



Regional Responses to the Crises in Latin America and the Caribbean: Southern Cone Subregional Session

Cúcuta Forum | June 2021

Translated into English from the original Spanish version.

This document presents the discussions and topics addressed during the subregional workshops held through the Latin American and Caribbean Civil Society Forum for the Prevention of Mass Atrocities (Cúcuta Forum).

Within the design of the Cúcuta Forum, organized by La Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES) and the Stanley Center for Peace and Security, the main goal has been to bring together members from civil society organizations and academics, offering a space that enables network building, strengthens and generates the tools necessary for forum participants' everyday work, and produces recommendations that promote greater awareness about the risks faced in three subregions of Latin America and the Caribbean: Central America, the Andean states, and the Southern Cone. Using the Framework of Analysis for Atrocity Crimes prepared by the United Nations in 2014, which was given to participants in advance of these meetings, the small subregional committees employed a regional analysis of problems to focus specifically on those underlying trends and situations related to the subregions, aiming to advance a joint approach to the design of both regional and local strategies and actions that build resilience and prevent mass atrocities.

Context

The Southern Cone subregional workshop was held June 22, 2021. The workshop consisted of three segments.

First, an expert from the Latin American and Caribbean Civil Society Forum for the Prevention of Mass Atrocities (Cúcuta Forum) in matters of international human rights law, international humanitarian law, and Latin American political analysis, gave an introduction to the regional context and the main common risk factors, which are largely due to the historical debt of Latin

American countries, and the Southern Cone in particular. This introduction served as an icebreaker for the second segment, in which participants shared their points of view about what they considered to be the main problems currently in the subregion. Their contributions were logged in a matrix with three sections: (1) main issues, (2) risk factors associated with the United Nations Framework of Analysis for Atrocity Crimes, and (3) main groups in vulnerable situations associated with the problems and trends identified. Finally, in order to focus the network's future efforts, a prioritization matrix was employed with two axes, marked by the categories of importance and urgency in relation to the forum's



approach. The previously designed table, established criteria, and experiences of forum participants was then used to identify the situations and problems to be addressed in the short (the most important and most urgent), medium, and long terms (those with a higher level of importance but that do not present the same urgency as the previous ones).

Then forum participants shared the main inputs obtained from the workshop, which reflect a heterogeneous, diverse subregion facing endogenous challenges inherent to its historical, economic, and sociopolitical matrix; as well as challenges from new situations, like climate change, the COVID-19 pandemic, and intake of migrants as a consequence of the humanitarian crisis experienced by Venezuela. Finally, some recommendations were created to focus the work of the network in the Southern Cone, based on the priorities defined by the participants, in relation to the criteria of importance and urgency.

It is important to mention that the problems and risk groups associated with them have differences and nuances in the different countries throughout the subregion. Although there are common trends and similar structural and historical phenomena, there are also disparities in relation to economic models, human rights policies, levels of poverty and inequality, respect for republican institutions, the ideological affinity of their rulers, the penetration of organized crime, and the security policies they implement.

Main Issues

During the workshop, participants identified some major problems associated with certain risk factors shown in the UN Framework of Analysis for Atrocity Crimes, as well as certain groups directly or indirectly affected by the conditions described. The six main issues suggested can be categorized as (1) authoritarian legacies in the region during times of democracy, (2) growing levels of political and ideological polarization, (3) institutional and/or material weakness of the states and repressive responses to citizen demands, (4) migratory movement spilling over into the region from the humanitarian crisis and generalized violence in Venezuela, (5) discrimination, racism, and xenophobia, and (6) tension between liberal representative democracy and participatory democracy.

1. Authoritarian Legacies in Times of Democracy

With respect to authoritarian legacies, and despite the fact that the majority of countries in the region have undergone constitutional reform processes to restore democracy, which has significantly advanced the recognition and incorporation of human rights, as in Argentina, there is still distance between the international legal instruments signed, ratified, and in certain cases given constitutional reach in the national constitutions and the guarantee of and effective compliance with rights, duties, and fundamental liberties for protected persons. The participants mentioned the approval, in recent years, of new laws on

internal security, antiterrorism, and national defense that securitized important aspects of citizens' lives, closing spaces for civic participation and repressing peaceful social organization with violence.

Likewise, political-institutional and legal structures from the military regimes in the region in the 1960s and 1980s persist, with the cases most mentioned by participants being Brazil and Chile.

In the case of Brazil, a national accountability process is still pending in relation to the crimes committed during the last civil-military dictatorship that lasted from 1964 to 1985. A specific example of this is the passage of the Amnesty Law in 1979, which protected the armed forces and allowed them to retain political power, guaranteeing their impunity and undermining the right to memory, truth, and transitional justice. This in turn helps to explain the current massive presence of active and retired soldiers in positions of civilian expertise in the federal government, as well as the growing militarization of public safety in the country.

As for Chile, on the one hand, forum participants were focused on the pending process to reform the national constitution, which would ultimately serve as a corollary to the political and social conflicts that have worsened since 2019. Driven by student protests, the demonstrations spread across various social sectors that were demanding profound legal and institutional changes that would allow them to overcome the legacy of the Pinochet dictatorship (1973–1989). The country is advancing toward the formation of a Constitutional Assembly, in which all social sectors will be represented, paying special attention to groups that are traditionally underrepresented in the deliberations and decision-making processes. However, parallel to this significant process for democratic life in Chile, the 2020 National Defense Policy was published, which expanded the roles of the military forces in areas of internal security to face what are being widely identified as hybrid threats, including the control of illegal immigration, public safety, fighting transnational crime and drug trafficking, the protection of the marine environment, and other matters. The update to the National Defense Policy would not seem to fit in with the reform of the 1980 constitution and would, based on the analysis made by participants in the workshop, constitute a risk for guaranteeing human rights, particularly because the security forces still have an authoritarian tradition.

Finally, it was pointed out that the focus should not only be on authoritarian legacies at the national level but that special attention should also be paid to autocratic enclaves that are consolidated or in the process of consolidation at the subnational level, sometimes in collusion with national authorities, in which human rights are violated. This is a situation that has been aggravated and made more visible as a result of the suspension of constitutional rights, guarantees, and freedoms during the pandemic. One case mentioned, where special emphasis has been made, was the province of Formosa, in Argentina.



2. Growing Levels of Political and Ideological Polarization

Regarding political polarization, there is concern about the growing flood of political-ideological radicalization in the Southern Cone, with populist governments—on the left and right—dividing society into opposing factions that are apparently irreconcilable, entrenched by hate speech, to the point that they could trigger growing levels of direct violence.

Participants considered political polarization to be a cause and effect of the deepening conflict and dissent in the region. It is a cause because it generates, in some cases, the closure of civic spaces and restricts citizen participation, in addition to favoring takeover by politicians who use populist rhetoric and narratives that promote hatred and an intolerance toward the “enemy” built on political, ideological, and identity differences. It is an effect because it results from a long process of social and political radicalization that is connected with the aforementioned authoritarian past in countries in the Southern Cone.

The growing political polarization in the region even turned the pandemic caused by the spread of COVID-19 into another axis of confrontation in relation to the measures adopted within the context of the health emergency. In cases like Brazil, the government opted to take a denialist approach to the issue and the effects of COVID-19 on the population, distancing itself from the recommendations of the international scientific community. This has led to a series of complaints before the courts and the inter-American system of human rights, due to the lack of political will of the federal government to protect its citizens from the spread of the virus, and the death of a large number of citizens due to the lack of adequate public policies for the context, and the absence of sufficient vaccines. In other cases, the position toward measures adopted by national and/or district authorities has also generated polarization between officials and the opposition, and counteraccusations, particularly due to the effects of their decisions, which deepen inequality and affect economic, social, and cultural rights of the population in general, but in particular of certain productive sectors and groups considered vulnerable. In turn, in certain cases, abuse of authority and progress on constitutional rights is denounced, along with the lack of transparency in purchasing and procurement processes and access to data related to public health policies, which are justified under the umbrella of the health emergency.

3. Institutional and/or Material Weakness of the States and Repressive Responses to Citizens’ Demands

The third issue revolves around institutional and/or material weakness of the states to guarantee human rights to their populations, which correlates with public safety policies that resort to institutional acts of violence and punishment by the police and the justice system, and the criminalization of social protest when faced with unsatisfied demands or identity claims that mobilize citizens. In turn, the militarization of public safety in urban centers, neighborhoods with greater economic vulnerability, and

peripheral areas produces victims that, in cases like Brazil, are linked to racial profiling, as with Afro-descendants. Deaths and disappearances of human rights activists, advocates for the environment or the Indigenous population, or student demonstrators have also been reported, as in the case of Chile.

An increase in repressive intervention by the state in the domestic environment suggests that this is not an inherent weakness but a political decision to erase, discredit, and/or challenge demands of social sectors or identity groups and ignore the specific constitutional rights and guarantees that assist them.

This problem is also linked to the authoritarian legacy that is still present in the countries of the subregion, with its nuances, given that the actions of the security forces are framed in a broader context of impunity, which has its roots both in the pending processes of justice with respect to crimes committed during the civil-military dictatorships and in a justice system that, at present, does not move forward with investigations into institutional violence.

4. Migratory Movement Spilling Over into the Region from the Humanitarian Crisis and Generalized Violence in Venezuela

The phenomenon of migration, applying for asylum, and seeking interregional protection is not new, but there is a change in the relationship between the countries that send and receive people. In the workshop, emphasis was placed specifically on mass migration from Venezuela as a consequence of social conditions, policies, generalized violence, and the humanitarian crisis experienced in the Andean state. The participants observed with great concern the lack of welcome measures in the Southern Cone countries that would allow these migrants, as well as refugees and victims of forced displacement, to be integrated into the societies upon their arrival, starting with policies that guarantee effective access to and enjoyment of their economic, social, and cultural rights, particularly during the pandemic.

People in a situation of human mobility are particularly vulnerable to the COVID-19 pandemic, to human trafficking, sexual exploitation and slave labor, and displays of xenophobia and racism if they are not protected through inclusion policies in the recipient countries specifically aimed at this group. The workshop participants noted that these measures are still weak.

5. Discrimination, Racism, and Xenophobia

The historical evolution of Latin America, always with its diverse nuances and specific demographic realities, has been marked—from the colonial period to the present day, and despite significant advances in the recognition of rights in recent decades—by ethnic-racial, gender, and class discrimination. This has led large groups of people, like Indigenous populations or Afro-descendants or other ethnic minorities, to be seen in the social imagination as inferior in qualities and thus unequal in rights. Social, political, cultural, and economic exclusion have translated into deep educational and economic gaps, into difficulty accessing land and territories where they can follow their traditional way of life, into conflict with the state for



the recognition of their rights, and with the private sector in defense of their territories and the environment. Indigenous populations and Afro-descendants continue to be the target of direct violence.

Other forms of discrimination that often intersect with racism include homophobia, misogyny, and aporophobia (rejection of poor people).

Discrimination is also linked to xenophobia toward migrants, which is aggravated by the increase in people who have been displaced—not just for economic reasons—from neighboring countries in search of better economic opportunities, but also those coming in because of the overflow of conflicts. Each of the groups mentioned, with their own social and identity claims, share a common reality as far as lack of protection for internationally consecrated human rights.

6. Tension between Liberal Representative Democracy and Participatory Democracy

Although democracy continues to be the most desirable form of government, the demands of democracy are ever more complex, and in some countries in the region, modern liberal democracy is perceived as a system that has been unable to find a solution to profound social inequality or connect the demands of citizens to responses by the elites, expand spaces for inclusion, or promote more-transparent governments where representatives are

accountable to the electorate. This is why the model experiences pressure from marginalized sectors, generally progressives, that aspire to democratize democracy even more, with the expectation of correcting its deficits.

Although participatory democracy, as an alternative, could serve as a complement, it has created tension with the modern liberal model after being presented as a counterhegemonic offensive, generating increased resistance and social conflict. In the case of more-progressive or leftist governments, the state, in turn, has become a medium or ally for satisfying popular demands, generating new reactions by sectors that think it does not govern to guarantee consensus and fundamental rights for all, including electoral minorities and political opposition, but for the sectors aligned with its ideology.

Risk Factors and Endangered Groups

Based on the issues discussed, it was possible to identify some risk factors associated with each one as described in the UN Framework of Analysis for Atrocity Crimes, as well as the groups that are more vulnerable in said conditions. The table below gives a systematic summary of the inputs gathered. Following the associated risk factors, a number is provided to identify where each risk is addressed in the Framework of Analysis, if applicable:

Systemic Summary of Inputs

Main Issues	Associated Risk Factors	At-Risk Groups
Authoritarian legacy in democracy	<ul style="list-style-type: none"> – Political tension caused by autocratic governments or severe political repression (national or subnational) (f.1.6) – Social instability caused by protests against state policies (f.1.10) – Social instability caused by exclusion or identity-based conflicts (f.1.11) – Past crimes against humanity (f.2.2) – Policy or practice of impunity or tolerance of serious violations of the international human rights laws and atrocity crimes (f.2.3) – Reduction in spaces for developing strong civil society and diverse and independent communication media (f.6.2) – Imposition of emergency decrees or extraordinary security policies that diminish fundamental rights (f.7.1) – Strengthening the security apparatus and mobilization among people, populations, or at-risk groups (f.7.3) – Greater polarization of identity (f.7.13) – Past or present serious tensions or conflicts between protected groups or with the state regarding access to rights and resources, socioeconomic inequalities, participation in decision-making processes, security, and/or expressions of group identity (f.9.4) 	<p>Mobilized citizens who express discontent/opposition to the decisions of the people who hold power</p> <p>Groups that have identity-related complaints or social demands (e.g., LGBTQ+, Indigenous, people in situations of economic vulnerability, Afro-descendants)</p>



Growing political polarization	<ul style="list-style-type: none"> - Humanitarian emergency caused by the COVID-19 pandemic (f.1.3) - Increase in hate speech against populations, individuals, or at-risk groups (f.7.14) - Actions to incite hatred or propaganda against certain groups or individuals (f.8.7) 	<p>Political opponents</p> <p>Mobilized citizens who express discontent/opposition to the decisions of the people who hold power</p>
Institutional weakness of the state and use of heavy-handed policies as a response to citizen protest	<ul style="list-style-type: none"> - Economic instability due to extreme poverty, unemployment, or deep horizontal inequalities (f.1.9) - Social instability caused by protests against state policies (f.1.10) - Social instability caused by exclusion or identity-based conflicts (f.1.11) - Elevated levels of corruption or poor governance (f.3.5) - Greater polarization of identity (f.7.13) - Patterns of violence against civilian populations or an identifiable group and against their property, way of life, or cultural symbols (f.11.1) 	<p>Mobilized citizens who express discontent/opposition to the decisions of the people who hold power</p> <p>Groups that have identity-related complaints or social demands (e.g., LGBTQ+, Indigenous, people in situations of economic vulnerability, Afro-descendants)</p> <p>General population</p>
Migratory movement spilling over into the region from the humanitarian crisis and generalized violence in Venezuela	<ul style="list-style-type: none"> - Absence of specific welcome measures that guarantee effective access and enjoyment of fundamental rights, especially during the COVID-19 pandemic - Lack of active policies specific to protecting vulnerable migrants facing organized crime, human trafficking, slave labor, and displays of xenophobia 	<p>Migrants</p> <p>Refugee applicants</p>
Discrimination, racism, and xenophobia	<ul style="list-style-type: none"> - Social instability caused by exclusion or identity-based conflicts (f.1.11) - Greater polarization of identity (f.7.13) - Increase in hate speech against populations, individuals, or at-risk groups (f.7.14) - Actions to incite hatred or propaganda against certain groups or individuals (f.8.7) - Discriminatory practices and policies against protected groups (f.9.1) - Past or present serious tensions or conflicts between protected groups and the state regarding access to rights and resources, socioeconomic inequalities, participation in decision-making processes, security, and/or expressions of group identity (f.9.4) 	<p>Indigenous population</p> <p>Afro-descendants</p> <p>People below the poverty line</p> <p>Women</p> <p>LGBTQ+ collective</p> <p>Farmers and rural residents</p> <p>Migrants</p>
Tension between liberal representative democracy and participatory democracy	<ul style="list-style-type: none"> - Actions to incite hatred or propaganda against certain groups or individuals (f.8.7) - Past or present serious tensions or conflicts between protected groups and the state regarding access to rights and resources, socioeconomic inequalities, participation in decision-making processes, security, and/or expressions of group identity (f.9.4) 	<p>Political minorities</p>



Recommendations

Based on the contributions made during the first part of the workshop, participants arrived at a consensus using a double-entry prioritization matrix on those problems that, based on their criteria, carry greater importance in the current circumstances and that in some cases require an urgent approach by the regional network.

The recommendations on the topics to address are below, with some suggestions about how to contribute to mitigating or preventing atrocity crimes.

Important issues to work on in the short term:

- Address the criminalization of social protests and the use of coercive force by the state to produce harm to demonstrators and specific groups of the population.
- Counter hate speech that can result from a justification of direct violence against protected or at-risk groups.
- Promote differentiated and inclusive policies for vulnerable populations, especially migrants, and especially in context of the pandemic, with the purpose of guaranteeing them effective enjoyment of their economic, social, and cultural rights.
- Protect historically marginalized populations, particularly Indigenous peoples, their culture and livelihoods. For this, it is necessary to include policies that address climate change and protect the environment against private sectors linked

to the exploitation and extraction of natural resources in Indigenous territories.

Important issues to address in the medium and long terms:

- Reduce political polarization and hate speech.
- Seek consensus and balance between liberal representative democracy and participatory democracy.
- Review heavy-handed public security policies.
- Expand spaces for civil society, which have been gradually reduced under the pandemic but could become a long-term trend.
- Counter authoritarian enclaves and increasingly autocratic governments that violate not only the fundamental rights of the general population but also groups considered at risk.
- Promote active policies for protection of human rights and education against all forms of discrimination.

This Discussion Takeaway summarizes the primary findings of the workshop as interpreted by the authors. It should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.



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