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Politics, Society and Culture in Latin America

Introduction

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The articles in this volume of *International Studies* cover various topics from the field of Latin American studies. They address important and current issues regarding transnational crime and security, socio-political processes, inter-state and state-church relations, migration processes, different dimensions and images of conflicts (political, social, regional ones) as well as the relationship between art and politics in Latin America. The complexity of contemporary political, social and cultural phenomena in Latin America requires an interdisciplinary approach, which is evident both in individual texts and the wide range of topics undertaken by the Authors.

The greatest challenge for most Latin American countries is the fight against organised criminal groups, whose activities destabilise the internal situation, destroying weak and unconsolidated democratic institutions, negatively affecting economies and leaving an imprint of criminal violence on the societies living in permanent fear, while at the same time seriously threatening international security. Currently, we can indicate several Latin American regions where organised crime is developing dynamically: Mexico and Central America; two border areas: Brazil, Venezuela and Colombia; and the other one: Brazil, Paraguay and Argentina, known as the Tri-Border Area (TBA). **Stanisław Kosmynka** analyses the forms and mechanisms of organised crime in the TBA, showing the latest trends in trafficking in human beings, arms and drugs. He also evaluates security strategies aimed at combating petty and organised crime in the border area of Brazil, Paraguay and Argentina.

In the 21st century, despite democratisation processes, armed forces remain an important player on the political scene of many Latin American countries. **Michał Stelmach** analyses the forms of political involvement of the servicemen in politics and the role and position of armed forces in the unconsolidated democratic systems of Latin American countries. He draws attention to the phenomenon of electoral successes of retired service members who at the turn of the 20th and 21st century won the presidential race in several countries of the region, as well as the problem of militarisation of political parties. The subject of research is also contemporary civil-military relations. The Author discusses the process of establishing democratic control over the armed forces, showing hardships associated with demilitarisation of national defence ministries as well as establishment and implementation of parliamentary control over the army and redefinition of the army's functions in the conditions of democracy and peace.

Governments of many Latin American countries are currently facing a difficult challenge of accounting for the period of violence and dictatorships. Committees of truth functioning in the transitional periods determined the causes and mechanisms of human rights violations during the period of the military regime and internal armed conflicts. However, only a small percentage of perpetrators have been held criminally responsible. In many cases, the armed forces still effectively

defend their members against bearing responsibility, and justify mass murders, disappearance and torture as acting in a state of necessity, in defence of society against the internal enemy: the leftist guerrilla. Under these circumstances, it is difficult to speak of justice and genuine national reconciliation. The difficult issue of accounting for the crime of cruelty is discussed in **Joanna Pietraszczyk-Sękowska's** article that focuses on the phenomenon of return migration and search for missing persons (*desaparecidos*) during the war. The Author discusses memory policy in Peru, drawing attention to different narrations about the course of military operations and pointing out the challenges associated with the search, exhumation and examination of remains of *desaparecidos*.

Next article is devoted to international migration. **Katarzyna Dembicz** shares the results of research on contemporary Cubans' migration. She focuses on two aspects of the phenomenon: the migration of Cubans to the United States through Mexico and the Central American countries, and return migration to Cuba. The Author undertakes a polemic with the myth of Cuban refugees, pointing out social, economic and political factors conditioning the latest migration wave to the USA from 2014–2017, and then introduces the scale of the phenomenon and the migration routes. Moreover, she draws attention to the changes in Cuban social and migration policy, aiming at limiting mass emigration and encouraging members of the Cuban diaspora in the United States to return to the country.

Marta Osuchowska discusses the relations between Argentina and the Holy See in the 20th century. She presents different dimensions and dynamics of changes in bilateral relations from a historical perspective in the period before and after signing the concordat in 1966. The Author analyses the concordat content as well as the consequences of implementing its provisions into the national legal system; she also discusses the relations between the state and the church in Argentina.

Next article focuses on the issue of separatism in Latin America. **Tomasz Rudowski** and **Piotr Sieniawski** examine political and social determinants of separatism and review historical and contemporary separatist movements in Latin America. They assume a comparative perspective by juxtaposing Catalan nationalism and separatism with secessionist tendencies in the southern states of Brazil. The authors' priority is to determine the reasons for low activity and weakness of separatist movements in the ethnically and culturally diverse region of Latin America.

Ewa Kubiak explores the relationship between art and politics in the text dedicated to the proclamation of king Ferdinand VI in Cusco (Peru), which took place on 23 September 1747. The Author analyses the celebrations associated with the royal family as a part of the Crown's policy, examining the artistic aspects of the ceremony and detailing the social and political context of the celebration, while paying attention to the manifestations of independence and the rich imperial tradition in the pre-Hispanic period.

Introduction

In the last article in this volume, **Stanisław Iwaniszewski** discusses the achievements of the Polish Latin Americanists, focusing on archeoastronomy, which remains a part of broadly understood cultural astronomy. The article focuses on the interactions that took place between groups of people and the phenomena observed in the sky in the archaeological past.

Last but not least, **Krystian Darmach** considers the mechanisms and images of the conflict growing in recent years between the needs of mass tourism and the local urban environment in Latin American cities, and outside the region. In an academic essay he presents a wide range of problems related to the transformation of urban space and its adaptation to the requirements of the tourist market and resistance of permanent city residents.

The Problem of Organized Crime in the South American Tri-Border Area: Paraguay, Brazil and Argentina

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Abstract

The paper shows mechanisms and manifestations of the challenges for the security in the South American Tri-Border Area (Paraguay, Brazil and Argentina). It analyses the background of the activity of chosen organized crime and terrorist groups in this region. The article refers to some social and economic conditions for the spread of violence and illegal business in the area. It is focused on the most important dimensions of these problems and on the strategy implemented by South American governments to fight and prevent organized crime. The paper shows how the security forces deal with the threat and evaluate the impact of these efforts.

Keywords: Tri-Border Area, Argentina, Brazil, Paraguay, security, criminality, terrorism

Introduction

Many regions of Latin America have long been struggling with high rates of crime and violence, escalation of which is a result of structural socio-economic and political problems and complex historical conditions of individual countries in this part of the world. The activity of small and organized crime groups has resulted in numerous cases in the crystallization of specific subcultures of violence, which is one of the factors destabilizing the internal situation of some parts of the region, especially in large urban agglomerations. In many countries of Central and South America the instability has allowed criminal organizations to flourish and the contagious spread of violence remains still an unsolved problem (Goubaud 36; García Bravo 12; Medina and Mateu-Gelabert 42–46).

Combining Brazil, Paraguay and Argentina, the border area, known as the Triple Frontera or TBA (Tri-Border Area), is one of the regions that have been struggling with numerous complex problems for years. When one takes into account its location, at the intersection of the three countries, it emerges as a place that generates serious challenges for regional and international security. They result from the activities of criminal groups and mafia structures which found there – especially in the Paraguayan Ciudad del Este – favourable, endogenous conditions – ideal for implementing their extensive interests. The problem of the threat to the security had already existed there, as there was a well-grounded suspicion that some extremist groups, both Latin American ones (like FARC) or those who based their beliefs on the ideologies of Islamic fundamentalism, were operating in the area. This area was in fact considered to be an enclave of violence and small, organized crime, and for a long time perceived as a Latin version of America's Wild West – a dysfunctional area, deprived of any effective state control, functioning “outside the law,” and sheltering criminals and terrorists who had found there favourable conditions for their illegal activities.

The aim of the article is to cast some light on the challenges that the security of this region must face, resulting from the activity of criminal groups. The considerations discussed here outline the main areas of activity of some criminal networks operating in the area of the three borders, and efforts undertaken by the authorities of Argentina, Paraguay and Brazil to stop the criminalization of the region. This analysis, thus, includes an evaluation of the mechanisms implemented so far in the fight against small and organized crime in the cross-border area.

The problem of criminal activities in the Tri-Border Area is rarely addressed by Polish scholars. This topic is raised by Spanish and Latin American authors like Geraldine Cuervo Ceballos, Camilo Andrés Devia Garzón, Dina Ortega Avellaneda, Sona Alda Mejías. When it comes to the issue of the efforts to fight crime in Latin America, the publications of Rebeca García Bravo, Juanjo Medina, Pedro Mateu-Gelabert, Emilio Goubaud and Michał Stelmach are especially noteworthy.

Methodology

It should be emphasized that the methodology of research on crime and the strategy of its containment imply the necessity to choose an interdisciplinary range of methods. In capturing the main dimensions of criminal activity in the TBA region, integration of the historical method (especially in the context of capturing cause-and-effect relations of certain mechanisms) and the systemic one (allowing to see the discussed issues as a set of related elements within which attention focuses both on their component parts, as well as mutual connections) proved to be effective. This also applies to the presence of a terrorist network in this area. In the study of the transformation process of modern terrorism, an important place is occupied by the theory of the network and the work of Marc Sageman, which perceives jihadist cells as a form of social movement composed of numerous informal networks inspiring terrorism (Sageman 29–31). It helps to understand the complex trajectories of radicalization; these, in turn, imply a specific character of preventive measures, which must be reached at the decision-making level by the authorities and at the executive one by appropriate bodies and services.

Criminal activities in the Tri-Border Area

In 2012, the TBA population was estimated at nearly one million nine hundred thousand people, which indicates a dynamic growth considering the fact that at the beginning of the 1960s there were only approximately 60,000 people inhabiting the area (Lewis 24). The characteristic features of the three-border zone are its multiculturalism and considerable ethnic diversity. In addition to Brazilians, Argentineans and Paraguayans, there are such nations as the Arabs, Chinese, Koreans, Europeans (e.g. Italians or Germans) and immigrants from other parts of the world who have settled in the TBA. The area is also inhabited by some ethnic minorities, such as: Iranian, Palestinian, Ukrainian or Thai.

Among many various reasons, lack of effective control of the states authorities and corruption of the local authorities have become two major factors that have facilitated criminal activity in the region. At the beginning of the 21st century, many analysts pointed to the apparent dysfunction of the state control in this area. Apart from the local gangs and criminal clans who operated there, there were Colombian, Russian and Chinese mafias, as well as criminal organizations from other parts of the world, including those from Africa (Lynn 4–5) who were running their criminal businesses in the area. Their activities included drug trafficking (mainly cocaine), money laundering, piracy in acquiring and trading of goods (e.g. clothing, music, films, cigarettes, alcohol, electronic equipment, jewellery, toys, sports equipment, etc.) or illegal trade in computer software. According to the calculations

made on the Brazilian side, in 2012 the illegal trade in the border region amounted to USD 6 billion. The source of these funds was unknown; however, it was evident that to a large extent, they came from criminal practices. Numerous transfers or investments of funds would take place in the banks and various TBA financial institutions. Then, the money travelled to the USA via Uruguay and Brazil. For example, in 2006, as a result of the operation performed by the Brazilian police, a criminal network, dealing in money laundering was trucked just in the area of the three borders. It had been set up and coordinated by a Colombian citizen, Alejandro Pareja García. The businessman invested significant sums of money in gas in Brazil and in petrochemical and fuel industries, including the state sector. These funds came from drug trafficking and went to Brazil via Uruguay. Estimated calculations show that about 17 per cent of the profits of the Colombian drug cartels go to the Brazilian banking system, where they are then “cleaned up” and relocated (Mathieu and Nijo Guarnizo 37–8; Devia Garzón and Ortega Avellaneda 16).

In the 2009 report on the main challenges for the security of the region, attention was drawn to the growing income of criminal organizations stemming from the piracy of DVDs and their illegal sale (Lagos, Dammert 29). The following companies suffered the most losses from smuggling and piracy: Canon, Kodak, Motorola, Nike, Nintendo, Sony, Microsoft and others. It should be added that most of the electronic equipment smuggled into this region came directly from Asia and found its way to TBA thanks to the coordination and cooperation of criminal structures from China, Macau, Taiwan, Korea and Japan with the local (TBA) criminal “representatives.” For example, in 2010, the Paraguayan police discovered a transfer route between the Chilean city of Iquique and Ciudad del Este. It is worth noting at the same time that a significant number of Asiatic communities living in the area of the three borders play an important role in distributing illegal goods that often imitate original ones. Police investigations have shown that many of the businesses apparently involved in legitimate commercial activities are, in fact, to a varying degree, connected with the criminal structures. Undoubtedly, these hidden relationships have significantly hampered the effectiveness of the work of law enforcement agents. The extent to which the aforementioned are concerned for the piracy of their goods and the ensuing significant losses, is evidenced by the fact that Canon, Kodak, Motorola and Nintendo have begun private investigations in recent years in order to diagnose the scale of these illegal practices and undertake appropriate steps to remedy the situation (Lewis 68).

The unlawful activities of criminal groups in the three-border area also included much more severe crimes, such as human trafficking. A lot of women (often under-aged) who were abducted and forced into prostitution were left in these areas. In the first decade of the 21st century, a worrying increase in sexual violence against minors was recorded in the Paraguayan area of Ciudad del Este. It is commonly known that profits from prostitution constitute one of the most important sources

of income of criminal organizations; hence it is not surprising that a significant part of it is controlled by mafia structures operating in the triangle zone. In June 2000, the Brazilian daily paper *O Globo* already informed about the growing involvement of organized criminal groups from Russia in recruiting (and often abducting) in these areas women who were then sent to brothels in Europe and Israel (Solís and Rojas Aravena 132–33). Of course, such undertakings would not have been possible without aid from local criminal structures operating in the region. Human trafficking, meaning in this context quasi-sexual slavery, is one of the major problems affecting this area. The same mechanism is always applied in order to recruit people to work in the prostitution sector. It should be emphasized, however, that the recruited are often unaware of the real nature of the employment offered to them. It is very difficult to assess how many young girls and boys (also under the age of 16) coming from small towns of Brazil, Paraguay, Argentina have been tempted by the prospect of lucrative work, and then sent to brothels, and forced to work as prostitutes. It is worth adding that the area of the three borders has become an important centre of sex tourism not only for the Hispanics, but also for the incomers from Europe, the United States and Canada, often benefiting from child prostitution as well.

In this context, it is significant that the TBA is made up of areas that are difficult to access and poorly monitored; a common phenomenon here is the aforementioned corruption of law enforcement agents. A number of analyses show that especially the part belonging to Paraguay (with its centre, Ciudad del Este, which has one of the highest fatalities rates in the region per year) has been the place of frequent violation of law and violence practices for years. In 2010s, this city became a kind of “crime tax-free zone”, where many people go to in order to buy goods at a much lower price. The goods are sold cheaply as they come from smuggling and robberies (eg. stolen cars). Unfortunately, the piracy process is also facilitated by the weakness of the Paraguayan legislation system, which enables patenting of international brands that are not located in the country (Frühling Ehrlich 42). A lot of methods and routes are used to smuggle goods from Ciudad del Este to Argentina and Brazil. Transport by water seems to play a vital role here, especially via the River Paraná and Brazilian artificial reservoir, which was formed by the side of the Itaipú dam. However, monitoring these trajectories over the years has been highly ineffective. Between 30 to 40 thousand people travel daily by the so-called “Friendship Bridge,” connecting Ciudad del Este and Foz de Iguazu, which greatly facilitates the circulation of goods, including those carried illegally. Therefore, in March 2015, the Brazilian authorities announced the establishment of an Integrated Control Centre to develop mechanisms to control the flow of goods more effectively and to reduce the scale of smuggling.

Among the wide range of criminal activities, falsification should be mentioned as well. By falsification of identity documents, including passports, visas, driving

licenses, etc. lawbreakers offer considerable help for people who are in conflict with the law and are looking for permanent or temporary shelter in the discussed area. An investigation conducted in Argentina and Brazil, as well as other countries, led to the disclosure of fake documents of yet another type (birth certificates) and often pointed to the three-border region, in which these documents were prepared and then used to change a person's identity or facilitate their illegal border crossing (Rocha and Zorovich 332).

The zone has also become an important area on the map of the Latin American drug industry, which is known as a transnational phenomenon and contributes to the escalation of violence in many Latin American countries, constituting a severe unresolved challenge on both a local and an international scale (Śniadecka-Kotarska 32–44). The criminalization of the TBA is generated by narco-handling to a significant extent (Bergman 57–62). The activity of Colombian cartels plays an important role here. For example, in 2006, as a result of anti-trafficking operations in Colombia, mafia organizations were forced to relocate some of their interests into regions that were safer for them, where the threat of prosecution from law enforcement authorities was much smaller. According to the reports of the Argentinean special services, the area of the city of Misiones, south of Puerto Iguazú, became a new base of drug smuggling, with the substances coming from Paraguay, among other places (Boote 156; Cuervo Ceballos 23). On the territory of TBA, there was a repeated turnover of weapons and drugs; the profit from the latter was used to purchase the former. The transactions were also attended by representatives of the Colombian guerrilla FARC who were operating in Paraguay and Brazil, especially in the area of the Iguazu Falls, thus coming from a geographically quite distant region.

In the smuggling of psychoactive substances, there were other 'actors' who were active on the crime scene. In May 2008, the Brazilian police managed to capture over 4.5 tons of marijuana hidden in a wagon under rice packs. The organization called *Friends of Friends* (Amigos de Amigos) was behind it and orchestrated the whole attempt to smuggle the drug. The cargo also included weapons and ammunition transported from Paraguay to Brazil via Foz de Iguazu. John Boote stresses that the attempt to transport such a large amount of drugs encourages reflection on the ineffectiveness of law enforcement agencies in these three countries and the lack of effective monitoring (Boote 157). This observation seems all the more justified if other cases of drug and weapon trafficking in the TBA are also taken into account. In this context, the hypothesis about the connections of drug gangs operating in the favela of Sao Paulo and Rio de Janeiro with criminal groups active in the border area is worth considering (Hudson 28).

A classic example of the mechanisms of illegal transport and transit of drugs and other illegal substances may be the practice of using a specific "corridor" leading through Ciudad del Este and Foz de Iguazu to Brazilian ports such as Parangua,

Santos, Rio de Janeiro, and from there to the United States and destinations even more distant – Africa and Europe. Despite the efforts of the Latin American authorities to fight smuggling of psychoactive substances, in many cases they have not been sufficiently effective. The report of the Brazilian anti-drug service from 2007 showed that only in the three months of that year (January–March) in the city of Foz de Iguaçu, police managed to seize about 475 kg of marijuana, 187 kg of cocaine and over 4 kg of the so-called “crack”. That indicated an increase of 27% compared to 2006 (Alvárez and Manzotti 39). Marijuana goes to the border zone, mainly from the territory of Paraguay. It is worth stressing that apart from the sea and land, trafficking by air plays an important role in transporting drugs. Thus, to facilitate the process of trafficking by air, in the less inhabited parts of Paraguay and Argentina, such as the province of Misiones, makeshift airports were built. According to the statistical data from 2010, their number only in Argentina was estimated at around 100 (Alvárez and Manzotti 40). What is more, airplanes have often been targeted. They are still being highjacked, then repainted and hidden away by the criminal groups who remain active, also in the TBA region.

In addition to drugs, such as marijuana and cocaine, there are also numerous examples of the practice of smuggling other substances, e.g. some pharmacological agents (Viagra) or cigarettes. The latter, often being fakes of well-known brands, like Marlboro, and functioning under such names as Eight, Te, Rodeo, Calvert, etc., have been produced mainly in Paraguay for years, from where they reach other countries. This generates substantial profits for those trading in it, and huge losses for the state budget, due to tax evasion or avoiding to pay other applicable fees. For example, in 2012, the average price of a packet of cigarettes sold on the markets of the cross-border area fluctuated around 1.5 US dollars. It is estimated that this region produces as much as 68 billion cigarettes a year, 90% of which goes to the black market and at the same time represents about 20% of the global share of these stimulants (Umaña 34). The implementation of this procedure uses, among other methods, the so-called ‘mobile factory model’, meaning there is no stationary plant and production is located on lorry trailers. Naturally, this greatly hinders the fight against illegal production. The report from 2012 showed the routes of illegal transport of cigarettes from Ciudad del Este down to:

- a) Brazil, to the Guairá area, which is one of the main centres of trafficking of psychoactive substances (river transport). From there, they then go to Sao Paulo, Rio de Janeiro and other major Brazilian cities;
- b) the eastern coast of the United States and the Indian reserves located in the southwest of the USA;
- c) the Caribbean and Central America, especially to Aruba and Panama;
- d) Ireland and other Western European countries (by sea and air) (Umaña 34).

The above data illustrates how important the Three-Zone region is in the trade of tobacco substances, also in the context of international, if not global,

co-participation of criminal structures, who always derive profits from production and trade in various types of stimulants.

In connection with the trajectories of drug trafficking, it is also important to mention the activity of a Russian mafia (from the Caucasus region) in Argentina. The country became an important transit link for them in the transportation of drugs from the Andean region to Europe and Africa. In the zone of the Three Borders, such Russian criminal groups as Podolskaya, Mzukinskaya, Tambovskaya, and Solncevskaya have successfully operated, focusing their activity on drug trafficking, arms dealing and smuggling of goods. Smuggling is usually carried out using container ships on board of which there are large quantities of commercial cargo, which are then sent to various European ports. Those international criminal structures (including the Chechen mafia) have also been involved in illegal transport of weapons (Bagley 132). The Chechen mob has links with Islamic radicals. Arms trade has been a characteristic element of the activity of such mafias and terrorist organizations as the Colombian FARC or the Lebanese group Hezbollah – both in the region of TBA. It is worth recalling that the members of FARC were involved in the murder of Cecilia Cubas, the daughter of Vice-President of Paraguay, Raul Cubas, in 2005. Her abduction and murder was carried out by an extremist party called Free Fatherland (Partido de Patria Libre), who had been inspired by the FARC ideology and who maintained strong contacts with this organization (Alvárez and Manzotti 112). Weapons are smuggled especially from the areas of Brazil and Argentina – those Latin American countries where the production of military equipment is quite high – to Paraguay. Illegal weapons that have been sold included AK-47 rifles and machine guns (e.g. AR-15 or Colt M-4 rifles), as well as their home-made equivalents. In the street bazaars, purchase of such equipment is not only easier, but it is also available at much lower prices (Umaña 36). It is not necessarily only the local gangs who benefit from arms trading as various international criminal and terrorist organizations find it an important source of obtaining this type of equipment. This procedure not only allowed them to operate but also generated lucrative profits.

At the turn of the century, the Three-Border Zone became a convenient place for the aforementioned “money laundering” as well, which usually constitutes an integral element of criminal activities. For a number of years, the cities of Foz de Iguacu and Ciudad del Este have been important centres of transferring and relocating considerable amounts of money of an unknown origin. Interestingly, this did not concern Argentinean Puerto Iguazú. It was caused by the unstable financial situation of Argentina at the beginning of the new millennium, which, in turn, constituted a disincentive factor for criminal organizations to deposit funds there. In the mid and late 1990s, and at the beginning of the new millennium, it was Paraguay that grew in importance and became a place of international operations involving illegally obtained funds. This role was so important that Ciudad

del Este was compared to being the “very heart of the underground economy of the country,” in which people belonging to the power elites or holding high executive positions frequently played significant parts. For example, in July 2000, it was revealed that the general of the Paraguay Army, Lino Oviedo, had carried out illegal financial operations in Foz de Iguacu and Ciudad del Este reaching the total value of about \$10 million. At the turn of the century, it was estimated that every year in the TBA, money laundering activities generated the sums of about USD 12 billion, which had a destabilizing effect on the regional financial system (Umaña 34). Thus, it is now Paraguay that is considered one of the main scenes of this crime (Devia Garzón and Ortega Avellaneda 17).

The convergence of organized crime and terrorism

The area of the Three Borders was also associated with the activity of terrorist organizations, including those of provenance that was very distant geographically. In 1994, Israeli special services signalled that the TBA was used by the cells of the previously mentioned Hezbollah group for logistic and operational activities. In subsequent years, this information was confirmed by the US Department of State; then reported by the Argentinean and Brazilian press as well. It was established that some of the suicide bombers – those responsible for the deadly attacks in Buenos Aires – had come from there. On March 17, 1992, the attack on the Israeli embassy was carried out in the Argentinian capital causing 29 deaths and leaving 242 people injured. Two years later, on July 17, 1994, the aim of the next attack in Buenos Aires was a cultural centre – the Argentinian-Israeli Association (Asociación Mutual Israelí-Argentina – AMIA). At that time, nearly 90 people died, and more than a hundred were injured. These acts of terror were intertwined with the ideology behind them and the strategy of this organization, whose very existence was determined by the Israeli-Palestinian conflict. This strategy, by the way, was also manifested in the preparation and implementation of terrorist projects outside the Middle East region – in European countries (e.g. Spain in the 1980s), as well as in other parts of the world.

The opinion that it was an “outlaw” area (especially the border areas of Paraguay) significantly facilitated activities of terrorist cells. In 2001 and 2003, the American CIA indicated that the area was crucial in the development of radical Islamism in Latin America. It is worth recalling that on May 6, 2002, the US vice president, Dick Cheney, stressed that one of the American priorities was to monitor the border zone of Paraguay, Brazil and Argentina to neutralize terrorist operations carried out there, while six months later, the head of the FBI, Robert Mueller, talked about Al-Qaeda cells operating in this area (Gunaratna 246–247; Chossudovsky 84; Kosmyńska 143–49). Also, the American and Israeli intelligence agencies indicated

that certain cells of Islamist terrorist organizations, such as Hezbollah, Hamas, Jamaat al-Islamiyya, Jihad and Al-Qaeda were taking up their activity in the area of the Three Borders. (Lynn 24; Dumitrascu 6–7). Although much of this information has not been confirmed and remained only in the sphere of hypotheses (this area being associated primarily with activities of criminal groups and high rates of violence), the presence of Islamic radicals (Shiite), especially associated with Hezbollah or their supporters, seems to be indisputable. Some specialists cite much information, which shows that TBA has become – especially at the turn of the century – a zone of Hezbollah’s special activity, whose representatives on numerous occasions cooperated with al-Qaeda structures, as well (Hudson 29). A number of analyses indicate the presence of many active and “dormant” cells of this group at the beginning of the 21st century, with the number of their members being estimated at approximately 460 people (Noriega and Cárdenas 29; See Costanza 47; Ortiz 186; Pozo Guindo 146–97; Hudson 94).

It was already in the 1990s that the Paraguay police repeatedly intercepted propaganda materials of the Hezbollah group, and also got a lead on channels of financial operations from which the resources – flowing from the United States – went to the zone of Three Borders, and then to Iran and Lebanon (Gunaratna 247). Located in Ciudad del Este, one of the mosques had numerous times been used to propagate the idea of religious and political radicalism. In the “Tri-Border region” a series of illegal interests were being dealt with, both locally and internationally, while violence spread (homicide statistics make it one of the most dangerous in the world). It was not uncommon for public officials to be involved in illegal activities, including those with the criminal underworld. Terrorists were often engaged in these activities, which is not surprising considering the well-known fact that there are strong links between terrorism and organized crime in obtaining funds from drug, arms or people trafficking as well as from pandering, financial embezzlement and money laundering. Only in the years 1999–2001, about 50 to 500 million dollars were sent by the Arab communities, mostly living in the Brazilian part of the zone, to various Paraguayan financial institutions belonging to Hezbollah and to Hamas (Connell 184–85). Therefore, it is not insignificant to notice that there is an evident convergence between international networks of organized crime and terrorism, whose functioning is to a large extent conditioned by obtaining notable financial support, which, in turn, leads to participation in drug, arms and people trafficking, in smuggling of goods, illegal financial operations, etc. All of these carried out in the TBA area are a perfect exemplification of such a convergence, as evidenced by the examples to follow.

A significant number of revealed cases shows how much money Hezbollah gained from illegal ventures carried out in the Three-Frontier zone (for instance, from gunrunning and drug trafficking). For example, when in February 2000, a Lebanese businessman, Chalil Mehari, was arrested in Ciudad del Este, an analysis of the contents of the hard disk of his computer revealed numerous

propaganda materials belonging to this organization as well as traces of transfer of about 7,000 dollars to the accounts of its branches in Chile, the USA, Canada and Lebanon. In May 2002, another citizen of Lebanese origin, Ali Assi, carrying ten kilos of cocaine in his baggage, was detained at the airport in Beirut. He was a “businessman” cooperating with his brother-in-law, Ali Hasan Abadia, in Ciudad del Este. Abadia was, in turn, considered to be the coordinator of Hezbollah’s financial undertakings in the region. A year later, subsequent arrests finally confirmed the organization’s involvement in the narco trade.

One of the detained people was another businessman from the cross-border area who was proven to traffic drugs and have ties with Assad Ahmad Barakat, i.e. one of the planners of the attack on AMIA in Argentina, leading extensive interests, among other places, in Chile and Brazil (Ortiz 145–146). It is worth adding that the brother of the latter, Muhammad Barakat, also actively participated in activities for Hezbollah. On his computer, the Paraguayan police found many propaganda materials belonging to the organization, including those affirming suicide bombings, the procedure so significant for jihadism. He was also proven contact with the leader of the party, Hassan Nasrallah. The Chilean of Lebanese origin was accused along with two comrades of handling the financial activities for the organization. He came to Latin America from Lebanon in 1985 and developed a network of extensive interests in Paraguay, in Ciudad del Este. In 2001, after a short stay in Brazil, he came to Chile and settled in Iquique. In June 2002, his brother Assad was arrested, which led to the suspension of their business. According to some sources, the Barakat brothers were doing business with Usama ibn Laden and thanks to the funds they had collected, Al-Qaeda’s cell in Beirut was established (Hudson 22).

It should also be added that the Chilean city of Iquique became one of the centres in which Islamist-related Muslims, such as the Barakat brothers, were pursuing legal and illegal businesses; some of the profits coming from these ventures fed the organization. Isaac Caro emphasizes how important the strategic location of Iquique was, allowing for convenient air connections with the Three-Border zone and centres in Peru and Bolivia. At the same time, it should be emphasized that the majority of the Muslim community living there, centred around the mosque of Bilal de Iquique (Caro 23), distanced themselves from radicalism. The Barakat brothers created a very dynamic criminal and terrorist network, operating not only in the Three Borders, but also in other parts of the world. This structure drew financial profits, from, among others, money laundering, piracy of goods (e.g. DVDs), extortion, racketeering, blackmail. At the same time, as mentioned above, some of the profits contributed to the Hezbollah budget. According to estimates from 2009, the financial turnover of the Barakat network in The Border zone reached a value of approx. USD 20 million annually, of which about 3,5 million were sent to the accounts of the Lebanese group (Caro 23).

Profits from links with organized crime mainly concerned indirect mechanisms of financing terrorism. In addition to tangible financial benefits, logistic aspects necessary to conduct such activities played a significant role. They concerned, for example, obtaining weapons, equipment and other materials, collecting them and transporting them. A good illustration of this type of relations is the cooperation of the Egyptian group Jamaat al-Islamiya or Hezbollah with Chinese gangs from the area of the Three Borders.

In 2000, in a Cypriot port, a large shipment of weapons addressed to this organization was found on a transport ship sailing under the flag of Cameroon. The transport had come from the zone of Three Borders and had been sent by a Chinese criminal group, Sung-I. Another clan from this region, known as the “Ming Family”, mediated in the transfer of funds from the Jamaat al-Islamiyya, also from the Triangle Zone, to the area of the so called “financial paradise” – to Guiana and the Cayman Islands (Caro 34). In 2003, as a result of an extensive international operation of services to combat organized crime (American, Colombian and Spanish units), operating under the code name “Titan”, one of the largest drug nets originating in Colombia was broken up. Over one hundred people who had been involved in drug trafficking were arrested. Some of them had connections with the Hezbollah organization, such as Lebanon Chocri Mahmud Harb, who was a link in cooperation between this group and the Cartel of Medellin. The activities of these and other criminal structures had an international scope; they were being signed by a network of various facade companies and associations involved in money laundering and located in Panama, Costa Rica, China and the countries of the Middle East.

In July 2010, a large transport of weapons was intercepted in the Paraguayan part of the TBA, which was supposed to reach Lebanon and Syria by sea. In the Cross-Border zone, Interpol agents arrested Mussa Hamadan, Hezbollah’s representative coordinating this venture. Among other accusations, he was found to have participated in smuggling of weapons on the territory of the United States and Syria. The investigation determined that Hamdan had been involved in a planned operation of delivering a load of 1,200 Colt M-4 machine guns to the Middle East. According to some estimated calculations, Hezbollah’s profits obtained from smuggling reach hundreds of millions of dollars annually (Connell 189). Although the US Department of State’s 2012 report on the contemporary shape of terrorist threats does not list any jihadist extremism activities in this region, this does not undermine the fact that the organizations have numerous followers among the immigrant communities who live in this part of Latin America, who support the program of armed religious-political radicalism and feel an ideological closeness with them, supporting them materially and morally. The total sum of financial support is, of course, unknown; however, calculations based on reports of police and anti-terrorist services report USD 20 to 500 million annually going to Hezbollah and Hamas

from people and institutions residing in the TBA region (Connell 190). In addition to the funds obtained from the abovementioned illegal commercial transactions and business activities, one should also remember about donations of various types, undertakings bearing the hallmarks of charity and charity campaigns or transferring funds within the Islam world and Islamic immigrant communities using *hawala* – the informal banking system, finally, practising one of the pillars of this religion – *zakat*, meaning the alms command. All this makes it extremely difficult to control and monitor the sources and directions of the circulation of financial sums.

The activity scope of terrorist groups supporters in this region is confirmed by a number of other police operations, as a result of which people mainly from Lebanon and Iran were arrested and accused of belonging to Hezbollah. In the autumn of 1998, in Ciudad del Este, Ayman Hachel and Mohamed Astaraki were arrested. Both had been gathering information about the Israeli embassy in Asunción, which allowed the police to presume that a coup was being planned for it. At the beginning of 2000, Alil Khalil Merhi was arrested while raising funds for the grouping. Other Islamists arrested in the Triangle Area were accused of cooperation with other terrorist organizations, including Al-Qaeda.

In November 1996, Marwan as-Sadafi was arrested on charges of participation in the preparation of the coup of February 26, 1993, in New York for the World Trade Center building. In the autumn of 2000, Salah Abdul Karim Yassin, a Hamas fighter who had cooperated with the Egyptian group Jihad, was arrested on the grounds of using fake documents. He was accused of planning an attack on the US and Israel embassies in Paraguay. He was sentenced to four years in prison (Gleis and Berti 71–5).

We should remember that the activity of Hezbollah representatives in Latin America was also influenced by the friendly relations with Venezuela, especially during the presidency of Hugo Chávez and Nicolas Maduro, with Iran, manifesting themselves in a series of mutual visits of the heads of both states. They resulted in implantation of Hezbollah cells in Venezuela, including on the island of Margarita (Gleis and Berti 157; Kosmyńska, “Conditions and Relations Schemes” 303–17). As mentioned above, the activity of the Islamist extremism network in the TBA region has caused concern not only to the authorities of the countries of the Three-Zone Region but also to the US intelligence agencies. As a result, the FBI undertook a number of operations in this area, aimed at working out the cells operating there and neutralizing their logistic and operational activities. These efforts were accompanied by the fight against international criminal structures, whose interests were often interwoven with the undertakings of terrorist groups. Also, the authorities of the countries of the Three Borders undertook and carried out numerous police operations aimed at improving the security in the region. For example, in 2005, the operation under the code name “Jupiter” was launched, which was aimed

at sealing the borders and reducing the scale of smuggling. Interpol got involved in it, as well. As a result, about seven hundred people were detained and goods worth over USD 300 million were seized (Caro 34). Although it was impressive, it did not mean the practice had been stopped or the criminal structures involved had been eliminated. The mentioned effects of this operation only gave an idea of the scale of this phenomenon.

The efforts to combat organized crime

It is worth noting that as part of the war on terror, especially after September, the 11th, the United States undertook a number of initiatives aimed at cooperating with the countries of the region to have control over the area of the three borders and prevent the development of jihadist extremism. To implement this, the so-called 3 + 1 Group (Argentina, Brazil, Paraguay and the United States) was set up, which focused its efforts on jointly increasing the security of the zone and combating organized crime and terrorism. Its assumptions included information exchange, coordination of activities, joint patrols in the area of Itaipuú lake, etc. After the terrorist attacks on the United States, when the international counter-terrorism strategy got intensified and resulted in close surveillance and monitoring of the Cross-Border zone', Islamist activities in South America became more difficult to carry out and less frequent when compared to the time from before September, the 11th. Many activists were arrested, a large number of them left the region and went to other places in Latin America where various communities from the Arab countries continued their activities. In the years 2001–2004, around eleven thousand people left the zone (Caro 40). Some of them returned to the Middle East, some went to other Latin American countries (e.g. Venezuela), some to Europe.

Argentina is involved in the fight against organized crime. These include legal regulations facilitating the prosecution of financing terrorist activities, as well as measures to ensure transparency of trade and circulation of goods. In 2009, the authorities of this country adopted an amendment to the act penalizing all forms of human trafficking, which was aimed particularly at fighting the sphere of sexual services (including prostitution). Thanks to it, numerous hustlers and other people involved in kidnapping and selling women and juveniles were arrested. Additionally, a number of victims were freed. Despite these efforts, however, averting of the problem was only partial, which resulted, among other reasons, from the ineffectiveness of the judicial system and lack of proper care or protection of victims, who were often terrorized in order to prevent them from giving testimony. In turn, a bigger success can be attributed to the activities of the Argentinian intelligence, whose information allowed to uncover part of criminal and extremist structures (e.g. information provided by the Argentinian intelligence to the Paraguayan party

which enabled to break up the Barakat's network). Cooperation with the US intelligence and the countries of the region is very important in this field. During the administration of Cristina Fernández de Kirchner (2007–2015), land and air operations were conducted, dictated by the need to improve monitoring of the border areas, which were the scene of particular activities of criminal groups. In cooperation with the Brazilian side, there were also introduced measures to integrate intelligence work aimed at dissolving criminal networks which profited from human trafficking. President Mauricio Macri's strategy, in turn, included institutional reforms or appointment of additional divisions and bodies to deal with the fight against organized crime. Equipping law enforcement agencies and the army with additional prerogatives in this struggle (e.g. the right to shoot down aircraft or missiles that are suspected of drug trafficking) made the reforms introduced by Macri sometimes referred to as "militarization of the security sector" (Devia Garzón and Ortega Avellaneda 20; Mejías 4).

The authorities of Brazil have also intensified efforts to fight crime in recent years, which has been reflected in a number of initiatives implemented, including the ones within the Brazilian part of the Cross-border zone. These undertakings included, for example, regulations for greater transparency of banking sector operations, and this was dictated by the intention of blocking the mechanisms of money laundering. Actions of the Brazilian side also include new legislative initiatives dictated by the need to reduce losses to the budget caused by smuggling (the so-called *Sacoleiro Act* of 2009), as well as steps taken to improve the security of the region. As for the latter aspect, the "Agata 2" operation, which started in 2009, is worth mentioning as an example. It was not only a police but also a military operation – about one thousand soldiers took part in it – which demonstrates the size of the challenges and the necessity of engaging big-scale countermeasures. It covered the south-western border zone of Brazil. It is estimated that thanks to the military patrols and increased zone monitoring, the illegal flow of persons and vehicles from Ciudad del Este to Foz de Iguazú has decreased as much as approx. 50% (Umaña 4). It is worth noting that the control of this area has become more effective recently thanks to the use of the latest technology, as well, such as the unmanned aircraft drone, constructed in Israel, which patrols the border region. During the administration of Lula da Silva (2003–2011) and Dilma Rouseff (2011–2016), steps were taken to modernize the armed forces and use them more efficiently in the fight against organized crime, especially in the border areas, and in controlling access to firearms. On balance, however, the overall effect of these measures cannot be considered satisfactory.

Paraguay, as mentioned above, enjoys the infamous reputation of the least-efficient country as far as the fight against petty and organized crime is concerned, with the part of the TBA that belongs to this country being rightly considered exceptionally criminogenic. This situation is the result of previously stressed structural

conditions: high level of corruption of civil servants, and often also representatives of law enforcement, maladjustment of legal regulations and ineffectiveness of their enforcement, deficiency of effective banking sector regulation, lack of adequate control over Paraguayan part of TBA, etc. The scale of challenges gains additional dimensions if we consider mechanisms convenient for the activity of terrorist cells in this area. One of the recent examples of evidence of the implementation of extremist projects was the detention in June 2010 in Ciudad del Este one of Hezbollah representative, Mussy Hamdan, who, on behalf of the organization, coordinated part of its foreign financial operations. The Paraguayan authorities have declared on several occasions to intensify their efforts to combat the security of the zone and to take appropriate measures also in cooperation with other countries in the region. An example of such initiatives was the “Southern Frontier” operation implemented in cooperation with Brazil in 2008, in which over 1,300 soldiers took part, alongside a number of planes and helicopters to monitor the zone and fight against smuggling of goods. However, the effectiveness of this type of action is not sufficient, it only leads to a temporary weakening of criminal structures and a breakdown of some of them; their place is quite quickly taken up by new ones. Also in the case of Paraguay, there is clearly a tendency to militarize security policy; during the reigns of Fernando Lugo (2008–2013) and Horacio Cartes (2013–2018), military operations in the Border regions were targeted at criminal networks. In 2015, a special investigative division was established with the aim of initiating initiatives against the procedure of money laundering. Better coordination between the police and judicial instruments with the Brazilian side was to be introduced.

It is the very cooperation of the countries of the region at the political and operational level that is an important factor affecting the effectiveness of the fight against organized crime. In recent years, a number of joint, coordinated projects have been implemented. An example of this is the INTERPOL operation carried out in April 2016, in which about 300 Brazilian, Paraguayan and Argentine police officers took part. As a result, 25 people were detained, 750 kg of psychoactive substances were seized (mainly marijuana and cocaine), and a dozen or so stolen cars were recovered (Organized Crime Network). The need to improve the joint strategy for combating organized crime has been the subject of talks between the Presidents of Paraguay, Brazil and Argentina (Mario Abdo Benitez, Michel Temer and Mauricio Macri) in June 2018.

Conclusion

Summing up, the conditions outlined above mean that for many years the Border zone has been an area affected by a special type of challenges and threats resulting from complex links of petty and organized crime, often interweaving its

interests with terrorist structures. Similar mechanisms that complex endogenous catalysts project into, are illustrated by some examples of other regions in different parts of the world, including the African continent, which are characterized by dysfunctionality in terms of effective state control. The phenomenon mentioned above reveals also the challenges for the international security that may result from the symbiotic relationship between the transnational organized crime and terrorism. The exemplification of these mechanisms may be the situation on the Libyan-Chadian, Chadian-Nigerian borders, or in the neighbouring Mali and Burkina Faso area of the Tillabéri border zone – where the activity of jihadist groups declare loyalty to the so-called Islamic State. In all of these cases, the lack of harmonization of legal instruments, insufficient efficiency of state bodies, services and operational divisions, structural deficiencies, political and socio-economic problems, corruption and other factors affect the security of these regions and make them the areas of intense criminal activity and sometimes also subversive organizations.

It is worth noting that the challenges generated by the activity of criminal structures have long been characterized by the supra-regional and international dimension. Despite the multifaceted initiatives undertaken by the authorities of Brazil, Argentina and Paraguay to improve security in the zone, the activities of organizations and criminal groups in the TBA area still pose a challenge for the authorities and reduce the security of citizens. In this context, along with the increase in global terrorist threats, i.e. after the coup of September 11, 2001, the region became the area of particular interest to the intelligence services of many countries. Undoubtedly, the implementation of various criminal activities had previously been possible due to emphasized here long-term inefficiency of local and central authorities of the three countries in the fight against crime.

Although many projects and initiatives have been implemented and more are still being planned, the effectiveness remains insufficient in many fields, which is commented on by many experts. One of them, Geraldine Cuervo Ceballos, emphasizes the importance of transnational mechanisms in the functioning of organized crime (Cuervo Ceballos 24). The main findings of this analysis stress that monitoring and preventive actions introduced in the Tri-Border Area should include further, in-depth implementation of coordinated efforts focusing on combating crime, as well as introducing more effective mechanisms in the fight against corruption, improving banking sector control and border sealing. In this respect, integration of the actions of the authorities and law enforcement agencies of Argentina, Brazil and Paraguay should be particularly important, as well as joint efforts to promote transparency of the public sphere, which would hinder corruption of local politicians and officers. It should be remembered that the successful implementation of these projects is also influenced by the effectiveness of wider cooperation on the international arena, including the United States.

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Between Autonomy and Independence The Democratisation of the Armed Forces in Latin America in the Twenty-First Century¹

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Abstract

The aim of this article is to analyse the new forms of militarism as well as the position and the role of the armed forces in Latin American political systems in the twenty-first century. The first part analyses two selected forms of military participation in politics: the participation of former servicemembers in presidential elections and their performance as presidents, and the militarisation of political parties. The second part of the article focuses on the issue of contemporary civil-military relations in Latin America, discussing the problems associated with the establishment of democratic control over the armed forces, the reform of the Ministries of Defense and the redefinition of the functions of the army.

Keywords: militarism, politics, civil-military relations, democratisation, Latin America

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Introduction

The article focuses on new forms of militarism as well as the position and the role of the armed forces in the political systems functioning in Latin American countries in the twenty-first century. Since the 1990s, the processes of democratisation and establishment of democratic control over the armed forces in Latin America have been accompanied by steady advancement of militarisation in politics. The armed forces as an institution are still an important, albeit informal, role of centre of power or, at least, a powerful and influential pressure group, while high officers, especially retired ones, actively participate in the social and political life of their countries, playing the role of leaders and rulers.

Modern militarism in Latin America is not a homogeneous phenomenon. Involvement of service members in politics takes diverse forms and varies in the degree of intensity. Contrary to the political activities of the armed forces from the 1950s on, currently, they assume more personal (“politicians in uniforms”) than institutional character (“political forces”). As an institution aware of possibilities limited if only for international conditions, the army tries to avoid carrying out coups d’état and exercising direct power. It has not, however, completely abandoned interventionism in the form of a coup or given up its role as a political arbitrator, which was confirmed by events in Honduras in 2009. Nevertheless, modern militarism should be seen primarily as a form of state power organisation, in which armed forces, their officers or retired service members who are still related to the milieu, indirectly and informally exert decisive influence over state policy, *de facto* dominating civil institutions, despite legal regulations establishing civil authority over the armed forces.

Due to a broad scope and complexity of the issues, the article analyses two selected forms of military participation in politics, which in my opinion deserve special attention. Firstly, it focuses on the problem of former service members who, having broken the constitutional order inspiring and/or carrying out coups or exercising dictatorial power and having violated human rights during the period of dictatorships and internal armed conflicts, participate in presidential elections and serve a presidential function; and secondly, on the question of militarisation of political parties, which demonstrates the involvement of former servicemen in the creation of new political parties representing milieu interests of former servicemen joining political parties. Other forms and manifestations of contemporary militarism in Latin America, which are excluded from considerations contained in the article, include, among others, putting pressure on those in power by veteran associations, acts of disobedience, consisting i.a. in a refusal to execute orders of manifestation pacification issued by presidents or participation in public and political debates. The second part of the article concentrates on the problem of contemporary civil-military relations in Latin America. The army is constantly strengthening its

position and expanding autonomy, which in some regions (mainly Andean and Central American countries) is erroneously identified with independence. The article analyses the limits of democratic control over the army, the issues of militarisation of Ministries of Defence and the problem of extending prerogatives and competence of the armed forces to include tasks in the sphere of internal security and socio-economic development, which to my mind, in conditions of poor, and in some countries only formal, control over the army and dysfunctionality of constitutional bodies, poses a serious threat to resurgent and unconsolidated democracies.

Literature overview

Civilian-military relations in Latin America have been the subject of scientific research for decades, mainly abroad. Depending on the historical period, the researchers' attention was focused on other aspects of the relationship between the civil authorities and the armed forces. In the first period, from the turn of the 1950s and 1960s to the end of the 1980s, they focused on analysing the conditions, the course and the consequences of military coups and military rule, as well as the development and the functioning of "political troops" (i.e. S. Huntington, S. Finer, B. Lovemann, D. Krujic, K. Koonings, A. Rouquie). In the second period, at the turn of the 1980s and 1990s, scientists focused on the transition of political systems from military dictatorships to democracy (i.e. D. Pion-Berlin, D. Krujic, K. Koonings). In the third period, in the decade of the 1990s, the analysis focused mainly on the problems of establishing democratic control over the army, punishing military personnel for crimes committed during the period of internal wars and dictatorships, and redefining the functions of the army (i.e. R. Diamint, R. Kohn., A. Stepan, R. Manaut, A. Sotomayor Velásquez). Contemporary research has concentrated on the issue of the position and the role of the military in Latin American democracies in the 21st century (i.e. D. Pion Berlin, J. Zaverucha, A. Valenzuela, F. Montecinos). In Poland, the issues of civil-military relations and the role of the army in the selected state have been researched by, among others, R. Stemplowski, R. Mroziewicz and W. Rómmel, A. J. Kaczyńska, M. Lisińska and P. Trefler.

This article fills a gap in Polish scientific research, showing in a cross-sectional way a wide spectrum of new forms of militarism and the difficulties in democratisation of the armed forces and demilitarisation of political systems in Latin America.

Military interventionism in the twenty-first century Latin America

In 1990–2018, 20 presidents lost power before the end of the term. Nineteen of them relinquished the office in accordance with constitutional procedures, through impeachment, under political pressure, and sometimes mass social protests. It should be emphasised that in Latin America the army has not taken actions in defence of presidents, neither has it interrupted any impeachment procedure for over 15 years. The armed forces did not protect against the impeachment procedure of, e.g. the president of Brazil, Fernando Collor de Mello (1992). They did not intercede in defence of civilian presidents of Bolivia – Gonzalo Sanchez de Lozada (2003) and Carlos Mesa (2005), Peru – A. Fujimori (2000) and Pedro Kuczynski (March 2018), Argentina – Fernando de la Rúa (2001), Brazil – Dilma Rousseff (2016); and more importantly, stood up to protect their colleague, Gen. Otto Pérez Molina, who in September 2015 relinquished his office due to accusations of participating in a criminal group, passive bribery and tax fraud (“La Linea”).

It does not mean, however, that the armed forces only passively watched political events. At the turn of the twenty and the twenty-first centuries, the spirit of interventionism revived in Latin America several times. The first wave of protests and military coups took place in the first period of transformation, in the 1980s and 1990s. Service members undertook action against those in power in Argentina and Chile in 1990, 1993 and 1995, showing their dissatisfaction with the reforms in a defence sector and attempts to limit the autonomy of the armed forces and to hold the officers responsible for human rights violations during wars and dictatorships responsible. At the beginning of the twenty-first century, service members expressed their dissatisfaction by organising protests and coups. The greatest upheavals took place in Bolivia (2003), Ecuador (2000 and 2005), Venezuela (1992 and 2002) and Peru (2000 and 2005) (Kruijt 100–1). Military demonstrations should be perceived as political and military actions, which could have led to the overthrow of legitimate rule. However, the only successful, yet short-lived, coup was organised in Venezuela in 2002. Until 2009, when President Manuel Zelaya was deprived of power, the attacks in Latin America had not virtually happened. In Honduras, the army, following orders of the Supreme Court, entered the presidential palace, forcing the president to sign resignation and leave the country (Cálix 41–2). Without going into conditions and course of the political crisis, nor supporting either parties’ opinions or faults, it should be stated that the army, which, admittedly, gave power to the president of the Congress (in accordance with the constitution), again appeared in politics as a key actor and instrument for resolving political conflicts. An impeachment procedure, provided for in the constitution, was replaced with the politics of force – also subject to the decision of civilian politicians.

New aspects of militarism in Latin America

I share the view of David Pion-Berlin (*Unexpected Civil-Military Relations...*, Pion-Berlin and Martinez 44–6) that the lack of or sporadic military coups (as Latin American practice shows) do not mean that civilian control is exercised over the armed forces, all the more withdrawal of servicemen from politics. The armed forces have learned how to use institutional and political autonomy guaranteed to them during the transition period. Getting around within their constitutional and statutory powers in a new way, they influence politics at various levels.

Presidents in uniforms in Latin America

In the 1990s and the first decade of the twenty-first century, presidential elections in many Latin American countries gave power to former dictators or officers of the armed forces, organisers of unsuccessful coups in the 1990s and the first years of the twenty-first century, who had left their uniforms and pursued political career (Montecinos 110). Many countries of the region experienced a revival of the myth of *caudillo* – a strong, charismatic leader originating from military circles or, at least, connected with them to a large extent. In 1997, the Bolivian people expressed their electoral will to bring Hugo Banzer, a former dictator in 1971–1978, back to power. In 1998, a presidential election in Venezuela was won by a candidate of the Fifth Republic Movement (MRV), Hugo Chavez Frias, a leader of the coup of 1992, whose aim was to overthrow the President Carlos Andrés Pérez. In 2002, Lucio Gutierrez, (Partido Sociedad Patriótica), who in January 2000 led an insurgency organised by indigenous peoples and lower rank servicemen, resulting in overthrowing a constitutional president, Jamil Mahuad, was elected president of Ecuador. The 2006 presidential election in Peru was almost won by Lt. Col. Ollanta Humala (lost to Alan Garcia), who at the end of 2000, together with his brother, Antauro, and the Ethnocacerista movement (a pressure group, a movement directed at those disappointed by the rule of the Fujimorist veterans of the internal conflict) organised an armed action consisting in arbitrary leaving the military base in opposition to the third term of office of A. Fujimori lasting since July 2000. Attempts were made to link him to the next military action taken by his brother in 2005 against President Alejandro Toledo, but no sufficient evidence was found. Interestingly, in August 2006 Ollanta Humala was accused of violations of human rights, including the use of torture and murder during military service in fights against Shining Path members. He denied the charges and consistently referring to those excluded, but significantly softening his rhetoric, he won the 2011 elections, standing at the head of his own political formation: Partido Nacionalista del Peru (Pietraszczyk-Sękowska 80–7, 96–107). In 2010, electoral success was achieved in Suriname by Col. Desiré

Delano Bouterse (a leader of the National Democratic Party), who had led a coup d'état twice: in 1980 and 1990 and exercised dictatorial power in 1980–1988 and 1990–1991, being additionally accused of close cooperation with the cartel of Medellín. In 2011, the highest state office in Guatemala was taken over by the retired general, Otto Perez Molina, (in the second attempt, in 2005 lost to Alvaro Colom) and his party, Partido Patriota, strongly associated with the military milieu, which, during the campaign, had promised “strong-arm rule,” peace and security (Stelmach 244–50) Gen. Otto Perez Molina was the first retired serviceman who became the president of Guatemala since the formal end of dictatorship in 1986.

What is also worth mentioning is unfulfilled ambitions and unrealised plans of retired servicemen to gain power in their countries. Despite a constitutional ban on taking part in the elections for those involved in coups d'état, Gen. Lino Oviedo aspired to take over the highest office in Paraguay. Although he was not allowed to stand for the 1998 election, in 2008 he became a candidate recommended by Partido Colorado. He gained 22% of the votes, losing to Fernando Lugo and Blanca Ovelar (Kruijt 102; Kruijt and Koonings 8). In Guatemala, although the constitution expressly prohibited (and still prohibits) those who have launched a coup from running for the presidency, after the greatest political crisis since the civil war (massive and violent protests inspired by Montt) and fears of a possible coup d'état in 2003, the Constitutional Court accepted the candidacy of Ríos Montt (the first attempt to run was prohibited in 1996), responsible for organising and carrying out massacres on the Indian population during the civil war.² In January 2011, an intention to taking part in the presidential election was announced by a daughter of the former dictator, Zura Ríos Sosa, who is currently a deputy from Frente Republicano Guatemalteco (Guatemalan Republican Front, GRF). It should be emphasised that despite the failure in the presidential election, Montt remained a significant figure on the Guatemalan political scene. Being an (informal) leader of GRF and, since 2013, Partido Republicano Institucional (Institutional Republican Party, IRP), in the years 200–2004 he was a chairman of the Congress (4 terms). The General *de facto* took over the most important part of responsibilities of the civil President Portillo, exerting his influence on military appointments and coordinating of the work of the presidential cabinet (Kruijt 100; Booth, Wade and Walker 188; Stelmach 236).

Servicemembers' entry into the political scene in Latin America was favoured by several factors. Firstly, a crisis of institutions representing society, including mainly traditional political parties. Chavez and Gutierrez have taken over the electorate of, respectively, Acción Democrática (Democratic Action, DA) and Izquierda Democrática (Democratic Left, DL), which, proclaiming neo-liberal slogans

² 2003 presidential election was won by Óscar José Rafael Berger Perdomo, winning 34% of votes in the first round and 54% votes in the second one, defeating Alvaro Colom. Ríos Montt did not enter the second round, winning 20% of votes (Booth, Wade and Walker 188).

departed from their electorate (Montecinos 113). In 2006, Humala took over a part of the electorate of Partido Aprista Peruano (American Revolutionary People's Alliance, APRA), which in this election did not put forward a candidate and, additionally, moved to the right side of the political scene (Pietraszczyk-Sękowska 80–7).

Another factor was the lack of charismatic civil leaders. Right-wing parties have been forced to look for candidates in the barracks. Finding no better solution, the Ecuadorian right-wing supported Lucio Gutierrez in the 2008 election, forgetting his embarrassing involvement in attacks, his leftist views and numerous attacks on the oligarchy. Hoping to defeat Evo Morales, the Bolivian right-wing also decided to support a serviceman, namely a retired captain, Manfred Reyes Villa, a former prefect of Cochabamba and once a candidate in the presidential election (Montecinos 113–14).³ It needs to be mentioned that high popularity of servicemembers resulted, among others, from the presence of the armed forces in the furthest corners of the country. In the provinces, they are often the only representation of the state, and, conducting development missions, they contribute to the growing popularity of particular politicians, who eagerly use soldiers to conduct field campaigns (the case of Peru during Alberto Fujimori's presidency and in the 2011 campaign, as well as Guatemala, but above all Venezuela, Bolivia and Ecuador) (Norden; Pion-Berlin and Martinez 1–12, 44–76).

Thirdly, what turned out to be an important factor favouring the emergence of the military on the political scene was a security crisis and the need for strong leadership: a president with "strong-arm" rule, ready to take radical steps for the benefit of the citizens. Since the 1990s, we have seen a steady increase in crime and criminal violence in Latin America. Central America with an average of 25.9 homicides per 100,000 population, South America with 24.2 homicides per 100,000 populations and the Caribbean with an average of 15.1 are the sub-regions with the highest homicide rate in the world. In 12 Latin American countries, the number of homicides exceeds the threshold of 10 homicides per 100,000 populations. In the 4 most dangerous countries in the region, the number of homicides is higher than 40 homicides per 100,000 populations (Venezuela, El Salvador, Jamaica, Honduras). In the group of relatively safe countries with homicides below the global average (6.1 homicides per 100,000 inhabitants), there are only three countries (Argentina, Ecuador and Chile) (UNODC 13, 16–17; Dalby, Carranza). Under the conditions of permanent threats from organised crime groups, gangs and common criminals, security issues are identified by citizens as the main challenge for governments and have been a leading topic of election campaigns in Latin America and the Caribbean for years. Starting from 2006, presidential candidates in many countries (including Chile, Paraguay, Argentina, Uruguay, Brazil, El Salvador, Guatemala and Costa Rica) have

³ Morales outstripped Reyes by 36% (Montecinos 2010: 114).

been calling for radical action against criminals. Former military personnel joined the competition for the highest office in the state more and more often, and for a large part of citizens they were a guarantee of the effective restoration of public security.

Military and political parties

Political parties established in recent years by servicemen play significant roles on national political scenes. Although the government of Lucio Gutierrez failed in 2005 under the influence of social protests, the party founded by him, Sociedad Patriótica (Patriotic Society, PS), has remained the second force on the Ecuadorian political scene. In addition, it is worth noting here that the presence of servicemembers in Ecuadorian politics is not limited only to Gutierrez. Other military men, such as Paco Moncayo (an alcade of Quito since 2000, a deputy in the National Assembly in 2009–2013), Gen. Jose Gallardo (Movimiento Unión Cívica Independiente candidate in the 1996 presidential election and later Minister of Defence) and Col. Luis Fernandez, remain influential politicians (Montecinos 110–11). In Paraguay, Lino Oviedo created the third political force: Unión Nacional de Ciudadanos Eticos (National Union of Ethical Citizens, NUEC).

Central America also experiences a phenomenon of militarisation of political parties. It is particularly strongly present in Guatemala. Guatemalan Republican Front, the party established by Gen. Rios Montt, was one of the key political parties in the country until 2013. Additionally, in 2002 Gen. Otto Perez Molina entered the political scene with his Partido (Patriota Patriotic Party, PP). Currently, the leading force – almost 24% of votes in the 2015 election (Eliás 2015) – is nationalist Frente de Convergencia Nacional (National Convergence Front, NCF), founded in 2004 by a group of war veterans demanding rehabilitation and recognition of merits in the conflict, after unjust (in their opinion) accusations of violation of human rights advanced by those whose family members had been murdered and missing. A candidate supported by the party, Jimmy Morales, won the 2015 presidential election with 68.5% support (Martinez). The core of the party is formed by servicemembers, who led the anti-subversive campaign during the military dictatorship and after its formal end in 1996. Among the highest party ranks there are i.a. Lt.-Col. Edgar Justino Ovalle Maldonado, Gen. Luis Miranda Trejo, Gen. Cesar Cabrera Mejia (head of the G-2 intelligence during the rule of Vinicio Cerezo Arevalo (an adviser to the Minister of Health in Perez Molina's office), Cpt. Gregorio Augusto Lopez Gonzales (a member of the National Executive Committee of the FCN), Gen. Quilo Ayuso (currently a secretary of the party), who hold important leading positions. The names of the first three former officers appear within the context of mass murder at Coban (a recently discovered mass grave containing

316 bodies with traces of torture). According to the documents of the National Security Archives (NSA), the above-mentioned generals headed intelligence services or individual intelligence sections in Coban between 1982 and 1983. Heavy charges of human rights violation during the civil war have also been made against Gen. Quilo Ayuso. Apart from them, a list of candidates from the Chimiltenango department included Lt. Col. Alsider Antonio Arias Rodriguez, an owner of the “Satelites y Informatica SA” company, which provides security services to the Ministry of Internal Affairs, and Herber Armado Melgar Padilla, who in 2007 ran for a mandate in Quiche on behalf of FRG and for some time advised to President Coloma and Sandra Tores in UNE-2. The report submitted to the National Electoral Court shows that, in fact, the party is financed in 37% by the military (Villatoro). Interestingly, one week before the election 18 party members, former servicemen, were arrested and made immediately available to tribunals due to serious human rights violations. It was a deputy position and immunity that protected a leading politician, one of the party founders, Col. Edgar Ovalle Maldonado, from being arrested. The prosecutor’s office initiated a procedure for depriving him of immunity.

According to Felipe Montecinos the participation of retired servicemen in political parties differs from country to country (112). It means that not in all political formations, participation of servicemen is significant, both at leadership level and among rank-and-file members. In Partido Nacionalista del Peru (Nationalist Party of Peru, NPP) and Paraguayan NUC only the leader and a few high-level members have a military background. In Partido Socialista Unido de Venezuela (United Socialist Party of Venezuela, PSUV), GRF and Guatemalan PP there are many more servicemen, but they do not represent the majority either. In the Ecuadorian PS almost the entire leadership is made up of service members but their participation is negligible at the level of rank-and-file members. By far, the largest group of military members (until the time of the arrests) was within the Guatemalan NCF.

Regardless of the number of retired servicemen within the ranks of individual parties, all above-mentioned political formations are characterised by an army-like organisation. They differ from other political parties due to a strong hierarchical (vertical) organisational structure and chieftainship. The Ethnocacrista movement in Peru is organised on the basis of national commands. During elections, PSUV is divided into “battalions, squadrons, units and electoral combat units.” Full power rests in the hands of a party leader who runs the party *de facto* in an authoritarian manner. Additionally, election campaigns frequently include references to the fight in (e.g. during the re-election of Chavez in 2006). It seems obvious that people raised in the spirit of discipline from an early age (theoretically, the academy may be joined at the age of 17, but the army opens secondary schools) try to transfer this kind of organisation to their political formations and impose discipline in the first place. Militarised political parties in Latin America

can be divided into several trends: left-wing and anti-liberal (Hugo Chavez), left-ist nationalist (Ollanta Humala), right-wing populism (GRF, NCF). Regardless of whether they are located in the middle or on the left or right side of the political scene, they are always nationalistic. They guard the integrity of the state and the nation. Hence, strong opposition against the attempted separation of Crescent in Bolivia, Guayaquil in Ecuador, Zulia in Venezuela or autonomy of indigenous peoples in Guatemala (Montecinos 112).

Democratic control over the army

Civil-military relations relate to three actors. The first one is military institutions, whose culture, mentality and organisation method brings them closer or away from intervention. The second actor is a political class, which assumes or does not assume responsibility for the leadership of the state. The third one is society, which strongly supports democracy or is reluctant in the face of military intervention. According to Marcela Donadio (*Las relaciones civico-militares...*), effective civil control over the armed forces in Latin America is conditioned by three factors. Firstly, a type of professional mentality of soldiers. Values and codes accompanying a soldier from the moment of joining the army shape their thinking and create concepts related to the role and function of the army in the society and in the state, which, in turn, translates into interventional tendency. Identification with the nation and homeland, deeply ingrained in Latin American servicemen's minds, prompts intervention in the name of defending their sovereignty, integrity and protection of endangered national interests. Secondly, it depends on the attitude of citizens and their visions and concepts of the role and mission of the army in society. It should be remembered that military attacks in Latin America gained, and in the democratic period still enjoy, support of a large part of citizens – 53% of Latin Americans express their support for democracy), but, at the same time, over 60% of region inhabitants support coups in a crisis situation (Latinobarometro 10). It seems that a change of an attitude – social acceptance of an idea of democracy, support for democratic changes and strong opposition against militarism – may stop or at least seriously limit military interventions. When the armed forces are publicly assigned an alternative role to civilian power and the political class, the possibility of control is severely limited. Thirdly, taking over responsibility for conducting security and defence policy by civilians. Apart from necessary knowledge, qualifications and skills, elites also need courage and political will to introduce radical reforms, which frequently prejudice military interests.

Richard Kohn (29) points to elements necessary for the establishment of democratic control over the armed forces. A necessary condition is the existence of a stable democratic regime. Democracies in Latin America are mostly weak and

unstable. Key state institutions do not cope with basic problems: poverty and exclusion, intensifying social conflicts, crime and violence. The researcher draws attention to the need for developing a vision and strategy of organisation of relations between civil authorities, society and the armed forces in the conditions of democracy and peace. Meanwhile, countries of the region still lack long-term policy, consistently and consequently implemented against the armed forces. Political authorities in the countries of the region do not pursue any previously prepared strategy, but rather act *ad hoc*, responding to specific moves of the army and its members. Another necessary factor is political will and determination of the ruling class in making changes. Meanwhile, political elites are characterised by the lack of courage and political will to implement necessary reforms. According to Arevalo de Leon (122), a conservative attitude is characteristic of political classes in states with authoritarian past, where militarism is still deeply rooted. Fearing a reaction and a possible intervention of the armed forces, the elites avoid making decisions or introducing changes that could in any way prejudice fundamental interests and undermine a position of the army. Another reason is strong informal connections between a political class and military establishment. The last but by no means least important factor indicated by Richard Kohn is the consent of the armed forces to withdraw from the political life of the state. The return of servicemen to the barracks after decades of civil wars and dictatorships, and ceding power to civilians did not, actually, mean resignation of the armed forces from participation in the political life and consent to changing their current status and limiting functions of the army. It should be remembered that processes of transition in Latin American countries did not result from actions of the political class and citizens, nor did they occur due to weakness of authoritarian regimes (except Argentina), but they rather resulted from decisions of the armed forces. Civil governments established in the first period after the end of military operations failed to change a position and role and limit the influence of the armed forces. On the contrary, the servicemen strengthened their economic and political position and secured their interests as an autonomous actor of the political system. Using its good organisation and the weakness of the civil institutions, the army took control over the processes of democratisation, which enabled it to effectively block all initiatives aimed at limiting its privileges and prerogatives, and consequently dominating civil-military relations.

Civil leadership in Ministries of Defence

To speak about subordination of the armed forces to the executive, at least three conditions must be met. Firstly, Ministries of Defence are authorised to design and coordinate security and defence policies, establish organisational criteria for the armed

forces and plan financial resource, and must be able to act as a mediator in relations between the armed forces and the society as well as a coordinator regulating cooperation of the armed forces with other ministries within the scope established by the constitution and lower-level legal acts. Secondly, a defence sector must be *de jure* and *de facto* coordinated by a member of the government: a civilian nominated by the President of the republic. Thirdly, among high-ranking public officials, there must be specialists able to cooperate with the army and to develop, manage and supervise national defence and security policy (Manaut, Sotomayor 408).

Reorganisation and demilitarisation of Ministries of Defence was one of the priorities of reforms in a defence sector. It was rightly considered that strengthening civil control requires institutionalisation of relations between the armed forces and politicians. New Ministries of Defence were intended to be the core of the reorganised system, therefore creating them from scratch or reforming the existing ones was primarily aimed at strengthening minister's position, granting him a number of crucial competences within the scope of formulating defence and security policy, including development of military plans, strategies and doctrines, but also organisation and providing the armed forces with necessary supplies.

In Latin America, there are greatly diversified models of organisation of Ministries of Defence, ranging from those which are specialised institutions of the executive power and control the armed forces that recognise the Ministry's responsibility for the shape of defence policy and supremacy of the executive; through those which subordinate to its orders; to models with a high degree of autonomy of the armed forces, which are only responsible to the president as their commander-in-chief. A characteristic feature of the countries of the region is the institution of *jefe militar*, who is assigned various roles, depending on the accepted model. In the first variant, which results from the historical process of autonomy of the armed forces and traditional domination of the ground forces, the commander-in-chief of the army has ministerial powers and contacts the head of state directly, bypassing a Minister of Defence. The second variant includes a position of general commander of the armed forces, who occupies a higher position in the structures than a commander of particular types of armed forces, yet he acts as a coordinator, not the actual commander-in-chief. The first variant refers to a model of management of the armed forces by the Ministry of Defence which may be found in Argentina, Chile, Peru and Uruguay. In Colombia, following an identical model, the Ministry of National Defence serves only administrative functions. In Brazil, in turn, the Ministry, which, in the light of the legal act, exercises control over the armed forces, is only an advisory body of the President, who is the commander-in-chief of the armed forces. Such inaccuracies and sometimes even obvious contradictions hinder effective supervision over the military sector and make effective control over the army dependent on the quality of leadership. Examples of the latter solution, in which the head of the armed forces closely cooperates with the President

and is dependent on him, are Bolivia and Ecuador. In both these countries, there is a strong tradition of controlling the army by the President, which was strengthened during the rule of the left-wing populists. What Ministers do is only following presidential orders. When assessing the effectiveness of exercising democratic control over the army, it should be stated that the Ministries of Argentina, Chile, Uruguay, Brazil, Bolivia, Peru, Honduras and Nicaragua perform their tasks most effectively. An excessively high degree of independence and autonomy of the armed forces as well as poor control are observed in the case of Ministries in Guatemala, El Salvador, Paraguay and Ecuador (Pion Berlin, Martinez 45–9).

Governments of Latin American countries have serious problems with demilitarisation of Ministries of National Defence, which, contrary to specialists' recommendations, remain strongly militarised in most states. It mainly results from the fact that currently, servicemen are primarily the only specialists in the area of defence and security, while civilians have still little influence on the shape of defence policy. Great credit in this respect is earned by servicemen themselves, who treat policy of security and defence solely as a sphere of influence of current and former members of the armed forces and effectively block the development of civil scientific centres, which could and should educate independent specialists. However, it should also be noted that civilians do not show particular interest in the subject of defence. As a result, civil personnel are present in the structures of ministries, but almost exclusively at the lowest and medium level and have no decision-making powers. The highest positions, including the position of Ministers of Defence, are often occupied by either former military personnel or active generals or colonels. Interestingly, the legislation of all states in Latin America allows a service member to hold the position of a minister of defence (and others). Significantly, in four countries, namely Ecuador, Guatemala, Mexico and the Dominican Republic, the Minister must be a soldier. Without a legal ban, politicians are free to choose their ministers. Sometimes they prefer to choose a serviceman for the post of a Minister of Defence. Considering the competence criterion, the knowledge of military and security issues, it is easier to nominate an active general or a retired one, who knows problems and the environment, and often enjoys the respect of other servicemen, than a civilian-layman without an established position among members of the armed forces. At the end of this section of deliberations, it is worth noting that demilitarisation of Ministries of Defence progressed most considerably in 2003, when 88% of all Ministers of Defence in Latin America were civilians. Since then, we have observed the process of remilitarisation of the Ministries. According to the latest data (2016), 53% of the Ministers of Defence in Latin America are civilians, and 47% – servicemembers, 35% of whom are still active ones, and 12% – retired generals. While remaining critical in the assessment of a demilitarisation process, it should be noted that 20 years ago, only 38% of ministers of defence were civilians (Pion Berlin, Martinez 57).

Insufficient parliamentary control

Parliamentary control is also insufficient. There are very serious discrepancies between theory and practice. In theory, parliamentary control covers such areas as the declaration of the state of war and peace, approving the budget and expenses of the armed forces, allocation of troops, creation of laws, nomination and promotion of officers (Sotomayor 6). In practice, parliamentary control is very weak, which results from several reasons: firstly, the lack of professionalism of parliamentary staff; secondly, a key role of former servicemen in the security and defence committees (Chile, Brazil, Mexico), who are more interested in securing interests of the army than imposing and exercising control. In addition, parliaments do not have adequate competence to monitor the armed forces' policies and budgets. In Brazil, Chile, Ecuador, El Salvador, Guatemala, Nicaragua, Peru and Venezuela, congressional approval is not required when nominating officers.

Functions of the armed forces in Latin America

In recent years, the increase in the position and role of the armed forces is manifested through the development of a list of their responsibilities. Currently, the armed forces (mainly ground forces) under the constitution (Bolivia, Ecuador, El Salvador, Honduras, Peru, Suriname) or laws, or decrees/ordinances (Chile, Colombia, Cuba, Guyana, Nicaragua, Mexico, Paraguay, Dominican Republic, Venezuela) perform development tasks related to the construction of infrastructure, development of education and literacy of society, environmental protection (in the whole region, but mainly in countries governed by the “new left-wing”), poverty eradication (Argentina, Venezuela, Ecuador), providing aid to victims of natural disasters (Central America, Caribbean, Chile) and providing medical care (Uruguay) (Velazquez; Kruijt 105). This raises serious concerns: on the one hand about professional preparation of military personnel to perform these tasks and manage funds professionally, and on the other – about arousing political ambitions among servicemen, who want to use their popularity to build capital and political position (the case of servicemen in Venezuela during the presidency of Hugo Chavez). However, taking the risk seems necessary due to the weakness of state institutions. It should be remembered that in the majority of Latin American countries only the armed forces have the infrastructure to carry out long-term projects.

Much more controversy is caused by entrusting the armed forces with political and police functions. In connection with the dynamic growth of criminal and organised crime in the 1990s and in the first decade of the twenty-first century, the army in Latin American countries is again entrusted with responsibility for public safety. Civil authorities are under public pressure, demanding quick results

and spectacular actions. Politicians willingly refer to populist solutions, hoping for improvement of pre-election ratings (so-called penal populism). Another thing is that the armed forces themselves feel responsible for this area and willingly take responsibility for citizens' security. Nowadays, the armed forces in Latin America are used to settle political disputes (Ecuador) as well as, under decrees (Guatemala, El Salvador, Honduras and Mexico) or under the constitution and laws to pacify demonstrations (Mexico, Venezuela, Peru, Guatemala), guarantee public security and fight against crime (states of Central America, Mexico, Brazil, Ecuador, Bolivia, Venezuela), or to regularly fight against drug trade (Mexico, Colombia) (Kruijt 105–106). It is worth noting that by introducing such solutions, civil authorities limit their own power and allow the army to strengthen its position and expand prerogatives.

Conclusion

The experiences of the last two, and in some countries even three decades of transformation, seem to confirm that reform programs in a defence sector and in the armed forces themselves, willingly proclaimed by politicians and medially publicised, as well as the actions taken to completely exclude servicemembers from politics, have turned out to be unfeasible in post-authoritarian realities, in the conditions of transition controlled by the army, existence of non-constitutional centres of power in the form of influential interest groups, not only economic, but also originating from veteran communities (war veterans associations) and patron-ridden connections developed between various interest groups in the years of dictatorships and wars, interested only in maintaining the political and social *status quo*. The changes are seriously hampered by growing social problems: poverty, social exclusion as well as a sharp increase in (common and organised) crime and accompanying violence with total helplessness of weak and ineffective state institutions responsible for security.

The crisis of democracy, expressed by a significant decrease in public trust toward the state, its institutions and representatives, growing frustration and disappointment due to the economic situation, as well as the sense of threat from criminal groups and paramilitary formation (death squads), which is present in the society, have created favourable conditions, firstly, for holding a strong position by the army and expansion of its sphere of influence, and, secondly, for return to power, this time through democratic elections. Numerous sections of society which are disappointed with the neo-liberal rule of civilian politicians, who have not contributed to the improvement of the economic situation, nor have managed to stop the growing wave of violence, have turned to “politicians in uniforms,” proposing in some countries revolutionary societal, economic and political changes

(Venezuela, Bolivia, Ecuador, Peru), and in others (Guatemala) – “strong-arm” rule in difficult and dangerous times. Citizens of Latin American countries have, actually, agreed to limit democracy (introduction of people’s democracy) in the name of social inclusion, reducing social inequalities and increasing security.

The militarisation of politics in Latin America used to be justified with the instability of democracy, a historically established role of the army, instability and inefficiency of political institutions, a crisis of representation and public trust in the state and its institutions. Actually, the more developed political culture, expressed by a high level of legitimacy of power, the existence of compromise between transferring and taking over the power, a high level of public trust, the efficiency of public institutions, a low level of corruption and existence of civil society, the smaller the chances of military intervention. In countries where democracy enjoys more significant support (Uruguay, Argentina, Chile and Panama), service members are almost absent from politics, while in countries where support for democracy is weaker (Peru, Paraguay, Guatemala, Honduras), the participation of servicemen in politics is significant. Additionally, engagement of servicemen in politics is undoubtedly correlated with social support for a coup d’état. The higher the social acceptance for extra-constitutional actions of the armed forces, which is very high in Latin America, the greater the presence of servicemen in politics. Increasing position and role of the armed forces is possible due to insufficient institutional democratic control over the armed forces, and on the other hand – extending the scope of the army’s competence to include development tasks, but mainly those related to security.

Summing up the deliberations regarding civil-military relations in Latin America, I am inclined to formulate the following conclusions. First of all, the majority of servicemen have accepted electoral democracy as “the only game in the city” (Stepan and Linz), in which elections are the only way to acquire and legitimise power. Secondly, servicemen are currently striving after strengthening their position at democratic governments rather than after overthrowing them. Thirdly, the armed forces have conditionally accepted civil power and democracy, while securing themselves considerable autonomy that ultimately prevents the consolidation of weak and young Latin American democracies. Admittedly, the era of military rule and military coups has ended, but it does not mean the end of militarism and military intervention in political and social affairs in Latin America.

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Towards Homes and Graves **About the Returns, *Desaparecidos*¹** **and Exhumation Challenges in Peru** **at the End of the Twentieth Century**

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Abstract

The article concerns the wartime history of Peru and examines both top-down and bottom-up practices of accounting for the internal conflict of 1980–2000, which were initiated in the background of the warfare. The aim of the article is to discuss the connections I observed between the phenomena referred to in the title: return migrations of the inhabitants of the central-southern province, their search for the victims of forced disappearances, as well as the exhumation challenges emerging since

¹ The article contains a few examples of borrowings from Spanish, which concern various categories of war victims. The translation of majority of them into English is possible, but I have chosen the Spanish terms as they are commonly used in scientific literature also in the English language. This is due to the fact that they literally express the social and cultural idiosyncrasy of the Peruvian conflict, and therefore seem more precise. All of them, however, are explained in the text. The first one is *desaparecido*, a participle of the Spanish verb *desaparecer*, meaning

the beginning of the war. In other words, the text constitutes an attempt to contextualise the above-mentioned issues given competing versions of memory about political violence in the Andes, with particular focus on their top-down determinants in the *Fujimorism* era.

Keywords: Peru, internal conflict, forced disappearances, return migrations, *Fujimorism*, memory studies, forensics, exhumations

Introduction

The article was written at the time when the interest in the exhumation activities in Peru, observable, above all, towards the end of the 2000s and at the beginning of the 2010s, waned and was already on a clear decline. In the very heart of the mentioned exhumation efforts was not only the necessity to investigate and document the acts of human rights violations from the period of internal conflict (while constituting an obvious and objective premise) but also the “epistemological optimism” (Rojas-Perez 10–14), commonly manifested at that time by victims of political violence and resulting from their belief in the objectivity of forensic science as a source of truth and justice (i.e. a relatively subjective factor).²

The analysis performed in the article looks behind the current turns in reconciliation policies. It considers selected problems of the Peruvian internal war which took place in 1980–2000 and was fought mainly in the rural areas of central-southern highlands (in the sense of the intensity of military operations as well as the scale of social costs generated by them).³ The adopted narration is a dialogue

“to disappear” (which in a literal translation into English would mean “the one who has been disappeared”). In legal jargon this term refers to the victims of forced disappearances, even though its detailed definitions as set forth in international and national legal references may differ considerably. In the text I use it interchangeably with the English term *detained-disappeared*. The problem of the ambiguity of the phenomenon in the context of the political violence in Peru and other Latin American countries is discussed further in the article.

² The article was written on the basis of multi-sited fieldwork in Peru, primarily a research visit under a grant from the National Science Centre (NCN) no. 2018/02/X/HS5/00173. This text is an updated version of the publication in Polish (Pietraszczyk-Sękowska, *Powroty (po)do bliskich*), expanded by adding the results of the research on top-down and bottom-up politics of memory during the *Fujimorism* period.

³ It was the last (in terms of the outbreak period) internal armed conflict in Latin America, considered at the same time to be one of the bloodiest (see i.a. Portocarrero, Degregori, *Qué difícil es ser Dios*; del Pino, Manrique, Uceda, Śniadecka-Kotarska, *Być kobietą w Peru*; Jiménez, *Los Muertos de Ayacucho*). It was fought mainly between state actors and Maoist organization of Shining Path (struggling to take over the power in the country) and it claimed at least 70,000 victims. What is important from the point of view of the conducted analysis, is that the epicenter of the conflict was located in the department of Ayacucho. It was where I carried

with the wartime history of Peru, and, first and foremost, discusses the origins of the phenomena referred to in the title: return migrations and their relationship with the realities of searching for *desaparecidos*. At the same time it forms an attempt to contextualise both the problems against the already competing reveals of memory about the era of violence and emerging exhumation challenges. The assumed perspective focuses, therefore, on certain aspects of investigating Latin American internal conflicts that are slightly different from those dominating in the literature and aims at showing how differences in bottom-up and top-down narrations about the course of armed operations and versions of return policy influenced the “fate” of Peruvian *desaparecidos*. This is understood above all as an opportunity to search, exhume and examine their remains.

Around return migrations and their associations with searching for *desaparecidos*

Research into the Peruvian conflict clarification processes should start from looking at the events heralding the progress of pacification, while, at the same time, remaining considerably ahead of the birth of postwar reconciliation philosophy. One of the most important issues in this respect is the phenomenon of return migration, developing non-institutionally on the initiative of the *desplazados* (displaced persons)⁴ since the end of the 1980s and controlled by the state since 1992 (when it became the subject of A. Fujimori’s government policy as one of elements of reparative actions initiated for the benefit of victims of the conflict). Back in those

out research in the years 2006–2010 on the role of the peasant population in the conflict, concentrating my work primarily in the north-eastern part of the department. The current project, concerning the conditions of exhumation interventions in postwar Peru, has been implemented since 2015 in a similar area, and was expanded under the NCN “Miniature 2” grant by the central provinces of the department. More detailed information on the area and period of research during which the materials used in the text were collected is presented in appropriate fragments of the article.

- 4 The analysis of the phenomenon of returns requires signalling of the scale of displacements during the conflict. However, determining this scale has been hindered up to this day due to a variety of reasons; the crucial one apparently being the lack of research among *afectados* and thus the lack of data on the scale of the phenomenon during the first decade of the war. As a result, first estimates given in the 1990s by the NGOs and government agencies included a considerable margin of error, as they varied from 430 000 to 600 000 displaced (see e.g. *Los Desplazados* 17–18, Lozano Martínez 43–4). However, this data does not cover the entire period of the conflict, this is why nowadays it is estimated that in 1980–2000 the problem of displacements could have affected up to 1 million Peruvians (based on CVR, *Hatun Willakuy* 386; Lozano Martínez 43–4, as well as the research among *afectados* and aid organizations in Ayacucho in 2007, 2010, and 2019; in VRAE in 2006–2007; in Huanta and its surroundings in 2007 and 2016; and in the Putis zone in 2015–2019).

days, the apparent new dynamics of former war refugees' mobility made it possible to interpret the problem in relation to the global tendencies, clear at that time, including, above all, the processes of strong differentiation and increasing complexity of migratory behaviour (Skoczek, *Zmiany mobilności przestrzennej ludności Ameryki Łacińskiej* 275). In this way, the discussed phenomenon began to take on the characteristics of pendulum migrations described in the Polish literature by Dariusz Niedźwiedzki. In his opinion, these have global features on the one hand, yet on the other they take the "form of individual phenomena, often arranged according to unique scenarios" (9). The processes of heterogenisation of migratory and adaptive strategies also became a characteristic feature of Peruvian *retornantes* (returning migrants), quickly translating into difficulties in examining and parameterising the problem (Barrantes 5; Rodriguez & Espinosa, Lozano Martínez 15–21; *Los Desplazados* 31–4; Mesa Nacional sobre Desplazamiento 43–54). However, a clearly decentralised nature of their migratory behaviours, placing them in the panorama of global tendencies, resulted from a number of local factors, of which at least three are worth mentioning.

The first factor concerns "overlapping" which at that time happened between the returns and the mobility of the population against the economic background (lasting from the prewar period and caused by the crisis of postfeudal agricultural economy in the region) and the still occurring displacements (their first wave appeared already at the beginning of the conflict, i.e. in 1982–83). The second factor, was paradoxically the lack of circumstances appropriate for return migration, both in the sense of security in many regions of *retornantes'* origin (military actions, calmed down in the highlands in the late 1980s, escalated at that time in the areas of coca cultivation in the valleys) and infrastructure condition (due to destruction of villages by both parties of the conflict, as well as devastation of roads and electrical installations caused mainly by the *senderistas*). The third factor was the temporariness of adaptive strategies of return migrants, obviously connected directly with the above conditions, but also with the individual character of their needs as *afectados* (those affected by the conflict), which for other actors of the Peruvian war may not have been evident (the problem will be discussed in details later).

Despite obvious difficulties, both the victims of displacements and state institutions attempted to organise returns, guided by at least partly convergent reasons. It seems that the most important was the overpopulation of towns and cities overloaded in the 1980s with successive waves of refugees (usually moving along a common axis of escape: from the place of origin to counterinsurgency villages-bases, then through provincial urban centres and capitals to coastal cities and Lima, being for many the ultimate destination of migration). For both sides, overpopulation of urban centres generated the problem of broadly understood security reasons, difficult living conditions and complicated social relations, dominated by discriminatory practices and the stigmatisation of newcomers (*Los Desplazados* 21–5; CVR,

Hatun Willakuy 372–4; Śniadecka-Kotarska, *Być kobietą w Peru* 143–8; Zevallos Trigos 50–55; Rodriguez & Espinosa 7–11; Lozano Martínez 47–53). Thus, negative consequences of displacements brought about joint initiatives undertaken by their victims and representatives of different levels of authority. In case of the former, cooperation with the administration of Fujimori was so beneficial that its return policy was based, at least officially, on two processes. The first was the standardization of both *retornantes*' security conditions (by introducing, among others, a requirement of collective nature of the undertaking, official registration of a community and a local self-defence group, as well as obtaining the consent of the army to return under its escort), while the second included the rules for access to reparation projects aimed at resettlement of the areas affected by the conflict (by launching the Resettlement Program, PAR, whose funds, largely coming from UNDP aid, were invested both in return actions, reconstruction of damaged infrastructure and creation of facilities to improve the standard of living in hard-to-reach rural areas) (Barrantes 6–9; *Los Desplazados* 16–17; Śniadecka-Kotarska, *Od populizmu i umacniania demokracji* 378–9; Lozano Martínez 24, 43–44).

However, the motivation of returning migrants consisted of a number of subjective factors, among which the most important was a desire to collect back remaining belongings from the destroyed houses and to confirm ownership rights to the “fatherland”. Another reason, of the crucial significance for these considerations, was the need to find relatives missing as a result of various mechanisms of the civil war, in practice usually coexisting with the need to determine the location of their anonymous graves and organisation of a dignified burial. In this way, the experience of return became inextricably associated with the problem of victims of so-called forced disappearances, or *desaparecidos*.

Along with intensifying processes of searching for the latter, a social phenomenon emerged, soon becoming, like in other countries of the region, a crucial element of the realities of the internal conflict and gradually gaining popularity as a research issue. However, undertaken discourses, both scientific and humanitarian ones, placed the phenomenon of Peruvian *desaparecidos* and the behaviour of their families primarily within the frames of studies on human rights and social memory (for more see Tamayo, Rojas-Perez, CVR, *Las desapariciones forzadas, Los Muertos de Ayacucho, Desaparición forzada en el Perú*). The approach used in this article is developed on the margins of this perspective. During the analysis of war adaptive strategies of internal migrants, I paid attention to the practice of searching for victims of forced disappearances as an important determinant of the dynamics of returns initiated bottom-up by *desplazados* already in the 1980s. Although an observed connection was not always direct, it always occurred, at least indirectly and grew in importance with the progress of the conflict. In the decade of the 1990s both phenomena created a self-reverting mechanism, in which the need to search for *desaparecidos* determined decisions on return organisation, which,

in turn, constantly increased the scale of search and multiplied reveals of its social and political consequences.

The resulting specific *modus operandi* of communities that had experienced political violence will be analysed in the next subsection. It is worth explaining here that the phenomenon of Peruvian *desaparecidos*, while constituting the background of the described processes, had several distinguishing features as such. First of all, unlike in the case of the military dictatorships' context dominating in Latin America, "disappearance" of civilians in Peru was initiated and developed during the democratic rule (paradoxically, the outbreak of the conflict in 1980 took place during the first free elections from over a decade). Moreover, while in most countries of the region the practice of forced disappearances was relatively selective and clearly focused on the middle class, in the case of Peru it was conducted on a massive scale and, at least in statistical terms, concerned to the greater extent the rural population, decimated as a result of arrests both in villages of origin, during escapes and in the places of residence as *desplazados*. For it is worth noting that since many arrests occurred in cities and were conducted by the military, the case of Peru seemed to resemble other states of the region. It should, however, be remembered that in Peru a real plague of detentions-disappearances concerned *barrios* inhabited by communities of migrants from the countryside (both economic, who had come to live there before the conflict, and war refugees), whereas middle class from the cities – wiped out by arrests under dictatorship in such states as Chile or Argentina – less frequently fell victim to forced disappearances, as for the government forces they were not such an easy prey as young people from "invisible" families of Andean origin. Moreover, Shining Path completed the work of terrorising the inhabitants of villages with forced disappearances. A vast majority of its victims came from the countryside, from where they were abducted both for forced recruitment and physical elimination of *comuneros* accused of being in favour of the government.⁵ Last but not least, the case of Peru is not obvious in terms of perpetrators, which once again distinguishes it from the case of Latin American dictatorships and at the same time makes it similar to other civil wars in the region in the second half of the 20th century (most importantly, the war in Guatemala and, to some extent, the war in Columbia). For it is undeniable that the majority of Peruvian *desaparecidos* from the period of the internal conflict were victims of the uniformed services and that at least twice the anti-government forces also contributed to the disappearances of the inhabitants of the province. First of all, many civilians who objected to them were abducted and executed in remote places, the location of which was unknown to anyone outside crime perpetrators. It was gradually established only upon the first returns and then searching for

⁵ In order to compare the realities of forced disappearances in different countries of the region see also Crenzel, Tarczyński, Dinges, CVR, *Las desapariciones forzadas, Desaparición forzada en el Perú 20–8*, Rojas-Baeza and *Los muertos de Ayacucho*.

so-called clandestine burial sites. Secondly, the revolutionaries would regularly perform forced recruitment, mostly among young people and without informing their families about the future fate of the abductees; as a result, many of them still have the status of *desaparecidos*.

The above-mentioned circumstances inevitably led to the emergence of terminological inaccuracies. Therefore, the social perception of the phenomenon of *desaparecidos* has for years been different from its definition in the national and international law. While the affected population would use this term to refer to all of the disappeared during the internal conflict (regardless of who was the perpetrator of crime), both the Declaration of the UN from 1992 and the Inter-American Convention signed two years later, as well as the national criminal law provisions patterned on them, referred the term *desaparecidos* only to the persons who had gone missing as a result of the activities of “state agents.” However, the Truth and Reconciliation Commission, established in 2001, recommended that the definition be expanded, acknowledging – in accordance with the Statute of the ICC – that the perpetrators of the forced disappearances may also be “political organisations”. As a result, it was only the law passed by the Peruvian Congress in 2016 that included all of the persons who had gone missing during the internal conflict under the term *desaparecidos*.⁶ This is why – even though the scale of forced disappearances conducted by the anti-government forces in the strict sense was limited

⁶ See Gutiérrez, CVR, *Las desapariciones forzadas* 55–8, Baranowska 39–55 and *Ley de Búsqueda de Personas Desaparecidas durante el Periodo de Violencia 1980–2000*. In the light of the above-mentioned circumstances it does not come as a surprise that establishing the scale of the phenomenon also presents considerable difficulties. Out of all the data available, the only one that does not raise any doubts is the data on differences between the scale of the problem in particular regions of the state (among which the department of Ayacucho invariably remains an epicentre of disappearances since the beginning of the war; in the first half of the 1980s, 90% of officially reported detentions-disappearances came from the north-east part of the region; see Tamayo 97–8, CVR, *Las desapariciones forzadas* 65–71 and *Iniciativa de desaparecidos* 2–4). When it comes to the number of all *desaparecidos* during the conflict and the responsibility of its particular actors for the scale of the phenomenon, the available data changes continuously. Whilst the CVR’s Final Report from 2003 mentioned about 8,500 cases of disappearances (see CVR, *Iniciativa de desaparecidos* 2, *Los Muertos de Ayacucho* 29), during my research in Peru in 2019 they amounted to more than 20,000 persons (with the restriction that this number will rise along with the progress of forensic activities). When it comes to the participation of the state and subversive forces in the phenomenon, the CVR report estimates the first to be 44% and the latter – 34%. Thanks to the first (though still incomplete) forensic interventions in military bases which began in 2005, nowadays the government’s side is known to be much more accountable both for the scale of forced disappearances and for other war crimes. The data discrepancy presented above does not, however, undermine the competences of the CVR commissioners in any way. It is because the root of the problem is primarily the terminological reductionism, as signalled above, characteristic of the early research on forced disappearances as well as the trauma (both group and individual) caused by their plague, which has still been hindering the parametrisation of the phenomenon, many years after the end of the military

compared to the standards of the state activity – in the text I consider the problem as a crime committed by all of the actors of the war. Nevertheless, I pay the closest attention to the actions of the government's side and its consequences. It is because forced disappearances conducted by the remaining military actors did not so strongly bear upon the behaviour of the families of *desaparecidos*. What they generated was a much less “tactile” phenomenon, hard to fight in any way – neither on the level of a social protest, nor in terms of attempts to establish possible places of detention of the missing persons (even though the relatives of the victims did take up these challenges, to a limited extent).

About the problem of Peruvian *desaparecidos* and search circumstances during the conflict

In the case of Peru, the first traces of links between the realities of the internal conflict and the practice of forced disappearances applied by its actors occurred in the public space at the beginning of the military operations. In February 1983, the Ministry of Public began to receive reports on arrests of civilians submitted by their families, who not only had never been provided with either a detention order or grounds for detaining their relatives by law enforcement agencies but also had been refused the information on the place of isolation or the further fate of their loved ones. In the first half of the 1980s, similar documents came into Lima almost exclusively from the epicentre of the conflict, namely the Ayacucho provinces and were mostly submitted by mothers and wives of the arrested. Bottom-up attempts to prevent the phenomenon of forced disappearances and clarify its former cases did not, however, receive any response from the state for the next several years, during which the problem spread to further regions of the central-southern up-country and, depending on the current situation in each of them, intensified cyclically (for more see Tamayo, CVR, *Las desapariciones forzadas*, Śniadecka-Kotarska 104–10).

The escalation of the phenomenon in the first years of the conflict was tactically determined. In the case of the practices of Shining Path, it was a result of intensified forced recruitment in villages and, parallelly, abductions and murders of peasants, whose growing resistance to the revolution brought about increased terror of the group. When it comes to the government forces, detentions-disappearances, in connection with extrajudicial executions and collective massacres, became an important element of their strategy to fight the “invisible enemy”, identified by uniformed services in a non-selective way inside various social sectors, including

operations (based on the research in Lima, Ayacucho, Huanta and the Putis zone in April-May 2019).

on a massive scale among the Quechua speaking rural population. Becoming a clear part of the counterinsurgency strategy, subsequent waves of detentions-disappearances were to turn into a kind of *blitzkrieg* with Maoist ideology, as a result of which they were not associated with basic human rights violations both in relation to the “arrested” (in the first place their right to life, but also the presumption of innocence, a judicial trial or contact with relatives) and their families (including the right to truth and information).⁷ The consent of the highest civil and military authorities, as well as the mainstream of the society meant that the phenomenon of forced disappearances became an immanent part of the reality of the Peruvian conflict, gradually expanding not only its social and geographical boundaries, but also the semantic ones; with the progress of the pacification, the Peruvian *desaparecidos* became not only the victims of “classic” forced disappearances (that is abductions from homes, schools and streets where they were last seen alive), but also those “disappearing” during collective massacres and individual executions, whose bodies could not have been identified or buried by their relatives (most often due to the need for running away from the crime scene or hiding the relationship with the victim murdered because of their political sympathies other than the perpetrator’s).⁸

Moreover, the methods used to develop the practice of forced disappearances and related disinformation campaigns about their victims were almost from the beginning of the conflict multifaceted. And so, launching of the ill-practice was accompanied by a fight against social actors attempting to halt it and account for it; bottom-up and top-down leaders of the search for *desaparecidos* were not only subjected to defamation and intimidation, but also physically liquidated, and the families of the victims were stigmatised as not only favouring terrorists, but even belonging to terrorist organisations themselves or as being financed by them. Due to a total nature of the state’s pacification policy in the conflict area – consisting in the gradual expansion of the scope of the state of emergency, increasing competences of the armed forces and, at the same time, limiting access to information to all non-military entities – forced disappearances remained a barely known problem outside the circle of the directly affected families. In this way, the phenomenon developed for over a dozen or so years beyond the awareness of a large part of the society, which, knowing little about the realities of the war in the upcountry, adopted passive attitudes towards the fate of its victims or uncritically agreed with

7 Rich selection of literature dedicated to the activity of the government forces in the Andes which is worth consulting includes, among others, an extensive work of R. Uceda, in which he reveals the ways of treating and eliminating the civilians in garrisons, until now concealed by the government; to read more on the attitude of the uniformed services towards the conflict in the province, see e.g. Gorriti, Tapia, Kruijt & del Pilar Tello, and Stelmach.

8 Based on the research in the upland of Chaca in 2009, in Huanta and its outskirts in 2010 and the Putis zone in 2016 and 2019.

the state policy, connoting the context of detentions-disappearances and protests against them with links with terrorism (Tamayo 95–126; Śniadecka-Kotarska, *Być kobietą w Peru* 102–15; *Desaparición Forzada* 28–35; Rojas-Perez 4–32).

Both top-down and bottom-up aversion towards the activities of *desaparecidos*' defendants favoured effective denial of their narratives and negation of their rights, multiplying the dimensions of *victim blaming*, used towards families and their missing kins. In case of the former, the experience of the permanent lack of support from the state and the frequent accompanying persecution often translated into a conviction of total impunity of the uniformed services in the zone of emergency, and a related profound sense of personal impotence. In the case of the latter, the fact of being a victim of detention-disappearance meant that the kidnapped "disappeared" in an increasingly permanent manner; a simultaneous break of their material and immaterial presence in the social space through the lack of information about their fate (including a type of guilt, access to a trial, or even a location of the body and a possibility of burial) weakened memory and translated, as always in similar cases, into specific denial of existence and a resulting deprivation of the right to identity (Rojas Baeza 51–109; O'Brien 184–8, Sendyka).

In the face of similar experiences, the behaviour of *desaparecidos*' families was dominated by the commonly known mechanism, according to which the spaces within which people suffer from a grievous lack of their kins, get gradually filled with the memory of them (Ricoeur, Jelin, Kaźmierska). Hence, despite the complexity of the contexts of their struggle, the attitude of *desaparecidos*' relatives remained unbroken. It manifested not only through a discipline of filing court notices and searching for opportunities to cooperate with external actors, observable from the beginning of the conflict, but also through mutual support in the face of both the experience of losing kin and the systematic persecution by state officials. As a result of the correlation of the above-mentioned factors, the first organisations of *desaparecidos*' families were founded as early as in 1983. It was also the time of initiating marches under the slogan "No mataras" ("Do not kill") in Huamanga which aimed at drawing attention to the problem and establishing a cooperation with national and international human rights organisations. This in turn led to creating a new dimension of the fight which took the form of social dialogue, scientific meetings and the first legal solutions (see Tamayo, Śniadecka-Kotarska, *Desaparición forzada en el Perú*, Rojas-Perez).

The activity undertaken by *desaparecidos*' families and actors supporting them ensured the *continuum* of the problem in the public space of the province. Throughout the conflict, the size of the community manifesting its opposition against the ill-practice of forced disappearances and demanding information about the fate of the victims, was, however, negligible in relation to the magnitude of the phenomenon. As a result of experiencing terror and trauma caused by the conflict, especially in the rural areas, the majority of the upcountry inhabitants limited their search

for missing relatives to inquiries at the nearby seats of state institutions, clearly avoiding disclosure of their activities. Limited participation of villagers in the public struggle against the phenomenon of detentions-disappearances was also determined by an objective factor related to the fact that rural areas were to a much greater extent than cities confronted with the problem of collective massacres and consequential displacements. As a result, the rural population – dispersed and disoriented among strange receiving societies, most often relying on only basic livelihood and stigmatised due to its social-ethnic roots (meaning peasant and indigenous) and geographic origin (which at that time connoted links with terrorism) – had very limited possibilities of taking actions supporting the rights of the detained-disappeared.⁹

This situation changed gradually together with successive waves of return migrations, which, generated among others by the need to search for missing relatives, added a new impulse to the phenomenon. In this way, at the turn of the 1980s and 1990s, there was already a mentioned above strong correlation between the migratory behaviour of those affected by the conflict and the practice of searching for the missing kins and their graves, which, among other things, resulted in a significant escalation of both phenomena. When analysing the mechanism of this dialectic, one should emphasise that it did not mean that the mobility models of *afectados* looking for their relatives were similar (even in case of a seemingly homogeneous category of migrants, namely *retornantes*). The researched phenomenon consisted of very different scenarios, at least three of which should be indicated here. A large part of cases significant from the point of view of the article concerned displaced people who first made a decision to return and officially obtained the status of *retornantes*, and, having settled down in war-torn villages, tried to adapt to new living conditions. Within the frames of the latter, they were forced to (self)confront with questions about the location of graves of their missing relatives and participation in individual or collective acts of searching (and their aftermath, to which I will refer later in the text). Another category of *afectados*, relevant for the analysis, concerned those who adapted to life in receiving societies, where they stayed permanently (I mainly talk about provincial urban centres), but who in most cases, were unable to give a decent burial to their relatives, missing or murdered in the vicinity of their places of origins. Thus, they assumed the status of *retornantes* only temporarily, in order to participate in the army-protected act of group return and to collect back the remaining property and human remains (which generated no less consequences than in the case above). The third group, remaining partly in the margins of this analysis, includes those affected by political

⁹ Based on the research among *afectados* and human rights activists conducted both in the zones of displacements (Ayacucho 2007, 2010, 2015 and 2019; VRAE 2006 and 2007; Lima 2019; Huanta 2007 and 2010), and after the comeback of the refugees to their villages of origin (Pacobamba 2006; Purus and Chaca 2009; Putis 2015 and 2016).

violence who were not displaced during the conflict period, and hence in the majority of cases who were not return migrants. Nevertheless, the experience of forced disappearances of their loved ones made them devote their lives to the search and, in this way, turned them into endlessly migrating *afectados* (in other words, they did not directly contribute to the phenomenon of returning, but were a key actor of search, therefore constituting an important “source” of spatial mobility determined by war realities).¹⁰

At the moment of convergence of interests and behaviours of these groups, the central-southern upcountry was covered by the processes of dynamic and intersecting circulations of *afectados*, which caused profound changes both in ways of searching and fighting for the rights of the missing people, as well as a further diversification of migratory flows in the region.

The first phenomenon has begun to change in both quantitative and qualitative terms. Above all, the population of *afectados* engaged in the search, which, increasing in numbers, has expanded to include new social sectors. It resulted in dynamisation of the practice of reporting forced disappearances (now registered universally in state and non-governmental institutions), but also an escalation of the previously known and emerging new forms of activities undertaken by families of missing people (including creation of village registers of *desaparecidos* and possible locations of their graves, organisation of local associations of victims of political violence, seeking institutional support from other social actors, and the first, completely unprofessional, attempts to “open” anonymous sites of burial; the issue is discussed more broadly later).

In terms of the new tendencies of spatial mobility of those affected by political violence, apparent already at the turn of 1980s and 1990s, they were a direct reflection of war realities. The dense network of migrations was generated, first of all, by multi-stage and multi-direction character of escapes and returns (as I have written, occurring at that time often quite parallelly), coinciding with migrations of various categories of *afectados* (including return migrants), moving between possible places of isolation and graves of their relatives: the detained-disappeared. It is worth emphasising that all this took place in spaces not only deeply affected by military

¹⁰ My assumption that the last group of *afectados* can be examined together with the first two stems from the fact that in the indicated period most of the inhabitants of the Andes presented migration tendencies. They originated from the rich traditions of economic mobility in the region, generated both by the Andean practice of bringing different ecological zones into cultivation and by the links between the city, *sierra* and *selva*, tightening since the 1960s. As a result, at the turn of 1970s and 1980s many peasant families were already dispersed, while regularly travelling between the same places of residence and work. After the first disappearances the families of the victims began their search, thus recreating the routes of cyclical migration of their relatives as the most probable locations of their detentions-disappearances (based on research in Ayacucho, Huanta and the Putis zone in 2015, 2016 and 2019).

operations but – in a slightly reduced and modified form – still influenced by them. In other words, apart from the above-described clearly non-homogeneous return processes, the region got “invaded” by the phenomenon of setting new migratory routes which met the needs of *afectados* seeking their relatives. They moved first between the seats of state institutions, in which the victims of forced disappearances could be detained (primarily garrisons located in many departments of the region, military bases, police stations and penitentiary centres), as well as representations of civil authorities and non-state organisations which could have information about the fate of the missing persons (I mean the regional prosecutor’s and the ombudsman offices, as well as the progressively growing number of NGOs supporting human rights). It is worth noting that a significant part of the *afectados*’ migratory routes also ran through vast spaces of the Andes. In the realities of the disappearing plague, exterminations of entire villages and extrajudicial executions, for many years the Andean spaces constituted a crime scene and a burial site in one, transforming with time into a cemetery of anonymous war victims (it refers in the first place to the vicinity of military facilities and wastelands, gorges, cliffs, riverbeds or pits, collectively called by the inhabitants of the highlands *botaderos de cadáveres*, or “corpses dumps”¹¹). In this context, the search for missing people meant a laborious journey marked by tremendous physical and mental effort, most often undertaken on foot in a small group of relatives, mainly women. Its course was inscribed in many dimensions into the realities of war, causing numerous threats associated with moving throughout the zone of emergency (including both military and political ones, resulting from persecution of *desaparecidos*’ families) and emotional burden of presence among the “dumps” of human remains, inside which the elements enabling identification of relatives’ corpses were searched (which is important from the point of view of further analysis, most often violating for the first time the archaeological and anthropological context of anonymous burial sites).

In the light of the above analyses, it becomes obvious that bottom-up forms of struggle for the rights of *desaparecidos* and their families must have shaped migratory trends in the region, at the same time constituting an important element of adaptation of *afectados* to the conditions of almost two-decade existence in the realities of war. In the second half of the 1990s, it turned out that the forms of mobility of those affected by the conflict, including their return models, developed

¹¹ Similar places are commonly known in Latin America under the name of *fosas comunes* (or in free translation “collective graves”). It is worth noting, however, that in the case of Peru, during works of CVR, this term was withdrawn from the use, as it was considered too narrow, since many of burial sites of victims of terror may hardly be regarded as “graves”. Therefore, nowadays all forms of tombs from the conflict period are called, both in the judicial jargon and among the *afectados*, clandestine burial sites (Spanish *sitios clandestinos de entierro*) (CVR, *Plan Nacional de Investigaciones* 151–2, 165–71; *Los Muertos de Ayacucho* 16–17, 72–9; Urrutia, Theidon 38–9).

in a different way than the one presumed by Fujimori's state. When confronting the assumed goals of the then policy towards the war victims and their *modus operandi*, it is worth focusing again on the problem of return migration. As I have already signalled, their course turned out to be decentralised, deeply amorphous and accordingly in a significant number of cases temporary (although still supervised to a great extent by civil and military authorities).¹² Over ten years after first disappearances, the unmet need to find relatives remained one of its most important determinants, concentrating the activity of *retornantes* not only on the challenges of the future but, to a large extent, also on the past experiences.

This determination was paradoxically favoured by one of the motives of the state policy. Since thanks to it the returns gained the status of an "institution", their organisation proved to be a catalyst and a starting point for social integration processes and political activation of *retornantes* as victims of the conflict, and their fate quickly became the subject of interest of non-governmental organisations involved in helping them in many spheres of life requiring (re)construction. As written before, one of the first forms of support provided by NGOs to *desaparecidos'* families as early as in the 1980s was recording disappearances and intervening on their victims' behalf with the organs of state authorities. Along with the progress of return migration, these activities were expanded (at first only selectively) to support *retornantes* in the initial "examination" of graves, commonly present both inside and outside of the living space cleared at that times from the remnants of war.

If we look closely at the course of the returns organisation and the circumstances of searching for graves of *desaparecidos*, we can clearly see the traces of the dialectics linking both activities. The perspective of re-settling in the countryside was commonly accompanied by the question "where are they?," signalling both a concern for those, whose remains were abandoned in the heat of escaping from terror (without being appropriately honoured) and an awareness of the challenges related to future life among them. In this way, a natural consequence of returns was determining the location of anonymous graves and creating their village registers. Importantly, in the 1990s, many of these activities could have been successful, since the oldest members (remembering the beginnings of terror in the village) or direct witnesses of the crime were still present in local communities. The following fieldwork took the form of spontaneous, manual excavations, carried out both

¹² Research on the course of return migrations from this period shows that less than 40% of all *retornantes* resettled permanently in their place of origin (Barrantes). However, this is an average result for many different regions. In practice, the mode and meaning of "return" was individualized and depended on many factors, including proximity of the city as a clear catalyst for circulation between several places of residence (enabling life and work in trade in the city and, "simultaneously", regular involvement in community life and farming in the countryside). In similar cases, a number of *retornantes* living permanently in the villages of origin does not often exceed these days 20% of the prewar population (based on the conversations with *afectados* in Lima, Ayacucho, Huanta and its outskirts, as well as the Putis zone in 2015, 2016 and 2019).

in the alleged burial sites indicated by witnesses and “self-unmasking”, usually shallow collective graves, the location of which was indicated by traces of skeletal remains, clothing fragments or bullet shells.

Importantly, similar activities were undertaken both bottom-up by the villagers themselves and in assistance of non-governmental organisations. As I have indicated, in the 1990s, the participation of external actors in locating and verifying anonymous graves was limited, due not so much to the lack of will but rather a number of difficulties which accompanied human rights activities in the situation of internal conflict.¹³ Nevertheless, gradually initiated cooperation of *retornantes* and NGOs in the framework of the provisional “archaeology of crime” had already produced at least two measurable effects. Above all, it brought together and combined the interests of both parties, which were, at that time, the only social actors in Peru aware of the fact that without exhumation, identification and dignified burial of human remains scattered throughout the province, the return of refugees to life in villages would not be possible (not to speak of the return of the whole of society to peaceful coexistence after the wartime experiences). What is more, it translated into the creation of the first descriptions of the armed conflict in local contexts and registers of anonymous graves, the location of which could not have been recreated later due to such factors as taphonomic processes, high migration dynamics or the old age of witnesses. Very importantly, these gave both sides an impulse to win official forensic interventions in villages just after the end of the military operations and, subsequently, to apply their results in court trials against perpetrators of the crimes committed during the conflict period.

On the other hand, although the search activities performed in the rural areas were only preliminary and in most cases served not so much exhumation and identification of remains as a confirmation of the location of anonymous graves, many

¹³ The researchers who were examining the organisation of the families of *desaparecidos* (mostly ANFASEP in Ayacucho and COFADER in Lima) jointly point out that the support received by similar entities – though frequently risky and highly selective – already in the 1980s came from various actors: national and international non-governmental organizations, selected local authorities, as well as church institutions of different denominations (the latter referred more often to *afectados* living in Lima than in the province, especially if it was linked to the activity of the Catholic Church; see Tamayo 100–106, Śniadecka-Kotarska, *Być kobietą w Peru* 110–21). However, the cooperation referred to in the paragraph concerns another aspect of fight for the rights of the missing persons, which was only generated in the second decade of the conflict. By this I mean direct help with the search of the victims’ remains and their improvised exhumations, which necessitated physical presence among the migrants who were coming back to their life in remote parts of the province. Understandably, it was extremely challenging for those who were not part of the Andean ecumene. According to my respondents, they were given similar support unofficially by single NGOs; the most frequently mentioned were evangelical organizations such as Paz y Esperanza (based on the research in Ayacucho, Huanta and the Putis zone in 2016 and 2019). This problem definitely requires further research on the regional scale.

of them undoubtedly entangled the course of subsequent professional forensic work. Obviously, in the 1990s, similar interventions had an individual character and took place beyond knowledge or control of justice, therefore lacking coherent methodology, and their results were not registered in common databases. It resulted not only in the squandering of the archaeological context of the crime scenes and burial sites but also in the damaging of discovered anthropological material, causing in the future many difficulties in collection of forensic data as well as parameterisation of the researched phenomena.¹⁴

What needs to be emphasised is that the described activities took place under conditions in which development and standardisation of exhumation work were favoured by many factors, with the exception of the official state policy of memory. Apart from the “forensic turn”, observed worldwide for several years (see Anstett & Dreyfus 1–13; Domańska 129–33; O’Brien 7–58), and obvious motivations of families of *desaparecidos*, more and more frequent applications of forensic studies were, paradoxically, coerced by elements of state administration actions for the benefit of the political violence victims, including, above all, the promise to launch reparation programs. Their implementation was associated with the need to define categories of *afectados* as well as to create criteria for granting similar statuses and, consequently, the right to compensation, also for the relatives of those missing. This dependence generated complex mechanisms of accounting for the conflict, within which the socio-psychological aspect was placed in a varying “correlation of forces” together with political, legal and economic ones. Work on each of them (except for the political one) required reference to considerable evidence of the identity of victims and the circumstances of their death, obtaining of which, more than ten years after the outbreak of military operations, was only possible through forensic investigation. On the other hand, despite official support of the return processes and announcements of reparation programs, the state clearly avoided involvement in the organisation of exhumation works. In this way, it sustained the strategy of top-down creation of the memory policy, the content of which, especially in terms of the responsibility of government forces for the form and scale of violence, would be undermined in the light of knowledge gained through forensic investigations.

In this way, although it went hand in hand with the returns of refugees, and gained new strength, the phenomenon of searching for the detained-disappeared still functioned in the political and social non-existence. Having the empirical knowledge of the mechanisms of the conflict, only inhabitants of the central-southern province were aware of the extent and gravity of the problem (and, possibly, trusted representatives of NGOs who gradually informed by them). This community, however, not only was marked by prolonged uncertainty about the fate of

¹⁴ Based on the interviews with forensic archeologists and human rights activists in Lima, Ayacucho and Huanta in April–May 2019.

the missing ones and the stigmatisation against the background of alleged links with terrorism, but also, which is worth emphasising, it experienced aggressive negation of its own versions of events or the biographies of their relatives. As a result, *desaparecidos* remained present only in the memory of their families, sustained by multiplying forms of their activity. The jointly undertaken initiatives, however, translated not only into a creation of formal and informal communities affected by the disappearance of relatives, but also into a specific sharing of memories about the latter, thanks to which both *desaparecidos* and the groups memorialising them survived (see Jelin, Rojas-Perez, Sendyka). In this way, the local communities of memory were brought to life and consolidated. They constituted peculiar micro-spaces, within which narrations about life and disappearances as well as images of *desaparecidos* not only remained “safe”, but were also passed on to future generations and, together with them, next epochs, changing gradually a social, political and even legal status.

About the fate of memory during the regime of Alberto Fujimori and military forces

Although since 1980 conflict-resolution strategies implemented by successive regimes may have varied, the narrations about the nature of events in the upcountry have remained invariably state-oriented. In accordance with the optics consistently maintained by the central authorities, the country was a victim of political violence caused by a subversive organisation, which as early as in 1981 was officially recognised as a terrorist group aiming to destabilise state structures and physically liquidate the social sectors not supporting it. When a year later armed forces were sent to the central-southern highlands region, taking jurisdiction over an ever-growing area of military operations, the society was successfully persuaded of the need to undertake a defensive battle against the so-called internal enemy. In this way, thanks to the adopted rhetoric and by using coherent military solutions, state forces did not have to inform the public about the course of the conflict and, even more so, legitimise methods of their own activities in the emergency zone through the participation by the society (Tapia 27–55; Salcedo 117–45; Kruijt & del Pilar 81–7; Śniadecka-Kotarska *Od populizmu i obietnic umacniania demokracji* 369–78; Stelmach 51–6; Rojas-Perez 30–2).

Isolation of the society *per excellence*, including the inhabitants of the province, from the influence on the state policy in the region of the conflict occurred during the regime of Alberto Fujimori. His way of managing the crisis was vividly illustrated by Carlos I. Degregori, who juxtaposed the case of Peru in the 1990s with the metaphor of the basement from the film *Underground* by Emir Kusturica, dedicated to the Balkan issues. According to the anthropologist’s view, the key

role of the partisan-cutthroat is played by Fujimori who hides a group of refugees (Peruvian society) in the basement of his house (a social space of powerlessness and ignorance), where in exchange for “protection” they perform a series of tasks enabling him to continue military operations. A key motif of analogy discerned by Degregori is related to the fact that the forms of activity and the dependence of those living in the basement on the hegemon do not change even after the war, since they are not informed about its ending (*La década de la antipolítica* 221–3, see also Jankowska).

The paraphrase coined by Degregori is based on the observation that in that created by itself, semi-fictionalised reality, the authoritarian and populist Fujimori’s regime turned the internal conflict and its images’ management into a basic tool for maintaining power in the country. What is more, due to the clear abandonment of historical narrations or anchoring the national community in the horizons of tradition, the regime consistently multiplied new forms of control of the collective imagination, becoming (in the words of Juan Martín) “a great catalyst of images” (qtd. *La década de la antipolítica* 231, see besides 222–7) or also (more critically) an incubator of the culture of lies. Although this phenomenon translated into a profound degeneration of many spheres of the state- and society-functioning, it devastated with particular strength biographies of war victims and their families, consequently entrapped in its discourses falsifying the realities of the conflict.

For the purposes of the undertaken analysis, it is worth looking at at least three images imposed by Fujimori’s regime in the context of the wartime events in the upcountry. The first one concerned directly the course of the conflict and was built up as a result of the propaganda of success, according to which the new counterinsurgency strategy implemented in the early 1990s brought about a long-awaited pacification of the areas constituting a theatre of military activities for more than a decade. A similar discourse not only provided the governing authorities (and their methods) with the victorious status in the conflict and, thus, strengthened their image of the saviour of the upcountry from the *senderistas*’ terror, but also, in accordance with the principle that “the history is written by the winners”, released the regime from the obligation to disclose the methods of counterinsurgency and evaluate their social costs. Triumphant rhetoric distracted public attention from a series of central authorities’ actions contrary to the interests of thousands of people affected by the conflict, including, above all, some arbitrary solutions in the field of the justice system functioning.¹⁵ The latter undermined the chances

¹⁵ All of them served limiting the influence of civil institutions on the situation in the emergency zone. Undertaken initiatives included assigning competences of civil courts to their military counterparts (operating at the moment of intensifying counterinsurgency in an accelerated and anonymous manner), broad amnesty for state officials (civil and military) for cases of human rights violations in the conflict zone (although introduced in 1992, it covered the whole 1980s, which resulted in liquidation of a large part of the military documentation from before the

of *afectados* to have the conflict investigated and clarified in accordance with international human rights' standards (Fujimori's regime had already been suspected of their violation due to NGOs reports, being anticipation of a subsequent accusation act of genocidal practices), primarily the right of the deceased and *desaparecidos* to the identity and the right of their families to know the truth.

The presented mechanism was related to another part of the images' management process, namely the care for the "portrayal" of the armed forces, under which they were simultaneously given the roles of the symbol of state stability, the guarantor of public safety and the subject of national identification. This type of refiguration was instilled in the collective consciousness with the use of basic elements of "banal nationalism" (Billig qtd. in Degregori, *La década de la antipolítica* 229), namely omnipresent national symbolism, the phenomenon of military-civil parades and the so-called uniform cult, which, mainly due to the increased presence of armed forces in public space, appropriated the symbolic one, leading to militarisation of further spheres of state- and society-functioning. The effectively idealised image of uniformed services was an obvious element of the political-military propaganda of *Fujimorism's* triumph over Shining Path. Nevertheless, casting them in the role of the guardian of the entire set of values was putting up a monument to the army as an unquestioned symbol of state- and nation-building processes. A combination of similar practices in the field of collective imagination management with the phenomenon of institutionalised impunity generated the above-mentioned changes in law and categorically excluded a public manifestation of a role of government forces in the internal conflict that would be different from the official (Degregori, *La década de la antipolítica* 226–30; Stelmach 54–6; Kruijt & del Pilar 92–6).

The shaping of a similar image of the state and the army against the war landscape background was connected with the manipulation of the image of relations between both actors and the rural population. It is worth recalling that this sector constituted both the core of Fujimori's electorate and, invariably from the early 1980s, the main victim of the military operations, in which different state agents participated. So investment in managing the consciousness of *campesinos* (peasants), especially those coming from regions affected by the conflict, was particularly important. Therefore, the governmental policy towards the upcountry took the form of activities allowing the state and the army to feign a multifaceted "turn towards the villages," appearing not only as a defender of the peasant population against the terror of the *senderistas*, but also its political and military ally and moral authority (!)¹⁶ as well as a patron

Fujimori's regime) and Peru withdrawal from jurisdiction of the Inter-American Court of Human Rights (Tapia 55–77; Rojas-Perez 31–2; Stelmach 54; Łaciński 68–72; Murakami 361–6).

¹⁶ For example, by propagating the phenomenon of *arrepentidos* (Spanish word meaning "the repentant"), that is former *senderistas* who were allowed to show remorse and then involve in the military actions on the part of the state. Although similar practices took place from the beginning of the conflict, they were officially recognized and used reputationally in the 1990s,

of the (re)construction of rural areas (Tapia 55–83; Starn 237–45; Oliart 405–7). On the basis of these activities there appeared subsequent reveals of the “postwar life of the province” with two central figures. The first one was Fujimori, who, personally visited the Andean villages and turned up in situations simulating the repair of houses, providing aid and weapon to peasants who supported the government forces. During this kind of activities, he was usually accompanied by military officers, the second figure, performing physical work for the reconstruction of the destroyed infrastructure, cooperating with the village self-defence committees,¹⁷ as well as authorising and escorting returns of *desplazados*.

The presented mechanisms relate to three areas of the policy of social consciousness management in the conditions of an internal conflict that during Fujimori’s regime consisted in exercising power through rhetorical figures. In each of them, the state and the armed forces were assigned the status of a victim and a winner in one, thanks to which their highest representatives gained not only a monopoly on shaping the reality in the emergency zone (including methods of counterinsurgency, principles of reparation programs and conditions of the refugees’ return), but also a monopoly on the creation of wartime narrations (including a definition of the terms: “heroism”, “terrorism” or “victim”). This kind of arbitrariness was possible

which was when conscription into the army in the emergency zone was also restored (having been stopped for security reasons throughout the entire 1980s). Although the *arrepentidos* institution officially did not last for a long time, it clearly consolidated the practice of the “second chance” offered to members of anti-state forces, which was propagated also after the end of the conflict (I myself found similar leaflets in the Apurímac valley during the research in 2009–2010, for more see Theidon).

¹⁷ The village self-defence structures were the result of bottom-up defense initiatives by the peasant population, over which the army began to take control already in the first years of the conflict. The history and circumstances of the relations of both actors are so complex that they would require a separate discussion. However, since this topic coincides both with the problem of *afectados*, and top-down narrations about the conflict, it is worth referring to its several aspects. Above all, during the period of Fujimori’s regime, the “alliance” of the army with officially recognized Self-Defence Committees (CADs) became another figure of manifested triumph over the *senderistas*, used reputationally during joint defilades of the uniformed services and the armed peasant population in Lima. It was a method of building a monument of military-civil cooperation as the secret of pacification of the upcountry, although the real picture of the phenomenon consisted of many features being the source of violence escalation. It included, among others, an element of coercion in the processes of forming committees, a problem of replacing the army with civilians and their resulting abuse of power (not forgetting the scale of incurred social and economic costs), but also the obligation to appoint CAD in allegedly protected by the army return actions. Although the above factors are currently a source of controversy around CADs and their links with the army, due to a method of managing the image of this phenomenon in the 1990s Fujimori and the armed forces gained the status of benefactors of committees and, at the same time, often of peasant population as such (although the phenomenon of self-defence committees and their support by the state dates back to the beginning of the 1980s) (for more see Starn, Fumerton, Pietraszczyk, Pietraszczyk-Sękowska, *Los Comités de Autodefensa del Perú*).

thanks to the key element of collective imagination management, that is politics of (non-)memory or (non-)history (see Degregori, *La década de la antipolítica*, Rojas-Perez, Jelin). Although we refer here to the policy of denial of facts, common among populists, its Peruvian version did not only negate elements of the present but also manipulated the past. Similar measures, allowing for a specific fictionalisation of the realities of life in a war-stricken country, proved to be particularly dangerous for the victims of political violence, including *desaparecidos* and their families. In a situation where social and political cleansing also covered the practice of “cleaning the past,” this particular community was deprived of the possibility to manifest its own wartime experiences and make claims towards the state, because these would mean a confrontation with (non-)perpetrators, (non-)acts, (non-)places, (non-)dates, etc. Although its bottom-up stories, painful and contradictory to the top-down triumphalism, could easily be confirmed in the data recorded among the graves and their forensic interpretations, such a solution required space for polyphony that could not exist in state run by Fujimori and the armed forces.

Afterword

Looking at the Peruvian reality of the 1990s, we may easily point out several problems that were to determine the complexity of the internal conflict investigation and clarification processes. The most important of them included heterogeneity of return migrations (which in fact consisted of the flows of long-term refugees to the epicentres of destruction and anonymous graves), the unrelenting practice of searching for victims of forced disappearances (direct witnesses of still tabooed counterinsurgency methods applied by the armed forces) and the increasing necessity to initiate forensic investigations (unfavourable for the state from the political perspective, but required for socio-cultural and economic reasons).

Throughout the entire 1990s, a common element in these problems were the activities of the missing persons’ families, which, despite ongoing warfare, political persecution and the stigmatising rhetoric of the authorities, continuously moved between alleged places of detention or burial sites of *desaparecidos*, while guarding their biographies “rejected” by the state. Since some of them managed to become visible in the provincial public space, the phenomenon of searching for missing persons became more evident, although it was still deprived of any support from social sectors which had not suffered political violence (apart from the few harassed NGOs).

At the same time, the figure of the *afectados* searching for their relatives underwent symbolisation, becoming an inseparable element of the image of the conflict in the highlands and the link between space-time continuums which constitute it. As a result, it survived until the collapse of *Fujimorism* and the establishment of CVR at the turn of the century, experiencing an inversion of epochs in the official

policy of memory. The philosophy of the Commission, based on local experiences of political violence as well as global tendencies in the struggle for human rights, generated a micro-boom for new standards of internal conflict clarification, the most important of which was the attachment to bottom-up versions of events, including those contained in human remains. Importantly, since the implementation of the CVR's recommendations was not only supposed to "calm down" the effects of the civil war but even to transform the socio-political reality in Peru, all successive governments were obliged to respect and fulfil them.

In this way, the search for *desaparecidos* gained official status, clearly growing in strength, and revealing, in connection with successive waves of returns, the existence of complex dependencies between the images of the state, the rights and the needs of *afectados* and the knowledge flowing from the results of forensic investigations. This time the identification of victims was supposed to represent not only the formal aspect of reparations, but also the basic condition of "truth and reconciliation," which – built including the bottom-up versions of events in the province – seemed to elevate the knowledge recorded in the biographies of the victims as well as in their biological remains. However, the inevitable dialectics of crime and forensic research once again had to obstruct real changes of the governments' attitude towards *afectados*: recognising the victims – regardless of changing political contexts – remained synonymous with pointing out the perpetrators and their methods.¹⁸

Although nowadays further analysis of the indicated mechanisms seems to be inevitable, it should, however, be always accompanied by at least two observations. First of all, it concerns a country where serious historical limitations are a challenge on the path to any changes (which means in particular the strong, historically shaped disproportion between the statuses of armed forces and civilians, additionally deepened and consolidated in the *Fujimorism* era). Secondly, it refers to the so-called reconciliation processes (or, attempts at reconciliation) within a society, whose history does not really know the concept of conciliation, at least on the national level.¹⁹

Translated by Małgorzata Leśniak and Monika Stogowska-Woszczyk.

¹⁸ It is worth adding that – as the years went by – the struggle for the rights of the missing persons was additionally complicated by the fact that locating and examining anonymous graves turned out to be a threat not only to the uniformed services but also to the civilians involved in the acts of war. This problem refers to an extremely complex, though not widely known phenomenon (which nowadays considerably hinders the progress of investigating and clarifying the conflict in the province), that is the opposition of the Andean societies responsible for the acts of violence inside the communities and between them. It is currently the key element of my research on the *politics of (non-)memory* in the Andes, that is bottom-up strategies of concealing the mechanisms of terror from the period of the civil war.

¹⁹ I am grateful to forensic archeologists, Franco Mora and Illariq Peralta, for sharing their views on this problem.

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The End of the Myth of the Cuban Exile? Current Trends in Cuban Emigration

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Abstract

Cuban migrants are considered as and referred to as exiles. However, in the face of the economic transformations in Cuba, as well as the rapprochement between the U.S. and Cuba, it has become necessary to revise the epistemological and semiotic foundations of this phenomenon. The current migratory trends among the Cubans do not meet the definition of exiles. Thus, the title of this article reflects the research assumption and the principal aim that the current circumstances in Cuba, as well as the migratory flows of Cubans mark the decline of the myth of the Cuban exile; a myth built by the media.

Keywords: Cuba, exile, Cuban diaspora, myth, Roland Barthes

Introduction

The subject of migrations eludes disciplinary paradigms and is analysed today from multi- and interdisciplinary perspectives. Such is the case of the Cuban society, which has been witnessing the phenomenon of migration for decades, and suffers from a division between the insular population and the diaspora. It is a demographic, social, and political process, in which the relations between Cuba and the United States – apart from the internal political constraints – contributed greatly to the creation of a strong Cuban community abroad, referred to as the exiles.

Although the terms *diaspora* and *exile* are closely linked, it is necessary to differentiate between those. As Nico Israel argues in his work entitled *Outlandish Writing Between Exile and Diaspora* (Israel 2000), both terms share the experience of forced emigration with no perspectives of returning. The term *exile* indicates the expulsion of persons from a place under pressure – institutional at times – which renders it a political act. Meanwhile, the term *diaspora* refers to the spiritual sphere of suffering and yearning for the homeland and indicates the destination, where the émigrés create a community that preserves the memories, as well as the collective and the individual links to the place of origin. An extensive discussion of the definitions of migration and research methods related to it go beyond the scope of the article, whose focus remains on the evolution and existence of the myth of the Cuban exile.

Cuban migrants, scattered around the world, have been considered and referred to as exiles. However, in the face of the political and economic transformations in Cuba, as well as the rapprochement between the United States and Cuba (in the years 2013–2017), it has become necessary to revise the epistemological and semiotic foundations of this phenomenon. In the light of the rapprochement, and based on the observations and the analyses carried out throughout the last decade, I came to a conclusion that the current migratory trends among the Cubans do not meet the definition of exile, which will be explained in the following paragraphs. Thus, the title of this article reflects the research assumption that the current political, economic, and social circumstances in Cuba – a country set in a multipolar and multicentric world of international relations – as well as the migratory flows of contemporary Cubans mark the decline of the myth of the Cuban exile; a myth built by the media, based on the individual and the collective histories and events (throughout the 20th century), and exploited by a variety of social actors especially in advancing their political agendas. Given these research objectives, the concepts of Roland Barthes have become highly relevant. In his work *Mythologies* Barthes (1999) developed the theoretical framework for the creation of the modern imagery and broadened the knowledge on the building of contemporary myths, as well as the way these myths are handled by diverse social actors.

The first section of this text will present the current migratory trends, focusing on two phenomena: the intense flow of Cubans to the United States via Central

America and Mexico and, subsequently, their returns to Cuba. The second part is dedicated to Roland Barthes's concept of myth. Finally, looking from the modern myth-perspective, we will present arguments that support the idea that the current migratory trends, the socio-economic situation of Cuba, as well as the international context, contribute to the exhaustion of the myth of Cuban exile and its invalidity in terms of its function.

Review of the state of research on migration and Cuban exile

Research on the Caribbean and especially Cuban migrations abroad have a long tradition and are very rich in content. I mention the Caribbean region since comparative analyses have frequently been developed in order to expose the uniqueness of the Cuban migratory phenomenon, which until recently has been considered political, but which today is classified as voluntary, when economic and social factors are those that prevail in the decision to emigrate. Among contemporary researchers, it is enough to mention Jorge Duany, Holly Ackerman, Silvia Pedraza or Sergio Diaz-Barquets, who continuously work with the Cuban diaspora, emigration flows and Cuban-American relations. The interdisciplinarity that characterises the investigations of the largest academic centres such as the Cuban Research Institute of the FIU, opens doors to a better understanding of the phenomenon of Cuban migration and a critical look at these processes. In some cases becomes a sensitive issue, where academics and power interests interrelate. It is for this reason that I join this debate on the perception of exile as a myth, with a Central European perspective. An issue investigated, among others by Safran William, and in the Cuban case by Silvia Pedraza, for example in her work *Political Dissaffection in Cuba's Revolution and Exodus* (2007). I hope to contribute a critical look at this specific topic.

Cuban migratory crisis (2014–2017)

Crisis was how the media referred to the last Cuban migratory wave of 2014–2017 that left the island and headed for the United States of America, choosing Central America as their main gateway.¹ The media drew the attention of the public opinion to the matter and forged the perception, thus affecting the collective imagination, with regards to the phenomenon. The said attitude made the migratory tragedy of human flow from the South to the North – which Central America has been witnessing for many

¹ This media-spread rumour was so strong that Wikipedia created a separate entry with a Spanish title "Cuban Migratory Crisis 2015–2017", with a long list of references, available at: [https://es.wikipedia.org/wiki/Crisis_migratoria_cubana_\(2015-2017\)](https://es.wikipedia.org/wiki/Crisis_migratoria_cubana_(2015-2017)).

decades – invisible and marginalised; it succeeded in alerting the international public opinion to the social and economic issues that beset the Cuban population today, and which are the main factors that contribute to individual migratory decisions. These difficulties and issues have become significantly more pressing since the introduction of the Raúl Castro government’s economic reforms aimed at the reduction of state social spending, and shifting the burden upon the “shoulders of the citizens themselves” through the liberalisation of the local economy and the expansion of the scope of private enterprise. In order to increase national economic competitiveness, Cuba needs to boost the flow of capital and people’s mobility.

Apart from increasing the population’s expectations in regard to welfare and quality of life, as well as the connectivity with the outside world, the recent social and economic changes have created a general air of impatience to pursue a more immediate fulfilment of individual dreams, hopes and goals. This restlessness, coinciding with the entry into force of the modifications of the Cuban migratory regulations² and the opening of the national economy, as well as the rumours³ regarding the lifting of the U.S. “wet feet, dry feet” policy, which is the part of the Cuban Adjustment Act, propelled thousands of islanders to seek a better life outside their homeland in a process called by the media “the new exodus” or “the migratory crisis”.

Since the beginning of 2013 until the end of 2017 probably over 200,000 persons left Cuba permanently or temporarily. This was facilitated by the new Cuban migratory regulations that extend the possibility of a legal stay outside the country to up to 24 months and lift the necessity to obtain a permit to leave or the requirement to present an invitation from a foreigner to the Cuban authorities (Aja Diaz et al.). This justifies the claim that between 40 and 50 thousand persons leave Cuba each year, mainly at the age of 20 to 45, i.e. in the reproductive and economically productive age.⁴ Cuban statistics do not offer any details on the phenomenon and Antonio Aja, the director of the Centro de Estudios Demográficos (CEDEM) at the University of Havana, points out that: “the latest migratory changes have not been accompanied by any improvement in the gathering of statistical data” (Diario de Cuba). The impossibility to offer an exact count of the Cuban émigrés stems from the fact that Cuban authorities do not treat the persons who leave for a period of up to 24 months as migrants, but rather as *residentes cubanos en el exterior* (Cuban residents abroad), and do not publish statistics on the issue. Pursuant to article 9.2 of the Law No. 1312: “A Cuban citizen is considered an emigrant when they travel abroad pursuing personal affairs and stay for an uninterrupted period of

² Law No. 1312 – Migration Law, amended by Executive Order No. 302 of 11th of October 2012, entered into force 14th of January 2013.

³ Came true in January 2017.

⁴ It is important to note that these are our own estimations, based on the statistical information published by the Pew Research Center, National Statistical Office of Cuba along with the Yearbook of Immigration Statistics, published by the Government of the United States.

more than 24 months without a corresponding authorisation, or take up residence outside the country without having complied with the current migratory regulations” (República de Cuba 616).⁵ The registers of the destination countries which host Cuban migrants allow for estimations which clearly indicate that the number of migrants in the years 2013–2016 was increasing year after year. The data presented by the Pew Research Center serve as an example. They reveal that in 2014 over 24,000 Cubans entered the United States (the main destination). In 2015 and 2016 this number reached 43,159 and 56,406⁶ respectively (Krogstad). This means that between 2014 and 2015 the entry rate of Cuban citizens into the United States grew by 77%, which took place after the historical declaration of the heads of states Barack Obama and Raúl Castro regarding the rapprochement and the re-establishment of bilateral political relations. Nevertheless, the most recent regulations introduced by the U.S. administration, among them the abolishing of the “wet feet, dry feet law” and the reduction of visas and periods of stays, have contributed to a decrease in the number of entries. For example, during the 2017 fiscal year, U.S. Customs and Border Protection reported 15,557 cases of Cubans attempting to cross the Southeast border of the United States.

The majority of the migration flow from Cuba to the U.S. took place on land and through the points located on the American-Mexican border, e.g. 31,965 persons in Laredo, 4,911 in El Paso, and 1,434 in San Diego (Cortaya). If we compare these data with earlier information, we can confirm that the route to the United States has changed, and that the direct crossing of the sea (typical in the 1980s and 1990s) was replaced by a journey through a third-country territory. This marks a growth in prominence of the model of the re-migration flow among the Cuban migration-related phenomena, in which third countries are used as intermediaries (mostly Mexico, Panama, Ecuador, Colombia, Venezuela, and Guyana). Still, if a migrant is unable to continue the journey towards their destination or lacks the means to do so, they try to settle in the countries along their way, even if it is just a temporary arrangement. For example, according to Datosmacro.com, in 2017 there were 3,083 émigrés from Cuba in Ecuador, although in the years 2015–2016 there were 10,000 Cubans entering the country annually. This clearly indicates that these persons’ goal was to reach the U.S. border via countries with less restrictive migration policies towards Cuban citizens. Today the countries that offer visa-free access to Cuban tourists include: Belarus, Serbia, Montenegro, Russia in Europe; Panama, Granada, Dominica, Guyana, Trinidad and Tobago, Saint Kitts and Nevis, St. Lucia, St Vincent & Grenadines

5 Se considera que un ciudadano cubano ha emigrado, cuando viaja al exterior por asuntos particulares y permanece de forma ininterrumpida por un término superior a los 24 meses, sin la autorización correspondiente; así como cuando se domicilia en el exterior sin cumplir las regulaciones migratorias vigentes.

6 76% of the cases involved undocumented persons invoking the “wet feet, dry feet” law of the Cuban Adjustment Act.

in Latin America; Georgia, Cambodia, Kyrgyzstan, Kazakhstan, Qatar, Mongolia, Singapore in Asia, and Togo, Namibia, Uganda, Guinea, Kenya in Africa.

The 2015–2017 Cuban exodus was brought to public attention not only by the traditional audio-visual and print media outlets but also by the new communication channels, such as social media. Thousands of photographs and written accounts circulated around the world along with the news about the concentrations of Cuban migrants in Panama, Ecuador, Costa Rica, Nicaragua or Mexico. They presented images of Cuban emigrants waiting at border crossings in the countries along their way north, armed with cell phones, credit cards, and organised in networks and groups. This presented a striking contrast with the pictures from the past (1980s and 1990s of the 20th century) and images of other collectives of migrants who travel through Central America and Mexico on their way to the United States.

Return to Cuba: an unprecedented issue

In the contemporary history of Cuba, especially after the year 1959, immigration was an exceptional phenomenon, since departures from the island prevailed in the panorama of the migration flow. Therefore, negative migration readings would achieve high numbers. The departures often occurred in waves. According to Jorge Duany, since 1959 more than 2 million of Cubans have emigrated to the United States, i.e. the main destination of the insular population.

Table 1. Main periods of Cuban migration to the United States, since 1959

Period	Characteristics	Number of Emigrants
January 1959 – October 1962	Historical exiles, after the triumph of the revolution	248,100
November 1962 – November 1965	Suspension of regular migration after the Missile crisis	74,000
December 1965 – April 1973	Freedom flights after closing the port of Carioca	260,600
April – September 1980	The exodus from the port of Mariel	124,800
October 1980 – December 1991	Renewal of regular migration	154,000
August – September 1994	Balsero crisis	30,900
May 1995 – January 2017	Period of the “wet-feet, dry-feet” policy	705,700

Source: Duany, Jorge. “Cuban Migration: A Postrevolution Exodus Ebbs and Flows.” *Migration Information Source*. Migration Policy Institute (2017): <https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows>

The constant trickle of Cuban migration abroad helped to develop and reinforce the Cuban diaspora, which today counts almost 3 million people all over the world. According to the official census, in the year 2017 in the U.S. alone, there were two million three hundred thousand Cuban-Americans. It is necessary to add to these numbers one hundred and fifty thousand Cubans in Spain, and thousands in other countries, such as Mexico, Venezuela, Brazil, Panama, Canada, Germany, Italy, France or Russia. These figures amount to 28% of the population of 11 million inhabitants of the island.

The continuous and high emigration correlated with low birth and fertility rates, coupled with an increasing life expectancy, have directly contributed to stagnation in population growth. Since the 1980s the number of inhabitants of the country has remained unchanged, oscillating around 11,200,000 people. At the same time, the ageing process was becoming ever more visible: today more than 20% of Cuban population is over 65 years old, which places the country next to Uruguay and Barbados among the oldest societies in Latin America.

At the beginning of the 21st century, Cuba arrived at a *cul de sac*. The permanent economic crisis did not favour positive changes in the demographic processes; on the contrary, it gained in severity:

- population stagnation with very low birth and fertility rates,
- rapid population ageing,
- strongly negative migratory balance,
- continuous decrease of the labour force in the domestic market.

Since 2006 the Cuban government implemented reforms that initiated the opening of the island to the world in economic, social and political spheres. Apart from strengthening their political legitimacy, the objective of the authorities was to revive and activate the domestic labour market, stem permanent emigration, and stimulate the growth of population. The direct impact of the reforms included:

- the reduction of public employment and the expansion of legal possibilities for private employment (in 2014, there were 438,000 people who worked on their own compared to 138,000 in 2005; in 2014 the private sector employed 1m people compared to 500,000 in the 2005). There are 4.5m professionally active people in Cuba;
- following the Reform of the Migratory Law (implemented in 2013), which eliminated restrictions to external mobility for Cuban citizens, national departures increased from 300,000 in 2013 to over 700,000 in 2016;
- the possibility of land tenancy for the plots that remained barren for up to 10 years resulted in delivering almost 2m hectares made available to private individuals and cooperatives since 2008;
- the modification of the General Housing Law facilitates the sale and purchase of real estate and makes it possible to let real estates to foreigners.

Given the internal political-economic circumstances and external diplomatic relations, a drastic change took place in Cuban migration trends, as until today the migrants would seldom return. In 2013 and 2014, for the first time in decades, a positive net migration of 0.3 and 0.2 per one thousand inhabitants was reported. The values in 2013 reached 3,300 persons and a further 1,900 persons in 2014. Although in the following years the migratory rates turned negative, there were high numbers of persons who filed motions for repatriation. In the years 2013–2015 the number was 14,000; 17,000 in 2016, and 14,000 persons in 2017. Undoubtedly, it is necessary to point to the external and internal circumstances that favour decisions regarding Cubans' returns to their homeland. The number of people returning indicates that we can talk about the first phase of massive repatriation.

Before we analyse this unprecedented phenomenon, it is worth mentioning that in 2012 we carried out the scientific project entitled *Quo vadis Cuba?* (Dembicz 2013). With a set of interviews and surveys among the island population, and among the representatives of the diaspora – as well as in the survey scenario – we included questions about Cubans' future plans, i.a. the plans to return. Much to our surprise, the majority of young Cubans living on the island expressed the opinion that their objective was not to emigrate permanently, but rather to be able to travel outside and learn about the world and be able to return to Cuba and live there with dignity. Regarding the representatives of the Cuban emigration, especially post-1990, almost 75% declared that they wished to return to Cuba and to participate in its political and economic transformation.

Given that the Cuban government had fulfilled the initial condition for structural reforms on the island, it was predictable that mass returns to the island would follow. It is important to stress that the possibility of repatriation had existed in Cuba for many years, but only over sixty-year-olds, the sick, the helpless, or those lacking any financial means were eligible. Today, there is a law that renders all the Cubans eligible to submit a motion.

What could be the main elements of attraction for the ones who decide to return? We can classify them into three groups:

- I. Subjective-individual reasons, such as:
 - presence of close relatives on the island or lack of final adaptation abroad and,
 - longing for the homeland.
- II. General internal factors:
 - favourable economic conditions for investment and professional development in private enterprises,
 - the pluralisation of political, economic and social life (LGBT movement, dialogue with the opposition and civil society, an increasing role of the private sector),
 - a possibility of recovering and inheriting property (especially real estate) left behind at the time of emigration,

- the perception of the Cuban diaspora as part of the Cuban society,
- improved prospects of internal and external mobility.

III. External conditions, such as:

- the normalisation of relations with the United States and the European Union,
- a dialogue with the Organization of American States as part of a regional dialogue effort joined by Cuba in recent years,
- increasing international activity of Cuba, also in the process of Latin American and Caribbean integration.

All these elements clearly make return decisions increasingly more frequent. However, only individual stories can illustrate a person's true reasons. From my own investigative experiences, the main reason is the possibility of higher mobility for people, without the need to permanently leave the country. Today, Cubans leave the island and remain outside for up to 24 months without having to apply for special permits from national institutions. This situation has allowed thousands of persons with U.S. and Spanish citizenships, who reside in Cuba but continuously travel abroad to work, to be able to return with the money they have saved.

The myth of Cuban exile

Without any doubt, during the last decades, the profile of Cuban emigrants, as well as the factors that push them to take the decision to leave their country, have been evolving. It is no longer the politics that are the main reason for leaving the country, as in the cases of the first (1959–1962), the second (1965–1973) and the third (1980) migration waves. The 1994 Balsero crisis⁷ revealed to the world, and to the Cubans themselves that the main factor of their mobility was the economic situation and the lack of fulfilment of individual plans and expectations. The importance of this aspect grew in the following years – also due to the growing fear of a possible lifting of the “wet feet, dry feet law” and the potential reduction of the support awarded to Cuban immigrants by the federal government of the United States.

This situation has inspired me to rethink the history of the Cuban exile, which is related to political repressions, banishment, and a prolonged stay away from the homeland, often with no possibility of return. It is a story of more than one million Cubans who, in the years 1959–1994 reached the United States, Mexico, Spain, and other countries around the world. With time, this history served to popularise and mythologise such narratives as the one of the salsa singer and musician Willy Chirino – *niño Pedro Pan* (Peter Pan child), Reinaldo Arenas – the Marielito, or little Elian González – the rafter, or the stories of the imprisoned, banished

⁷ Normalised through the introduction of the “wet feet, dry feet” within the framework of the Cuban Adjustment Act.

politicians and activists such as Huber Matos and Carlos Franqui. They undoubtedly owe their popularity and the living memory to the media, which also include the works of art (musical, cinema, literature) that have contributed to the shaping and the development of the story of the Cuban exile, and strengthened the identity of the Cuban diaspora. The stories of the revolutionary and Castro's dictatorship, the need to emigrate, the impossibility of return, and the longing for homeland have become a leitmotif for films, novels, and poems. Numerous examples of such works include films, such as *For Love or Country* (2000) about the life of the trumpet player Arturo Sandoval, *The Lost City* (2005) illustrating the pre-revolutionary Havana, or the Netflix series (2015) *Celia* about the life of Celia Cruz. The novels include: *Before Night Falls* by Reinaldo Arenas, which later inspired a film under the same title, *Waiting for Snow in Havana* by Carlos Eire, *How Night Fell* by Huber Matos or the *Havana for a Dead Prince* by Guillermo Cabrera. Also, the music contributed to the perception of the Cuban emigration as exile. Among the countless music productions we can easily point to the album *90 millas* by Gloria Estefan, the song *Guajiro soy* by Willy Chirino, *La Cuba mia*, *Por si acaso no regreso* and *De La Habana hasta aquí* by Celia Cruz or *Cuando salí de Cuba* by Argentinian Luis María Aguilera Picca, who had lived for several years on the island, before making the decision to leave after the triumph of the Cuban revolution. We could also name paintings, sculptures, and other works of art; however, the goal is not to present an endless list of titles but to emphasise that apart from the daily coverage in the press, on the radio, and on the T.V., the world of the media has had a profound impact on the mythologisation of the events in question. Some real histories have been transformed into myths – as described by Roland Barthes in his *Mythologies*, where he analyses the matters from a contemporary perspective – as a result of various practices employed by the modern media. Barthes offers a very comprehensive definition of a modern-world myth. Firstly, he points out that it is a system of communication, in which a message has a specific objective. This objective may be a political, social, or market agenda. As a system of communication, a myth is subject to linguistic, visual, and representation-related conditions. Barthes himself notes that “Myth is a type of speech” (118) which cannot be defined by its purpose, but rather by its message (the words and representations that are used). Therefore anything can become a myth, and everything can undergo mythologisation. However, unlike the ancient mythology, which transcended the limitation of its times, contemporary mythology is subject to time conditions, as it is primarily set around a well-defined objective, and is fuelled by actual events. Thus, once the source of a myth is exhausted, i.e. the real events, the myth expires. Barthes indicates specific conditions, under which a myth ends or undergoes demystification:

- a change in the environment that feeds the myth (the stories);
- a change in the linguistic that characterise the myth;
- a change in the message;

- the deterioration of the myth, which can be recognised by the arbitrariness of its signification;
- the disappearance of the motivation.

When analysing the information on the Cuban emigration produced by the media, it is necessary to take into consideration that the second half of the 20th century was dominated by a rivalry sparked by the Cold War. The goal of the messages created by the “Western” media, especially in the United States, was, among other things, to belittle the enemy, in this case, the Castro regime. Thus, the content and the shape of the messages, aligned with this objective, contributed to the strengthening of the myth of the Cuban exile, the impact of the political prosecution, the abandoning of the fatherland, the impossibility to return, and the longing for the home country. It is sufficient to cite *I feel Cuba*, a poem by Henry Maldonado, interpreted by Andy Garcia (an actor and an activist against the Cuban regime):

Imagine, imagine a morning...
A morning unlike any other morning ever since, and just like every other morning
up until then
And then imagine all those mornings of the world. My world...
Gone, almost in an instant
And so begins the hunger, the hunger for memories, the hunger for family, the hunger
for freedom
And everywhere... I see Cuba, I taste Cuba, I feel Cuba
And we spread out wings and take flight with a hunger to be free
Cuba, her sons and daughters spread throughout the world
And we, the sons and daughters of liberty, we infuse world with the fresh, hot blood
of the New World
Her music adds rhythm, percussion, and a thrill to our lives wherever a beat is driv-
ing hearts
Because Cuba is there
Whenever food rises above mere sustenance, I smell the sweetness of a plátano, I feel
the memories of ropa vieja
And family...
And Cuba is there...
When words fail me, I get lost in her literature
And I fear to ask
Will memories keep me safe? Hold me? Will they last? Will they last a lifetime or two?
Or perhaps three?
Memories outlined in black and white images moving across an old movie Postcards
sent long ago Kept alive by a pure will

And faith... And the images of life so loved
Cuba is there
Liberty is a tasty dish, best served hot with courage And when I look for courage,
Cuba is there.
In the halls of power, in the lonely battlefields of war, in the struggles for freedom
Cuba is there
Her influence no longer limited by borders, her ideas transcend time and space
She infuses me with a thrill for life and a longing for freedom
It is life breathing in my chest
Every day I see Cuba, every day I feel Cuba, every day I taste Cuba
She has changed the world, my Cuba, she has changed my world, my Cuba
And someday, she promises, in a morning unlike any other, a morning unlike any ever
in the history of the world
I will lay my head on her shoulders, once more in her arms, her arms around me
And I will feel my Cuba... Here...
I will feel my Cuba, and will come home to her in freedom
Because the road to liberty is a road of fate, a road of inescapable certainty
And that road leads home to Cuba... And no-one can stop it
I will come home, home to my Cuba.
'Mi Cuba querida''

Final remarks

While the 20th-century world was bipolar, the subsequent century has pulled it apart and formed international relations in a multipolar and multicentric fashion. The communication in the media no longer responds to the ideological confrontation between the United States and the Soviet Union. We rather see a diversification of the origins of global competitors, which reflects the economic pragmatism and the existential reasons that blur the divisions between various political positions. Today the U.S. media (such as *Radio Televisión Martí* and *El Nuevo Herald*) have softened their criticism of the Cuban state, reflecting the current migratory tendencies and the returns to the island, as well as the shift in the discourse, leaving aside such terms a “dictatorship”, and highlighting the social changes and the economic opening of the country. Also, new works of art, such as the films *Habana Blues* (2005), *Return to Ithaca* (2014) or *One night* (2013) contribute to the process of deconstruction of the myth of the Cuban exile. Still, the main arguments in support of the theorem on the end of the Cuban exile myth, are the current socio-economic and migratory conditions in Cuba, as well as the international situation. The changing environment has ceased to feed the myth of exile. The relations between Cuba and the rest of the world, especially the United States, have altered the tone of

political and media discourse, thus affecting the linguistic conditions that characterise the myth. Step by step, we are witnessing a transformation of the message that kept the myth of the Cuban exile alive.

Today, no-one contests the existence of circular migration, back and forth, or the returns and the repatriation, i.e. phenomena that until now were unheard of in the case of Cuba. These elements accompany the decline of the attempts to increase the political confrontation between Cuba, the United States and the European Union, and modify the epistemological and semiotic basis that support the myth of the Cuban exile, thus bringing us closer to the conclusion that what we are observing is, in fact, the actual end of this myth as such.

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Argentine Concordat as an International Agreement Regulating the Law of Patronage

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Abstract

In the history of relations between the Argentinean government and the Holy See, two ideas are permanently intertwined: signing the Concordat and defending national patronage. The changes that occurred in the 1960s indicated that exercising the right of patronage, based on the principles outlined in the Constitution, was impossible, and the peaceful establishment of the principles of bilateral relations could only be indicated through an international agreement. The Concordat signed by Argentina in 1966 removed the national patronage, but the changes to the content of the Constitution were introduced only in 1994. The aim of the study is to show the concordat agreement concluded in 1966 by Argentina with the Holy See as an example of an international agreement. The main focus is the presentation of concordat standards for the institution of patronage. Due to the subject and purpose of the study, the work uses methods typical of social sciences in the legal science discipline. The dogmatic-legal method is the basis for consideration of the Concordat as a source of Argentine law, and as an auxiliary method, the historical-legal method was used to show the historical background of the presented issue.

Keywords: patronage, Argentina, Holy See, Concordat, Constitution

Introduction

The conclusion of the agreement between the Holy See and the Argentine Republic had been discussed since the beginning of the new state. A number of political problems, however, did not allow the state to shape a stable central government that could carry out the negotiation process and end it successfully. On the other hand, differences in the views on the patronage law that always prevented the regulation of mutual relations on the diplomatic line were no less critical. Albeit the situation changed over the years, it did not correspond to the normative one. The signing of the Concordat was obvious to both the Holy See and each successive Argentine government. Both parties, however, sought to preserve their privileges, or at least to rationally justify changes in these privileges. In this area a well-established doctrine already existed, and the introduction of revolutionary changes to the highest in the hierarchy of sources of the law of legal acts would make it necessary to search for new solutions.

Since the final political formation of Argentina in 1860 and the adoption of the Constitution throughout the country, the most debatable norms of this law in the field of legal-religious relations included the one that allowed Congress to evaluate canonical documents in terms of their effectiveness on the territory of Argentina. The immediate effect of the so-received right was the possibility of interfering with the episcopate by refusing to recognise the bills of appointment of individual bishops. Article 86 para. 9 of the Constitution was an obstacle to establishing a concordat (Casiello 141). The Holy See could not agree to enter its area of internal law. The principle that was not subject to any discussion was the autonomy to which the Second Vatican Council referred. The changes that took place in the 1960s in the relations between the state and the Church clearly indicated that the exercise of the right of patronage, under the principles set out in the Constitution, was impossible, and the peaceful determination of the principles of bilateral relations could only take place through an international agreement (de Lafuente, *Patronato...* 104; Furlong 74).

The current state of research makes it possible to approach the subject of the Concordat as a historical document, especially the history of the Church. There is no thorough analysis of the topic in terms of legal research, including the historical-legal method. An analysis of this issue in this perspective makes it possible to understand the impact of the Concordat on current legal regulations in the area of ecclesiastical law, not only within the framework of relations between the state and the Catholic Church, but also other religious entities. Due to the method of its approach, the issue is important for current decisions in the area of institutional relations of ecclesiastical law. The layout of the article is consistent with the temporal approach to the issue of the Argentine Concordat. Therefore, in order to understand the difficulties in negotiating this agreement, it is first necessary to define the nature of the relationship between Argentina and the Holy See, as was presented

at the beginning of the article. The establishment of bilateral relations and the organisation of religious assistance in the Argentine Armed Forces present the beginnings of cooperation between the two entities. In the following parts of the study, there are direct references to the document itself, together with a presentation of the legal consequences of abolishing the right of patronage in the legal system. Thanks to this way of presenting the subject, the reader can learn about the overall approach to the subject of the study in a systematic way.

Methodology

The issue of Concordat as an international agreement is discussed from the point of view of legal science discipline. The basic method to explain the legal norms of Concordat as a source of Argentine law is the dogmatic-legal method. Due to the historical background of the issue of patronage, whose origins date back to the colonial period, the historical-legal method was also applied. Thanks to this, information on the development of the institution of patronage and changes in its use on the territory of Argentina was presented comprehensively.

Literature overview

The current state of research on the issue of Concordat in the area of international law, and not the history of the Catholic Church in Argentina, has not yet been presented in a comprehensive way in the literature on the subject. These issues are addressed within the framework of the Argentine doctrine in the areas of theological and historical sciences, for example, in work C. Bruno, M. Zavala Ortiz, L. García De Loydi, P.J. Frías. It is all the more important to stress the lack of a legal view of the institution of patronage in Argentina as one of the examples of how it operates within the framework of legal-confessional relations. The lack of literature in this area is mainly due to the still underdeveloped branch of ecclesiastical law in Latin American countries. So far, among the few doctrines of ecclesiastical law in Argentina, J.G. Navarro Floria, A. Levaggi, N. Padilla have dealt with the Concordat. In addition, a one-sided view of the institution of patronage and Concordat, including a lack of objectivity in the assessment of actions taken in relations between the state and the churches, is evident in the older literature available, e.g. C. Bruno. The lack of appropriate studies by European specialists in the field of ecclesiastical law is also problematic. The issue of a detailed analysis of the institution of patronage in a concordat in a specifically designated country has not fallen within the scope of interest of European researchers. It is incidentally found in studies for comparative law research.

Relations of the state with the Holy See before the Concordat

In the history of the relations between the Argentine government and the Holy See, two ideas were permanently intertwined: the signing of the Concordat and the defence of the exercise of national patronage. From 1810, the only way to harmonise the political vision of the state with the canonical doctrine was the Concordat, which is why both sides sought to sign it. However, before this could happen, it was necessary to restore the broken diplomatic relations. The content of the Concordat was still a secondary matter.¹

The issue of the Concordat appeared in the history of Argentina many times. One of the most important documents in this regard was Memorial Ajustado prepared by Pedro José Agrelo. It was a collection of official documents and expertises, prepared in response to the appointment of Mariano Medrano bishop of Aulón *in partibus infidelium* in accordance with the brief Pope Pius VIII of 7 October, 1829 and his confirmation as vicar of the second apostle of 10 March, 1830. In addition, Agrelo joined the appointment documents from 2 June, 1832, Medrano by Pope Gregory XVI. for the diocesan bishop of Buenos Aires and Mariano José de Escalada for the new bishop of Aulón. The author of Memorial Ajustado described the Concordat as a means to agree on common positions of the parties. His idea was shared by most canonists and lawyers whose opinions were attached to Memorial Ajustado. The document “Proposiciones que contienen las bases y principios del procedimiento del Gobierno” also presents the matter of the Concordat and the period of lack of relations with the Holy See. At the same time, it should be emphasised that the initiative to start talks on this matter was left to the Pope and not to the government (Levaggi, *Historia...* 55–8).²

In connection with the political clashes between the supporters of federalism and Unitarianism and the lack of real central power, in particular after the collapse of the Constitutional Congress in 1829, the provinces regained a number of their sovereign powers. This is important in this matter, because at that time the local governments in San Juan and Corrientes were taking action to sign a contract with the Pope to regulate their relations with the church authorities, omitting Buenos Aires.

Since the first attempts to gain independence, successive governments in power in the Río de la Plata failed to reach an agreement with the Holy See.

¹ The period of Argentina's lack of communication with the Holy See covers the years 1810–1858, vid. A. Tonda, *La Iglesia argentina incomunicada con Roma (1810–1858). Problemas, conflictos, soluciones*. Santa Fe: Castellví, 1965.

² Opinion 14th and the last one; opinions of: Gregorio Tagle, Buenaventura Hidalgo, Vicente López y Planes, José María Terrero, Baldomero García y Tomás Manuel de Anchorena.

The exception was the agreement signed in 1834 between the Province of San Juan and the Apostolic Vicar, Justo Santa María de Oro. In accordance with the provisions of this agreement, the “*Ineffabili*” bull of Pope Gregory XVI of 19 September, 1834, the episcopal diocese of San Juan de Cuyo as the independent unit of the Church was adopted. The province governor has been granted the patronage right (de Lafuente, *Patronato...* 112–20). The apostolic Vicar of Cuyo, Justo Santa María de Oro, was appointed on 26 October, 1833, under an agreement creating a new diocese. The mentioned bulla was the only document in the history of Argentina, which granted the secular government the right to present a person for the post of a bishop (*Antecedentes* 333–40; Verdaguer 104; de Lafuente, *Patronato...* 28–31, 119–31; Oviedo Cavada 243–55; Zuretti 246; Bruno, *Historia...* 217–22). At the same time, the Constitution of the province of Corrientes from 1824 gave the executive power the right to depict people for all places and ecclesiastical beneficiaries, on the basis of a concordat.³ The second provincial Constitution of the time, which provided for signing the Concordat, was the provisional statute of the Jujuy province of 1835 (*Estatuto Provisorio de Jujuy*). According to this document, it was the Governor’s duty to exercise patronage over the provinces’ goods and religious figures until the national government concludes an agreement with the Holy See (Levaggi, *Intento...* 211–31; San Martino de Dromi 971).⁴

Until the Constituent Congress was convened in 1852, no action was taken to sign the Concordat by the central authorities. This issue, however, was addressed by the doctrine, which affected the content of constitutional projects prepared by Juan Bautista Alberdi and Pedro De Angelis. The second document contained several provisions, including keeping respectful relations with the Holy See, but without diminishing the rights of secular authority in the field of patronage;⁵ permission of Congress to take actions related to the adoption of a concordat throughout the country;⁶ signing concordats by the President (San Martino de Dromi 2461, 2467, 2474).⁷ Alberdi’s project had no direct reference to agreements with the Holy See, but in reference to the patronage, it supported the right to present candidates for church posts and consent to receive papal

3 Art. 6: “La provisión y presentación a todas las piezas, y beneficios Eclesiásticos, baxos las bases del concordato que deberá promover, concluir con la Autoridad Eclesiástica del Obispado, y con consulta y aprobación del Congreso Permanente.”

4 Sección 5ª, art. 37, inc. 17: “(...) ejercer el patronato de los benefcios y personas eclesiásticas de la provincia hasta que el gobierno nacional celebre un concordato con la Silla Apostólica.”

5 Art. 10: “(...)las relaciones con la Santa Sede serán las más cordiales y respetuosas, sin mengua de las prerrogativas nacionales.”

6 Art. 47 inc. 8: “(...) dar instrucciones para celebrar concordatos con la Silla Apostólica, ratificarlos y arreglar el ejercicio del patronato en toda la República.”

7 Art. 84 inc. 16, “(...) celebrar concordatos con la Silla Apostólica, en los términos prescriptos en el artículo 47”.

documents. Despite such a design of the project, Congress added a wording authorising it to approve and reject international agreements and determine how to exercise patronage throughout the Confederation.⁸

After the end of the period of state formation and the adoption of the 1853 federal constitution, further attempts to reach an agreement with the Holy See failed due to disagreement over the issue of patronage and the acceptance by Argentina of the guarantee of freedom of worship in Art. 14 of the Constitution. In connection with the contemporary understanding of the idea of the Concordat (the so-called era of classical concordats), nineteenth-century treaties were conditioned by the announcement of the state's confessionality, which in the case of Argentina was impossible due to the then binding Constitution (Bruno, *Base...* 255–70).

In the first half of the 20th century, no projects were directly undertaken to sign the Concordat. A confidential memorandum presented in 1926 by Miguel de Andrea to Cardinal Gasparri, expressed the will of the state to conclude an agreement with the Holy See but had no legal consequences. An intensification of activities took place only after the end of the second Presidency of Perón, during which the relations between the state and the Church reached the maximum level of tension, as in the years 1954–1955. After the overthrow of Perón, the period of rapprochement began in these relations, culminating in the signing of the agreement in 1966. The presence in Rome as Ambassador Manuel Río in 1956–1958 was a decisive factor in improving mutual relations. He was personally responsible for establishing a dialogue with the Holy See.⁹

Argentina remained in economic and political chaos for the next decades. Lack of permanent political strength and frequent changes of government deepened the financial problems of the state. This influenced the change in the way of thinking and acting for the entire Argentine society, including the Church, which was reformed in the early 1960s with Vatican II. However, separation of secular and spiritual power was impossible, as the government retained the right of patronage, and the lack of separation of these two entities threatened the freedom of the Argentine Church, subordinating it to the politics of the secular government. The Second Vatican Council saw the problems of countries in which patronage was in force and made this issue the subject of the debate. In order

⁸ Art. 64, inc. 19, "(...) *aprobar o desechar los tratados concluidos con las demás naciones, y los concordatos con la Silla Apostólica; y arreglar el ejercicio del patronato en toda la Confederación*", y por el artículo 83, inciso 14, el presidente "concluye y firma (...) concordatos (...)."

⁹ More on this aspects: L. García De Loydi, *La Iglesia frente al peronismo. Bosquejo histórico*, Buenos Aires: CIC, 1956; D. Corallini, D. Rodríguez Lamas, *Encuentros y desencuentros de un pueblo. La Iglesia durante los gobiernos justicialistas*, Buenos Aires: Guadalupe, 1988; L. Caimari, *Perón y la Iglesia Católica. Religión, Estado y sociedad en la Argentina (1943–1955)*, Buenos Aires: Ariel, 1995; R. Bosca, *La Iglesia nacional peronista. Factor religioso y poder político*, Buenos Aires: Sudamericana, 1997; S. Bianchi, *Catolicismo y peronismo. Religión y política en la Argentina. 1943–1955*, Buenos Aires: Prometeo-IEHS, 2001.

to protect its freedom and to ensure the good of the faithful, the Church recommended the abolition of the rights and privileges of the civil authorities to appoint, present or designate candidates for the office of the bishop (Levaggi, *Historia...* 93–4).

Agreement on religious assistance in the Argentine Armed Forces

The agreement regarding religious assistance in the Armed Forces, concluded on 28 June 1957 by the military government, should be regarded as the first Argentine Concordat in the broad sense of the term (N. Padilla, J.G. Navarro Floria 15–20). On the basis of this act, the Vicariate of Castrense was established in Argentina, which in fact existed already from 1810. This agreement was subsequently updated by an exchange of notes on 21 April, 1992, in order to adapt it to the provisions of the Apostolic Constitution *Spirituali Militum Curae* and the conversion of the Vicariate into a bishopric – Military Ordinariate (Ordinariato Castrense) (Navarro Floria, *Precisiones jurídicas...*, Navarro Floria, *La singular...* 252).

The interim government of Pedro Eugenio Aramburu Silveti in 1957 came to an agreement with the Holy See on the organisation of military pastoral work in the Argentine army. It was the first bilateral legal act concluded between the Holy See and Argentina, and therefore immediately preceded the agreement of 1966 (Hanna; *Decretum...* 866–68). On 28 June, 1957, undersecretary of state for Asuntos Eclesiásticos Extraordinarios, Doménico Tardini, and Argentina's ambassador, Manuel Río, signed an agreement on “atención religiosa de las Fuerzas Armadas”. The implementation of the goals contained in this agreement, i.e. spiritual care over land, sea and air forces, was to take place within the Vicariato Castrense. The Pope, with the consent of the President as the head of the Armed Forces, was to appoint the bishop of Vicariato Castrense, which took place in 1957. The President's consent was only required to appoint a military vicar. Each of the three chief chaplains for individual types of Armed Forces was to be appointed by the clergyman himself. He was also entitled to appoint a provocateur. In such a procedure, however, patronage was not violated, because the need for the Senate to list three candidates for office and submit it to the President in order to appoint one of them, concerned only the bishops of the Ordinary. Due to the fact that Vicariate Castrense did not have the status of a diocese, it was possible to apply a different solution to the vicar.¹⁰

Spiritual assistance in the Armed Forces has existed since the beginning of the establishment of the state, but the lack of regular government has caused

¹⁰ Acuerdo entre la Santa Sede y la República Argentina.

difficulties in the implementation of such activities. Difficulties intensified as a result of Perón's conflict with the Church. The revolutionary government set up a research commission that stated that it was necessary to have an *ad hoc* organisation with its own hierarchy, a special ecclesiastical jurisdiction *ratione personae*. Chancellor Alfonso de Laferrère and under-secretary of cult Roberto H. Lanusse were determined to promote this initiative. The proposal was sent to Rome, and the ambassador discussed the matter with the secretary of the Congregation for Extraordinary Church Matters, Antonio Samoré, assisted by Monsignor Agostino Casaroli and with whom the representative of the Secretariat of State, Domenico Tardini and his deputy, Angelo Dell'Acqua, cooperated. After receiving the credentials, Tardini and Ambassador Río signed the agreement. For the first time, the bilateral relations between the Holy See and the Argentine Republic were formally regulated. The agreement was immediately ratified by the Pope and by the President.¹¹ The exchange of notes took place in the Argentine Ministry of Foreign Affairs on 8 July between the Apostolic Nuncio Mario Zanin and Minister Laferrère. After the entry into force of the agreement, Pope Pius XII appointed Fermín E. Lafitte as the first vicar of Ordinariate (Río 59–74).

The document contains sixteen articles. The Holy See established a vicariate in Argentina, consisting of a military vicar who is a bishop appointed by the Holy See in agreement with the President, and three major chaplains, respectively for each type of armed forces, also after the candidates have been accepted by the relevant ministry. The jurisdiction of the Vicariate includes all military staff in active service, their wives, children, other relatives and domestic personnel living together in military and cadet facilities, laypersons and clerics living in institutions or places reserved for military personnel. Chaplains have parish competences and in the case of general mobilisation, priests perform military service in the form of religious help. Other clergy and religious are assigned to auxiliary services of chaplains or medical organisations. The ordinaries, parish priests, church rectors, religious superiors and personnel necessary in diocesan curia and seminaries are exempt from military service.

For the first time in the history of Argentina, the agreement between the Holy See and the national government determined that both forces would appoint the bishop by mutual agreement, even though he was only a vicar of the Ordinariate. In practice, this was used by *modus vivendi*, but it was a novelty that a legal title was established, although to a limited extent (de Lafuente, *La situación concordataria...* 362). However, the question of patronage remained unresolved, in particular the constitutional norms regarding its implementation.

¹¹ Decree-Law No. 7623/1957.

Conclusion of the Concordat in 1966

The international agreement with the Holy See, which comprehensively regulated the relations between the state and the Church, was a concordat signed in Buenos Aires on 10 October, 1966, which ended Argentine's claims regarding patronage and ordered the legal situation of the Catholic Church in the country (de Lafuente, *El acuerdo...* 115; Frías, *El acuerdo...* 227).¹² At that time, the Constitution of 1953 was in force, and although it was changed several times, in 1860, 1866, 1898, and 1957, the institution of patronage remained in an unchanged form from the very beginning, as did Art. 2, which in the government's opinion justified the exercise of this right (Bermúdez 74). In the opinion of the deputies of subsequent constitutional congresses, patronage was one of the attributes of a sovereign state inherited from the Spanish Crown (Legón 292; Salinas Arenda 52). From the point of view of the Catholic side, on the basis of patronage, the Church was limited in the implementation of its own autonomy. It was also pointed out that thanks to their patronage, liberal governments, presidents and ministers, were able to interfere in the rights of the Church (Estrada 22 i n.). For most representatives of the constitutional doctrine, the patronage was, however, an inherent right of sovereignty, as long as there was support for Catholic worship provided for in Art. 2 (González Calderón 79). Even people who did not agree with this solution understood that the resulting situation could be changed only through constitutional reform. At the same time, they were aware of the fact that a debate could be a source of divisions in society and, consequently, bring unpredictable results. Attempts to consolidate the patronage in the second half of the 19th century, and in particular to obtain its formal acceptance from the Church, by signing a bilateral concordat agreement. They were rejected by successive governments who were afraid that in this way Church authorities would strengthen their position (Legón 303). In this situation, the Holy See and the Republic of Argentina worked out a *modus vivendi* for more than a hundred years, according to which no episcopal appointments were made or dioceses were created without prior presentation provided for in the Constitution (de Lafuente, *La situación concordataria...* 13; Frías, *El acuerdo...* 9; Casaroli 363).

On 1 May, 1958, President Arturo Frondizi replaced Aramburu in this position. Santiago de Estrada was delegated to Rome. The importance of Frondizi's government and its strong international position made it possible to implement a plan aimed at establishing a new order of relations with the Church authorities. Frondizi's visit to the Vatican in 1960 was positively received, thanks to which he managed to gain the trust of Pope John XXIII. The instructions issued by the President

¹² More on this aspects: M.A. Zavala Ortiz, *Negociaciones para el acuerdo entre la Santa Sede y la República Argentina*, Buenos Aires: Guadalupe, 1966; J.L. Kaufmann, *La presentación de obispos en el patronato regio y su aplicación en la legislación argentina*, Buenos Aires: Dunken, 1996.

since his office, as well as his attention devoted to matters concerning the Church, determined the commencement of the proclamation aimed at signing the Concordat. From the very beginning, it was decided to leave contact with the episcopate to get his opinion on the most important problems that concern him (Centeno 10, 36, 45).

Frondizi's presidency ended suddenly on 29 March, 1962, as a result of the overthrow of the Armed Forces. During the rule of José María Guido, the circumstances were not conducive to progress in negotiations with Rome, although religious matters have not ceased to be taken into account. Positive actions include the lack of restrictions on the adoption of papal bulls and the abolition of the obligation of bishops to submit an oath of obedience to secular law. To resolve the relationship between the Church and the state, it was necessary to restore constitutional power, which took place on 12 October, 1963, after Arturo Umberto Illia took power.

After a period of political instability and the radical rule of Arturo Illia in 1963, negotiations were resumed and concrete steps were taken to eliminate the patronage of the Argentine legal system. The first official contacts that led to the signing of the Concordat were initiated in October 1965, when on the occasion of the stay of Pope Paul VI at the United Nations headquarters in New York, the Minister of Foreign Affairs, Miguel Ángel Zavala Ortiz, handed the Pope a memorial in which the President of Argentina suggested his readiness to grant the Church all rights and privileges corresponding to its mission and proposed concluding a contract. This document was welcomed by the Holy See.

A series of steps undertaken in 1965 led to the conclusion of the Concordat. The project was prepared and presented by the Apostolic Nuncio Humberto Mozconi. The text of the document was sent in March of the same year to the Holy See which proposed some modifications. Mutual exchange and determination of the content of the act was completed with the adoption of the fifth project by initialling the text on 6 June, 1966. Negotiations were conducted for eight years, above all with the Argentine episcopate. When the details were finally determined, the date of the signing of the treaty by the Apostolic Nuncio – Humberto Mozzoni and the Minister of Foreign Affairs – Zavala Ortiz was agreed. In the process, however, it was necessary to circumvent the provisions of the Basic Law, in which there were still norms concerning patronage and the principle of unilaterally regulating the relations with the Church by the state. For this purpose, a broad interpretation of the verb *arreglar* was made, which was included in the constitutional provision specifying the exercise of patronage. It was assumed that if this norm allowed unilateral actions by the state, in the field of discretion, a mutual regulation of matters was also possible.

If the modification of the *modus vivendi* in Argentina's patronage was the work of successive governments as a part of an uninterrupted policy, especially the Frondizi Presidency, the negotiations on the agreement were the outcome of the work done

by the government led by Arturo Illia, with direct involvement of the Minister of Foreign Affairs and Cult, Miguel Angel Zavali Ortiz. The day before signing the agreed document, which was to take place on 29 June, 1966, President Illia was overthrown as a result of a military coup; the general was Juan Carlos Onganía (Zavala Ortiz 23; Frías, *El Auerdo...* 18). In connection with the situation, Pedro José Frías, the member of the Honorary Commission for Church and State Relations,¹³ who was appointed ambassador to the Holy See, was obliged to explain to the Pope what actions at the legislative level, especially those regarding the approval of treaties, were taken by the new government. Only when the fears of the Holy See were assuaged, on 10 October, 1966, the Nuncio and the Minister of Foreign Affairs, Nicanor Costa Méndez, signed a contract which (*de facto*) approved the Act 17.032 (Frías, *Una experiencia...* 91).

The doubts about the unconstitutionality of the Concordat were overcome thanks to the opinions of the constitutional doctrine, which, in principle, considered such a solution to be consistent with the highest law of the Republic (Ramella 202; Vanossi 267–68). Despite the successive coups and military upheavals and frequent changes in the post of President, no government, civilian or military of Argentina, never tried to ignore the provisions of this agreement.

Concordat provisions analysis

The text of the Concordat begins with the confirmation of the rules that were followed by both parties in concluding it. In the preamble to the document, the Holy See appealed to the principles of the Second Vatican Council, and Argentina declared activities inspired by the principle of freedom, enshrined in the Constitution (Bidart Campos, *Tratado...* 56, A. G. Padilla 10), in order to update the Church's legal situation.¹⁴ Attention is also drawn to the use of the word *actualizar*, which was chosen very carefully in the context of changes introduced in the state-church relations.

In the first article of the Concordat, there are rules of interpretation to be applied when analysing the normative text of the contract. According to them, the state “recognises and guarantees to the Church the free and full exercise of its spiritual power”, as well as “free and public exercise of its cult” and “its jurisdiction in the sphere of its competence to achieve its specific goals.”¹⁵ It should

¹³ Created between 1958 and 1962 by the Undersecretary of Culture Ángel Centeno, together with lawyers Juan Casiello and Ramiro de Lafuente.

¹⁴ “Ratificose la convención con la Santa Sede,” *La Nación*, Buenos Aires, 29/1/1967.

¹⁵ Art. I: „El Estado Argentino reconoce y garantiza a la Iglesia Católica Apostólica Romana el libre y pleno ejercicio de su poder espiritual, el libre y público ejercicio de su culto, así como de su jurisdicción en el ámbito de su competencia para la realización de sus fines específicos.”

be surmised that the agreement assumed the inability to limit the autonomy of the Church, both in relation to communication with Rome and its internal self-organisation, which was confirmed directly of the Art. IV Concordat (Frías, *El Auerdo...* 359). Such an understanding of the principles of cooperation should be considered in the context of Art. 2 of the Constitution, referring to the state's duty to uphold Catholic worship. This provision was also a justification for the activities undertaken as part of the patronage. The Concordat separated, in a material sense, the constitutional norm contained in Art. 2 from the patronage right. Thus, it removed one of the main reasons for leaving the institution's regulation in the text of the Constitution. Thanks to this, it gave grounds for amending the Constitution in this area.

The free and full exercise of ecclesiastical jurisdiction, which the state recognised and guaranteed, was discussed by the Supreme Court in two judgments. The first of these concerned the confiscation of a building, an estate intended for the seat of a diocese and housing for clergy, which the church authority considered to be a "temple or sacred object," in accordance with Art. 2345 of the Civil Code. This norm assumed for them a separate from the state regime, which corresponded to the norms of canon law and regulations resulting from the patronage.¹⁶ For the Court, art. I Concordat, which referred to the Church's law in this regard, meant only them from the regulations created by the secular authority. Therefore, the property could be sold only in accordance with the canons of ecclesiastical law, and any interference with them should be considered or recognised in the Republic only according to the canonical order, especially Art. 1254 of the Code of canon law.¹⁷ The interpretation of the above-mentioned ruling is obvious because in its justification the application of the canon law norms in the Argentine legal system was clearly indicated. Taking into account the subjective scope encompassing this form of reception of law, it should be pointed out that the concept of Church property has been included in it in a broader sense than before. It went beyond objects intended solely for religious worship (von Ustinov 493–96). The court broadly applied the conditions for excluding them from enforced execution but doing so only through the interpretation of a provision that could be changed to the detriment of the Church. Therefore, the doctrine still emphasised the need to explicitly include in the Civil Code a norm qualifying Church goods as an area subject to the law of canon law (Di Nicco 57–8). In the second ruling, the court ruled on a clergyman who got married and started a family, and at the same time wanted to remain

¹⁶ Art. 2345 Código Civil: „Los templos y las cosas sagradas y religiosas corresponden a las respectivas iglesias o parroquias, y están sujetas a las disposiciones de los artículos 33 y 41. Esos bienes pueden ser enajenados en conformidad a las disposiciones de la Iglesia Católica respecto de ellos, y a las leyes que rigen el patronato nacional.”

¹⁷ Corte Suprema de Justicia de la Nación, *Lastra, Juan c/Obispado de Venado Tuerto*, 22.10.1991 r., fallo 313:1324.

an “employee” of the parish from which he had been removed. The court clearly stated that what concerns the priesthood and related obligations remains under the exclusive jurisdiction of the Church.¹⁸ In the above judgments, the court took it for granted that the state acknowledges the actions of the Church, by virtue of an international treaty, i.e. the contract of 1966, for the sphere that is exclusively applicable to the canonical order. In other words, the state refrained from interfering in the autonomous area of the Church’s activities (Serrano, *Artículo 2...*).

In further articles of the Concordat, there is the empowering power to create or modify the limits of church districts and to appoint archbishops and bishops of the Ordinary, prelates and coadjutors in them (Articles II and III). Only the earlier pre-notification of candidates for these positions was determined, which was to be secretly handed over to the government. Argentine citizenship was a requirement seen as a guarantee that the Holy See would not entrust the diocese to foreigners. It was also rational from the point of view of supporting Catholic worship in the form of transferring funds to bishops directly from the state budget. In practice, the nomination was always suspended until this condition was met by the designated person. The Argentine Government was also granted the right to submit “general political objections” (“objeciones de carácter político general”) against the candidate within thirty days. After this period, the lack of information was interpreted as consent to the nomination (Cardoso 163–65). In practice, as far as possible, the government, through Secretaría de Culto, has expressed its opinion immediately. Usually, prior to the publication of the message on the appointment of the candidate, the State Secretariat communicates with the embassy and informs it of the date on which it will take place. The secretive nature of this procedure makes it impossible to examine the practical use of this competence (Gramajo 65–73). However, the Concordat envisages such a possibility, so if the government opposes the creation of an ecclesiastical organisational unit or the candidate’s choice, the parties have committed themselves to seeking “appropriate forms of agreement” (“*formas apropiadas de entendimiento*”) with regard to possible remarks on contentious issues.¹⁹ Although there was no formal conflict resolution procedure to which the Concordat could apply, the parties agreed on any differences that could arise in the interpretation of the provisions of this agreement.

When analysing Art. III, the previous experience of the parties should be taken into account, especially the *modus vivendi*. Thanks to many years of practice, they

¹⁸ Corte Suprema de Justicia de la Nación, *Rybar, Antonio c. García, Rómulo y/u Obispado de Mar del Plata*, 16.06.2012 r., fallo 315:1294.

¹⁹ Art. VI: “*En caso de que hubiese observaciones u objeciones por parte del Gobierno Argentino conforme a los artículos segundo y tercero, las Altas Partes contratantes buscarán las formas apropiadas para llegar a un entendimiento; asimismo resolverán amistosamente las eventuales diferencias que pudiesen presentarse en la interpretación y aplicación de las cláusulas del presente Acuerdo*”.

already knew how to resist conflicts over a personal background. The lack of information on the practice of presenting comments to candidates in the Concordat was a consequence, on the one hand, of recognition of the national patronage and, on the other hand, of an established practice. The Argentine government could not recognise acts incompatible with the Constitution in a legal act. A fundamental difference to the concordat arrangements was that the only acceptable objections could be those concerning the general political order, and not as before, all arguments including those personal (Mallea 20–23, 34, 40–42).

The Concordat entrusted the bishops with the installation of religious congregations in the country (Navarro Floria, *Un nuevo regimen...* 373). The Argentine government, at the request of the Ordinary of the place, undertook to issue a residence permit and to prepare identification documents for clergy from abroad (Docampo 433).²⁰ A direct consequence of this clause is the Law 24.483, binding until today, on recognising the legal personality of institutes of consecrated life and associations of apostolic life (Saguier Fonrouge 199–210).

A novelty in relation to previously concluded concordats was the failure to specify the procedure in the process for the submission of reservations. In practice, if the Holy See recognised the reservation made by Argentina, it would be accepted. If it rejected them, it could insist on the fulfilment of the previously agreed obligation without the possibility of undertaking other actions by Argentina.

In the Concordat, the right of patronage by the state party was not given up directly. The analysis of the norms of this document leaves no doubt in this matter. The regulations provide for a bilateral procedure for taking actions in the area subject to patronage. This means that the possibility of interfering in canonical matters in a unilateral manner by the state authorities was finally rejected.

Consequences of introducing Concordat norms into the Argentine law system

The controversy between the church and the state regarding the question of who should fill the capital of the archbishop of Buenos Aires in the 1920s, prompted both sides to discuss the end of patronage, even though it was only the Vatican II that finally settled the matter. While the Concordat quashed the possibility of taking action in practice under Argentine patronage, the institution remained in the text of the Constitution. This prevented the complete separation of church and state.

²⁰ Art. V: “El Episcopado Argentino puede llamar al país a las órdenes, congregaciones religiosas masculinas y femeninas y sacerdotes seculares que estime útiles para el incremento de la asistencia espiritual y la educación cristiana del pueblo. A pedido del Ordinario del lugar, el Gobierno Argentino, siempre en armonía con las leyes pertinentes, facilitará al personal eclesiástico y religioso extranjero el permiso de residencia y la carta de ciudadanía”.

The Concordat assumed the continuation of good relations between the Argentine government and the Holy See. Although the agreement gave the Pope the power to award titles and ecclesiastical positions, the Argentine government retained the right to express its opinion in this regard.

With the entry into force of the Concordat, a complicated situation arose in the Argentine law, as the Constitution continued to contain clauses concerning the right to patronage, for example regarding the powers of the judiciary. Since 1966, these provisions have not been applied. This state of affairs lasted until the last amendment of the Constitution of 1994, when, on the occasion of a comprehensive constitutional reform, the indicated regulations were formally derogated (Ramella 202). At the same time, Concordat obtained a higher degree in the hierarchy of legal acts than the Act, pursuant to Art. 75 paragraph 22 of the Constitution.

The first reform resulting from the adoption of the Concordat concerned Art. 228 of the Criminal Code. This provision imposes a prison sentence of one to three years on anyone who has performed or ordered the making of canonical documents without obtaining consent for their effectiveness in the domestic legal order and from one to six years when the Congress has expressly refused such consent. In the amendment to this provision, the reference to canon law was removed, and the wording referring to the internal law of third countries was introduced.

In two cases decided by the Supreme Court in the early 1990s, it was stated that one of the consequences of accepting the Concordat was the recognition of the autonomy of the Church in canonical matters. Thus, they were excluded from the jurisdiction of the state, whose task was always to exclude itself from interfering with the internal law of the Church. The scope of the subject covered the inviolability of church property and the lack of the possibility to verify matters of a purely spiritual nature, i.e. mainly referring to the freedom of conscience.

Despite the fact that they did not comply with the Constitution from before its 1994 reform, the norms of the Concordat could not be removed; neither could the state authorities be obliged to reform them. As an international obligation, their legal force was limited to defining obligations for parties that must be observed and, if necessary, implemented by appropriate means. Thus, the obligation of legal and moral coherence arose with what was agreed to adapt the norms to the system of national law (Bidart Campos, *Manual...* 544–46).

In 1993, pursuant to Act No. 24,309, the reformed Constitution created the possibility of adapting the text to the Concordat, eliminating all clauses directly or indirectly limiting the concordat regime from the Constitution. In March 1994, before the meeting of the Convention, the Conference of the Episcopate of Argentina issued the document “La Iglesia Católica y la reforma constitucional,” which provided for the replacement of articles on the Concordat with phrases similar to those included in the Constitution of the province of Cordoba, which was guaranteed free and public worship to the Catholic, apostolic and Roman Catholic Church. This was

justified by the tradition and culture of the region's inhabitants. Institutional relations were based on the principle of autonomy and cooperation. The restrictions concerned only morality, good manners and public order.²¹ This Constitution also guaranteed the freedom of conscience and religion as an inviolable law, and on the issue of religious practices it made for restrictions resulting from morality and public order. In addition, no one would be forced to declare their religion.²²

The reform project prepared by the Comisión de Integración y Tratados Internacionales de la Convención maintained, among the attributes of the Congress, the approval or rejection of concordats with the Holy See.²³ According to the report to the project, it was mandatory to abolish the patronage, which had practically ceased since 1966. Since the conclusion of the international agreement, the government no longer had competence in matters of patronage or acceptance of religious orders, because the Church has the right to free and make full use of individual spiritual power, worship and jurisdiction. According to the opinion of the Comisión de Redacción²⁴ the Congress has the right to approve or reject treaties concluded with other states and international organisations, as well as concordats with the Holy See. Treaties and concordats take precedence over national laws in art 67, inc. 22. This subject was not discussed at the plenary session. The attention of the convention focused on international treaties.

As to the requirement that the President should be a member of the Catholic community, at the meeting of 28 July 1994 and also on 2 August, it was implicitly accepted that any manifestation of the right of patronage should be excluded from the text of the Constitution.

Conclusion

Despite the Concordat norms repealing the rights resulting from the patronage, the Argentine government and the Catholic Church remained connected. The intra-ecclesial conflicts arising between bishops and priests erupted due

²¹ *"La Nación Argentina, de acuerdo a su tradición cultural, reconoce y garantiza a la Iglesia Católica Apostólica Romana el libre y público ejercicio de su culto. Las relaciones de ésta y el Estado Federal se basan en los principios de autonomía y de cooperación. Igualmente garantiza a los demás cultos su libre y público ejercicio, sin más limitaciones que las que prescriben la moral, las buenas costumbres y el orden público"* (cfr. Art. VI).

²² *"Son inviolables la libertad de conciencia y la libertad religiosa. Su ejercicio queda sujeto a las prescripciones de la sana moral y el orden público. Nadie puede ser obligado a declarar la religión que profesa"* (Art. V).

²³ Juana Pablo Cafero, Enrique De Vedia, Zelmira M. Regazzoli, Hugo B. Rodríguez Sañudo, Jorge D. Amena, Esteban M. Llamosas, Julio C. Aráoz,

²⁴ Carlos Corach, Antonio M. Hernández, Rafael A. González, Juan C. Hitters, César Arias, Juan C. Maqueda, Horacio D. Rosatti, Alberto M. García Lema, René S. Orsi.

to misunderstandings regarding their attitudes towards state power.²⁵ The Church's own problems took place in the context of the political and economic turmoil in Argentina.

The issue of signing the Concordat was present in Argentine history from the beginning of independence. Argentine Governments did not deny the fact that the regulation of relations with the Catholic Church should become the subject of a bilateral agreement. As soon as it was possible to establish contacts with Rome, interrupted by breaking relations with the Crown, necessary steps were taken in this direction (Duran 138–140). This goal dominated the first years of political activity of the new state. During the course of the *modus vivendi*, the activities aimed at signing the contract were discontinued in mutual relations with the Church, but the mid-twentieth century was marked by a return to the previous plans, finally completed by signing the Concordat in 1966.

Finally, it was assumed that the relations between the Church and the state in Argentina had to be determined at the state level. The process of establishing and adopting an international agreement with the Holy See began shortly after the election of Pope John XXIII. At the end of 1958, President Arturo Frondizi asked the Holy See to take action to sign a concordat with Argentina. While the administration of Pedro Aramburu restored the Church's rights lost during Perón, it also proved that the Argentine Governments, especially those resulting from a military coup, exercised the right of patronage in accordance with their interests.²⁶ Four ruling teams (Arturo Frondizi, José María Guido, Arturo Umberto Illi and Juan Carlos Onganía) of different origins and political ideologies were needed to complete the concordat negotiations. The signing of the contract in 1966 gave the appropriate ecclesiastical authority the right to nominate and appoint bishops in Argentina just a decade before another military coup.

The contract was approved by the actual executive on 23 November, but not by Congress which then did not work. In connection with this, there were allegations regarding the validity of this international agreement, referring to the jurisdiction of the judiciary to decide on its compliance with national law, as well as to the process of ratification and the possibility of invoking the invalidity of the treaty by the party (Vanossi 266–69). The gradual implementation of concordat norms, in particular the constitutional reform of 1994, removed all grounds for raising hypothetical objections. Both the subject scope, which does not exhaust the list of matters that may be subject to bilateral regulations between the state

²⁵ This conflict affected parish priests and bishops in particular, as the former demanded progress and reform of the law, while the latter did not agree to any radical changes.

²⁶ It was clear from their actions that governments dominated by the military did not hesitate to use the Argentinean Church for their own purposes. Under Aramburu, the Supreme Court refused to approve the appointment of two bishops, which was a political decision and was not justified by the legislation in force at the time.

and the Church, and the plural “concordats” used in the constitutional text, allow the assumption that the state’s ability to conclude agreements with the Holy See has not been exhausted by adopting a document in 1966. The axis of the Argentinian state’s relations with the Catholic Church has been definitely and finally shifted from the patronage right to the concordat system in force today.

The historical process of shaping relations between the Church and the state in Argentina has had a significant impact on contemporary relations in this area. It forms the basis for assessing the state’s relations with the Catholic Church over many years, starting from colonial times. Against this background, it is important to consider the current norms of ecclesiastical law, which must take into account the presence of non-Catholic religious communities, the number and percentage of which increase with each year. A critical analysis of the issue of patronage in the Argentine Concordat is important in order to assess the current norms of ecclesiastical law, especially in the context of institutional relations not only with the Catholic Church, but also with other religious entities.

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Latin America: The Region without Catalonia

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Abstract

The aim of this article is to analyse the issue of “weak separatism” in Latin America as well as to give an answer to the question why there are no significant separatist movements in this region. The authors provide the definitions of separatism and secessionism as well as an explanation of these phenomena. Moreover, they present an overview of historical and contemporary separatist movements in Latin America. Based on Horowitz’s theory of ethnic separatism, the authors attempt to analyse the separatist movement “The South is My Country” in Brazil and compare it with separatism in Catalonia in Spain, where a referendum on independence from Spain was held in 2017, serving as an impetus for a similar referendum that took place in the South of Brazil. In spite of similar goals of these two separatist movements, the authors argue that there are significant differences in their nature, which are determined by the history and culture of the respective countries.

Keywords: Latin America, Separatism, Secession, Catalonia, The South is My Country, *O Sul é o Meu País*

Introduction

The problem of ethnic separatism is a very topical issue and poses a significant challenge for the international society. The year 2018 marks the tenth anniversary of the unilateral declaration of independence of Kosovo and also the first anniversary of the unilateral declaration of independence of Catalonia. Latin America is linked to Spain not only by history, language and culture but also by investments and the common project of democracy (transition from authoritative regimes). Thus, it is no surprise that due to this closeness the conflict over the future of Catalonia was present in the Latin American media and also affected the public opinion (Sánchez; Giorgi). It has also awakened the growing Latin American separatist movements. Moreover, the choice of the name of the movement “The South is My Country” (Portuguese: *O Sul é o Meu País*) in the southern states of Brazil was caused by the fact that it had drawn inspiration from the Catalan way towards independence.

In this article, different “theoretical lenses,” through which we may perceive separatism will be used in order to better understand the above issues. The authors believe that by applying analytic eclecticism they may analyse those issues in a more profound way (Sil and Katzenstein). Such an approach will help overcome the limitations which stem from the use of methods and tools designed for a single paradigm. In this case, the neo-structural and constructivist paradigms will be applied.

The article deals with conflicts between the centre and the periphery in the respective states. The relationships of dependence and peripherality are created within states and, therefore, internal centres as well as internal peripheries emerge. In the history of Spain and partly in the history of Latin America, there were regions which posed challenges to their political “centres.” However, they differed in the degree of confrontation (from aspirations for increased autonomy to secession). Based on the cases of Bolivia and Peru, Alberto Vergara attempted to answer the question why some peripheries openly defy their centres, while others do not oppose them at all. While trying to explain the divergent outcomes through a comparative historical analysis, he proposed that

conflicts between centres and peripheries should be studied using two analytical dimensions. The first dimension is the presence or absence of a regional elite that could shape legitimate political organisations and discourses, articulating regional demands and bargaining with the central state. The second assesses the region’s structural conditions, specifically the relevance of natural resources and the size of its population (Vergara IV, 5).

The resistance of the periphery against the centre is a result of the power of peripheral elites, strengthened by its access to natural resources and the potential

of the population. Furthermore, in Alberto Vergara's view, access to foreign trade and a principal city that rivals the national capital are notably important. Although this thesis concerned the Bolivian movement, which focused on the independence of the Santa Cruz department, the aim of the authors of this article is to verify whether the thesis may be applied to other regions of Latin America and Catalonia.

Secessionism, separatism, and their explanation

With respect to secession and processes which precede secession, one may often encounter the term "separatism." At first glance, it may be associated with separation as a mode of state creation, in which withdrawal from a state is regulated by a constitutional mechanism. However, many authors link this term with secession or use the two terms interchangeably. J. R. Wood defines separatism as "a desire for the reduction of control by a certain authority in a specific area . . . [which] may be expressed in demands for provincial rights or local or regional autonomy in certain spheres of decision-making" (110). Separatism may often result in "splitting a smaller territorial governance unit from a larger one" (Hechter 3). D. Horowitz uses the terms "separatism" and "secession" as synonyms, which encompass "movements seeking a separate region within an existing state, as well as those seeking a separate and independent state" (232). In social sciences, separatism may lead a minority ethnic group (nationality or national minority) to pursue autonomy of a region which comprises an integral part of the territory of a state within the framework of the parent state; to secession of that region and creation of an independent state; or to integration of that region with the kin state (in the case of national minorities).

J. Dugard noted that "[t]here is no agreement on the precise meaning of secession. Sometimes the term is used in the broad sense to include both the dismemberment and dissolution of States" (18). Secession can be defined as a unilateral withdrawal of an integral part of the territory of a state and its residents from the state, which happens without the consent of the parent state (Haverland). This process results in the creation of a geopolitical unit which is independent from the previous state and aims to become a separate state or accede to another existing state. The previous state, however, still exists as a subject of international law (Sieniawski 898). It follows from the above definitions that separatism is a broader term than secession, which may be manifested through the effort of a national minority or an ethnic group to gain autonomy or independence. The most extreme expression of separatism is secession. Also, it is important to note that secession is a legal term describing an institution of customary international law, whilst separatism is a term used in social sciences. This, however, does not limit secession purely

to legal science. On the contrary, it is an interdisciplinary phenomenon concerning mostly international relations, international law, and security studies (Biermann 158; Siroky 45).

In this article, Horowitz's theory of secession, based on the level of cultural and economic development of ethnic groups as well as on the economic development of the regions they inhabit, will be applied. With regard to the level of economic and cultural development, he differentiates between advanced and backward groups. An advanced group is characterised by benefitting from opportunities in education and non-agricultural employment and also by a relatively high income *per capita*. On the other hand, a backward group is characterised by less favourable opportunities in education and by a lower income *per capita*. The difference between an economically advanced and an economically backward region stems from their position in the national economy as well as from the income *per capita*. Based on the combination of the above criteria, four models can be distinguished:

- a) *Backward group in a backward region*. An example of such a combination is South Sudan or the Kurds in Iraq. The ethnic groups are not interested in preserving the unity of the parent state and usually secede early. They also demand their own political representation, but due to their backwardness, they lack eligible candidates. The ambition to become independent prevails over potential economic losses that might be caused by secession.
- b) *Backward group in an advanced region*. Horowitz regards Katanga as such a case. The members of a backward group are treated as second-class citizens compared to the members of a dominant group, who often internally colonise the region and take up employment opportunities.
- c) *Advanced group in a backward region*. According to D. Horowitz, it is e.g. the Ibo people in Nigeria. The members of an advanced ethnic group often search for opportunities outside of their home region. Thus, secession happens relatively late and only as a last resort in case of serious discrimination and a threat to the group's survival, since the economic costs of secession for the backward region are high.
- d) *Advanced group in an advanced region*. The Basque Country or Catalonia in Spain qualify for this category. In such a combination, secession is quite unlikely, given that the economic ties discourage the separatist group from secession. Ethnic groups in an advanced region are usually ambivalent to secession: on the one hand, they are subsidising poorer regions, but on the other hand they prefer to stay in the common state, because the state protectionist policy grants them outlets for their goods outside of their own region. The reason for separatist tendencies is the belief that the ethnic groups "generate more income

and contribute more revenue to the treasury of the undivided state than they receive” (250–51). The ethnic groups secede only if economic costs are low and secessions occur late and rarely.

An outline of separatist movements in Latin America

Nationalism played a different role in Latin America than in Europe, where it served as a foundation of nation-states. Nationalism appeared in Latin America in the period of the wars of independence. The independence was, however, not the effect of nationalism, but rather a result of the weakening position of Spain and the loss of control over its colonies (Lomnitz 352).

Nationalism in Latin America was created from above by the state and its institutions. Although it has brought many benefits in building a nation-state, the nation-building process cannot yet be considered finished, and the regional separatist movements can make it more dynamic. The benefits of nationalism in Latin America include homogenisation of the societies, building of national identity, reduction of separatism and regionalism as well as social and cultural consolidation (Palczyński 44–45).

In terms of civilisation, Latin America constitutes a relatively homogenous region. The most significant bonds of the region include the common colonial legacy, mixture of ethnicities, language (Spanish and Portuguese), religion (Christianity with the predominance of Catholicism), hybrid culture (stemming from European cultures with strong Iberian influence) with autochthonous cultures, and influx from other regions of the world.

The relatively low support for separatist movements in the region, according to Eric J. Hobsbawm, might be attributed to the popularity of federal constitutions as well as to the weakness and ineffectiveness of the central state, which, in contrast to Europe, leaves plenty of space for an effective local autonomy (Hobsbawm 341). Even though Latin America was not free from devastating civil wars, it should be emphasised that, to a large extent, it was able to avert the problem of separatism in spite of numerous languages and national and geographic divisions in the region. There are, in fact, many reasons why Latin America has no “Catalonia.” As A. Vergara has noted, “for regional grievances to become separatist movements requires some specific conditions. These include powerful regional political elite, access to economic resources and foreign trade, and a paramount city that rivals the national capital. They applied to the Bolivian movement centred on Santa Cruz. And they apply in Catalonia” (Reid).

Table 1. An overview of historical secessionist movements in Latin America

State	Secessionist movement	Period	Results
Brazil	Constitutionalist revolution of 1924	1924	Attempt to create the Republic of São Paulo
	Different parts of Parnambuco, Paraíba, and Ceará	19 th century	Creation of the Confederation of the Equator (1824)
	Frente de Libertação da Republica Catarinense	19 th century	Creation of Juliana Republic (1839)
	Manifest Acclaim of Amador Bueno	1887	Attempt to create the Republic of São Paulo
	Paulista revolt	1924	Attempt to create the Republic of São Paulo
	Movimento da República Rio-Grandense	19 th century	Creation of the Rio-Grandense Republic (1836–1845)
Colombia	Panama (department, supported by the U.S.)	1899–1903	Secession of Panama (1903)
	Antioquia	19 th century	Attempt by the Department of Antioquia to secede from Colombia
Cuba	Partido Independiente de Color	1912	Attempt to establish a separate black republic, suppressed by force
Haiti	South Department	1810–1812	Secession of the South Department (1810–1812)

Mexico	American mercenaries around W. Walker	1853–1854	Secession from Mexico, creation of the Republic of Baja California (1853–1854)
	American mercenaries around W. Walker	1854	Secession from Mexico, creation of the Republic of Somora (1854), attempt to create a fortified U.S. frontier
	Anglo settlers around Benjamin Edwards	1826–1827	Creation of the Republic of Fredonia (1826)
	Chan Santa Cruz	19 th , 20 th century	Creation of the Maya State (The State of the Cross), <i>de facto</i> existence 1849–1915
	Insurgents in Sonoma (American immigrants)	1846	Secession from Mexico, creation of the California Republic (1846)
	Mexican Texas	1836–1846	Secession from Mexico, creation of the Republic of Texas
	Republic of Yucatan	1841–1848	Secession from Mexico, creation of the Republic of Yucatan
	States Coahuila, Nuevo León, and Tamaulipas	1840	Secession from Mexico, creation of the Republic of the Rio Grande (1840)
Panama	Guna people	20 th century	Guna District of San Blas established in 1938

Source: Authors' own compilation based on: Mroziejcz, Stemplowski, *Dzieje Ameryki Łacińskiej*, vol. 2; Mroziejcz, Stemplowski, *Dzieje Ameryki Łacińskiej*, vol. 3

Table 2. An overview of contemporary secessionist movements in Latin America

State	Secessionist movement	Demands	Grievances
Argentina	Consejo de Todas las Tierras (Mapuche people)	Secession of Wallmapu	Education; culture; representation
	Movimiento independentista Patagónico	Secession of Patagonia	Economic inequalities
Bolivia	El Movimiento Nación Camba de Liberación (MNCL)	Creation of the Republic of Santa Cruz, consisting of the departments Santa Cruz, Beni, Pando, and Tarija	Economic; cultural; political; sociological (internal colonisation)
Brazil	Acre	Secession of the region of Acre from Brazil	Cultural (native peoples); economic (exploitation of raw materials); political
	Grupo de Estudo e Avaliação Pernambuco Independente	Secession of Pernambuco from Brazil	Cultural (former Dutch colony)
	Movimiento Nordeste Independente do Brasil	Secession of the North of Brazil	Economic; political
	Movimiento República Rio-Grandense (Rio-Grande Republic Movement)	Secession of Rio Grande	Economic; cultural
	Movimiento São Paulo Independente, Movimiento República de São Paulo, São Paulo Livre	Secession from Brazil, creation of the Republic of São Paulo	Cultural; political

Brazil	O Sul é Meu País	Secession of Paraná, Santa Catarina and Rio Grande de Sul from Brazil	Political (underrepresentation); economic; cultural
Chile	Consejo de Todas las Tierras	Secession from Chile and creation of the Mapuche State	Cultural; economic; political (offences prosecuted as terrorist acts)
	Easter Island (Rupa Nui people)	Secession of Easter Island from Chile	Cultural
Colombia	Archipelago Movement for Native Self-Determination	Secession of Archipelago of San Andrés, Providencia and Santa Catalina, and creation of their own state (San Andrés y Providencia)	Cultural; political
Costa Rica	Independentísimo guanacasteco	Secession of the province of Guanacaste	Cultural; political (marginalisation)
Equador	Guayaquil	Alleged secessionism (regarded as secessionist by the central government), infighting between Costa and Sierra	Economic; cultural
Mexico	Mexico City, México State, Jalisco, Nuevo León, Veracruz	Secession from Mexico, creation of the Republic of Northern Mexico	Educational; economic; political; cultural
Nicaragua	Miskito people	Secession from Nicaragua (independence declared in April 2009)	Economic (exploitation of natural resources by the central government)
Venezuela	Rumbo Propio	Autonomy for the Zulia State (regarded as secessionist by the central government)	Economic; cultural; political

Source: Authors' own compilation based on: García Romero; Gawrycki; EconoArs

“The South is My Country”

The Federative Republic of Brazil is a federation composed of 26 states, the Federal District, and 5,570 municipalities. Pursuant to Article 1 of the 1988 Constitution, “[t]he Federative Republic of Brazil [is] formed by the indissoluble union of States and Counties (*municípios*), as well as the Federal District” (Brazil’s Constitution of 1988 with Amendments through 2017). Brazil declared its independence from Portugal in 1822 and only a few years later experienced the attempt of Rio Grande do Sul to secede, which was supported by Giuseppe Garibaldi. In 1836, the secessionists managed to create their own *quasi*-state, which lasted up to 1845 (Carmagnani).

Brazil is currently facing a secessionist movement “The South is My Country” (in Portuguese *O Sul é o Meu País*), which was formed in 1992 in the city of Laguna. It claims that the three southernmost states of the Federation, Paraná, Rio Grande do Sul and Santa Catarina, which altogether cover an area that could be compared to France, should secede from Brazil and create their own state.

The grievances that have been raised by the movement “The South is My Country” (hereinafter referred to as “Movement”) could be divided into three major groups:

1. Economic: According to the Movement, the redistribution of tax revenues is discriminatory in favour of poorer regions in the north. Nevertheless, it is the south that makes the largest contributions into the state budget. The gross regional product in 2016 was USD 10,242 in Paraná, USD 10,379 in Rio Grande, and USD 10,648 in Santa Catarina (Instituto Brasileiro de Geografia e Estatística). The average gross domestic product of Brazil per capita was USD 8,650 in the same year (Brazil–GDP per capita). Between 2011 and 2016, Brazil received 800bn reals in taxes from the three southern states, but invested back only 160bn reals, i.e. 20%, which makes the central government look as an exploiter. Another reason is the ongoing economic stagnation in Brazil, which encourages the more prosperous south to secede from the rest of the country (Schipani). In Horowitz’s theory, the south of Brazil corresponds to the “advanced group in an advanced region” which subsidises the state but receives very little in return.
2. Political: The three states claim to be underrepresented on the federal level. As in January 2019, the three southern states were represented in the Chamber of Deputies (lower chamber) by 77 deputies out of 513 (15%). Among other problems that Brazil is currently facing, and which cause dissatisfaction in the South, are corruption and a high level of crime. According to *Homicide Monitor*, there were more than 30 murders per 100,000 inhabitants in Brazil in 2016, making Brazil one of the most dangerous countries in the region.

3. Cultural: The inhabitants of the three southern Brazilian states are mostly descendants of German, Italian and Portuguese immigrants, and “many take pride in a European sense of organisation” (Phillips). Although the language in the region does not differ from the rest of Brazil, German and Italian are still spoken in some areas in the south. This makes a significant cultural difference from the north of the country, where “the population has more black and mixed-race people and slavery was more prevalent from the 16th to the 19th centuries” (Phillips).

In October 2016, a referendum on the independence of the three states was held. The referendum was neither official nor legally binding, and the turnout was less than 3% of the registered voters. Out of these, almost 96% voted in favour of secession. Another referendum on independence was held on October 7, 2017, but only slightly more than 1% of the registered voters participated.

The separatist movement “The South is My Country” does not currently pose any direct threat to the territorial integrity of Brazil. Nevertheless, the criticism against the economic and political situation is very likely to persist. Despite the low turnout in the referenda, the separatist movement has the potential to grow stronger in the future and cause serious disturbances on the national level.

The case of Catalonia

Even though the Catalan identity dates back to the Middle Ages, there was no self-perception of a nation in the modern sense (Balcells 9). The historical roots can be seen with the creation of the Spanish March, whose aim was to protect the Carolingian state from the Arabs (Kark 3). The first mention of “Catalonia” dates to 1150 in a series of pacts concluded by the King, which were called *Usatges* (the customs that form the basis for the Catalan Constitution) and which “explicitly acknowledged legal equality between burghers and nobility” (Woolard 17).

In the nineteenth century, structural differences between Catalonia and the rest of the country were becoming more and more noticeable. “In Catalonia, there is active bourgeoisie and all kinds of middle classes [...] interested in protectionism, political freedom and in the increase of the purchasing power. In Spain, the old lifestyle dominates: a peasant cultivates the land to eat, but not to sell the products; the owner does not accumulate the capital and does not invest” (Vilar 100–102). Since then, in the discussions on taxation, the Catalans have been accused of the lack of solidarity with the rest of Spain, while the Spanish state has been portrayed by the Catalans as “the exploiter.” This resulted in two inferiority complexes, namely in “the political complex in Catalonia and the economic complex in Castile, which produced invincible distrust” (Vilar 102; Cf. Conversi 18).

Throughout the nineteenth century, the so-called “double identity” or “double patriotism” was present in Catalonia, which was caused by the nostalgia for old institutions and the feeling of being integrated with the Spanish nation within the federal system (Fradera 87–100). In 1866, the Catalan Day (*Diada*) was celebrated for the first time. The groups of Catalan nationalists from Barcelona spread symbols of identity to the provinces. In 1901, the Regionalist League of Catalonia was formed (a conservative party aspiring to gain autonomy for Catalonia), won the elections a few years later, and belonged to the most important parties for several years. It was the time of the deep collapse of Spain after the loss of the colonies in 1898 (Cuba imported 60% of the Spanish export) (Balcells 44). In 1931 and 1934, the heads of the Catalanian government (Francesc Macià and Lluís Companys, the left-wing Catalan nationalist leaders) proclaimed the Catalanian Republic within the Federal Republic of Spain (the Second Spanish Republic). In both cases, they were pacified by the central government. During the dictatorship of General Francisco Franco, great emphasis was put on promoting the Castilian culture at the expense of Catalonia, which made the sense of Spanishness (*hispanidad*) in the region very weak (*El nacionalismo catalán*). The last 30 years were marked by a radical evolution and an increase in the support for separatism. Since then, there has been strong emphasis on portraying the suffering of the nation under the Spanish rule. A significant tool in the hands of the Catalanian authorities was the issue of education and the revival of the Catalan language, which once again gained the status of an official language (Ucelay).

The fact that the Catalanian Autonomous Community enjoys broad autonomy compared to other communities in Spain and Europe has not stopped its leaders from dreaming about secession. One of the key elements of the contemporary Catalan identity is the belief of superiority within the Spanish economy. The region is inhabited by approximately 16% of the citizens of Spain, produces about 20% of the GDP, constitutes 25% of the export potential, and is considered one of the richest regions in the European Union (Cuadras 7, 149–85). The separatist aspirations of the Catalans escalated with an increasing economic recession in Spain. The view that being an integral part of Spain is not profitable and that Catalonia subsidises other regions prevails in the discourse on separatism. Currently, Barcelona is the economic centre of the region, inhabited by about two-thirds of the region’s population and accumulating the majority of investment capital (Romei). Throughout the years, Barcelona has competed with Madrid over the headquarters of large corporations.

One of the most important events in the contemporary history of Catalonia was the adoption of the new Statute of Autonomy in 2006, which further broadened the autonomy of the region. Four years later, a number of new competencies were questioned by the Spanish Constitutional Court, which a large part of the Catalan society perceived as an attack on their rights and strengthened their belief that the Constitutional Court was subordinated to the central government in Madrid

(Kalinowski 184–85). Decisive for the Catalan road to independence was the adoption of the Declaration on the Sovereignty by the Catalan Parliament on January 23, 2013, which stated that the people of Catalonia had the status of a sovereign political and legal entity. Once again, in the view of the Spanish Constitutional Court, the above Declaration was illegal and had no legal effects. The Catalan political elites, striving for more autonomy, responded by organising a new “consultation” on the independence in 2014, which was not binding (Pérez).

In the early parliamentary elections in Catalonia held on September 27, 2015, the pro-independence movement, led by the platform *Junts pel Sí*,¹ scored victory. Despite condemnation by the central government, the new regional government called for a referendum on independence, which took place on October 1, 2017. The independence option was supported by more than 90% of the Catalans with a 42.3% turnout. It needs to be emphasised that the government tried to disrupt the organisation of the illegal referendum, which resulted in more than 800 persons injured (Dearden). Subsequently, the Spanish government invoked Article 155 of the Spanish Constitution in order to “restore order” in Catalonia, imposing a temporary direct rule upon the region. Also, the members of the Catalan government were arrested and another election was held, in which the independence movement succeeded again. The fact that Mariano Rajoy, the head of the Spanish government, was replaced by Pedro Sanchez meant a slight improvement in the relationship between the central and the regional governments, since Sanchez suspended the autonomy and resumed the dialogue with the new president of the Catalan government, Quim Torra.

Later, Prime Minister Sanchez proposed a referendum on greater autonomy for Catalonia instead of its withdrawal from Spain (Torres). However, this has not put an end to the tumultuous times. Simultaneously, a decrease in the support for the monarchy is becoming more and more apparent. This can be also attributed to King Felipe VI’s public speech held after the referendum, which did not help ease the tension in the society.

Conclusion

Separatism in Latin America is of a different nature than in the “Old World”, due to the fact that it has very little in common with nationalism. Nationalism in Latin America was created from above, i.e. by the state and its institutions. The army played a significant role in this process and sometimes the nationalist ideas were promoted by political parties. Thus, it can be stated that nationalism in Latin

¹ The Platform consisted of four parties: Democratic Convergence of Catalonia (CDC), the Republican Left of Catalonia (ERC), Democrats of Catalonia (DC), and the Left Movement (MES).

America is a creation of the state elites that developed after the colonial era. Unlike in other regions of the world, nationalism in Latin America does not pose any threat to international order (Łaciński 8).

Some states in Latin America, such as Brazil and Mexico, have transformed the idea of national unity into a significant political project. A completely different situation was present in Catalonia, where the national identity, having its roots in the Middle Ages, is very strong. Breakaway tendencies have been present since the nineteenth century. The issue of independence of Catalonia often appeared in the twentieth century together with demands for larger autonomy. At the beginning of the twenty-first century, the Catalans' struggle for more competencies reappeared. Moreover, the economic crisis in Spain has contributed to the growth of pro-independence feelings.

When analysing the situation in Latin America, it should be concluded that neither linguistic nor ethnic divisions encourage separatism. The populations of indigenous peoples (often speaking different languages) are too dispersed to struggle for their independence. Instead, they are struggling for broader autonomy and more rights to preserve their culture and to be treated as full citizens (Reid; cf. Rudowski, *Koncepcja ...* 46–48; Rudowski, *Vías ...* 72, 77–78). The separatist movements in Catalonia serve as an impetus and inspiration for similar movements in Latin America, which can be illustrated on the example of the movement “The South is My Country” and its activities. In spite of its effort to secede from Brazil, it currently does not pose any direct threat to the territorial integrity of Brazil.

Inner relations within the analysed states can be described as “reversed centre – periphery.” This term was invented by the Spanish geographer José R. Lasuén, by which he referred to the situation in Spain, where Madrid is the political centre, whilst Barcelona and Catalonia are the political periphery and simultaneously the economic centre (Lasuén 475–526). In the authors' view, this concept can be applied to other regions as well. Although no changes are expected on the political map of Latin America, the future alone will show the development of the separatist movements in Latin America and their achievements.

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Proclamation of Ferdinand VI in Cusco (23 September 1747): Art and Politics

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Abstract

The article analyses the royal proclamation of Ferdinand VI in Cusco (Peru) which took place on 23 September 1747, on the birthday of the king. A reconstruction of the celebration was possible thanks to two sources: the city chronicle written in the mid-eighteenth century by Diego de Esquivel y Navía and an occasional print containing a description of the ceremony by José Antonio Santander (1748). The article discusses three aspects of the presented celebrations. First of all, it presents the general context, i.e. the problem of festival celebrations related to the royal family as a part of the Spanish crown policy. Secondly, it details artistic issues related to the celebrations. It includes a description of the artistic setting with the features of occasional architecture and ephemeral painting. Finally, the article examines the local, social and political contexts of the celebrations, read as a manifestation of the city's emancipation efforts based on the emphasis of Cusco's antiquity and its rich imperial tradition in the Pre-Hispanic period.

Keywords: proclamation, Ferdinand VI, baroque festivals, Cusco, ephemeral architecture, colonial period

Introduction¹

In the seventeenth- and eighteenth-century Spanish Empire, festivals taking place in the public space belonged among the most important practices meant to confirm the power and domination of the Spanish Crown. In *Idea de un príncipe político cristiano, representada en cien empresas* (1640–42) Diego Saavedra y Fajardo provides one of his political emblems, “Existimacione nixa,” with an inscription containing the information that the splendour and grandeur of the court as well as all public ceremonies confirm the power of the ruler and strengthen the dignity of his majesty. A visual part of the emblem shows a column topped with a crown (Saavedra Fajardo 211; Bonet Correa 7). In the New World, the Spaniards juxtaposed the ceremonies and festivals rooted in Pre-Columbian cultures with the European model of celebration based on the humanistic ideas stemming from the Italian Renaissance (Mínguez, Rodríguez Moya, González Tornel, Chiva Beltrán 23). As Celsa Carmen García Valdés writes: “also in the New World, festivals contributed to the process of preserving power and constituted an appropriate mechanism allowing for representation and dominance of the colonial order in the public sphere and for exercising control over the [colonial community]” (García Valdés 253).²

Whether secular or religious, public festivals in Spain have for years aroused the interest of researchers; celebrations of the royal family occupy an important place among the discussed topics. Some studies offer a vast panorama of celebrations, while others are devoted to individual festivals held in specific places. Víctor Mínguez et al. discuss festivals in the public space during the Baroque period in the Spanish Viceroyalties: New Spain and the Viceroyalty of Peru. In Peru, the place, where the majority of celebrations discussed in the monograph and related to the Spanish Crown took place, was Lima, which corresponds to the intensity of festivals celebrated in the capital of the viceroyalty; the authors also mention celebrations in Quito, Santiago de Chile and Valparaiso. The researchers focus their attention mainly on royal funerary ceremonies but also mention proclamation celebrations of chosen rulers (Mínguez, Rodríguez Moya, González Tornel, Chiva Beltrán). Another work that concentrates on Spanish Baroque festivals is a book by Rafael Ramos Sosa’s dedicated to celebrations in the public space in Lima in the sixteenth and seventeenth centuries. It discusses in one of the sub-chapter the festive proclamation of successive rulers of Spain: Philip II, III and IV, and Charles II and characterises the artistic setting of these festivals (Ramos Sosa 73–88). The issue is also mentioned by

¹ The extended Polish version of the article was published in the *Roczniki Humanistyczne* in 2020.

² “también en el Nuevo Mundo la fiesta intervino en la preservación del poder y se constituyó en un mecanismo apropiado para representar e imponer el orden colonial en la esfera pública, a la par de ejercer el control sobre los sujetos”, translation mine.

Karine Périssat, who deals with celebration of royal festivals in colonial Lima and devotes one of the sub-chapters to solemn acts of proclamation (Périssat 60–62).

Unlike other towns of the viceroyalty, colonial Cusco has been discussed in few studies containing information about festivals associated with the royal family. In her book, Graciela Viñuales devotes a short passage to funerary ceremonies of Charles V, Charles II and Philip II, and the proclamation of Ferdinand VI based on the account of the eighteenth-century chronicler Diego de Esquivel y Navia (Viñuales 44–45, 50; Esquivel y Navia 403–405). It is also worth mentioning the article by Maria Luisa Dominguez-Guerrero on the proclamation of Philip II in Cusco (2015: 605–29) and the work of José R. Jouve Martín (219–235) containing a comparative analysis of the funerary ceremonies of Philip V and the proclamation of Ferdinand VI which took place at the same time in Lima and Cusco, as well as the article about the Lima and Cusco royal funerary ceremonies in the Bourbon era, written by Carmen Ruiz de Pardo (67–68).

Royal proclamations of the Spanish Crown: global and colonial contexts

Towns of the viceroyalties organised festivals related to key events happening in the royal family. Some celebrations commemorated the death of the ruler, his spouse or their offspring (funerary ceremonies), others – proclamations of the new king and the birth of the royal family children as well as the marriage of the rulers. All these celebrations were held in the form of public festivals and perceived as a manifestation of power of the Spanish Crown throughout Hispanic America, underlining the symbolic presence of the king in all corners of the empire.

At this point, the concept of the “king’s two bodies” outlined by Ernst Kantorowicz is worth recalling. Read as a part of the generally accepted English tradition established in the Middle Ages, the notion of the king’s two bodies means that the first, the “body natural”, is material and mortal, like that of every human being. The other, called the “body politic”, cannot be seen or touched and has a symbolic meaning; it consists of politics and government, is used to exercise power over the people and is characterised by timelessness and perfection (Kantorowicz 41–43). Thanks to its symbolic character, the second body can be multiplied, and its presence can be manifested in various places simultaneously through portraits or memorial monuments (Mínguez, *Los reyes distantes*; Kubiak, *La pintura de batalla*, 90; see also: Mínguez, *Los dos cuerpos*, 68–91). The two bodies of the king form an inseparable, but also invisible unity,

always containing one in the other. Whereby, there is no doubt about the superiority of the “body politic” over the “body natural” (Kantorowicz 43). This tradition, extensive in the Middle Ages, is rooted in the customs of the ancient Roman Empire, when images of the emperor (portraits, statues, busts) were sent to all the provinces, all the cities of the whole empire, where they were worshipped in a way similar to the cult of the ruler (Kolb 41). The phenomenon of the symbolic understanding of the ruler’s presence during moments crucial for the history of the kingdom also affected the manner of holding ceremonies associated with the royal family during the Renaissance and the Baroque. It was particularly important in the case of the colonial powers. In the vast majority of the Spanish Empire, the presence of the ruler had only a symbolic and political character.

The festive proclamation of the new ruler was crucial for every European monarchy. In Castile, it was celebrated at least from the fifteenth century on, and the preparations consumed significant resources. On the one hand, they were supposed to be a manifestation of loyalty to the authorities, and on the other, the grandeur of the ceremony was to underline the status of the centre, where the celebration was prepared (Domínguez-Guerrero 607). Celebrating the death of one ruler and the assumption of power by the heir were of much significance in the Spanish colonies. In areas remote from the Iberian Peninsula, from where the king was permanently absent, these festivals were the moments of cyclical power legitimisation. In this way, the celebrations not only gave the inhabitants of the colonies the chance to express their reverence, devotion and loyalty to the ruler, but also emphasised cultural cohesion of the whole empire and strengthened the sense of belonging for the inhabitants of viceroalties distant from the Spanish Crown (Rípodas Ardanaz 245).

In the colonies, the most glamorous festivals were celebrated in the viceroalty capitals (Mexico, Lima, or, after 1737, Bogota), but we also know accounts describing festivals related to events and changes in the royal family which were celebrated in smaller towns, usually in the audience capitals, such as Quito, Santiago de Chile and Arequipa. It turns out, however, that also Cusco was the place of numerous celebrations commemorating funerals of the king or other members of the royal family; the birth of heirs, or the proclamations of the newly anointed kings. The organisation of these festivals was a pretext to emphasise the imperial tradition of the Pre-Hispanic city and an attempt to regain its former prestige.

The preparation of a funerary ceremony was bound with the erection of a magnificent catafalque, abundant in symbols, and most often located in the cathedral. During the proclamation, an ephemeral structure was built on the main square with decorations expressing an extensive iconographic program. The presented ideological themes were usually associated with

the content of the deceased's catafalque, but at the same time emphasised qualities and potency of the next king. The structure was where the act of proclamation took place to the sounds of bells and volleys. A preserved printed account describes the festivities, the texts of delivered sermons and descriptions of erected decorations accompanying the ceremony (Rípodas Ardanaz 245).

Funerary ceremonies and proclamations were meant to inspire a sense of renewal. Initially, during the funeral, participants were immersed in grief after the death of one ruler and then manifested their joy about the accession of the next king. In both cases, the celebrations took place both in the public space of the city and in the cathedral (or the main city temple). The funeral corteges of the deceased king and the processions manifesting support for the new one, were attended by the whole community. Among the participants, there were municipal decision-makers, all persons performing administrative and clerical functions, clergy, nobility, religious confraternities and professional guilds, as well as members of religious orders and representatives of parish communities.

Proclamation of Ferdinand VI

Festive celebrations and artistic setting

Ferdinand VI was the third Spanish ruler from the Bourbon dynasty; he ascended the throne after the death of long-reigning Philip V who passed away on 9 July 1746.³ The celebrations connected with king's death and appointment of the new ruler were prolonged in time. The information about the death of the first ruler from the Bourbon dynasty and the succession of Ferdinand VI, reached Cusco in mid-March and was publicly announced on Tuesday, 21 March 1747 (Esquivel y Navia 382–384). The first festival held in Cusco and related to the new ruler was the Day of St. Ferdinand, his patron saint. A solemn mass celebrated in the cathedral was attended by city authorities and the whole community, who, after the liturgy, sang the “Te Deum Laudamus” anthem (Esquivel y Navia 393). The next stage of the festivities related to the shift of power was the funerary ceremony commemorating the death of Philip V which was celebrated in Cusco on 17 July 1747. The celebrations took place both in the urban space and in the cathedral, where a sumptuous catafalque was erected to commemorate the ruler (Esquivel y Navia 396–399). Then, on 12 August it was

³ Philip V was the first king on the Spanish throne representing the Bourbon dynasty. His reign lasted for almost 46 years from 1700 until his death in 1746, with a small break in 1724, when he abdicated in favour of his son Luis I, but due to the imminent death of the firstborn in August of the same year, Philip returned to the Spanish throne. As Henry Kemen wrote, even in the title of his book, he was “the king who ruled twice” (Kemen 2000).

announced that the swearing and proclamation ceremony of the new king, Ferdinand VI, would take place on his birthday, that is, on 23 October of the same year. All Cusco residents were obliged to participate in the celebrations on pain of a fine (Esquivel y Navia 400). Before the proclamation ceremony of Ferdinand VI, another funerary ceremony dedicated to Philippe V was held at the churches of the Franciscans (18 October) and the Mercedarians as well as the hospital church of San Juan de Dios (19 October) and at the Jesuit church (20 October). Meanwhile, wooden structures were already being prepared on the three most important city squares to celebrate the upcoming proclamation festival. We can describe and analyse the course of celebrations connected with the assumption of the Spanish crown by Ferdinand VI thanks to two sources. The first one is the well-known and already mentioned, eighteenth-century description detailed in the account of the Cuscan chronicler Diego de Esquivel y Navi which has already been used by other authors writing on the subject. The other one, so far rarely quoted, is the book of the funerary ceremonies of Philip V and the proclamation of Ferdinand VI prepared by Antonio Santander and published in Lima. The author describes in detail the funerary ceremonies: their social, political and artistic aspects; then in the second part of the publication moves on to describe the festive proclamation of the successor to the Spanish throne, the new King Ferdinand VI [II. 1].

Already on 22 October, on the eve of the proclamation ceremony, the city streets were prepared, and the townspeople were obliged to hang decorative fabrics in the windows facing the cortege route. The bells were rung in all churches, and fireworks were fired at Regocijo Square at night (Esquivel y Navia 403). “Five artificial castles were erected in the corners of the main square and in the centre” *los cinco artificiosos Castillos, colocados en las quarto esquinas, y centro de la plaza*” (Santander; translation mine) to make fireworks look more effective. On 23 October, the festivities began with a mass held in the cathedral, and attended by the city council, officials, judges, military, clergy and other members of the Cusco community. Just like in Europe, celebrations in Latin America were accompanied by occasional architecture; triumphal arches and magnificent structures were erected in the streets and squares with representations constituting the iconographic program matching the celebrated event. During the proclamation, erected platforms towered above the squares, presented as the place of triumph of the new ruler. During the ceremony dedicated to Ferdinand VI, three such structures were built in Cusco: on the cathedral stairs at the main square; at the Recocijo square next to the Cabildo building (the seat of the City Council) and on the square next to the church of San Francisco, at the entrance belonging to the cemetery of the order. They were all carpeted and decorated, but only one, placed near the City Council seat, depicted the portrait of the ruler. There were also “eight arches richly decorated

like during the Corpus Christi procession / ocho arcos trinfales ricamente edornados como en la fiesta de Corpus Christi” and a few smaller ones (Esquivel y Navia, 403; Santander writes about 9 arches; translation mine). We may have an idea of what triumphal arches might have looked like thanks to the canvases of a painting series depicting the Corpus Christi procession [Il. 2]. This is a series painted in 1677–1780 (Mariátegui Oliva 21–23; Mesa, Gisbert 160–80; Dean 61–63, 86) and used as a decoration of Santa Ana church in Cusco. The paintings remained there until 1968 and were then moved to the Museum of Religious Art (*Museo de Arte Religioso*) in Cusco, which nowadays exhibits 12 canvases. The paintings show procession groups of the Cuscan community; we can accordingly see representatives of parishes, religious confraternities and orders. There were also attempts to show the urban space with its decorations, including triumphal arches. These are single-pass structures, topped with sculptural groups, decorated with painting representations and placed on archivolt supports. Although the iconographic sources come from the end of the seventeenth century, and the proclamation of Ferdinand VI took place in the middle of the next century, we can assume with great probability that the structures were similar due to the repetition of patterns and longevity of the tradition deeply rooted in the Cuscan region. Another source of information about the forms of arches were contracts between founders and artists. We may refer to an exemplary description of structures that was to be erected for Corpus Christi in 1702. The guild of cotton manufacturers, silk manufacturers and haberdashers commissioned the construction of an arch “according to the drawing, with twisted Solomonic columns on four bases and very beautifully decorated / [...] conforme el dibujo que tiene con las columnas salomónicas torcidas de quatro pies y muy bien adornado” (Cornejo Bouroncle 257; ARC, Sección Notarial, Francisco Maldonado (207), f. 176 r).

The act of proclamation began on a platform erected in front of *Cabildo*. *Corregidor*⁴ of Cusco picked up the royal pennant and *Real Cédula*. He kissed the document, unrolled it and started the act of swearing-in of the city to the power of the new King Ferdinand VI. The same procedure took place on the three squares. Then the platforms and most of the triumphal arches were pulled down to make space for the march of Cusco residents the next day. In the evening, there were corteges of the representatives of all eight town parishes, attended by Indians in Inca costumes. At the end, there was a triumphal chariot with portraits of the king and queen surrounded by musicians playing harps, guitars, violins

4 *Corregidor* is a clerical function, characteristic of Spain and its colonies, which was introduced in Peru in 1560. The person nominated for this position exercised administrative and judiciary power in the city or the whole region on behalf of the king, and in the colonial realities was also responsible for mitigation indigenous peoples exploitation (Roel Pineda 89–94; Hidalgo Nuchera 454–456; Pietraszczyk-Sękowska 45).

and *bandolas* (a four-stringed little musical instrument characteristic of Latin America). The described cortege was attended by “97 Incas, 27 noblemen and the rest” (Esquivel y Navia 404–405). They were all very richly dressed. Creoles, often riding on horseback, were accompanied by slaves, referred to as *negros* or *esclavos* (Santander). The Indians, on the other hand, had very diverse outfits. Extra splendour was added by people dressed up as “the fiercest and strangest/ fate of mas ferozes y estraños” animals, which made it possible to compare the main square in Cusco with the arenas of ancient Rome filled with wild beasts (Santander). There was also a group of Indians dressed in Inca costumes, with a maskapaycha as a symbol of royal power [Il. 3]. Representatives of each parish carried emblems that were briefly described by Santander. No drawings of plates have been preserved, but referring to well-known emblem books, we can try to describe some of them.

Emblematic art, popular in the Old World at the time, quickly found its way from Europe to the Spanish colonies in America. Intellectual rebuses, ambiguous rhyming songs and enigmatic lemma were in fashion. The rapid assimilation and dissemination of European patterns in remote areas were possible thanks to the transatlantic flow of goods, especially books and graphics. However, in the American vicerealties, the imported patterns were, first of all, reinterpreted and transformed by adding their own contexts and creating local iconographic programs. The same motifs were repeated but given new meanings. America developed a separate artistic language of the Baroque era, consisting of a syncretism of European trends in contact with the local reality (Mínguez et al. 105). In the Andean regions of the Viceroyalty of Peru, not only painting, but also emblematics gained a unique quality, subject to the process of cultural metissage (more on “cultural metissage” see: Gruzinski; Laplantine, Nouss; Kubiak, *Cultural metissage* 147–166). Among popular books, stored in many monastic and private libraries, there are the *Emblemat Libellus* by Andrea Alciati or *Emblemas morales* Sebastiano de Covarrubias y Orozco (in the Jesuit libraries see Kubiak, *Reinterpretacje* 343).

At the front, there was a plate carried by the faithful of the Santiago parish and depicting the coat of arms of Spain with a golden inscription “Viva España.” It could have been the coat of arms of Castile and Leon, very often functioning in Cusco as the coat of arms of Spain, which can be seen on the coats of arms placed on the city buildings [Il. 4]. It could also have been a full royal coat of arms, like the one presented during the funerary ceremony of Louis I in the cathedral in Mexico [Il. 5]. Representatives of the *Hospital de los Naturales* parish carried a plate showing a crown placed on a cushion with an inscription “Viva el Rey.” We can find such an emblem in the books by Diego de Saavedra Fajardo (1642: 127) and Juan de Borja (1680: 371) [Il. 6]. In both cases, these were emblems referring to royal power. Parishioners from San Jerónimo

carried a plate with a crossed sceptre and a sword and an inscription “Viva Don Fernando VI”, while the faithful from Santa Ana church – a plate with a split pomegranate with grapes visible inside, probably similar to the emblem “Et dulciter acre temperabis” from the book by Jun de Borja (1680: 403) [Il. 7] or Antonio de Lorea (1674), with an inscription “Viva la Reyna.” A plate of Belén parish representatives depicted a cloud-spreading dew with an inscription “Viva Maria Barbara.” The faithful from San Blas parish carried an emblem showing two mountains: a golden one and a silver one with an inscription “Viva el Cuzco.” Symbolic representation of two mountains, one of them being a volcano, is known from books and other emblematic performances [No. 8]. In this case, however, it emphasised specificity of Cusco and location on the trade route between the coast and the Andean areas abundant in ore. Next in line were San Sebastián parish representatives with the image of the crowned globe and an inscription “Por Fernando.” Finally, at the end, parishioners from San Cristobal church carried a plate presenting two columns with an inscription “Non plus.” The latter representation, originally associated with Charles V, is known in many different variants [Ils. 9–10] (Bernat Vistarini, Cull 223–25; Vignolo 139–64). As we can see, the vast majority of emblems concerned royal authority, the king himself and members of the royal family, but some representations had local features.

Proclamation of Ferdinand VI

Local context

The funerary ceremony of Philip V and the proclamation of Ferdinand VI were organised at the same time in Cusco and in Lima, and in both cases the festivities were related to the manifestation of the position of both cities. It was the time when the capital of the Viceroyalty of Peru was regaining strength after the devastating earthquake from 28 October 1746 (Pérez-Malláin Bueno), and the Cuscan authorities, as José R. Jouve Martín pointed out, decided to try to restore a stronger position of the Andean city, referring to its Pre-Hispanic traditions and its former capital functions in the Inca empire (Jouve Martín).

In Lima, the ideological program of celebrations associated with the death of the king and the coronation of his heir was focused on the theme of the Phoenix. In this case, the mythological bird has a double meaning. On the one hand, it refers to one of the iconographic traditions of metaphorical presentation of the Spanish ruler, and on the other, it symbolises the situation of the city, which was completely destroyed, but, like the mythical Phoenix, was soon to be reborn from the ashes (Jouve Martín).

In Cusco, the most important motif repeating in the iconographic programs decorating the occasional constructions erected during the funerary ceremony of Philip V and the proclamation of Ferdinand VI was the Sun. Of course, we can refer again to the European and Spanish traditions which identified the king with the solar emblems. In the book *Los Reyes Solares*, Víctor Mínguez shows the origins and popularity of the motif in the context of the symbolic representation of the Spanish rulers. He points to its intensified presence during the festivals associated with the Spanish Crown in the American colonies (Mínguez, *Los reyes solares* 211–245). However, in this case, as Jouve Martín notes, the iconography can also be interpreted in the local context. The Sun was not only a symbol of Spanish kings, but also of Cusco itself. It referred to its Inca tradition and the major deity of the Incas, Inti; therefore, it is not only the Sun-ruler, but also the “the ancient Sun/ el Sol antiguo” (Santander 1748) of the Pre-Hispanic empire (Jouve Martín 229). Describing the festivals organised after the death of Philip V and in connection with the proclamation of Ferdinand VI, José Antonio Santander repeatedly refers to the theme of the Sun, usually in connection with the former city splendour, comparing it to the ancient Roman cities. Karine Périssat emphasises that the place closest to the Spanish Crown, where the viceroynal court functioned was Lima. However, it was also a city with its own history, politics, economy and, finally, its Creole society, which to some extent identified itself with the Spanish Crown, but primarily emphasised its sense of belonging to the Viceroyalty of Peru (Périssat 193–195). Cuscan ambitions were similar, but its history, politics, economy and society were different. The sources of Cusco’s strength and the attempt to change its position in Peru were sought in the old Inca tradition of the city, when it functioned as the capital of the empire. The Cuscan society was dominated by mestizos and Indians, in the presence of a locally rooted Creole group. It was this group that was perceived as the source of strength and grandeur of the city, which was to reflect the social structure of all Peru, and focus its needs and desires, like in the lens.

Illustration Descriptions

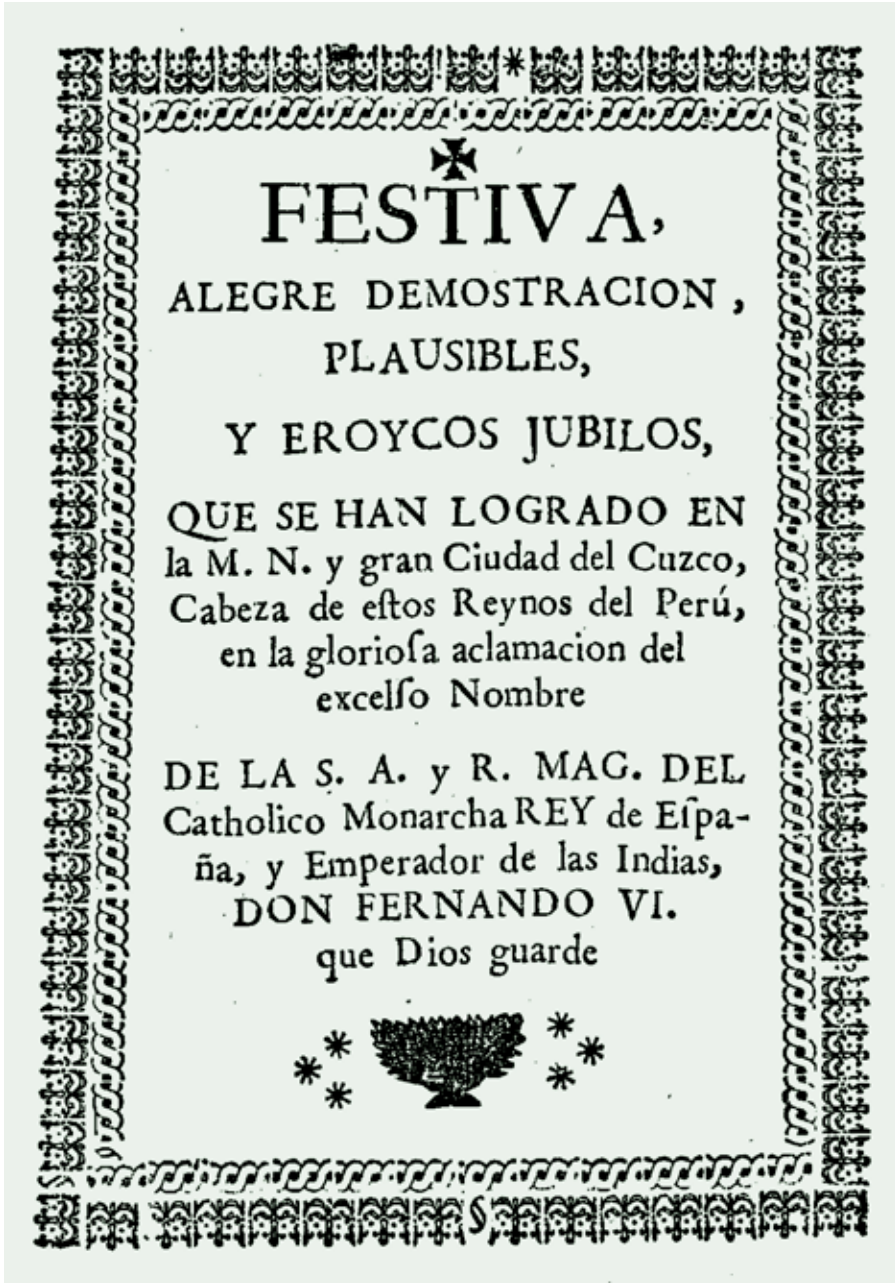


Illustration 1. The title page of the book published in Lima on the occasion of the proclamation of Ferdinand VI in Cusco; (Santander 1748).



Illustration 2. Fragments of paintings from the *Corpus Christi* series showing triumphal arches. In the sequence: Procession with representation of *corregidor* Alons Pérez de Gúzman; Procession of confraternity of St. Rose of Lima and Immaculately Conceived Virgin Mary (*La Linda*); procession of the Order of the Mercedarians; procession of the confraternity of St. John the Baptist and St. Peter; about 1675–1680, oil on canvas, Museo de Arte Religioso, Cusco, Peru [photo E. Kubiak 2018].



Illustration 3. Indian cacique dressed in traditional Inca outfit with elements of Spanish clothing, a fragment of the painting showing the procession of San Sebastián parish in Cusco; about 1675–1680, oil on canvas, Museo de Arte Religioso, Cusco, Peru [photo E. Kubiak 2018].



Illustration 4. The royal coat of arms, the emblem of XXX "Agro Dulce", (Horrozco y Covarrubias 1604: 160); The coat of arms of Castile and Leon, functioning as a simplified coat of arms of the King of Spain, the façade of the El Triunfo church, Cusco, Peru [photo E. Kubiak 2018].



Illustration 5. The royal Coat of Arms, Book of funerary ceremony of Louis I in the Cathedral of Mexico, (Villeras Roelas 1725).

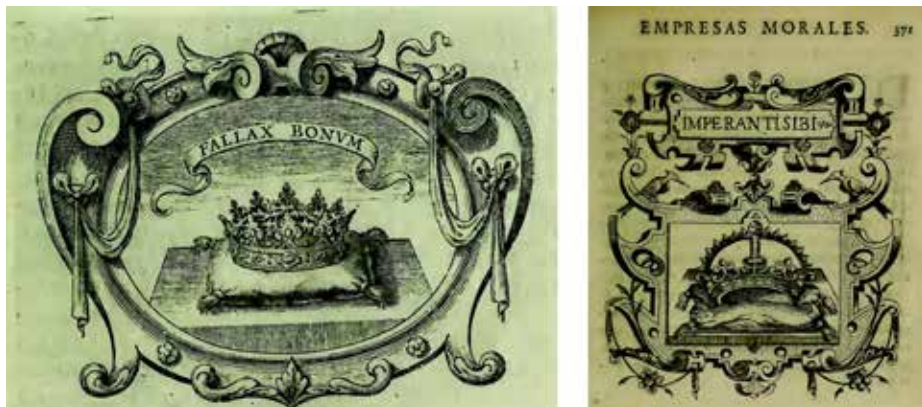


Illustration 6. The emblem “Fallax Bonum” (Saavedra Fajardo, 1640–1642: 127); The emblem “Imperantisibi” (Borja 1680: 371)



Illustration 7. The emblem “Et dulciter acre temperabis” (Borja 1680: 403).

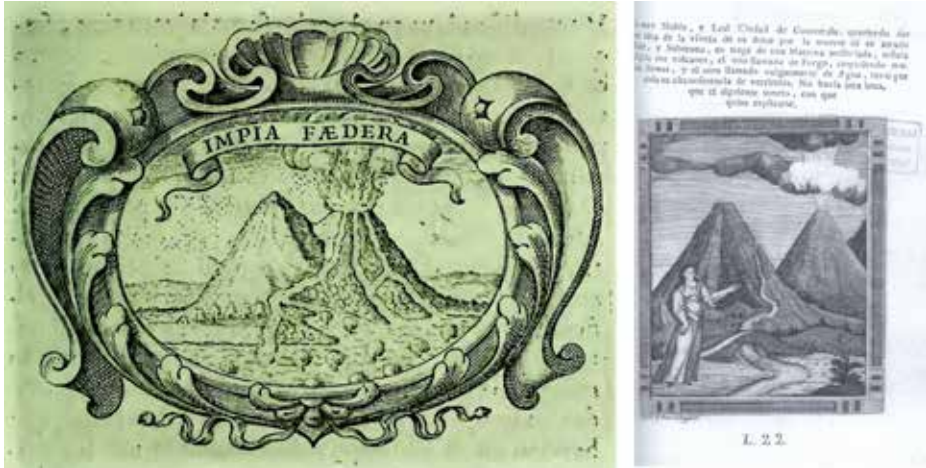


Illustration 8. The emblem „Impia Faedera” (Saavedra Fajardo 1642: 681); One of hieroglyphics from the royal books of Charles III in the city of Guatemala, plate 22, (Cadena 1789).



Illustration 9. The emblem “Non plus ultra” (Lorea 1647: 8).



Illustration 10. The emblem of 34 "Non plus ultra. Tertia regna peto" (Covarrubias de Orozco 1610).

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Forty-Four Years of Polish Archaeoastronomical Research in Latin America

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Abstract

Since the late 1980s, there has been a considerable growth in the number of Polish contributions to the Latin American archaeoastronomy. Much of this interest in archaeoastronomy is an outcome of the scientific activities of Professor Andrzej Wiercinski who in the 1970s was fascinated with the claims for sophisticated Megalithic astronomy advocated by early British archaeoastronomers. The paper provides a brief description of the greatest Polish achievements in the field of Latin American archaeoastronomy.

Keywords: history of archaeoastronomy, Latin American archaeoastronomy

Introduction

Decades of research work done by generations of Americanists have shown that indigenous populations in prehispanic America developed complex astronomies and calendars. However, since most of the Native American societies have left us no written record, the evidence for their astronomical skills has been mainly derived from the study of the alignments of archaeological remains to the rising and setting points of the heavenly bodies. A large number of monuments studied proved convincing arguments for the deliberate incorporation of celestial alignments into monumental architecture, identifying archaeological sites as locations where prehispanic elites erected enormous monuments that embodied astronomical knowledge. Since the 1970s, this kind of research has gradually been separated from the mainstream anthropology and archaeology and has developed under the general rubric of archaeoastronomy.

In 1974–1975 Professor Andrzej Wiercinski published a short paper on his discovery of a standardized megalithic yard in the measurements of the Sun Pyramid at Teotihuacan, thus revealing intricate astronomical knowledge encoded in the pyramid's dimensions. According to my knowledge, his paper is the first Polish contribution to the Latin American archaeoastronomy. This publication preceded the foundation of the Polish Society for Latin American Studies (PTSL) for nearly four years meaning that Polish archaeoastronomical research in Latin America is a little bit older than the existence of the Society. Therefore, celebrating the 40th anniversary of PTSL may also be an excellent opportunity to revise and reassess the achievements of Polish contributions to Latin American archaeoastronomy. My aim is then to provide a short historical overview of the most outstanding results in this field. A second purpose is to provide, through the bibliography, more details about the research activity of Polish archaeoastronomers in Latin America.

A few words on archaeoastronomy

The term “archaeoastronomy” reached a broader academic audience post-1970s and originally denoted prehistoric astronomy, how ancient peoples perceived, understood and made use of their knowledge of celestial phenomena. Associated with the discovery of the astronomical nature of Stonehenge, archaeoastronomy arose through the particular interests of astrophysicists and historians of astronomy who compared non-Western forms of engagement with the celestial phenomena to modern astrophysics considering prehistoric observation spots as prototypes of modern observatories and the specialists commissioned to make the necessary observations, as the archetypes of modern scientists. Within such an approach, all material remains associated with specialized astronomical knowledge (rock-art

sites, megaliths, pyramids, temples, churches, calendrical devices) became regarded as proofs of the scientific advancement of their builders or makers. Mathematical and geometrical properties found in monumental architecture, as well as alignments indicating celestial horizontal events, were perceived as features indicative of astronomical knowledge of their designers and builders. While some of these claims have been viewed with scepticism, particularly by archaeologists, many other scholars argued that relatively precise and complex astronomical and calendrical systems of knowledge as found in archaeological evidence required considerable development of cognitive skills of prehistoric skywatchers. This image eventually led to the idea that the ancient Mayan and Aztec cultures represented theocracies ruled by wise priests and astronomers (Berthelot 1949: 354–68; Thompson 1954).

Since celestial phenomena have the potential to denote time intervals involving astronomical observations through architectural alignments, the measurement of time often stands in pair with the development of indigenous measuring systems. The use of units of length was recognized by Alexander Thom (1962, 1964) who was one of the first to propose that the megalithic structures (stone rings and rows) in the British Isles were set out in terms of a standard measuring unit, the so-called megalithic yard of 0.829 m.

Andrzej Wierciński (1930–2003)

In keeping with the processualist paradigm, Andrzej Wierciński (1983) advocated his functional theory of culture and cultural evolution. The emergence of megalithic monuments in Western Europe was an important index of the astrobiological worldview, which, according to Wierciński, constituted the common core for ideologies and religions of the great civilizations of the Antiquity. The builders and users of megaliths were imagined as individuals possessing more profound knowledge based on an understanding of celestial movements which in later stages constituted theocratic elites. The accumulation of a complex astronomical knowledge paired with the increase of celestial symbolism that permeated both ideology and religion paved the way to the rise of theocracies with their full-time high-ranking astronomer-priests living in ceremonial centres, supported by the agricultural population settled in the country.

Professor Wierciński found such an astrobiological worldview in the architecture of Teotihuacan, the largest and highly planned city in the Mexican Highland. Even today, its rectangular street-grid seems to evoke the sense of an ordered harmony which finds its roots in the rotating heavens. The idea that the urban arrangement served to correlate celestial and terrestrial realms in order to present them as mutually corresponding parts of the cosmos has led Wierciński to study the possible ideological-cosmological factors that could have determined its unique layout. He

assumed that the city's major monuments, the Pyramid of the Sun, the Pyramid of the Moon and the Pyramid of the Feathered Serpent (Quetzalcoatl), could have embodied the concept of the cosmic mountain.

From the perceived similarities of the skeletal remains at Olmec sites in Mexico to those of the Western African megalithic cultures, Wierciński hypothetically proposed that the ideological base influenced ancient Mesoamerican cultures stemmed from the megalithic cultures of Western Europe and Africa already associated by him with the idea of astrobiology. Since the megalithic builders in Western Europe and Africa used a measurement unit equivalent to 82.9 cm, building on Thom's research, Wierciński (1974–5; 1976, 1977, 1980) subsequently argued that the Teotihuacanos, the successors of the Olmecs, employed the same unit of measurement. Then, converting the features of the Pyramid of the Sun into the multiples of the megalithic yard, Wierciński was able to demonstrate that their dimensions encoded various calendrical cycles as well as the synodic periods of visible planets. This information allowed Wierciński to conclude that like in the Middle East, also Teotihuacan pyramids were architectonic expressions of the archetype of the cosmic mountain, symbolically linking the Earth and the skies.

One of the important effects of Wierciński's research was the growing awareness of astronomical alignments encoded in prehistoric monuments and, consequently, the development of archaeoastronomy in Poland.

Elżbieta Siarkiewicz (1941–2018)

Elżbieta Siarkiewicz showed the importance of the Aztec (Mexico) *tonalpohualli* cycle for the computation of time and astronomy. The *tonalpohualli* has been defined as a mantic-divinatory counting system that operated complementarily with the vague year of 365 days.

Most calendar systems are based on the periodicity of the astronomical events, mainly on the motions of Sun (year), Moon (month), and the rotation of Earth (day). However, the 260-day cycle, the combination of the integers of 13 and 20, has no direct links to astronomical cycles. Nevertheless, this 260-day cycle operated within the 365-day annual cycle, and therefore also had some calendrical function.

The variety of functions attributed to the *tonalpohualli* caused some conceptual chaos. The range of explications varies between the concepts of the *tonalpohualli* as a pure mantic-divinatory system independent of calendars and not designed to reckon the time and the idea of a cycle of days running without interruptions linked to some unspecified or unidentified natural or astronomical cycles. Without denying the existence of the mantic-divinatory function of the cycle of 260 days, Siarkiewicz (1995) proposed it was a kind of a tool that provided numerical codes

both to create temporal units (of 13, 20, 40, 52, 65, 78, 80, 91, ... 260, ... 360, 364, 365, 584 days) and to annotate different units of time (i.e. those initiating with particular days in a cycles of 13 days, 20 days and 365 days). She has also shown the usefulness of the greater cycles of 260, 364, 365 and 584 days to describe the movements of the celestial bodies and to predict recurrent phenomena in the sky. Furthermore, she has attempted to explain how the calculations of the solar (=tropical) year could be executed, developing a calendric-astronomical model that combined the Dresden Codex Venus and Eclipse tables with the computations of the tropical year.

Robert Marcin Sadowski (1947–2010)

As an astronomer, historian of astronomy and astrology, and a former student of Professor Włodzimierz Zonn, Robert M. Sadowski combined the knowledge of astrophysics with that of cultural anthropology. Invited by Professor Wiercinski to talk on ancient astronomy, he quickly became the regular attendant of professor's seminar, generously sharing his knowledge of astronomy necessary to verify anthropological interpretations.

In the decade of 1980, Sadowski was involved in Mariusz S. Ziolkowski project aiming to reconstruct the prehispanic Inca calendars. Sadowski's computations of celestial events allowed Ziolkowski to synchronize historical event with the astronomical ones in order to reconstruct the imperial calendar, used for the administration of Tawantinsuyu (consult Ziolkowski and Sadowski 1979, 1980, 1989). Sadowski was the original researcher, especially his later studies focused on the problems of the Hellenistic astrology and Arabian astronomy. His expert knowledge of the history of astrology was essential to infer the motives that could have guided Hernán Cortés to abandon Tenochtitlan in 1520 (Tomicki and Sadowski 1992). In those, "pre-computer days" Robert Sadowski's ability to date astronomical events retrieved from the historical, ethnohistorical and archaeological record was invaluable and certainly allowed Polish Latin Americanists to include archaeoastronomy to the standard research practices.

Arnold Lebeuf (b. 1946)

Arnold Lebeuf's interest in the study of astronomical and cosmological elements in ancient cultures was shaped by the topics discussed at the meetings "Astronomie et sciences humaines" organized from 1986 by Carlos Jaschek and Pierre Erny in the Astronomical Observatory and the University of Strasbourg. While in Poland, Lebeuf became a member of Professor Wiercinski's seminar. In the early 1990s, his research interest shifted towards the field of Latin American archaeoastronomy.

After the collaborative work with Mariusz S. Ziolkowski (Ziolkowski and Lebeuf 1992a, 1992b, 1993) and Stanisław Iwaniszewski (Lebeuf and Iwaniszewski 1994) he developed a series of independent research projects. The study of the vertical shaft at Xochicalco led Lebeuf (1995) to associate lunar phenomena with spatial and calendrical interrelationships and to propose a complex lunar religious and observational framework for this seventh-century city-state (Lebeuf 1995). Based on his knowledge of the solar and lunar eclipses derived from his earlier research in Europe, Arnold Lebeuf looked upon the eclipse table of the Dresden Codex. Since the document reflects, the indigenous Mesoamerican eclipse theory associated with its peculiar calendrical framework, Lebeuf proposed that the development of the ancient cosmological system was moulded by the ability of Mesoamerican day keepers to predict or anticipate the dates of which solar and lunar eclipses might occur.

Mariusz S. Ziółkowski (b. 1953)

From the beginning of his career, Mariusz Ziolkowski centred his research interests on the reconstruction of the Inca metropolitan calendar. In the last decade, he focused on the identification of ancient Inca observatory stations purposely designed to yield very precise astronomical observations. Because of the lack of sufficient space, and because Professor Ziolkowski continuously makes significant contributions to the field, I feel it necessary not to enter in more details here. He certainly did not say the last word in the Andean archaeoastronomy.

Stanisław Iwaniszewski (b. 1953)

Stanisław Iwaniszewski was instrumental in the development of cultural astronomy. He has also carried out archaeoastronomical investigations on various archaeological sites in Mexico and inferred the Maya lunar theory from the Lunar Series displayed on monuments.

Conclusions

Polish Latin American archaeoastronomy was born in the 1980s, just a few years before the political transformation of the country, to a large extent thanks to research activities of Professor Wiercinski who gathered and motivated a group of younger scholars. The intellectual fervour produced by seminar meetings resulted

in the creation of a small group of researchers searching for innovative and interdisciplinary solutions in the study of ancient societies. Their treated archaeoastronomy as:

- a) a means to support data legitimizing phases in the cultural evolution of ancient societies (Wierciński);
- b) a medium providing an absolute chronology to historical events or to verify historical statements (Ziolkowski and Sadowski, Tomicki and Sadowski). This approach defines archaeoastronomy as archaeometry;
- c) a tool to infer the cognitive abilities associated with the celestial lore (Siarkiewicz, Lebeuf), archaeoastronomy as part of cognitive anthropology and archaeology;
- d) part of landscape or skyscape archaeologies (Iwaniszewski);
- e) part of a much wider thematic research field coined cultural astronomy (Iwaniszewski).

Unfortunately, the “generation gap” observed in many diverse fields of scientific investigation in Poland has also touched Latin American studies and raises concerns about the future development of this discipline in Poland. Current archaeoastronomy is no longer limited to the study of astronomical alignments, and its scope has moved out of the range of problems investigated in the 1980s and 1990s. So in order to be familiar with the current theory, it is necessary to create research centres in Poland. Otherwise, the presence of Polish scholars in Latin American archaeoastronomy will be marginalized.

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Silent Conflict in High-profile Cities Latin America and Beyond

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Abstract

This anthropological essay provides a meditation on mass tourism while analysing the mechanisms of conflict between the needs of mass tourism and the local urban environment, extraterritorial spaces that fit into the universal heritage of humanity. Historical districts/ entertainment districts in capital cities are discussed as extraterritorial areas treated as ambivalent, bypassed, business bases. The tourists themselves constitute thoroughly ambivalent figures as tame strangers, treated simultaneously as a potential source of maximum earnings and intruders.

Keywords: mass tourism, cultural conflict, urban anthropology, hospitality

Introduction

Transport, sightseeing attractions, housing, hostels, rooms for rent, formatted bars, something special at any time, endless festival, promotions, ideas, fight for attention and fight for ordinary life. With backpacks, in stupid hats, fired by the sun, slightly lost, in pairs, groups, trams, buses, bicycles, trips, museums, maps, routes, facilities, infrastructure. Tourism, economic leverage. Submission to satisfy the expectations of a stranger. Satisfy their cravings, earn. The redistribution of capital in the region. Marketing, building the brand of the region and the city. Micro-politics. From the pavement through the kitchen, the iconosphere, monuments, fancy attractions, spleen, “fresh air”: it seems that the imaginative and tourist expansion is reaching the limits of endurance. Residents, citizens, “ordinary” people feel tired, cease to feel “at home”, stop learning about their own cities which become more and more difficult to move, more difficult to live; the old relations with space and relationships with people seem to disappear.

This text assumes an essayistic form on purpose. It is a methodological procedure par excellence. It results essentially from the methodological reflection on the ways of describing the world, and thus its interpretation, on the ways of presenting and explaining its dynamics. The world of culture and politics relies on international processes shaping the image of the contemporary world. As we know these processes have eluded the hard scientist framework trying to push the world into simple, clear tables and summaries. The theoretical background behind this type of theoretical formation consists, therefore, of concepts rooted in autoethnographic reflection (Ellis, Chang), the idea of “symbolic interactionism” (Blumer) or a cognitive method aimed at developing a conclusion explaining the problem in dialogue with the reader, ratings and reviews. I am more interested in describing the world, revealing my own experience of reality than in outlining the views of other authors, while presenting my own knowledge of their achievements, and multiplying footnotes. Therefore, the essay attempts – and it is not a new thought – to become a form capable of conveying scientific content, but present it in a new way because of its composition: through its openness to understatement, omission, and even lack of transparency, which so strongly characterises contemporary culture in its broadest sense. Thus, the research problem is hidden in a maze of seemingly disproportionate data, descriptions and terms. What I try to do is to immerse the reader in the metaphor, in the experience of various subjects involved in living together in a city, or cities that are the target of mass tourism.

Noise, stench, overpopulation. Continuous movement that starts at the airport: airplanes land all the time, they start every now and then. Waiting for luggage. Taxi drivers hunting tourists. A queue. One by one. Luggage. Suitcases. Rattling wheels. Kiss and ride. They come up, drive along the road and disappear in the shadow of the flyover. Coming back for more. Departures and arrivals every day. Every day: restaurants, overloaded pubs, tour buses, exotic stays, trams full of distracted

people staring at smartphones or crumpled maps. Backpacks, sandals, travel bags, baseball caps are rubbing against each other, mixing smells, languages, crossing paths, lengthening queues. Traffic lasts the whole year; tension increases in March, falls at the end of October. Young people, old, couples, organised trips. Tourists on the weekend, tourists for a week or two. Erasmus students for half a year, pensioners for the summer. The city is bursting at the seams.

The centre: high street, a square. From the morning after, the passages and the bistro bars; the survivors of the previous night, still singing or in the depths of alcohol-induced melancholy, an organic weakness. City services clean the city, collect trash, paper, paper cups, plastic bottles, containers, foils, cans, unheated fries. Suppliers block the streets. In addition to locals, cafes: espresso and sweets stands are over-crowded. They ask, they choose, they try in English, slowly, loudly, what is it, what it is, whether it is on the app, whether it is in the guide, whether it is worth buying here or is it worth taking a selfie on a stick without asking photographers, bartenders: it is their everyday, public, but also private life. Life is not exactly for the show, but life is almost exclusively for tourists. They pay, so they demand, so you do have to have patience, and answer, give, play a role. This is the theatre for which they come. As needed, in line with the expectations of a global, formatted world. Locality with a pinch of global fashion. Decor, equipment, style, music subject to the trends: how to have a good time; fun and related aesthetics.

When all the indoor and outdoor cafes are already occupied, and the native inhabitants, if they are still in the district, are modestly facing the TV, the staff has a moment's respite and looks away from the next lost and hungry customers. Waiting in the queue to the toilet, I am also queuing into a bar; I stand in the queue at the Indian store to choose something from the shelf to drink. A narrow passage; in front of me a couple of Japanese in full gear with backpacks, bags, umbrellas protecting from the sun, trying to do shopping, rustle bags, cakes falling, someone picks them up, the store is stuffy, hot, somebody blocks me from the other side, sorry, excuse me, the English decides to buy wine, still at the checkout it gets crowded, the man of service methodically weighs and deducts the goods, not even one look at anyone, the face is expressionless, unreadable. The next one looks into the store. I look out the window: see families from Scandinavia: father of about fifty, bright long pants made of material, a light cream shirt with rolled-up sleeves pulled into trousers, an expensive watch, expensive moccasin leather shoes, an elegant brown belt, on the back, thrown sweater in colourful diamonds, hair carefully brushed up, on the nose a good brand of sunglasses, a new iPhone in the front pocket. The son looks similar, in his slightly – deliberately – dirty Vans high-tops and with less coordinated, expressive movements. The woman is an elegant counterpart, a Scandinavian stereotype: delicate jewellery, light shoes on a canvas instep, a shapely handbag, cool bright colours, blond hair, youthful charm despite her forty; kindness, curiosity and subtle distance mark her body language and well-mastered English.

They probably spend their nights in a family apartment on the outskirts of a former working-class district transformed into a zone full of art galleries, Vege shops and playgrounds for dogs and the few children who run local businesses.

Gentryfication shifts places and districts, reconfiguring them into a completely different shape on the city map. Space becomes a commodity. Gentryfication erases the style and character of the former district from the city map, heals the “broken” and usually shameful “tissue” of the city resulting from poverty and neglect. Global capital, global needs, new employment relations, new services, technology and “old urban planning” take on a new life. Local policy towards transnational interest groups, out-of-court mechanisms and planning manifested in part in the form of the spontaneous, bottom-up revitalisation practices.

Outside the window, a pair of young Spaniards in colourful, airy pants and sandals presents themselves in their large pastel blouses, neck beads, beads, wrists, thongs, braids, laced hair, black beards, backpacks, sachets, tobacco, tissue paper, yerba mate. They are slowly wandering the street, looking around as if they should stop but disappear. They are accustomed to the sun, accustomed to street life, accustomed to travelling, to the crowded city and the blazing desert.

The queue moves. It's afternoon. On the street and in the shop only tourists are left. The city falls asleep, protects itself in siesta. Rolled shutters, closed bars and service points. This is the only way you can force tourists to retreat. For a moment, you shut the city down and hide in your own way of life. Reverse the order imposed by the tourist industry.

Shop windows are covered with posters and stickers with card payment options, opening hours (24 hours a day, Indians usually do not give in to siesta), ads of exceptional ice cream, mineral water, beer, snacks, sandwiches, souvenirs, magnets, postcards. Commemorative gadgets flood the city's entertainment quarters. Chinese shells products, badges, patches, pendants, keyrings, trinkets, mugs, gypsum magnets, bands, hats, caps, openers, leashes, lighters vie for our perception, they shout for attention, till the dullness of the senses. Their vividness and numbers render them paradoxically invisible. But do they seem as invisible to the local residents? Are they permanently inscribed in the landscape of old tenement houses, alleys, carved facades, art craft, wooden shutters, often centuries-old ornaments and trinkets shaping the unique idiom of the district?

Leaflets are piling up; from the afternoon hours start ads by beaters, restaurateurs, in several languages at the same time, with local food as a bargaining chip. Only with them you can feel uniqueness, originality, peace, rest. And so every few meters. Among the growing crowd, with banners, uniforms, guides, among street musicians, performers, costumes, parrots, jugglers, soap bubbles, accordions, lotteries, paintings, face paints, balloons, among the meleks, tellers of urban legends and stories. In the zone closed for car traffic, in an endless entertainment zone, in an uninhabitable zone. All-year “carnival”. Utopian islands (one-sided) pleasures.

Monuments and museums. The crowd. A few hours to get inside, to take a selfie, be a figure in the crowd, for a moment positioned in front of the painting or in the church, then you move on to make the crowd outside an hour less. It is a necessity almost ritually inscribed into the script of a trip, a vacation: sightseeing. A ghost of sightseeing, an undefined form of experience. Extremely and superficially. Unhooking next points, as in the game getting more levels. Submission to the imagination, guides that shape our vision of the world before leaving. This symbolic imaginary crashes in contact with the material of travelling, sightseeing, and moving. Body against body. Being among people. Overcoming invisible barriers and ranges of private space. The intertwining of private and public spaces, intensifying contact, renegotiating the use of space, modification of places. For a single person/tourist, it is a temporal change, a suspension of everyday habits. For the inhabitants of the city literally haunted by tourists, not necessarily so. It is more of a permanent suspension of rights to your own, customary way of using the city space. A change that causes discomfort and unspeakable conflicts which become the cause of reflection on the possible development of the situation; the issue of politics, a discussion over the direction of the administration and traffic management. All this provides a huge impact on the city's budget; all this affects the inhabitants: irresponsible behaviours, ignorance and disregard of local habits concerning everyday existence, exceeding norms – noise, unpleasant odours, unjustified claims, dominance resulting in structural transformations in the functioning of the city.

New technologies and online portals are created to allow room rental. Private apartments in historical districts, innumerable hostels, tenements converted into hostels have all caused the outflow of the local population, causing a change in social structure, a change of districts and places into extraterritorial arcades and no man's land. City centres, streets and squares famous for various reasons; whole quarters have begun to turn into a formatted amusement park. Heritage and live urban, local culture are reported on various residents' forums to be pushed to the margins and subjected to the pressure of global pop-cultural content. In addition to a wide and competitive rental offer, the so-called cheap air connections are one of the main factors enabling mass tourism, so intrusive in the face of cities. Low, promotional ticket prices and high frequency of calls; price differences resulting from a different level of economic development and the climatic attractiveness of the countries of the European South complete the list of the main factors causing problems with contemporary mass tourism.

Historical districts/entertainment districts are extraterritorial areas. No-go zones: in Venice, Florence, Barcelona, Rome, Lisbon, Amsterdam, Krakow. These areas are ambivalent, bypassed, treated as business bases. The tourists themselves, the tourist, is a thoroughly ambivalent figure. Tame stranger. Foreign. Treated as a potential source of maximum earnings and as an intruder. The "transparent" figure of the local resident is increasingly ostentatiously ignored. But the limits of tolerance seem to end. Inhabitants

organise themselves and, in various (often unpleasant) ways, begin to express their opposition. Moreover, the number of conflicts arising on the tourism-city line forces the authorities to take countermeasures, seek solutions and compromise.

Hospitality rules are violated. This is a symptom of a serious crisis, not so much on the scale of international as interpersonal cooperation. As we know well, hospitality is one of the basic universal attributes of culture. It introduces people to the circle of basic meanings, understandable without speech and language, possessing a unifying pre-sacred character. Over a linear time, above the physically measured space. Hospitality is revealed in small details. In attitude. Giving slow repetition of phrases, in the postal service at the counter, at the checkout, in the library, in gestures, patience, in an invitation to participate in the event, which becomes a contribution to accelerated and deeper socialisation. Hospitality finally introduces us to the “centre” of culture, to the flesh, at its very core, as it is understood and shared by the local/ indigenous people. It is an exponent of tradition (tradition of living, not solid traditionalism) manifesting itself in the form of a warm, sated, calorific meal (cake, tea, glass), giving pleasure and strength of food, depending on the context and situation.

Cordiality and gentleness of hospitality. Food, safety. Bed, bowl, table. Survival. *Philo-ksenía*. The right to hospitality. The act of hospitality, which reifies what in culture is the primary value, accumulates and embodies abstract ideas. It is a rudimentary attribute of culture, created by Man for man, necessary for his functioning as an individual, as a member of a community, society, species. Guest, hospitality is a well-known figure present in religion and literature. From *Odyssey* to a free place at the Christmas table. And since the topos of hospitality penetrated so deeply into the tradition, canonical books and religious doctrines of the world, this matter must be extremely important from the point of view of the survival of the human species. Religious sanctioning, the revealed, holy, divine status of the Guest, its supernatural protection (whoever he is) serves not only symbolic exaltation of man, but is an expression, consequence, utilitarian necessity, the other face of altruism that assures the group biological survival, existence and dialogue – because in order to survive you had to and must be in motion – once a guest and once a host. Hospitality is not a result of beautifulness, but a pragmatic, essentially custom (normatively sanctioned) occurring under every geographical width. This balance, cooperation of the host and guest is disturbed by mass tourism. What kinds of conflicts occur as a result?. As Antonio Alvarez-Sousa writes:

Tourism is a sector in which multiple conflicts can play out. They can be generic, or they can arise from a number of more specific areas, such as public interests; residents vs. tourist activities; residents vs. entrepreneurs of the tourist industry; relations among entrepreneurs due to the varying amounts of power they have and the distribution of profits among them; residents vs. those tourist practices that kill local culture in the sole pursuit

of financial gain; symbolic conflicts arising from actions carried out by social movements to spotlight an issue; the conflicts between different interest groups requiring government intervention, largely on the part of local authorities (Alvarez-Sousa 19).

The issue is, as you can see, multi-faceted. Grass-roots protests take on radical forms, from blocking streets to piercing tires. Milder manifest themselves in expressing a protest in the form of banners, graffiti, inscriptions, murals, pickets and performances. These less visible bottom-up practices of opposition are manifest in the form of simply avoiding overpopulated places and areas, closing shutters, raising prices for services, products and prosaic needs. Learning your own city anew. The most active are entities that are not direct beneficiaries of mass tourism. Emotions, conflicting interests, habits are at stake. The employment structure, communication or developed management models are changing.

Like all conflicts, those mentioned above have both destructive and creative consequences. They will force to correct legal structures, space-time structures, infrastructure, economic structures, and finally, mental ones. (Not to mention the conflicts related to the growing emigration crisis). The situation forces the authorities to act. Various proposals and possible options for solving the problem are widely discussed. The mere diagnosis of the causes of the growing conflict and its social functions forces reflection on the management of space and people, control and planning of the flow of social actors, security issues, reconciliation of conflicting interests, restoration of relative equilibrium.

Alvarez-Sousa reflects further:

Among the proposals for change we have to differentiate between those pursuing change from within the system and those seeking to change the system. The anti-system activist groups clearly want a change of system but other groups want to bring about change from within the system[...] Compared with those who want a change of society, most people advocate change from within the system, reached by the consensus of governance. Asocial adjustment is necessary which allows conflict to lead to consensus through governance (Alvarez-Sousa 19).

However, before systemic, transnational and mental changes take place, the city authorities and the residents themselves apply *ad hoc* solutions in the form of visits to the most overpopulated zones, museums, streets and beaches. Additional fees, bans, access restrictions and even entry into the city are imposed. Spontaneous activities, rest, and the use of cultural goods are subject to precise regulations. The flow of people is also subject to a metric control. Increased control and regulation influence more and more the form of the tourist experience.

Travel, vacation and leisure are yet another dimension of organised consumption. The planned scenario, a format that is easier to control, predict and manage.

In response to the problems of mass tourism, it is postulated to use holistic solutions. From top-down, statutory regulations, flow control, transport policy and access to cultural goods to far-reaching educational programs that promote the rational use of the opportunities offered by the freedom of travel and leisure. The question remains whether cultural mechanisms will become active and work, which will soften the conflicts that arise on this ground.

The first steps to solving these problems are the awareness and the conceptualisation of massive, consumeristic tourism threats. The discussion has been going on for years in the press, locally, internationally or on the level of reflection on the methods of managing and controlling the flow of people in the modern world. The arguments and concepts developed in the field of studies on public security are used as attempts to apply preventive strategies for tourism traffic management. One of such concepts is the idea of a ban-opticon developed by the French sociologist Didier Bigo, who conducts interdisciplinary research within studies in emigration and security, developing it mainly on the basis of the ideas of Michel Foucault and Giorgio Agamben.

In such publications as *Security, Exception, Ban and Surveillance* and *Globalized (in) Security: the Field and the Ban-opticon*, Bigo discusses the concepts dealing with terrorist threats, but based on a specific way of describing, identifying and controlling social groups. His method alone can be useful in the regulation and management of mass tourism, and of course is associated with surveillance. The control model is based on preventive profiling, identifying groups, units to be controlled or, as in the case of terrorist threats, exclusion. It is based on selective observation, prediction of events based on the acquired diverse data and anticipatory response event. As Bigo writes:

The Ban-opticon is then characterised by the exceptionalism of power (rules of emergency and their tendency to become permanent), by the way it excludes certain groups in the name of their future potential behaviour (profiling) and by the way it normalises the non-excluded through its production of normative imperatives, the most important of which is free movement (the so-called four freedoms of circulation of the EU: concerning goods, capital, information, services and persons) (Bigo online).

Such control and regulation on the part of authorities at various administrative levels become the basis for public space management, town development, modelling their character, so as to reconcile the economic interests and expectations of ordinary citizens, ensure safety and comfort for city dwellers whose life under the pilory of tourism has become unbearable. However, these strategies are insufficient. The change must take place in the “collective consciousness”. It may be enough to use a few simple rules related to maintaining moderation, proportion, and ordinary decency. Our choices of how to spend free time, sightseeing, etc. must be taken

with caution, consciously, taking into account expectations, habits, problems that we potentially generate fulfilling our desires, dreams and needs.

Tourist traffic has collapsed today. It has changed. The changes will be long-lasting. A new form of tourism will probably emerge and the character of historical cities will change. Bigo concepts will acquire a special power to solve complex conflicts of social life, regardless of their form and intensity, local, urban or global. We will face changes that are even more unpredictable than before. Perhaps the conflicting subjects disputed over the accessibility and character of cities are silently longing for the times when life went on in the way I described at the beginning of this essay.

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