

HUMAN RIGHTS IN LATIN AMERICA: HISTORY AND PROJECTIONS FOR THE TWENTY-FIRST CENTURY⁺

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INTRODUCTION

Human rights as a concept in Western political thought has been established for several centuries, subject to interpretation according to changing times. However, observance of the individual liberties that constitute the essence of the traditional notion of human rights has varied according to time and place. Within Latin America the extent to which human rights are honored or abrogated likewise changes according to circumstances, making generalizations about the human rights situation in the region as a whole difficult to make.

Nonetheless, one can cite two important constants that have influenced the observance of human rights in twentieth century Latin America. The first of these is that the privileged members of society enjoy more protection of their individual liberties than do the less privileged. The more wealthy, white, and culturally mainstream one is, the more likely one's human rights will be respected by governments. The poor, the dark (Indian, African-descended, or mixed ethnicity), and the culturally marginalized (illiterates, speakers of Indian languages) will consistently suffer deprivation of the rights their countries' constitutions bestow upon them. Not only will these rights be trampled at the will of the powerful, but very commonly the have-nots do not even know that they, in theory, are endowed with rights owing to their condition as humans. This is most likely a universal condition of human rights observance, one that is reflected in our own history and contemporary life in the United States.

The second constant is that individual liberties are much more secure in

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climates of social and political peace than in periods of social and political conflict. In periods of rapid social change accompanied by political agitation or turmoil, human rights are likely to be sacrificed in the intergroup struggle for advantage or victory. The degree to which these rights are abrogated, moreover, depends on the intensity and magnitude of the conflict.

The 1970s and 1980s were the period in which Latin America became known for massive and institutionalized human rights abuses, symbols of which were the Chilean DINA,¹ the Salvadoran death squads, and the Argentine "dirty war."² A historical overview of human rights observance since the Latin American countries gained independence from Spain and Portugal provides a perspective for analyzing the excesses of the 1970s and 1980s and projecting the human rights climate for the twenty-first century.

I. THE NINETEENTH CENTURY

During the three centuries of Spanish and Portuguese colonial rule the Western concepts of individual liberties took only shallow root. While colonial Latin America produced crusaders for the rights of the Indian population, most notably Father Bartolomé de Las Casas, Spanish and Portuguese law was less concerned with the individual's rights vis-à-vis the state than was English law. Thus, despite the usual language of their new constitutions, the independent republics of Latin America did not draw on the philosophical underpinnings of human rights to the extent that the United States did.

The period from independence (a process completed by 1825) to the end of the nineteenth century was an era of essentially uncontested upper class political hegemony. Despite the rise of the occasional populist *caudillo*, or strong man, there were few serious attempts to carry out fundamental alterations of the economic, social, and political order.³ During this time, the majorities of the countries' populations were completely excluded from the political process, education, economic opportunity, and from cultural participation in national life. To the upper classes, the notion that an Aymara-speaking Bolivian Indian or a freed slave in Brazil enjoyed the unalienable rights of expression, assembly, or due process of law was laughable. Particularly by the late nineteenth century, when the Latin American elites had adopted the social and racial theories of Spencer and Gobineau⁴ to jus-

1. DINA (Dirección de Inteligencia Nacional) was Chile's secret police during the Pinochet dictatorship. See PAMELA CONSTABLE & ARTURO VALENZUELA, *A NATION OF ENEMIES: CHILE UNDER PINOCHET* 90-114 (1991).

2. The "dirty war" was the repression carried out by the military government that ruled Argentina between 1976 and 1983 against urban guerrillas and the left in general. See *generally* MARTIN EDWIN ANDERSEN, *DOSSIER SECRETO: ARGENTINA'S DESAPARECIDOS AND THE MYTH OF THE DIRTY WAR* (1983); IAIN GUEST, *BEHIND THE DISAPPEARANCES: ARGENTINA'S DIRTY WAR AGAINST HUMAN RIGHTS AND THE UNITED NATIONS* (1990).

3. See *generally* DAVID BUSHNELL & NEILL MACAULAY, *THE EMERGENCE OF LATIN AMERICA IN THE NINETEENTH CENTURY* (2nd ed. 1994).

4. Herbert Spencer and Count Arthur Joseph de Gobineau were social theorists whose

tify their position in society, hardly anyone gave any thought to the abstract concept that the lower orders had rights, and the upper classes by and large acted accordingly. Thus, if the masses were trampled underfoot or denied the rights with which their constitutions endowed them, few people noticed.

Political contests were among elite factions—the people who, by their social standing, wealth, and power were supposed to have human rights. While civil liberties were not well developed in most countries, at least for the wealthy and influential a reasonable degree of personal safety pertained. When conflict occurred among elite factions, when coups took place and civil wars broke out, the leaders on the losing side were rarely massacred, tortured, or imprisoned for long periods. Given the frequency of such low-intensity political conflict, Latin America early on developed informal but highly civilized rules of the game for losers: cashiering from the army, loss of office, and perhaps a period of exile. These humane rules did not apply to the lower orders who constituted the cannon fodder in intra-elite conflicts.

II. THE ONSET OF SOCIOPOLITICAL CONFLICT, 1900-1959

The creation and incipient political awakening of an industrial-style working class, along with the expansion of a middle class, underlay the onset of a different kind of political conflict during this period—conflict generated by the desire of the new social groups for entrée into the political system in pursuit of economic and social benefits. This process began around the turn of the century in some countries, including Mexico, Argentina, and Chile where workers organized without benefit of supportive labor law.⁵ When they used the strike in pursuit of improvements in wages or working conditions or as a protest, the normal response was to use the military and police to suppress the workers by brute force.⁶ The economic disruption caused by World War I, which staggered Latin America's export-oriented economies, intensified this conflict as working and middle class people lost jobs or experienced wage cuts.⁷ After a brief economic recovery in the 1920s, the Great Depression exacerbated the problems of unemployment and underemployment. Meanwhile, the Mexican Revolution of 1910 and the Russian Revolution of 1917 had provided inspiration for the working class as well as new forms of union and political organization.⁸

works were influential in late nineteenth century Latin America. *See generally* JAY RUMNEY, HERBERT SPENCER'S SOCIOLOGY: A STUDY IN THE HISTORY OF SOCIAL THEORY (1965); MICHAEL D. BIDDISS, FATHER OF RACIST IDEOLOGY: THE SOCIAL AND POLITICAL THOUGHT OF COUNT GOBINEAU (1970).

5. *See* VICTOR ALBA, POLITICS AND THE LABOR MOVEMENT IN LATIN AMERICA 25-34 (Carol de Zapata trans., 1968).

6. *See id.* at 221-24, 241, 246-50, 263-64.

7. For the example of Argentina, see David Rock, *Argentina from the First World War to the Revolution of 1930*, in THE CAMBRIDGE HISTORY OF LATIN AMERICA, 1870-1930, at 419-448 (Leslie Bethell ed., 1984).

8. *See generally* ALAN KNIGHT, THE MEXICAN REVOLUTION (1986); JOHN MASON HART,

It is reasonable to assume that in this era, routine and unpublicized human rights violations in rural areas continued unabated; but the proliferation of leftist political parties, protest movements, and strikes in the 1910s, 1920s, and 1930s, particularly in the more developed countries, posed serious dilemmas for the elites. Could they continue the earlier methods of retaining control by naked force, or would some sort of accommodation have to be made with the burgeoning political force of the working and middle classes? This dilemma tended to divide the elites over strategy: intransigence or preemption. In some countries, among them Chile, Uruguay, and Cuba, accommodation was reached after periods of instability, and middle and working class demands for participation were at least partially met by extending the franchise and enacting social security and labor laws.⁹ These accommodations institutionalized a system of inter-class bargaining that normally allowed for peaceful resolution of conflict through the political process, although workers continued to die in periodic governmental repression, and leftist political leaders suffered intermittent persecution even in those nations where they were most thoroughly incorporated into the political system.¹⁰

In some countries, however, such mechanisms did not develop and the old-fashioned methods of repressing the lower orders continued. "*La Matanza*" (the slaughter) in El Salvador in 1932 involved the killing of between 10,000 and 30,000 Indian and mestizo peasants by government troops.¹¹ On the other extreme of the developmental continuum, the protracted repression of the powerful Argentine labor movement following the 1955 overthrow of Juan Perón illustrates the fragility of labor's conquests.¹² Thus, in the initial era of interclass conflict, between the dawn of the twentieth century and the Cuban Revolution, human rights were continually repressed in many Latin American countries in the interest of excluding the working and middle classes from power so as to preserve the elites' monopoly of power and societal benefits. The level and intensity of sociopolitical conflict during this period varied by time and place, but this conflict was to escalate dramatically throughout Latin America in the wake of the Cuban Revolution.

III. THE ERA OF THE CUBAN REVOLUTION, 1959-1990

In the words of journalist Herbert Matthews, a close observer of the Latin American scene, "January 1, 1959, when Fidel Castro triumphed, be-

REVOLUTIONARY MEXICO: THE COMING AND PROCESS OF THE MEXICAN REVOLUTION (1987).

9. See Ian Roxborough, *The Urban Working Class and Labour Movement in Latin America Since 1930*, in THE CAMBRIDGE HISTORY OF LATIN AMERICA, *supra* note 7, at 307-78.

10. See *id.*

11. See generally THOMAS P. ANDERSON, *MATANZA: EL SALVADOR'S COMMUNIST REVOLV OF 1932* (1971).

12. See DONALD C. HODGES, *ARGENTINA, 1943-1976: THE NATIONAL REVOLUTION AND RESISTANCE* 32-63 (1976).

gan a new era in Latin America.”¹³ For the next thirty years, the Cuban Revolution was the driving force in Latin American politics. Operating as a catalyst to mass mobilization and the radicalization of politics throughout Latin America, Fidel Castro’s revolution brought an unprecedented focus on existing social, economic, and political problems, and inspired broad segments of the population, including many among the politically marginalized rural masses of peasants and agricultural workers, to strive for immediate change.

Fidel Castro called for revolution throughout Latin America: an anti-Yankee, socialist revolution.¹⁴ He called for immediate action by declaring that “the duty of every revolutionary is to make the revolution.”¹⁵ Referring to the Cuban mountain range where his insurrection had been launched, Castro publicly called on revolutionaries to turn the Andes Mountains, running from Venezuela to Chile and Argentina, into the Sierra Maestra of South America.¹⁶ Beyond calling for revolution, Castro aided some of the multiple insurrections that broke out with financing, training, and arms.¹⁷

But the primary influence of the Cuban Revolution was the example it set for Latin America. According to Herbert Matthews, the Cuban Revolution was “something new, exciting, dangerous, and infectious,” and this was because it offered a model for successful insurrection as well as for national liberation and social revolution.¹⁸ In just three years, Cuba broke completely with the United States, widely regarded in Latin America as the imperialist power of the region, and freed Cuba from U.S. economic and political control, even defeating the U.S.-orchestrated Bay of Pigs invasion in April 1961.¹⁹ Castro also ended the capitalist order in Cuba, foreign-dominated and seen by many as highly exploitive, and replaced it with a socialist system. He conducted a thorough agrarian reform and established a regime of guaranteed work, fair remuneration, free health care and education, controlled rents, and other benefits that Latin America’s poor could only dream about.²⁰ Finally, Castro did it all with panache: His personal charisma, his defiance of the Yankee, his 1961 literacy campaign, and his maximalist style that deemed no obstacle too great to overcome in the name of the revolution.

The timing of the Cuban Revolution, moreover, was perfect for its message to reach into the remotest corners of Latin America. For example, the

13. HERBERT LIONEL MATTHEWS, *THE CUBAN STORY* 273-274 (George Braziller ed., 1961).

14. See JUAN M. DEL AGUILA, *CUBA: DILEMMAS OF A REVOLUTION* 109-18 (3rd ed. 1993).

15. FIDEL CASTRO SPEAKS 115 (Martin Kenner & James Petras eds., 1969) (quoting The Second Declaration of Havana (Feb. 4, 1962)).

16. See AGUILA, *supra* note 14.

17. See *id.*

18. MATTHEWS, *supra* note 13, at 185.

19. See generally RICHARD E. WELCH, JR., *RESPONSE TO REVOLUTION: THE UNITED STATES AND THE CUBAN REVOLUTION 1959-1961* (1985); PETER WYDEN, *BAY OF PIGS* (1979).

20. See AGUILA, *supra* note 14, at 47-83.

cheap transistor radio and the store window television set were just appearing, allowing the illiterate urban and particularly the rural masses for the first time to receive information—and the message they received from Cuba was powerful.

In contrast to the previous period, when sociopolitical conflict had become explicit and persistent, after 1959, it was epidemic. Conflict intensified to the point that everything was at stake; not only the elites' privileges and their political hegemony, but because the revolutionaries demanded land reform and some version of socialism, the elites' very existence was in jeopardy. All they had to do was look at Cuba, where the upper class was completely eliminated in the transition to socialism—mostly through exile to Miami—to see their fate should revolution triumph.²¹ The armed forces likewise only had to look at Cuba, where the regular military was disbanded after Fidel's triumph, replaced by the "revolutionary" armed forces, to project their future should revolution triumph.²² Furthermore, through the 1960s, and into the 1970s and 1980s, the indications were that the wave of revolutionary activity touched off by Cuba could indeed succeed. Intensification of strikes and political violence, formation of "fidelista" political groups, radicalization of some of the press, leftist victories at the polls, land occupations in the countryside, the outbreak of guerrilla movements, both rural and urban—these developments prompted military coups in many countries during the 1960s to stop the leftward movement of the political spectrum and the destabilization of governments.

IV. THE SOUTHERN CONE ANTIREVOLUTIONARY MILITARY REGIMES

The horrendous record of human rights abuses in the 1970s and 1980s was found precisely in those countries where the movement toward revolution was most pronounced. In Uruguay, the Tupamaro urban guerrillas, organized in 1963 and actively combating the government from 1967, gained momentum and appeared capable of overthrowing the government by the early 1970s until a militarization of the Uruguayan government turned the tide against them and led to the establishment of a dictatorship in 1973.²³ In Argentina, several urban guerrilla groups became active in 1969 against the Onganía military dictatorship and fought off and on until their defeat by 1979 in the so-called "dirty war."²⁴ In these neighboring countries insurrectionary victory was not implausible. Indeed, in the early 1970s many saw so-

21. See THOMAS C. WRIGHT, *LATIN AMERICA IN THE ERA OF THE CUBAN REVOLUTION* 41-59 (1991).

22. See RAFAEL FERMOSELLE, *THE EVOLUTION OF THE CUBAN MILITARY, 1492-1986*, at 266-74 (1987).

23. See JAMES KOHL, *URBAN GUERRILLA WARFARE IN LATIN AMERICA* 172-309 (James Kohl & John Litt eds., 1974).

24. See generally MARIA JOSE MOYANO, *ARGENTINA'S LOST PATROL: ARMED STRUGGLE, 1969-1979* (1995); GUEST, *supra* note 2.

cialist revolution as an immediate threat. In Chile, the 1970 election of Salvador Allende on a platform of moving Chile quickly toward socialism put revolution into the presidential palace.²⁵ Allende's very success in bringing the private economy under state control through accelerated agrarian reform and an ambitious program of expropriations of industry and financial institutions threatened to extinguish the economic base of Chile's historic elites.²⁶ The danger of revolution was the continuance of Allende in power for the full six years of his elected period, by the end of which the socialization of the economy might have eroded the elites' property and income to the point of leaving them with nothing more than prestigious names.

To halt the threats of successful insurrection the Uruguayan military staged a coup in 1973, and the Argentine armed forces followed in 1976, in order to prosecute the war against subversion without the impediment of civilian control.²⁷ To prevent the success of Allende's socialist project the Chilean military overthrew him in 1973.²⁸ So was born the "antirevolutionary military regime," a new creation that spawned the tragic human rights record of the Southern Cone.²⁹

What was different about these new-style military governments? What set them off from the traditional, commonplace Latin American military government? It was their dedication to destroying and then rebuilding their countries' political and economic systems, to staying in power long enough not only to eliminate the current threat to capitalism and the elites, but to transform their countries so thoroughly that the threat of revolution would be eliminated permanently. In Argentina, the generals' "process of national reconstruction" signified "the final closing of a historic cycle and the opening of a new one whose fundamental characteristics will be manifested by the reorganization of the nation."³⁰ Across the Andes, the Chilean junta refused to "set timetables for their management of the government, because the task of rebuilding the country morally, institutionally, and economically requires prolonged and profound actions."³¹

25. See STEFAN DE VYLDER, *ALLENDE'S CHILE: THE POLITICAL ECONOMY OF THE RISE AND FALL OF THE UNIDAD POPULAR* 23-40 (1976); PAUL E. SIGMUND, *THE OVERTHROW OF ALLENDE AND THE POLITICS OF CHILE, 1964-1976*, at 77-127 (1977).

26. See SIGMUND, *supra* note 25, at 128-87.

27. See EDY KAUFMAN, *URUGUAY IN TRANSITION: FROM CIVILIAN TO MILITARY RULE* 55-92 (1979); DAVID ROCK, *ARGENTINA 1516-1982: FROM SPANISH COLONIZATION TO THE FALKLANDS WAR* 355-76 (1985).

28. See ARTURO VALENZUELA, *THE BREAKDOWN OF DEMOCRATIC REGIMES: CHILE* 81-110 (1978); SIGMUND, *supra* note 25, at 202-47.

29. The patterns of systematic repression and institutionalization of human rights violations found in Uruguay, Argentina, and Chile in the 1970s actually were pioneered in Brazil following the March 1964 military coup. See WRIGHT, *supra* note 21, at 155-74. In contrast to the above cases, however, the Brazilian authoritarian state evolved slowly and did not acquire the extreme characteristics of the other three, especially those of Argentina and Chile. See *id.*

30. BRIAN LOVEMAN & THOMAS M. DAVIES, JR., *THE POLITICS OF ANTIPOLITICS: THE MILITARY IN LATIN AMERICA* 178 (1978) (quoting the Junta's proclamation of Mar. 25, 1976).

31. Genaro Arriagada Herrera, *The Legal and Institutional Framework of the Armed*

This was a monumental task. In the political realm, it entailed eradicating the left as well as the moderate, nonrevolutionary political groups, whose commitment to democracy and individual liberties the military blamed for allowing the rise of Marxists. It involved also a concerted reshaping of national history and mythology through reformulating school curricula and strictly controlling information so that the values of family, religion, class harmony, and fatherland could be instilled to replace concepts of democracy, free thought, and class struggle. The Chilean junta proclaimed as one of its duties “to change the mentality of Chileans.”³² To accomplish these ambitious goals a totalitarianizing ethic was required; voices of dissent and alternate views could not be tolerated.

In the economic realm, the task was to promote rapid development so as to eliminate the poverty upon which revolution was thought to prey. The *modus operandi* was neoliberalism, featuring a reversal of fifty years or more of state-led development and economic nationalism. This entailed opening the national economies to the world economy by reducing tariffs and pursuing foreign investment, while also selling state enterprises, cutting budgets, and reducing or eliminating social programs.³³ This was to be done by shock treatments whose social result was massive unemployment and reduced wages for those still employed.³⁴ Stripped of political and union representation workers were helpless to resist these “reforms.”

The dual objectives of political cleansing and economic makeover required a heavy hand; neither could be carried out by a civilian, reasonably democratic government. In order first to dispatch the immediate threats of revolution and then to proceed with the reinvention of their countries, the militaries determined that they would brook no opposition. They therefore decided to set aside all constraints on their options for exercising control. In practice, the Southern Cone dictatorships employed all known forms of repression, amounting to state terror, to accomplish their missions.³⁵

The Chilean and Argentine dictatorships were the most extreme. In Chile, the military deemed leftists guilty of crimes *ex post facto*—particularly the crime of membership or leadership in the banned political, union, and student organizations that had supported the Allende government.³⁶ The DINA, a secret police that reported directly to General Augusto Pinochet, hunted down, arrested, and killed leftists.³⁷ It established a number of specialized torture centers, including the infamous Villa Grimaldi, where

Forces in Chile, in MILITARY RULE IN CHILE: DICTATORSHIP AND OPPOSITIONS 119-20 (J. Samuel Valenzuela & Arturo Valenzuela eds., 1986).

32. *Id.*

33. See CONSTABLE & VALENZUELA, *supra* note 1, at 166-198.

34. See *id.* at 222-246.

35. See ANDERSEN, *supra* note 2, at 142-294; HODGES, *supra* note 12, at 124-94; CONSTABLE & VALENZUELA, *supra* note 1.

36. See CONSTABLE & VALENZUELA, *supra* note 1.

37. See *id.*

the persecuted faced their greatest nightmare.³⁸ Some 200,000 Chileans, or approximately 2 percent of the population, were driven into exile, and at least 3,000 people were killed or disappeared during the sixteen and a half year Pinochet dictatorship.³⁹

In Argentina, the “dirty war” against the left was on a larger scale. Facing an actual guerrilla war, the Argentine military cracked down hard on the insurgents. But it went much further, extending the repression to real, presumed, and even possible collaborators and sympathizers of the armed insurrectionaries. General Ramón Camps laid out this strategy: “First, we will kill the guerrillas. Then, we will kill the guerrillas’ families. Then we will kill the friends of their families, and the friends of their friends, so that there will be no one left to remember who the guerrillas were.”⁴⁰ In pursuit of this approach, the armed forces set up some 340 secret detention centers across the country, most of them equipped for torture; one of the favored methods of killing leftists was dropping them, still alive, into the ocean from airplanes.⁴¹ Pregnant women prisoners were often held until they gave birth, then were killed and their babies given to childless military couples.⁴² The harvest of the dirty war was nearly 10,000 people disappeared according to the official inquiry conducted after the restoration of civilian government, but according to human rights groups the figure was some 30,000.⁴³ Summing up the horrors, the introduction to the government’s inquiry report stated: “The enormity of what took place in Argentina . . . is sure . . . to produce that disbelief which some used at the time to defend themselves from pain and horror.”⁴⁴

V. THE CENTRAL AMERICAN CIVIL WARS

The deplorable human rights situation in Central America from the 1970s into the 1990s, and particularly in the 1980s, also derived from an intensification of sociopolitical conflict and a perception of threats of successful revolution. In Central America, the lingering influence of the Cuban Revolution was greatly reinforced by the inspiration for change coming from Nicaragua, where the Frente Sandinista de Liberación Nacional (FSLN) took power in July 1979 after an eighteen-year struggle to overthrow the Somoza

38. *See id.*

39. *See* THOMAS C. WRIGHT & RODY OÑATE, *FLIGHT FROM CHILE: VOICES OF EXILE* 8-10 (Irene B. Hodgson trans., 1998); Clifford Krauss, *Chilean Military Faces Reckoning for Its Dark Past*, N.Y. TIMES, October 3, 1999, at 1.

40. Judith Laikin Elkin, *Recoleta: Civilization and Barbarism in Argentina*, 27 MICH. Q. REV. 235 (1988).

41. *See* ANDERSEN, *supra* note 2, at 205-13.

42. *See* MARGUERITE GUZMAN BOUVARD, *REVOLUTIONIZING MOTHERHOOD: THE MOTHERS OF THE PLAZA DE MAYO* 38, 94 (1994).

43. *See id.* at 31.

44. Ronald Dworkin, *Introduction* to *NUNCA MÁS: THE REPORT OF THE ARGENTINE NATIONAL COMMISSION ON THE DISAPPEARED* 9 (1986).

family dynasty.⁴⁵ Similar to the Cuban Revolution twenty years earlier, the Sandinistas provided models for insurrection and for revolutionary change, designed to benefit the masses of Central America's poor. The countries where sociopolitical conflict escalated most and where human rights abuses became most institutionalized and brutal were Guatemala and El Salvador.

In those two countries the small elites who dominated politics had resisted growing pressure for peaceful reform through the ballot box by employing military governments or, as in El Salvador in 1972 and 1977, by simple electoral fraud carried out to thwart reform.⁴⁶ As a result, those committed to even moderate reforms received the clear message that the only means open to them was armed insurrection. Thus, when the Sandinistas triumphed, opposition factions in Central America were encouraged in the belief that successful insurrection, the only option for social change, was possible. The escalation of insurgency in Guatemala followed, and in El Salvador the Frente Farabundo Martí de Liberación Nacional (FMLN) stepped up its actions significantly in 1980.⁴⁷

The human rights violations that followed, as in the cases of the Southern Cone countries, were of course not exclusively the work of governments. But counterinsurgency in Guatemala and El Salvador involved human rights violations on a particularly massive scale, due not only to the escalation of sociopolitical conflict, but also to the fact that the rebels—even when significant numbers of them were of the ethnic and cultural mainstream—were identified with the lower orders.⁴⁸ When dealing with Indians and Mestizos it was acceptable to employ death squads to conduct violence, torture, massacres, and scorched earth policies.⁴⁹ Why, after all, would one dignify a member of the lower orders in Guatemala or El Salvador with formal detention, courts martial, or forced exile, when a murder or a village massacre would be more efficient and provide a more compelling lesson to potential anti-government activists?

The results of the repression in Guatemala and El Salvador were staggering. In Guatemala, some 150,000 people, primarily nonbelligerent Mayan peasants, were killed between the early 1970s and the 1996 peace accord—most of them in the 1980s.⁵⁰ Over a million more were forced to flee their

45. See JOHN A. BOOTH, *THE END AND THE BEGINNING: THE NICARAGUAN REVOLUTION* 97-183 (2nd ed. 1985).

46. See WALTER LA FEBER, *INEVITABLE REVOLUTIONS: THE UNITED STATES IN CENTRAL AMERICA* 147-270 (2nd ed. 1993); JOHN A. BOOTH & THOMAS W. WALKER, *UNDERSTANDING CENTRAL AMERICA* 1-60, 91-115 (2nd ed. 1993).

47. See SUSANNE JONAS, *THE BATTLE OF GUATEMALA: REBELS, DEATH SQUADS, AND U.S. POWER* 131-44 (1991); TOMMIE SUE MONTGOMERY, *REVOLUTION IN EL SALVADOR: ORIGINS AND EVOLUTION* 119-84 (1982).

48. See JONAS, *supra* note 47, at 145-59; AMERICAS WATCH, *EL SALVADOR'S DECADE OF TERROR: HUMAN RIGHTS SINCE THE ASSASSINATION OF ARCHBISHOP ROMERO* 47-63 (1991).

49. See JONAS, *supra* note 47, at 103-13, 145-59; AMERICAS WATCH, *supra* note 48.

50. See JONAS, *supra* note 47, at 149.

villages and homes.⁵¹ As in Guatemala, the military and paramilitary forces in El Salvador massacred entire populations of villages, as in the well-known case of El Mozote⁵² in 1981, while also murdering among groups suspected of leftist sympathies, such as the six Jesuits killed in 1989.⁵³ The United States government, under President Ronald Reagan, offered its unwavering support to the Salvadoran military.⁵⁴ The United States financed and advised it, and trained its killers, including the notorious Atlacatl rapid response battalion,⁵⁵ which sowed terror on behalf of the state.

VI. SOCIAL AND ECONOMIC HUMAN RIGHTS

The United Nations' 1948 Universal Declaration of Human Rights⁵⁶ reflected a political compromise between the Western capitalist democracies and the Soviet Union and its allies. By including the basic values of both systems—the individual liberties dear to the West and the economic, social, and cultural human rights fundamental to the socialist world—the document laid out a comprehensive and utopian vision of the fundamental rights of humankind that no one country has enacted in the half century since the agreement was reached.⁵⁷

With the exceptions to be noted, economic and social human rights in Latin America have not achieved top billing. Rather, following in the Western tradition, the countries have consistently proclaimed the primacy of individual liberties and have left economic and social matters to the political process.⁵⁸ Thus, the economic and social gains of Latin America's disadvantaged groups—workers, peasants, and initially the middle class—have resulted from political struggle or from preemptive measures adopted by populist leaders to gain mass followings.

The achievement of economic and social benefits occurred essentially

51. *See id.*

52. The massacre at El Mozote, in which up to 1,000 men, women, and children were killed in a ten day period, produced the largest civilian death toll in a single episode of the Salvadoran war. *See generally* MARK DANNER, *THE MASSACRE AT EL MOZOTE: A PARABLE OF THE COLD WAR* (1994).

53. On November 16, 1989, soldiers entered the Jesuit-run University of Central America in San Salvador and murdered six Jesuits, their housekeeper, and her daughter. This event was central in turning U. S. public opinion against continued support of the Salvadoran military. *See generally* MARTHA DOGGETT, *DEATH FORETOLD: THE JESUIT MURDERS IN EL SALVADOR* (1993).

54. *See* AMERICAS WATCH, *supra* note 48, at 117-37.

55. The Atlacatl rapid response battalion, a counterinsurgency unit trained by U.S. personnel, was implicated in the massacre at El Mozote, the deaths of the six Jesuits, and other atrocities. *See generally* DANNER, *supra* note 52; DOGGETT, *supra* note 53.

56. Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR, 3d Sess., 67th plen. Mtg., U.N. Doc. A/810 (1948).

57. *See id.*

58. *See* GERALD E. FITZGERALD, *THE CONSTITUTIONS OF LATIN AMERICA* (Gerald E. Fitzgerald ed., 1968).

during the period between World War I and the mid-1970s.⁵⁹ Created by Latin America's economic modernization in the late nineteenth century, the new industrial-type working class began to organize labor unions and political parties to represent its interests by the turn of the century.⁶⁰ This process took place first in the larger and more developed countries, such as Mexico, Brazil, Argentina, and Chile.⁶¹ These countries established considerable infrastructure for exports and manufacturing, thus creating significant sectors of skilled and unskilled labor.⁶² Met initially by repression, these groups began to achieve some successes in the economic crises touched off by the successive disruptions of the world economy in World War I and the Great Depression.⁶³ Thus, from the late 1920s, labor codes regulating unionization and working conditions began to appear, and leftist parties representing workers' interests began to become integrated, often precariously, into the political process.⁶⁴

Similarly, Latin America's economic modernization led to the growth and transformation of the previously tiny middle class, as white-collar jobs proliferated in the export and domestic commercial sectors, in the bureaucracy, and in the expanding educational field.⁶⁵ While less inclined to unionize, the middle classes nonetheless pursued their interests through interest associations and political parties.⁶⁶ Often allied with workers in pursuit of common interests in the elite-dominated political systems, they sought, and increasingly obtained, social security systems and increased government investment in education and public sector jobs.⁶⁷ Middle class parties were more easily integrated into national politics than were the working class parties and in the more developed countries achieved major influence from the 1910s onward.⁶⁸

Mexico offers a noteworthy case of the early acquisition of formal economic and social rights by the working and middle classes, and even the peasantry. In 1917 Mexico adopted what was arguably the world's most advanced constitution—a document that reflected compromises among the various factions that had fought in the great revolution of 1910, first against the long-term dictatorship of Porfirio Díaz and then among themselves for supremacy in post-Díaz Mexico.⁶⁹ While reaffirming the individual liberties

59. See Roxborough, *supra* note 9.

60. See ALBA, *supra* note 5, at 25-34, 201-316.

61. See *id.*

62. See *id.*

63. See *id.*

64. See *id.*

65. See JOHN J. JOHNSON, *POLITICAL CHANGE IN LATIN AMERICA: THE EMERGENCE OF THE MIDDLE SECTORS* 1-44 (1958).

66. See *id.* at 45-179.

67. See *id.*

68. See *id.*

69. See E.V. NIEMEYER, JR., *REVOLUTION AT QUERETARO: THE MEXICAN CONSTITUTIONAL CONVENTION OF 1916-1917*, at 3-30 (1974).

imbedded in the prior 1857 Constitution, the 1917 document contained articles that committed the state to a process of social engineering.⁷⁰ Article 123 spelled out the right of workers to the protection of a labor code that would address union rights, working conditions, remuneration, and benefits.⁷¹ Several provisions committed the state to public education. Article 27 limited rural properties to only two types—the *ejido*, or traditional communal village with pre-Columbian roots, and small property, to be defined by law—and thus committed the state to an agrarian reform designed to eliminate the large hacienda and replace it with communal farming and individual smallholders.⁷² Students of Mexican history know that the implementation of these revolutionary provisions was halting and incomplete. Yet this 1917 Constitution not only provided guidance for Mexican policy for the next 75 years or so, but also established an agenda for reformers in other Latin American countries who saw in the document a set of goals adaptable to their countries.

While working and middle class groups in the more developed countries had acquired the power to achieve and defend some of their most important goals, their counterparts in the smaller, less industrialized countries of Central America, the Caribbean, and the Andean region lagged behind. Even in the countries where significant economic and social legislation had been achieved, major sectors of the working class were left out of the benefits. As late as the 1970s, only unionized workers normally enjoyed reasonable working conditions, compensation, and retirement benefits, and with the exceptions of Uruguay and Argentina, unions encompassed only a small proportion of the nonagricultural labor force.⁷³ Even more glaring was the continued marginalization of Latin America's rural workers, most of whom not only lacked land, but worked at the dictates of the *patrón* (boss) without the possibility of either union or political representation.⁷⁴ Only in Mexico and Bolivia, where land ownership gave them some political power, and beginning in the 1960s in Cuba, Chile, Venezuela, and later in Nicaragua, did the rural poor gain any economic or social rights from the landowning sectors.⁷⁵

It was not until the Cuban Constitution of 1976 that a Latin American country would fully and formally embrace the economic, social, and cultural rights enshrined in the 1948 Universal Declaration of Human Rights.⁷⁶ Adopted seventeen years after Fidel Castro assumed power, the document

70. *See id.*

71. *See* MEX. CONST. art. 123.

72. *See id.* art. 27.

73. *See* Roxborough, *supra* note 9.

74. *See* ROBERT J. ALEXANDER, *AGRARIAN REFORM IN LATIN AMERICA* 86-98 (1974); RODOLFO STAIVENHAGEN, *AGRARIAN PROBLEMS AND PEASANT MOVEMENTS IN LATIN AMERICA* 559-83 (1970).

75. *See* ALEXANDER, *supra* note 74, at 86-98.

76. Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR, 3d Sess., 67th plen. Mtg., U.N. Doc. A/810 (1948).

enumerated fundamental economic, social, and cultural human rights: "Work in a socialist society is a right and a duty and a source of pride for every citizen;"⁷⁷ "All those who work have the right to rest, which is guaranteed by the eight-hour workday, a weekly rest period and annual paid vacations;"⁷⁸ "By means of the Social Security System the state assures adequate protection to every worker who is unable to work because of age, illness or disability;"⁷⁹ "Everybody has the right to health protection and care;"⁸⁰ "Everyone has the right to an education."⁸¹ While these rights are unqualified, the Constitution places limitations on enumerated individual rights of speech, association, and religion, culminating in a comprehensive caveat: "None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and the law, or contrary to the existence and objectives of the socialist state, or contrary to the decision of the Cuban people to build socialism and communism."⁸² The 1976 Constitution was a faithful reflection of both the achievements and the limitations of the Cuban Revolution.

The other country to enshrine economic, social, and cultural human rights in a constitution was Nicaragua. The 1987 Constitution, adopted during the Sandinistas' rule, defined Nicaragua as a social democracy with enumerated economic, social, and cultural rights.⁸³ Unlike the Cuban Constitution, however, the Nicaraguan document guaranteed individual liberties without qualifications in a system of political pluralism.⁸⁴ The prolonged Contra War and the eventual defeat of the Sandinistas,⁸⁵ however, prevented full implementation of this Constitution that modeled itself on the Universal Declaration of Human Rights in seeking the best of both concepts of human rights for the people of Nicaragua.

Imperfect and limited as they were outside of Cuba, the economic and social rights gained from political struggle in Latin America began to unravel in the 1970s. First, labeling them subversive, communist, or antipatriotic, the Southern Cone military dictatorships destroyed both the political parties and the unions through which the working and middle classes and the

77. CUBA CONST. art. 44.

78. *Id.* art. 45.

79. *Id.* art. 46.

80. *Id.* art. 49.

81. *Id.* art. 50.

82. *Id.* art. 61.

83. *See* NICA. CONST. arts. 56-91.

84. *See* NICA. CONST. arts. 23-55.

85. The Sandinistas were defeated in the 1990 election after the long Washington-financed and directed Contra War had required the government to institute a military draft and divert much of the national budget to defense, while soldiers and civilians alike sustained extremely high casualty rates. *See* E. BRADFORD BURNS, AT WAR WITH NICARAGUA: THE REAGAN DOCTRINE AND THE POLITICS OF NOSTALGIA 29-79 (1987); DAVID CLOSE, NICARAGUA: THE CHAMORRO YEARS 27-32 (1999). *See generally* THOMAS W. WALKER, REAGAN VERSUS THE SANDINISTAS: THE UNDECLARED WAR ON NICARAGUA (Thomas W. Walker ed., 1987).

peasants had accomplished their gains. In Central America, where the advances made in economic and social rights had been much more limited, the regimes in Guatemala and El Salvador linked unions and reformist parties with insurrection and reversed the little progress that had been made. From the 1980s to the present, the adoption of neoliberal economic policies throughout Latin America has further eroded the economic and social conquests of the previous half century.

VII. HUMAN RIGHTS IN A NEW ERA OF DEMOCRACY: THE 1990S AND INTO THE TWENTY-FIRST CENTURY

The backdrop to the human rights abuses of the 1970s and 1980s was the conviction held by the elites, and shared by the command levels of the armed forces, that total war was necessary and justifiable to preserve the traditional way of life.⁸⁶ No holds would be barred in the fight against godless Marxism. The institutionalization of human rights abuses—massive detentions, torture, massacres, murders, disappearances—was a tool to roll back the threat of revolution. Thus, state terror became the norm in important parts of Latin America.

By the early 1990s, the threat of revolution was over. The period of the Cuban Revolution's greatest potency as a catalyst of revolutionary activity had been the 1960s. Castro's influence began to wane in the 1970s, but it continued into the 1980s, particularly in Central America. Then, a series of developments in the early 1990s signaled the end of the era of the Cuban Revolution. Between 1989 and 1991 the fall of the Communist regimes in Eastern Europe and the collapse of the Soviet Union deprived Cuba of its primary allies and crucial economic support.⁸⁷ Two hemispheric events of 1990 were milestones of different sorts. The Sandinistas' electoral defeat ended the only revolutionary government to seize power through insurrection since Cuba's,⁸⁸ and the end of the Pinochet dictatorship in Chile closed out the long phase of the repressive military dictatorships set up to combat Cuban style revolution.⁸⁹ That "something new, exciting, dangerous, and infectious" that Herbert Matthews had detected at the beginning of the 1960s was gone.⁹⁰ The situation was exactly the reverse of that thirty years earlier. Having placed the United States and the Latin American elites on the defen-

86. See generally KAREN REMMER, *MILITARY RULE IN LATIN AMERICA* (1989); DAVID COLLIER ET AL., *THE NEW AUTHORITARIANISM IN LATIN AMERICA* (David Collier ed., 1979).

87. See Jorge I. Domínguez, *The Political Impact on Cuba of the Reform and Collapse of Communist Regimes*, in *CUBA AFTER THE COLD WAR 99-132* (Carmelo Mesa-Lago ed., 1993); Carmelo Mesa-Lago, *The Economic Effects on Cuba of the Downfall of Socialism in the USSR and Eastern Europe*, in *CUBA AFTER THE COLD WAR*, *supra*, at 133-96.

88. See THOMAS W. WALKER, *NICARAGUA WITHOUT ILLUSIONS: REGIME TRANSITION AND STRUCTURAL ADJUSTMENT IN THE 1990s*, at 1-19 (1997).

89. See MARY HELEN SPOONER, *SOLDIERS IN A NARROW LAND: THE PINOCHET REGIME IN CHILE 223-67* (1994).

90. MATTHEWS, *supra* note 13, at 185.

sive in the early years of his revolution, Fidel Castro was on the defensive in the 1990s, fighting for the survival of his revolution in the post-Soviet world.

With the decline of pressures for revolution, the period of reaction began to wane in the 1980s. Argentina returned to civilian rule in 1983 and Uruguay in 1985.⁹¹ Chile followed suit in 1990,⁹² and the civil wars in El Salvador and Guatemala ended through negotiation in 1992 and 1996, respectively.⁹³ The passing of the era of revolution and reaction gave rise to a new period of democracy that has continued into the first year of the twenty-first century.⁹⁴

The decade of the 1990s was a unique period in Latin American history. With the exceptions of Cuba and Haiti, elected civilian governments held uninterrupted sway throughout the region. Latin America's trend toward democratic government was part of a global "wave" of democratization, which began in 1974 and accelerated in the 1990s following the end of the Eastern European communist regimes and the disintegration of the Soviet Union and Yugoslavia. During this period, Latin America progressed from having only four democracies, defined as countries with governments selected by "free, open, and fair elections," to 18 democratic or democratizing countries in 1990.⁹⁵ Given the lack of strong democratic traditions, institutions, and political cultures in many Latin American countries, the persistence of democracy through the 1990s was remarkable.

In the new era of democracy, respect for human rights in Latin America—understood as individual liberties—has vastly improved. The return of democratic government had resulted from the subsidence of the social and political conflict unleashed by the Cuban Revolution, and with the ascendancy of elected, constitutional governments, improvement in the human rights climate could be expected. Beyond that, as a legacy of the dark days, vigorous human rights movements continue to monitor the situation and seek redress for the victims of human rights abuses and their families. Some countries, including Brazil and Argentina, adopted new constitutions that incorporated provisions to strengthen human rights.⁹⁶ Rigoberta Menchú, a Mayan woman from Guatemala, received the 1992 Nobel Peace Prize for her

91. See Edward C. Epstein, *Democracy in Argentina*, in *THE NEW ARGENTINA DEMOCRACY: THE SEARCH FOR A SUCCESSFUL FORMULA* 12-13 (Edward C. Epstein ed., 1992); MARTIN WEINSTEIN, *URUGUAY: DEMOCRACY AT THE CROSSROADS* 74-92 (1988).

92. See SPOONER, *supra* note 89.

93. See TOMMIE SUE MONTGOMERY, *REVOLUTION IN EL SALVADOR: FROM CIVIL STRIFE TO CIVIL PEACE* 215-48 (2nd ed. 1995); Rachel Seider, *Conclusions*, in *GUATEMALA AFTER THE PEACE ACCORDS* 245-46 (Rachel Sieder ed., 1998).

94. It should be noted, however, that a military-civilian uprising in January 2000 ousted Ecuador's president, Jamil Mahuad. See John Otis, *Ecuador's Military Got More from Coup than Change at Top*, *HOUST. CHRON.*, Jan. 25, 2000, at 9. He was replaced by the vice-president, Pedro Pinto. See *id.*

95. SAMUEL P. HUNTINGTON, *THE THIRD WAVE: DEMOCRATIZATION IN THE LATE TWENTIETH CENTURY* 9 (1991).

96. See CONST. ARG. arts. 36-43; C.F. arts. 5-11 (Braz.).

work publicizing the horrors of the Guatemalan repression.⁹⁷ Things changed even in Cuba. In the 1990s, human rights groups advocating individual liberties and democracy grew in number and militancy.⁹⁸ Meanwhile, Castro's ability to guarantee the economic and social human rights that were the hallmark of his revolution eroded in the face of economic crisis and concomitant economic restructuring, which reintroduced major social differentiation and privilege in a society modeled on egalitarianism.⁹⁹

At the dawn of the new millennium, respect for human rights is more firmly entrenched than ever in Latin America's history. Yet the democracy within which the free exercise of human rights is imbedded is not beyond challenge. Despite Latin America's impressive record of democratization, the persistence of elected civilian governments through the 1990s, and the emergence of a new official culture of democracy, obstacles remain to the consolidation and continuation of the new political order. National reconciliation in the aftermath of the Southern Cone dictatorships and the Central American civil wars continues to bedevil some countries.¹⁰⁰ Guerrilla warfare, with its destabilizing effects, is alive in Mexico and Peru, and flourishing in Colombia.¹⁰¹ The question of indigenous rights, catalyzed by the quincentennial of the "discovery" of America, adds a destabilizing issue as militant native movements have arisen in virtually every country, from Mexico to Chile, that has a significant Indian population.¹⁰²

Perhaps the foremost obstacle to democratic continuity is the new Latin American political economy that had become entrenched by the 1990s. During the world recession of the 1980s many Latin American countries faced the prospect of defaulting on massive foreign debts they had incurred during the previous decade.¹⁰³ They became dependent on emergency loans and hence on the terms dictated by the international lending agencies, particu-

97. See *Indian Accepts Nobel Peace Prize*, *Las Vegas Rev.-J.*, Dec. 11, 1992, at 14A. See generally RIGOBERTA MENCHU: AN INDIAN WOMAN IN GUATEMALA (Ann Wright trans., 1984).

98. See AGUILA, *supra* note 14, 196-203.

99. See NORTH AMERICAN CONGRESS ON LATIN AMERICA, 32 REPORT ON THE AMERICAS 16-47 (1999).

100. See ALEXANDRA BARAHONA DE BRITO, HUMAN RIGHTS AND DEMOCRATIZATION IN URUGUAY AND CHILE 125-212 (1997); J. PATRICE MCSHERRY, INCOMPLETE TRANSITION: MILITARY POWER AND DEMOCRACY IN ARGENTINA 1-27 (1997); Rachel Seider, *Conclusions, in GUATEMALA AFTER THE PEACE ACCORDS*, *supra* note 93, at 246-53.

101. See generally NEIL HARVEY, THE CHIAPAS REBELLION: THE STRUGGLE FOR LAND AND DEMOCRACY (1998); STEVE J. STERN, SHINING AND OTHER PATHS: WAR AND SOCIETY IN PERU, 1980-1995 (Steve J. Stern ed., 1998); Ricardo Vargas Meza, *The FARC: The War and the Crisis of the State*, in 31 NACLA REPORT ON THE AMERICAS 22-27 (1998); *Colombia Report* (last modified April 21, 2000) <www.colombiareport.org>.

102. See Deborah J. Yashar, *Indigenous Protest and Democracy in Latin America*, in CONSTRUCTING DEMOCRATIC GOVERNANCE: LATIN AMERICA AND THE CARIBBEAN IN THE 1990s, at 87-105, 116-122 (Jorge I. Domínguez & Abraham F. Lowenthal eds., 1996).

103. See German Sanchez Otero, *Neoliberalism and Its Discontents*, in LATIN AMERICA: A NACLA (NORTH AMERICAN CONGRESS ON LATIN AMERICA) READER 120-26 (Fred Rosen & Deidre Mcfadyen eds., 1995).

larly the World Bank and the International Monetary Fund. The standard neoliberal "Washington formula" was applied in country after country: fiscal austerity to balance budgets; the opening of closed economies to world markets and foreign investment; and privatization of state-owned assets.¹⁰⁴ Mexican President Carlos Salinas (1988-1994) and Argentine President Carlos Menem (1990-2000) set the pace, while in virtually every country, budgets and government services shrank, tariffs fell, and transnational corporations and national conglomerates bought up the public sector: airlines, railroads, utilities, communications, natural resources, manufacturing, and more.¹⁰⁵

Latin America's economic contraction in the "lost decade" of the 1980s had severe human consequences as declining employment, real wages, and living standards jeopardized, or even erased, decades of gains by the working and middle classes.¹⁰⁶ Growth resumed in the 1990s, but in most countries it was erratic, and the new economy produced few well-paying jobs. Job growth was primarily in low-paying service positions and in the informal sector, and thus it failed to ameliorate the decline in living standards.¹⁰⁷ In this period of heightened need, cutbacks in government spending on health, education, and food and transportation subsidies have been particularly onerous.

The results of these economic problems and neoliberal policies have been a dramatic erosion of the economic and social conquests that the Latin American middle and working classes, and secondarily the rural poor, had achieved throughout much of the twentieth century. Reflecting this reversal is a significant increase in the number and percentage of Latin Americans living in poverty and a redistribution of income and wealth in favor of the elites. The World Bank reported that in 1993, 110 million Latin Americans, or a quarter of the region's population, lived on less than one dollar per day.¹⁰⁸ Further, this marginalized sector had grown by twenty percent since 1987, a rate of impoverishment exceeded during the same period only by Sub-Saharan Africa and the former communist countries of Eastern Europe and Central Asia.¹⁰⁹ Income distribution figures confirm that the burden of the new economic order rests squarely on the poor and the politically weak, and these trends have not been reversed.

The deteriorating conditions of Latin America's middle classes, work-

104. *See id.*

105. *See* John Weiss, *Economic Policy Reform in Mexico: The Liberalism Experiment, in* DISMANTLING THE MEXICAN STATE? 58-77 (Rob Aiken et al. eds., 1996); Juan Carlos Torre, *Critical Junctures and Economic Change: Launching Market Reforms in Argentina, in* ARGENTINA: THE CHALLENGES OF MODERNIZATION 201-16 (Joseph S. Tulchin & Allison M. Garland eds., 1998).

106. *See* HOWARD J. WIARDA, *LATIN AMERICAN POLITICS: A NEW WORLD OF POSSIBILITY* 179-82 (1995).

107. *See* NORTH AMERICAN CONGRESS ON LATIN AMERICA, *supra* note 99, at 14-27.

108. *Trends in Poverty*, POVERTY UPDATE (World Bank, Wash., D.C.), 1999, at 1.

109. *See id.*

ers, and peasants have not gone unnoticed. A number of voices arose in the 1990s to condemn neoliberalism as responsible for impoverishment and marginalization, among them the Latin American Council of Bishops, which denounced “economism,” or “the absolutizing of market forces and the power of money, forgetting that the economy is to be at the service of the people and not the other way around.”¹¹⁰ Hugo Chávez, Venezuela’s flamboyant president, was elected in 1999 on a stridently antineoliberal platform.¹¹¹ Even the World Bank, having discovered the extent of poverty in Latin America and the developing world, was recommending strong measures to reverse the damage done by the very neoliberal policies of which it had been the architect.¹¹²

In the views of many critics, neoliberalism is responsible not only for deteriorating economic and social conditions, but also for endangering the continuation of Latin America’s new era of democracy.¹¹³ The generalized poverty, the loss of socioeconomic gains made by the working and middle classes, and the widening gap between rich and poor, inevitably breed cynicism toward the political system and threaten its legitimacy. Mexican author and critic Carlos Fuentes warns of the fragility of democracy in the neoliberal economic order: “Wherever there are democratic institutions, the excesses of neoliberal policies can lead, by many paths, either to popular uprisings or to military coups.”¹¹⁴

CONCLUSION

Latin America’s democratization, and the persistence of democratic government through the 1990s and into the new century, are remarkable achievements. Yet if the present economic panorama does not change for the better, heightened social and political conflict could ensue, as Fuentes projects. Should that occur, both democracy and today’s improved human rights climate would be threatened. Despite strengthened constitutional protections in some countries, the existence of vigorous human rights movements, and the resolve to avoid a repetition of the 1970s and 1980s that is reflected in the title of the Argentine government report on disappearances—*nunca más* (never again)—respect for human rights in Latin America in the twenty-first century cannot be taken for granted.

110. See WALKER, *supra* note 88, at 300.

111. See NORTH AMERICAN CONGRESS ON LATIN AMERICA, *supra* note 99, at 11-15.

112. See *Latest World Bank Poverty Update Shows Urgent Need to Better Shield Poor in Crises*, NEWS RELEASE NO. 99/2214/S (WORLD BANK, Wash., D.C.).

113. See ATILIO A. BORON, STATE, CAPITALISM, AND DEMOCRACY IN LATIN AMERICA 189-220 (1995); Philip Oxhoer & Graciela Ducatzenzeiler, *The Problematic Relationship Between Economic and Political Liberalization: Some Theoretical Considerations*, in *MARKETS AND DEMOCRACY IN LATIN AMERICA: CONFLICT OR CONVERGENCE?* 13-41 (Philip Oxhorn & Pamela K. Starr eds., 1999).

114. CARLOS FUENTES, *A NEW TIME FOR MEXICO* 110 (Carlos Fuentes & Marina Gutman Castañeda trans., 1996).

