrio, a site of Texaco's former operations, and joined environmental group *Acción Ecológica* on a research mission to some of the communities that will be affected by the new oil pipeline proposed by the government.

**Caridad Araujo** of the Department of Agricultural and Resource Economics studied off-farm employment in rural Mexico. With the support of *Progresa*, a government agency that provides cash

transfers for education, health and nutrition, she visited villages in Michoacán and Hidalgo, conducting household surveys and interviews with local leaders. In most villages, Araujo was able to meet with the local authority (known as the *presidente de la localidad*) and the local representative for *Progresa* (the village *promotora*). Through her interviews she found that neighboring villages had different patterns of employment despite facing similar economic environments. Her findings have led her to hypothesize about the various factors that affect individual occupational choice.

A student in the Department of Spanish and Portuguese, **Sarah Shoellkopf** visited Argentina to study the two competing *Madres de la Plaza de Mayo* groups. While *Las Madres* began as a group of women looking for their "disappeared" loved ones, in 1986 divergent views on how the group should interact with the government caused a small group of founding *Madres* to split from the main organization. Today, two groups remain: the *Línea Fundadora* and the more radical *Asociación*. Shoellkopf's research explores the differences between the groups and the prospects of each for ongoing success in the contentious climate of contemporary Argentine politics. She found that for many Argentines, the country's fragile economy overshadowed the factions within the human rights movement. ■

A complete list of Summer 2001 reports appears on the CLAS Web site at: [www.clas.berkeley.edu/clas](http://www.clas.berkeley.edu/clas)



Left:  
The results of 30 years of oil  
extraction in Ecuador  
Photo by Mary Beth Kaufman  
Ecuador

Right: A local authority  
of El Tecamate, Michoacán  
with his daughter and  
members of the *Progresa*  
staff  
Photo by Caridad Araujo  
Mexico



Left:  
Human Rights march  
in Buenos Aires, 2001  
Photo by  
Sarah Schoelkopf  
Argentina

# The Activist Ethnography of Vincent Carelli, PFA Artist in Residence

by Steve Seid



Vincent Heptig



**T**he ability to shape the way one's culture is viewed — to determine which images are rendered and which are withheld — serves as a form of power, or at least as the beginnings of self-determination. It was a keen awareness of precisely this power that inspired Brazilian Vincent Carelli, then a photographer and indigenous rights activist, to join the São Paulo-based group Centro de Trabalho Indigenista. There, Carelli founded Video in the Villages, a project to bring an understanding of media

technology to indigenous peoples struggling to preserve their way of life. Now an esteemed ethnographer, Carelli will spend ten days in October in residence at UC Berkeley's Pacific Film Archive and on campus, screening his works and meeting with students interested in exploring his challenging style of visual anthropology. The residency is supported by The Pew Charitable Trusts, and by a Consortium for the Arts grant to promote interdisciplinary

engagement of the arts on the UC Berkeley campus.

Video in the Villages grew directly out of the Waiãpi Indians' experiences with ethnographers who were documenting their culture. It became apparent that self-styled, indigenous media-making was essential as a remedy for the distorted images of their culture brought to the world through outsiders' lenses. Countless visits to Amazonian villages to conduct workshops resulted in the creation of video images capturing indigenous culture as an act of (self-)preservation. These works, which began with the Waiãpi and Kayapó but now include other tribal groups such as the Zo'é, Xavante, Enauwene-Nawe, and Parakatêjê, have had a profound effect on native image, intertribal relations, and negotiations with government institutions in Brazil. Video in the Villages' work has affected contemporary political discourse on such topics as indigenous autonomy, land rights, and cultural practice.

At Berkeley, Vincent Carelli will screen his own subtly activist, beautifully crafted documentaries, as well as works made by indigenous people who are pursuing mediamaking as a self-initiating vocation. Together these videoworks form a constellation illustrating the diverse uses of media, from aesthetic representation to cultural tool. In addition to the public screenings, PFA is offering two seminar-like gatherings, in which Vincent Carelli will discuss his work. The seminars promise to be a rare opportunity for students to meet a committed mediamaker, view tapes, and discuss the intricacies, both technical and philosophical, of an unusual cultural practice. ■

Top:  
Vincent Carelli in the field

Bottom:  
An image from a Vincent  
Carelli video

Steve Seid is Video Curator at UC Berkeley's Pacific Film Archive.



# Crossing

AN EXHIBIT OF PAINTINGS BY HECTOR VILLAROEEL  
at CLAS

August 23 - December 20, 2001

In September 2000, I traveled to the high desert of Utah, where I began to paint a group of works I later titled "Crossing." As my travels led me on to the San Francisco Bay Area for three months and to New York City for the winter, I continued to develop these works. By springtime, I had returned to Brussels, Belgium, and gone on to Salamanca, Madrid, and Barcelona, Spain. I painted in each place, often beginning a work in one city and completing it in another. Finally I decided to conclude the voyage and opus in my homeland in Santiago, Chile during the summer (winter in the southern hemisphere).

Hector Villaroel

IN MEMORY  
SEPTEMBER 11, 2001



"Noon Garden," New York 2001  
Hector Villarroel

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