Neither Enemies nor Friends

Latinos, Blacks, Afro-Latinos

Edited by

Anani Dzidzienyo and Suzanne Oboler

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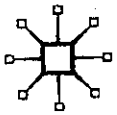

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Chapter 2

A Region in Denial: Racial Discrimination and Racism in Latin America

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Racism (and racial discrimination) is, to a certain extent, alive and well in every society, country, and region of the world.[1] It can appear in a variety of forms depending on the culture or context in which it occurs and the period of history during which it rears its head. Nonetheless, one common thread that seems to be woven throughout almost every culture, country, and region is that people deny that racism even exists.

In this article we attempt to delve into the different forms of denying the existence of racial discrimination in Latin America. The crux of our argument is that the people of our region are prone to conceal, twist, and cover up the fact that racism and racial discrimination exists in our part of the world. This phenomenon of denial stands in the way of acknowledgment of the problem and, consequently, hampers effective measures that could be taken to eliminate and prevent racial discrimination. In order to identify the best strategies for combating racism, we must first take a close look at the different forms and manifestations of the phenomenon itself.

A kind of presumption of moral superiority vis-à-vis the United States of America is quite widespread throughout our region. Rarely does a conversation on this issue among Latin Americans take place without mentioning the serious incidence of racism and racial discrimination that exists in the land of our neighbors to the north, a claim that is altogether true. As the Brazilian scholar Antonio Sérgio Guimarães (1999:37; 2001) notes, we point out with nationalistic pride that racial segregation of the type that exists in the United States does not exist in our countries. We pompously tout our "racial democracies," "racial melting pots," "racial harmony," complete *mestizaje*, or mixing of races.

Nothing epitomizes Latin Americans' view on this issue as well as the declaration of the presidents and heads of state of South America that was issued in 2000 at a meeting in Brasília. This statement reads: "The Presidents [of South America] view with concern the resurgence of racism and of discriminatory manifestations and expressions in *other parts of the world* and state their commitment to preserve South America from the propagation of said phenomenon."[2] Or as the Mexican

government put it: "The government of Mexico opposes any form of discrimination, institutionalized or otherwise, as well as the new forms of discrimination, xenophobia and other forms of intolerance that have emerged in several parts of the world, particularly in the developed countries."[3]

In short, these leaders concur that racism and racial discrimination are practices that take place in other regions and that Latin Americans possess a moral fortitude that cannot and does not allow any discrimination to be practiced in their countries. Moreover, these statements echo the widespread sentiment of the region.

Our aim here is to encourage a debate on what we feel is a widespread and outright misrepresentation of Latin America as a region that is respectful of racial mobility and more tolerant toward racial identities than it really is. These misguided impressions are merely a reflection of the absence of a deep, sincere, and open political debate on the issue of race in our region. With regard to this point, the Mexican government is right when it states, "In Mexico, the indigenous issue is never approached as a problem of racial discrimination but as a matter related to the right to development and to their situation of economic and social marginalization (exclusion)."[4] This same government would also state that racial discrimination "is not even a issue of national debate."[5]

But to point out that this phenomenon is not part of the national debate, or that it is not viewed as racial discrimination, by no means erases or negates the fact that racism and racial discrimination do exist, and that the countries of the region refuse to admit and combat.

In reality, racial discrimination and racism, like the failure to recognize these phenomena and the absence of a debate on these issues in Latin America, are simply part and parcel of what could be dubbed the "democratic deficit" that we are experiencing in the region. Equality, as it relates to race, gender, ethnicity, or anything else, is still far from being viewed in the region as an essential and basic requirement for democracy. Equality cannot exist without democracy; nor can democracy exist without equality. Hence, the struggle to solidify democracy is a fundamental step in the struggle against racism and racial discrimination.

This article is partly based on a study conducted by Stanley Cohen (1996), which looked at different governments' responses to reports denouncing violations of human rights. In this study, three different types of denial are posited: literal denial (nothing has happened); interpretive denial (what is happening is actually something else); and justificatory denial (what's happening is justified).[6] Sometimes these types of denial appear in sequence; when one type is struck down, it is replaced by another type. For example, literal denial may prove ineffective because the facts may simply bear out that the black population is indeed more disadvantaged than the white population. Therefore, strategy shifts toward use of another type of denial such as a legalistic reinterpretation or a political justification (522).

Before delving into the subject at hand, we would first like to make a point of clarification. This article focuses primarily on the plight of the Black or Afro-Latin American population, with very little discussion on racial discrimination against indigenous peoples or other ethnic groups. It is by no means our intent to ignore or

fail to recognize that indigenous peoples are victims of racial discrimination as well. We have chosen to center our analysis on this particular social group, for the most part, because Blacks have been the most low-visibility victims of racial discrimination in Latin American society today.

A Look at the Current Situation in the Region

We must first make sure that readers understand what we mean by racism or racial discrimination. Even though it is true that forms, types, or definitions of "racism" or "racial discrimination" may vary widely, for the purposes of this article we use the definition provided by article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination (referred to hereinafter as the "Convention against Racism" or the "Convention"):

> In this Convention the expression "racial discrimination" shall denote any distinction, exclusion, restriction or preference based on motives of race, color, lineage or national or ethnic origin whose purpose or result is to nullify or diminish the recognition, enjoyment or exercise, in equal conditions, of human rights and fundamental liberties in the political, economic, social, cultural or any other sphere of public life.

The true state of affairs in Latin American societies, nonetheless, stands in stark contrast with the objectives pursued by the International Convention. Although very few statistics are available on the phenomenon, the small amount of data we have at our disposal shows how racial discrimination permeates each and every realm of life in our region: from the social to the political, education,[7] labor,[8] cultural, and public health sectors.[9] In countries like Colombia, the Afro-Colombian population is disproportionately a victim of political violence.[10] In other countries of Latin America, access to land has eluded the descendents of African peoples.[11] In many countries of the region, judicial (Adorno, 1999:123) and law-enforcement (Oliveira, 1998:50) systems provide less protection to Blacks and, at the same time, punish them more severely.

For example, a recent study by the UN Economic Council for Latin America shows that Afro-Latin Americans have little or no job security, which is proof of racial segregation throughout the region. Racial discrimination in the labor market stems from inequities in the education sector. Consequently, whites have more of a chance of successfully climbing the corporate ladder, so to speak, or making it to positions of power or upper management. Distribution of income in the region is revealed to be even more unfair when it is viewed by ethno-racial origin of the inhabitants. The Black population has a harder time gaining access to education; they are more likely to fall behind in their studies, to fail to make progress, to drop out of school, and to attend schools of inferior quality.[12]

The government of Colombia, one of the few governments that at least has clearly acknowledged, in written documents, the problem of discrimination, has described the plight of the Afro-Colombian population in the following terms:

> They are among the group of Colombians with the highest indices of unmet needs. Their health conditions are precarious, their sanitation conditions are the most deficient in the

entire nation, and coverage of education services is poor. Housing in Afro-Colombian communities, in addition to [having] poor coverage of public utilities, shows problems in the legalization of property and lots, a high rate of overcrowding, and poor quality. It is estimated that the per capita income of [the members of] these communities is $500 per year, less than one-third of the national average. Afro-Colombian women are facing conditions of poverty; high unemployment rates, low-quality jobs, deficient health care, and a high incidence of domestic violence. Afro-Colombian teens do not have optimal guarantees and opportunities to gain access to higher or vocational education, good jobs, and development in keeping with their world vision and with their sociocultural reality. The territorial entities where the Afro-Colombian population creates settlements are characterized by their poor ability to govern, plan, and manage.[13]

This scenario, which is identical to the situation in several countries of Latin America, makes it all the more necessary to take a closer and more honest look at our region in order to be able to adopt the necessary measures to overcome this crisis. Even so, there are still strong currents of thought in political, academic, and social circles, which deny that racial discrimination even exists or try to explain away these differences as a function of other variables, rather than as a function of race or ethnic origin. In the following section we look closely at some of these variables.

"There Is No Racism or Racial Discrimination": Literal Denial

Literal denial is simply to say "*nothing has happened*" or "*nothing is happening.*" What is of concern to us here is that this type of denial is synonymous with saying that there has never been any racial discrimination or racism in the past nor is there any at the present time. Over the past few years, different governments of Latin America have made statements to the Committee on the Elimination of Racial Discrimination (CERD) claiming, among other things, that "racial prejudice"[14] does not exist, "in our country problems of discrimination do not exist,"[15] "racial discrimination does not exist,"[16] "today racial problems practically do not exist any longer,"[17] "this phenomenon does not appear in our country,"[18] or "in society at the present time racial prejudices are practically negligible."[19]

This type of discourse is typical not only of governments that have a well-known history of insensitivity to racial issues, but also of governments that have a track record of being committed, at least rhetorically, to racial equality. Paradoxically, these so-called racially sensitive governments are often the ones who most categorically deny the existence of the problem. It would not be entirely farfetched to hear the following argument brandished in discussing the issue with a Latin American: "*Our government would never allow something like that to happen, and therefore it could never have happened.*"

A pseudo sophisticated way of denying that racial discrimination exists is to argue that it could not have taken place because discrimination is illegal in the countries of the region and the governments have even ratified every appropriate international instrument related to the subject. This legalistic version of denial of racial discrimination is based on the following specious claim: "Since racial discrimination is

prohibited by law, our government would never allow it and, therefore, it could not have ever occurred" (Cohen, 1996:254).

The most syllogistic form of literal denial is the widespread myth that the region boasts a racial democracy because the concept of race has been officially rejected by government institutions. This type of denial has many variations but essentially amounts to saying that if races do not officially exist, then racism cannot exist either. Nevertheless, erasing the concept of race from laws and other official documents has by no means led to the end of race as a key factor in determining how the benefits of society are distributed, nor does it negate the fact that Latin American society is predicated upon a clearly pyramidal structure with Blacks and indigenous people at the bottom and whites at the top.

"What Goes On in Latin America Is Not Racism or Racial Discrimination but Something Else": Interpretive Denial

At this point in time, it is hard, if not ludicrous, to categorically deny that racial discrimination and racism exist in Latin America. This is because groups that have been discriminated against have become more visible and have begun to engage in activism to address their plight. Additionally, a limited but growing number of studies and statistics, which bear out that racism and racial discrimination still exist in Latin America, are now available. Consequently, people resort to slightly more sophisticated explanations. Instead of denying that economic and social indicators show a wide gap between races, they commonly give reasons other than racism to account for the disparities among Blacks, indigenous peoples, and whites. These disparities, attitudes, and prejudices are framed in far less pejorative or stigmatizing theoretical terms than racism or racial discrimination.

The true story of the racial issue in Latin America is doctored in many different ways. In the following section we identify some of the ways in which the facts are distorted such that they do not fit the definition of racism or racial discrimination.

Euphemisms

One of the most common ways of putting a spin on the facts is the use of euphemistic expressions to mask the phenomenon, confer a measure of respectability on the problem, or paint a picture of neutrality in the face of discriminatory practices. A variety of terms are used to negate or cloud the racist side of certain social conduct or government policies: "ethnic minority,"[20] "restrictions on immigration,"[21] "customer screening or selection" (*selección de clientes*),[22] "reservation of rights to refuse admission" (*reserva de admisión*),[23] "proper attire" (*buena presencia*).[24]

Probably the most common euphemism attributes the differences among races to poverty. The syllogism goes something like this: People discriminate against Blacks or indigenous people *not* because they are black or indigenous, but because they are poor.

The government of Haiti, for example, cited economic reasons for the disparities between whites and other groups: "Even though it is true that in the private sphere

prejudices related to color are sometimes expressed, in reality its origin lies in the social inequities that exist in Haitian society."[25] Similarly, the government of Peru claimed, "Today practically every Peruvian is of mixed blood and a racial problem no longer exists. Instead, there exists a problem of economic underdevelopment in certain sectors of the population."[26] Mexico has developed the most explicit arguments on this point: The indigenous issue is not "a problem of racial discrimination"; rather it has to do with "forms of discrimination derived from the socioeconomic reality."[27]

The myth of a racial democracy, which is defined as harmony between ethnic and racial groups and, therefore, the absence of racial discrimination, would lead people to believe that any display of racism and discrimination that may occur is usually a result of social and economic rather than racial prejudice. Once again we cite the official version of the Mexican government: "some forms of discrimination are a result of socioeconomic differences more than a distinction between ethnic groups, and they [the differences] have been addressed by means of a variety of government social development programs targeted toward the most vulnerable groups."[28] This way of thinking is so widespread and has endured for so long throughout Latin America that, regardless of a person's race, the population for the most part is unwilling to explain current social disparities among racial groups in terms of racial inequities. Yet, our societies quite readily accept explanations based on economic disparities (Minority Rights Group, 1999:23).

These interpretations are marred by faulty logic. First, they fail to explain why in our region even though not all people of color are poor, almost all poor people are colored.[29] One government did not have any problem acknowledging "a clear correlation between proportion of the indigenous population and poverty and marginalization indices."[30] Second, several statistical studies on economic disparities in Latin America have shown that even when all possible variables are factored out of the equation, including indicators of poverty, one variable, which can only be attributed to a person's race, always carries over.[31] Moreover, according to this specious argument, it would be lawful to discriminate against poor people. As far as we are aware, there is no provision of human rights law currently on the books that legitimizes unequal treatment of persons based on social class or economic status.[32]

Justification of class-based over race-based discrimination, once again, is simply a corollary to the assumption that we live in racial democracies in Latin America. It is also a corollary to the ideological basis for that assumption, which is that societies in the region are monolithically mestizo or mixed raced and, therefore, allegedly free of prejudice and discrimination. If Latin America indeed lives in racial harmony and there is really only one race in our societies (the mestizo race), then it would follow that any disparities between population groups could never be explained by a person's race but rather would have to be explained as a function of poverty, social status, or education.

Legalisms

Most interpretive denials of racism are laced with some sort of legalistic or diplomatic language to negate the existence of discriminatory practices. Many different legal

defenses have been used to counter charges of racial discrimination. To take stock of every single one would far exceed the scope of this article, so in this section we offer only a few examples.

One form of legalistic argument is to maintain that racial discrimination is nonexistent in Latin America because the laws in the countries of the region do not establish rules of segregation or apartheid as is the case in certain other parts of the world. The claim is thus put forth that "never in history has any legal text been in effect that establishes racial discrimination even in a veiled way."[33] The implication of this statement is that discrimination can only exist when it is established by law, and not when sectors of the population are discriminated against by deed or when laws are applied or enforced in a discriminatory way.

Nevertheless, international conventions require our countries to do much more than simply erase discriminatory laws from the books. International treaties call for the adoption of specific laws in support of each provision of these conventions, egalitarian and nondiscriminatory enforcement of laws and conventions, and, particularly, the prevention, punishment, and elimination of discrimination in all its forms, whether by law or by deed. The CERD, therefore, has expressly mentioned the obligation of states to repeal any law or *practice* whose effect it is to create or perpetuate racial discrimination.[34]

The Convention against Racial Discrimination requires nations to adopt comprehensive legislation to prevent, eliminate, punish, and remedy racial discrimination. Such legislation does not exist at the present time in Latin American countries, as the CERD has been pointing out over the past two years.[35] Instead, the respective constitutions contain basic provisions that prohibit racial discrimination; yet the appropriate legislative structures to fully enforce those provisions are not in place.[36] Specifically, the Convention requires enactment of certain criminal laws, which prohibit and adequately penalize any act of racial discrimination that may be committed by individuals, organizations, public authorities, or institutions. To date, in many countries of the Americas, such laws are yet to be passed.[37] In other countries, even though legal provisions designed to eliminate unequal treatment based on racial factors may have already been enacted, express provisions making it unlawful to discriminate on the basis of national or ethnic origin have not been written into the laws.[38] Such specificity is necessary because these types of discrimination are the most prevalent forms of intolerance and bigotry in many nations of the region. In many countries in Latin America, there are no laws preventing racial discrimination in the private sector, despite the fact that section d, paragraph 1, of article 2 of the Convention provides that signatories shall prohibit any racial discrimination practiced not only by public authorities or institutions but also by private "groups or organizations."[39] Lastly, in many of our countries legislation currently in force has proven to be inadequate, either because the ban on discrimination does not go hand in hand with the appropriate punishments[40] or because punishments provided for by law are so lenient that they do not serve as an effective means to prevent, prohibit, and eradicate all practice of racial segregation.[41]

Another way people attempt to prove that racial discrimination does not exist in the region is to point to the fact that Latin American courts receive very few

complaints of racial discrimination. As the government of Mexico stated, the absence of racial discrimination "can be corroborated by the absence of both domestic and international complaints"[42]—the logic being that an absence of court convictions for racial discrimination means that the phenomenon is non-existent. Nevertheless, this argument ignores important questions such as whether victims of racism are aware of the legal recourse available to them for their defense; whether laws are effective in combating racial discrimination; or whether the courts properly apply antidiscrimination laws. The low number of complaints may very well be attributable to "unawareness of existing legal remedies available for cases of racial discrimination, and to the public in general perhaps not being very aware of the protection against racial discrimination provided for in the Convention."[43] The small number of complaints and, consequently, convictions may also be due to a lack of confidence in law enforcement and judicial authorities.[44] Lastly, the low incidence of racial dis-crimination cases brought before the court may also stem from the fact that judicial or police officers do not rate this type of behavior as a display of racism or discrimination.[45]

In a variation of the argument that the absence of legislation making racial discrimination a crime is in itself proof that racial discrimination does not exist, the government of Venezuela stated: "Even though it is true that very few laws are in force against racial discrimination and any defense or support (*apología*) that may foment it, we can say that there is no practical need to legislate on this subject, given that problems of discrimination or defense thereof do not exist in our country.... [Such a] situation, fortunately unknown in our milieu, would be different if there were violent clashes between ethnic groups or if certain persons were alienated or left out on the basis of physical characteristics, since in explosive situations such as these would be, the Parliament, which cannot turn its back on the social reality, would issue laws on this subject. It has not done so because there has not been a need for it."[46]

In an extreme variation of this argument, governments respond to allegations of racism and racial discrimination by rattling off a long list of domestic laws enacted, international treaties ratified, and a host of legal mechanisms designed to punish those responsible for discrimination and racism. With such prohibitions in place, racial discrimination cannot possibly exist.

Denials of Responsibility

Many times governments deny any type of state responsibility for racism and racial discrimination, although they acknowledge that such acts may indeed take place.

The argument is that even though some acts of racism and racial discrimination have occurred, such acts are events that cannot be attributed to the government, are out of its control, and are the product of deeply rooted social practices or private actors. The Dominican government, for example, has only accepted that "there exists the possibility that individually, someone in the country, with the utmost discretion supports racial discrimination."[47] Or as the government of Haiti has stated, in the event that there are incidents of racial discrimination, these "are in no case the work of the state."[48]

In any case, under the Convention against Racial Discrimination, these arguments are not a valid justification. Every state must guarantee effective application of the Convention. "Inasmuch as the practices of private institutions influence the exercise of rights or the availability of opportunities, the State Party must ensure that the result of these practices does not have as a purpose or effect the creation or perpetuation of racial discrimination."[49]

Just Isolated Incidents

One of the most common ways in which governments respond to charges of racism or racial discrimination is to accept that a specific act has indeed taken place, but to deny that such acts are systematic, routine, or representative of a pattern of behavior.

Typical responses in this category include:

"Such acts arise in an isolated way and are the result of the motivation of individuals or very small groups."[50]

Incidents of racial discrimination occur only "episodically and selectively."[51]

"In present-day society racial prejudices are practically negligible and are manifested in the most intimate spheres of life."[52]

What occurred was an "*isolated incident*"; such events never occurred in the past, and since they have not happened again, it is unfair to brand our government as racist on the basis of this single event.

Justificatory Denial

Justificatory denial has countless variations, which, generally speaking, involve either an attempt to justify the argument that racism does not exist or an attempt to show that in some hypothetical situations, racism or racial discrimination is in fact justifiable. Some of these denials are offered in good faith; others are simply excuses, fabrications, ideological defenses, or attempts to neutralize allegations.

Camouflaging Racism

We focus here on one of the most pernicious forms of denial—blaming the victim for his or her situation or making the victim of racism and racial discrimination invisible.

In perhaps its most extreme form, whole sectors of the population are simply said not to be victims of racism. Witness the popular Argentine saying: "We Argentines are not racist because we don't have any Blacks." The collective conscience in that country of the Southern Cone, however, refuses to ask key questions such as why today there is no Black population in Argentina, whereas in 1850, 30 percent of the population of Buenos Aires was Black.[53]

Governments throughout Latin America have engaged in a campaign to officially do away with any racial identification by claiming that the population is of mixed race (*mestizaje*). This view is evident, for example, in the way censuses are conducted in the countries of the region. The census of almost every country in Latin America

does not include any question on racial identity.[54] The exceptions are Brazil and a few other countries, which are halfheartedly beginning to inquire into these distinctions.[55] This practice only serves to camouflage a highly representative sector of Latin American populations. The absence of official statistics on the true makeup of the population has a most serious consequence: it prevents the true plight of sectors that are victims of discrimination from being known. This practice also makes it impossible to implement public policies to overcome these inequities.

This drastic negation of any racial distinctions within the population makes it impossible to question the prevailing norm in Latin America of a person's color being a decisive factor in determining chances and opportunities to succeed in society. In Latin America, the whiter you are, the better and greater your chances are; while the darker you are, the lesser and worse your chances are. The chromatic social scale is blatant throughout Latin America, and social surveys have begun to corroborate these disparities.[56]

While it is true that racial categories in Latin America differ from those of other parts of the world in that they are not exclusively of a dual nature, that is, Black and white,[57] this by no means does away with the disparities among races or with the fact that the darker the skin, the fewer the economic, cultural, educational, employment, and social opportunities. We could say that a "strong pigmentocracy" prevails throughout Latin America, in which a negative value is attached to darker skin color, thus relegating races other than the white race to the lower echelons of society (Casaús Arzú, 1998:138).

The idea that we are all mestizos,[58] we are all café-au-lait-colored, we all have some indigenous or black blood in us, is an obstacle to identifying and developing the concept of specific racial groups. This myth is used to prevent nonwhites from developing their own identity and demands; however, it is not used to attain a higher degree of equality and social integration for these sectors of the population. The official notion of a mixed race (*mestizaje*)[59] camouflages diversity and denies nonwhites the right to dissent, while making conditions ripe for excluding anyone who falls outside the "norm" of mestizo or mixed (Arocha Rodríguez, 1992:28).

Furthermore, the concept of a mixed race also undermines or weakens the political and social struggle against racial discrimination. If we are all mestizos, then there are no racial distinctions, and mere discussion of the racial issue is therefore viewed by many as foreign to the region. By raising such matters in Latin America, the thinking goes, people are only trying to bring problems into the region that belong to other countries.

Moreover, the mixed-race theory covers up the official racist policy of whitening or infusing white blood into society, which has been attempted in almost every single country of Latin America. Many Latin American countries made a concerted effort to bring down the number of Blacks and indigenous people in the population and, as a last resort, to camouflage these racial groups by encouraging miscegenation, or marriage between nonwhites and whites, to make the population whiter. For example, almost every country in the region has developed at one time or another immigration policies that restrict or deny entry to Black people while strongly promoting European immigration.

The mixed-race claim not only serves to camouflage or make the Black or indigenous population invisible but is also used as proof that racism does not exist. Mexico has explained the situation in the following way:

> Additionally, our historical experience and the makeup of the Mexican population—90 percent mestizo (mixed race), a product of the mix between Spaniards and indigenous people—give rise to an indisputable fact: the denial of either [one of these] origin[s] does not take place in our country, which is why there has been no need to legislate in this regard, unlike what goes on in other countries where the phenomenon of *mestizaje* did not occur.[60]

Mestizaje is also used as proof of harmony among different racial and ethnic groups. In other words, if there are mestizos, it is because there are mixed marriages between whites and Blacks or indigenous people. As the government of Cuba stated, the fact that there are a high number of racially mixed families on the island is a sign of how limited racial prejudice is.[61] Nonetheless, not even the magical force of *mestizaje* has managed to completely do away with racial prejudice when such marriages take place. Furthermore, many people in Latin America try to keep mixed marriages from ever taking place in their families.

The mixed raced/mixed marriage theory, however, is unable to conceal the fact that the Latin American population in general and the Black/indigenous population in particular feel that whitening one's lineage is the only route to improving one's standing on the social scale. This view is at the root of racism in Latin America; this attitude denies the Black or indigenous presence and identity and stresses the "white" side of the mixed race as the essential ingredient to obtain better social, employment, and education opportunities in a white-dominated world (Minority Rights Group, 1995:28). In reality, more than a democratizing force behind society, *mestizaje* constitutes, for the most part, one of the most masterful forms of racism in Latin America. In order to climb the social ladder, one must be as white as possible and the blending of races is the way to attain it.

In Latin America, as has been correctly pointed out, "the white/mestizo [person] forswears or abjures his or her indigenous [and, we add, Black] part and must constantly demonstrate his or her 'superiority,' even when these displays only illustrate that it is impossible for mestizos to accept their white and Indian humanity" [or the Black side of their humanity, we add once again] (de la Torre, 1997:7).

Even though Latin American governments have officially denied or done away with the different racial identities that exist throughout the region, such an action has not done away with informal racial designations, which in fact have a decisive effect on the social structure in Latin America. Even at the risk of making a sweeping generalization, we feel compelled to call attention to a common fact that has persisted throughout Latin America independently of the social, political, historical, and cultural peculiarities of the different countries: there is discrimination based on skin color (Early, 1999).

Another way of saying that nonwhites are not victims of racism in Latin America is to reduce their sphere of action in society. Accordingly, it is socially acceptable to acknowledge that Blacks excel only in sports, music, and dance; indeed Black equates

with soccer: to be Black is to be good at soccer or even to be a soccer player. In keeping with this same line of thinking, the victims of racism are excluded from other sectors, for example, the media, in order to "project the image of a racially white country" (Oscátegui, 1998:31). For example, the CERD has stated its "concern for the information that the media provide regarding minority communities, including the consistent popularity of television programs in which stereotypes based on race or ethnic origin are promoted. The Committee states that those stereotypes contribute to reinforcing the cycle of violence and marginalization that has already had serious repercussions on the rights of traditionally disadvantaged communities in Colombia."[62] The labor market is another place where there is a clear demarcation of the types of jobs that nonwhites may gain access to or not. Nonwhite populations in Latin America usually have access to the lowest-level and poorest-paid jobs.[63]

The last form of this type of denial involves turning the story around to pin the blame on the victims. This takes place when a Black or indigenous person denounces racially discriminatory practices. Many times, the person is branded a victim of unfounded complexes, without even the slightest consideration that he or she may instead be the victim of racial discrimination.

Convenient Comparisons

One of the most common ways of attempting to justify the racial situation in Latin America is to compare the region with other countries of the world. Four countries, South Africa, the United States, Rwanda, and Bosnia, are old standbys that are often used for such comparisons. With regard to each instance, respectively, Latin Americans state, "we never had apartheid in our region"; "nor was there ever any legalized racial segregation";[64] and "we never had racially motivated, violent armed conflicts."[65]

In the report submitted by a government to the CERD, the only time the xenophobia, racism, and racial discrimination are mentioned is in reference to the plight of nationals from that country living in the United States.[66] Discrimination always takes place on the other side of the border.

The intellectual and political elite, in many ways, has made the United States the paragon of racial hatred against which all other societies must be measured. The specious claim goes something like this: since the segregationist laws and practices of the country to the north have not been applied in Latin America, there is no need to look at other forms of racial exclusion and alienation.

None of the above-mentioned comparisons are untrue and this ought to be a source of pride for Latin Americans. However, the people of the region, or anyone else for that matter, should not read anything more into these facts than what they say on the face of things. It is true that there has been no apartheid regime in the region; it is true that no racist legislation has ever existed in the region either; and it is also true that no Latin American government has implemented policies of ethnic cleansing.[67] Nonetheless, these are not the only manifestations of racism and racial discrimination. A myriad of phenomena can be found throughout Latin America that fits the definition of racial discrimination and racism.

Conclusion: Is There a Future Without a Past?

A racist way of thinking has endured throughout our region over the years. Today it is not even entirely far-fetched to hear out of the mouths of Latin Americans such statements as: "The only solution for Guatemala is to improve the race, bring in Aryan studs to improve it. I had a German administrator on my farm for many years and for every Indian girl he got pregnant, I'd pay him an extra fifty dollars."[68]

The existence of racial discrimination and racism, however, continues to be denied or ignored by Latin American societies and governments alike. Very few studies have been conducted on the topic to date, very few statistics have been gathered, and no public debate on the issue is taking place. This grim picture constitutes a roadblock to the development of public policies to combat racial discrimination and racism on the national, regional, and international levels.

In recent years, the advent of democratically elected governments in the majority of the countries of Latin America has paved the way for the improvement of the human rights situation of the region in many ways. Most notably, most countries have no policies of serious state-planned violations. Nevertheless, our democracies still have not been successful at fulfilling their implicit promise and the basic tenet of ensuring full, formal, and effective equality for all segments of society. Consequently, the consolidation of democracy is looming over us both as an unavoidable challenge in Latin America and as the path we must follow in order to combat racism and racial discrimination effectively.

The World Conference against Racism, Racial Discrimination, Xenophobia, and Related Forms of Intolerance (WCAR), which was convened by the United Nations in 2001, may yet spur on the inhabitants of the region to deal with an issue that has long been consigned to oblivion.

A regional meeting in preparation for the WCAR was held for the Americas in Santiago, Chile, from December 3 to December 7, 2000. Two parallel meetings were organized: the governmental conference, the Americas Preparatory Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (Regional PrepCom), and the parallel NGO forum, titled the Conference of Citizens Against Racism, Xenophobia, Intolerance and Discrimination (the Citizens Conference).

There were several positive outcomes from these meetings. The massive presence of civil society organizations should be highlighted. More than 1,700 people participated. There is still some hope that this significant mobilization could give birth to a strong regional movement to fight racism. The Santiago meetings also contributed to enhancing the dialogue among Afro-descendants throughout the region, bringing international attention to the challenges that they face. The Chile meetings represented a unique, and probably the first, opportunity for Afro-Latin Americans to appear as significant actors functioning in regional groups on the international level. Participating with a burgeoning collective identity that demonstrated enormous potential for bringing the fight against racism to the fore, they successfully heightened both their own visibility and that of the problems they face throughout the entire hemisphere.

On the governmental side, and at least in the declaratory documents, the Regional PrepCom allowed decisive actions to be taken to fight racial discrimination in the region. For the first time, all the governments of the Americas accepted that racial discrimination exists throughout the region and that it should be strongly combated. Some themes, which appeared in the Regional PrepCom's Final Declaration, deserve mention as they point to important changes in the official position of many states in the region highlighted through this article. The Final Declaration includes a clear recognition that the history of the hemisphere has often been characterized by racism and racial discrimination, and that these phenomena persist in the region (preamble). Moreover the governments of the region stated that the denial of the existence of racism and racial discrimination on the part of states and societies directly or indirectly contributes to their perpetuation (para. 2). The documents also included a positive call for governments to include ethnic or racial criteria in order to give visibility to diverse sectors of the population (para. 18).

It is important to note that the presidents and heads of state of the thirty-four countries of the hemisphere expressly endorsed this document. Similarly, the Inter-American Democratic Charter, adopted by the OAS General Assembly in Lima, Peru, on September 11, 2001, in its Article 9, established that "The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation."

The WCAR was held shortly after the Regional PrepCom, during the first week of September 2001, in Durban, South Africa. While the objective of the WCAR was to address issues of discrimination and intolerance around the world and formulate recommendations and action-oriented measures to combat these evils in all their forms, most of the discussions focused on two issues: the conflict in the Middle East and the question of reparations. Notwithstanding the diplomatic hurdles, the event allowed Afro-Latin Americans to continue raising the level of public awareness on a number of important issues, thus replicating their Chilean success. For Latin America, the most important development is that the governments of the region did not retract their prior recognition that the region faces important racial discrimination issues.

The mobilization of civil society groups was quite significant, resulting in a number of positive, tangible developments. Beyond highlighting the problems Afro-Latinos confront, the conference also acted as a welcome catalyst to put in motion the long-overdue debate on how to effectively address racial inequality. The progress here lies in the discussion itself. Perhaps for the first time in Latin America, governments and civil society began to debate racial inequality. At last, the debate over race seemed to have moved beyond the discrete circles of academics and activists to find an incipient place in the region's agenda. As an example, the OAS decided to start discussions on the adoption of an Inter-American convention against racism and any other form of discrimination and intolerance. For a region that, as the first part of this article suggests, denies the existence of racism and racial discrimination, this is an important development.

There have also been some promising institutional developments in the last couple of years in terms of creating public institutions charged specifically with addressing allegations of discrimination or helping in the definition and implementation of public policies for the prevention and combating of racial discrimination. Some examples of this trend are the creation of the National Institute against Discrimination, Xenophobia and Racism in Argentina,[69] the National Council for the Prevention of Discrimination in Mexico,[70] the Presidential Commission against Racism and Discrimination against Indigenous People in Guatemala[71] and the Special Secretariat on Policies for the Promotion of Racial Equality in Brazil.[72] The creation of new institutions, in countries that traditionally did not officially address the problems of exclusion and marginalization in terms of discrimination, could signal a departure from some of the positions highlighted earlier in this article.

Perhaps the most important development in recent years is that the Brazilian government has begun imposing racial quotas for government jobs, contracts,[73] and university admissions.[74] As expected, these measures have unleashed an acrimonious debate in a country that has traditionally prided itself on being a "racial democracy." There is also a racial equality statute pending now before Congress that would make racial quotas obligatory at all levels of government and even in casting television programs and commercials. The debate is broad and very complex, covering questions such as the definition of who is black, a puzzling process in a country where more than 300 terms are used to designate skin color. It has also prompted a discussion on national identity where critics of the measures say the government is importing a solution from the United States, a country in which racial definitions and relations are very different.[75] Others say that racial quotas are not needed, since racism is not a feature of Brazilian society and conditions for Blacks will improve as poverty is gradually eliminated. The issue probably will be partially settled in the near future when the Brazilian Federal Supreme Court rules on the constitutionality of racial quotas being challenged by white applicants to federal universities. The decision could have an impact in Brazil and also in the rest of Latin America comparable to that of Brown v. Board of Education in the United States (Rohter, 2003).

In order to capitalize on the momentum created by the WCAR, it is indispensable to keep race and racial inequality in the forefront of Latin American political and legal debate. This is not an easy task and the region faces many challenges. While the Latin American governments took a crucial first step by formally acknowledging at the international level the existence of racial discrimination, this is just the beginning rather the end of the struggle. Despite some of the positive changes that have taken place in the last two years, it remains to be seen whether governments will start laying the groundwork for formulation of effective public policies, including legal reforms needed to address racial disparities. There are signs that officials in some Latin American governments are slowly incorporating diplomatic recognition of the existence of racism and racial discrimination into their official domestic discourse. But throughout the region whether Latin American governments will turn their rhetoric into action remains to be seen.

Notes

1. The views expressed in this article are solely those of the author and do not reflect the official position of the Organization of American States or the Inter-American Commission on Human Rights. I wish to express my gratitude to Flavia Modell for her support in researching this article. I would also like to thank James Early and Ruthanne Deutsch for their input in an earlier version of this article.
2. Meeting of the presidents of South America, communiqué, Brazil, September 1, 2000.
3. 10th periodical report that the states parties were required to submit in 1994: Mexico. 30/03/95. CERD/C/260/Add. 1, paragraph 155.
4. 10th periodical report that the states parties were required to submit in 1994: Mexico. 30/03/95. CERD/C/260/Add. 1, paragraph 161.
5. 10th periodical report that the states parties were required to submit in 1994: Mexico. 30/03/95. CERD/C/260/Add. 1, paragraph 157. Nevertheless, there are authors who have begun to conduct studies on the situation of the indigenous peoples from a racial perspective. See Gall (1998 and 2000).
6. The method used in this study is somewhat limited, mainly because it is of a general nature and, therefore, does not cover specific aspects of racism or racial discrimination. The article is not meant to be a complete study of the significance of race in Latin America, the different manifestations of racial discrimination in the hemisphere, or all of the ways that the existence of racism is denied. We use the paper as a preliminary theoretical framework to draw out debate on the persistence of racism in our region.
7. For example, in Uruguay Black people have a lower level of education and a higher school dropout rate. 12th, 13th, and 14th Consolidated Report of Uruguay to the Committee on the Elimination of Racial Discrimination, & 203 et seq.
8. In Brazil, the Black population shows a higher level of unemployment than the white population, earns at least 40% less salary, and holds the lowest-grade and most unstable jobs on the labor market, which also provide the least benefits. See Inter-American Trade Union Institute for Racial Equality (2000).
9. In Nicaragua, for example, even though 32.3% of the nation's population has access to potable water, the percentage drops off sharply to 8.8% for the population living on the Atlantic coast, where the majority of the indigenous and Afro-Caribbean populations in the country are concentrated. See International Human Rights Law Group (2000).
10. See chapter 11 of the English version of Inter-American Commission on Human Rights (1999).
11. As is the case of the remaining survivors of the Quilombos in Brazil, the Garifunas in Honduras, or the Afro-Caribbean peoples in Nicaragua.
12. CEPAL, Etnicidad, Raza y Equidad en América Latina y el Caribe, LC/R. 1967, March 8, 2000, 36 et seq.
13. 9th periodical report that the states parties were required to submit in 1998: Colombia. 17/11/98.CERD/C332/Add. 1 (State Party Report). See on this same topic, Plan Nacional de Desarrollo de la Población Afrocolombiana, Departamento Nacional de Planeación, 1998.
14. CERD/C331/Add. 1, 02/11/99, and 6 (Dominican Republic).
15. 13th periodical report that the signatories were required to submit in 1994: Venezuela. 13/05/96. CERD/C263/Add. 8/Rev 1, 77.
16. 13th periodical report that the signatories were required to submit in 1998: Haiti. 25/05/99. CERD/C/336/Add. 1 and 15 and 17.
17. Summary of the minutes of the 1317th session: Peru. 16/03/99. CERD/C/SR. 1317, 78.
18. 10th periodical report that the signatories were required to submit in 1994: Mexico. 30/03/95. CERD/C/260/Add. 1, paragraph 157.
19. 13th periodical report that the signatories were required to submit in 1997: Cuba. 07/10/97. CERD/C/319/Add. 4 and 16.
20. In order to cover up exclusion of minorities such as indigenous people in Guatemala or the Black population in Brazil.

21. Immigration policies in our region are highly racist. Uruguay, Paraguay, Honduras, Costa Rica, and Panama prohibited people of African origin from immigrating. Venezuela and the Dominican Republic placed restrictions on the immigration of individuals of African extraction. Quoted in Carlos Hasenbalg (1998:168).
22. For example, this was the criterion used by dance clubs or discos in Peru to discriminate. See Law 27049, Un Gesto Político contra la Discriminación Racial, Ideele. Lima, February 1999, no. 115, p. 57.
23. This is the criterion that is used in Uruguay to prevent entry into certain establishments or clubs. See Mundo Afro (1999:12, 35).
24. One of the most widely used devices in Brazil to keep Afro-Brazilians out of the labor market or to make access difficult for them.
25. 13th periodical report that the signatories were required to submit in 1998: Haiti. 25/05/99. CERD/C336/Add. 1.
26. Summary proceedings of the 1317th session: Peru. 16/03/99. CERD/C/SR. 1317, 78.
27. Final Observations of the Committee on the Elimination of Racial Discrimination: Mexico. 22/09/95. A/50/18, paragraphs 353–398.
28. Summary proceedings of the 12306th session: Mexico. 21/10/97. CERD/C/SR.1206, paragraph 5. The following day, the same representative of the government would admit that when certain practices act as an obstacle to the application of Articles 2 to 5 of the Convention, that constitutes ethnic, if not racial, discrimination. Summary proceedings of the 1207th session: Bulgaria, Mexico. 21/10/97. CERD/C/SR.1207, paragraph 3.
29. "In Peru, not every *cholo* (mestizo, mixed race, black, or Indian) is poor, but almost every poor person is *cholo*" (Oscátequi, 1998:31).
30. 10th periodical report that the signatories were required to submit in 1994: Mexico. 20/03/95. CERD/C/260/Add. 1, paragraph 40. In response to this argument, the CERD stated its "particular concern for the fact that the signatory does not seem to realize that the latent discrimination that the 56 indigenous groups that live in Mexico are experiencing is covered by the definition of racial discrimination that appears in Article 1 of the Convention. The description of the difficult situation of those groups as mere unequal participants in socioeconomic development is inadequate." Final Observations of the Committee on the Elimination of Racial Discrimination: Mexico. 22/09/95. A/50/18, paragraphs 353–398.
31. See Telles and Lim (1998:465–474) and Lovell (2000:85), showing how equally qualified Afro-Brazilians who are defined as both Black and brown Brazilians earn less than white Brazilians.
32. The American Convention of Human Rights states: "The States Parties to this Convention pledge to respect the rights and liberties [that are] recognized therein and to guarantee their free and full exercise to any person who may be subject to their jurisdiction, without any discrimination whatsoever due to reasons of origin, social and economic position or any other social condition" (Article 1.1). The International Covenant on Civil and Political Rights states: "Each one of the States Parties to this Covenant pledge to respect and guarantee all individuals who may be found in their territory and may be subject to their jurisdiction, the rights [that are] recognized in this Covenant, without any distinction whatsoever of social origin, economic position, any other social condition" (Article 2.1).
33. 8th periodical report that the signatories were required to submit in 1998. Addition, Dominican Republic, CERD/C/331/Add. 1, 02/11/99 and 27.
34. Compilation of General Recommendations: 11/02/99. CERD/C/365, General Recommendation XIV pertaining to paragraph 1 of Article 1 of the Convention (42nd Period of Sessions. El énfasis nos pertenece).
35. See, for example, Final Observations of the Committee on the Elimination of Racial Discrimination: Chile. 20/08/99. A/54/18, paragraphs 365–383.
36. See, for example, Final Observations of the Committee on the Elimination of Racial Discrimination: Colombia. 20/08/99. A/54/18, paragraphs 454–481.
37. See, for example, Final Observations of the Committee on the Elimination of Racial Discrimination: Uruguay. 19/08/99. A/54/18, paragraphs 454–435.

38. See, for example, Final Observations of the Committee on the Elimination of Racial Discrimination: Costa Rica. 07/04/99. CERD/C/304/Add. 71 and CERD/C/SR/1317, (Peru), 03/16/99, paragraph 35.
39. See, for example, Final Observations of the Committee on the Elimination of Racial Discrimination: Costa Rica. 07/04/99. CERD/C/304/Add. 71.
40. Final Observations of the Committee on the Elimination of Racial Discrimination: Peru. 12/04/99. CERD/C/304/Add. 69 (hereafter referred to as CERD, Peru).
41. CERD, Costa Rica.
42. 10th periodical report that the signatories were required to submit in 1994: Mexico. 30/03/95. CERD/C260/Add. 1, paragraph 157.
43. Final Observations of the Committee on the Elimination of Racial Discrimination: Haiti. A/54/18, paragraphs 253–271.
44. A point made in Brazil's report, CERD/C/SR.1157, 10/23/96, paragraph 55.
45. For example, in Brazil most complaints alleging the crime recognized as racism according to the Constitution, as well as Law 7716/89, amended by Law 9459/97, are described as "crimes against honor."
46. 13th periodical report that the signatories were required to submit in 1994: Venezuela. 13/05/96. CERD/C/263/Add. 8/Rev. 1, paragraph 77.
47. 8th periodical report that the signatories were required to submit in 1998: Dominican Republic. 02/11/99. CERD/C331/Add. 1, paragraph 6.
48. 13th periodical report that the signatories were required to submit in 1998: Haiti. 25/05/99. CERD/C/336/Add.1.
49. Compilation of General Recommendations: 11/02/99. CERD/C/365, General Recommendation 20 (48th period of sessions, 1996).
50. 12th, 13th, and 14th Consolidated Report of the Oriental Republic of Uruguay to the Committee on the Elimination of Racial Discrimination, paragraph 56.
51. Ibid., paragraph 34.
52. 13th periodical report that the signatories were required to submit in 1997: Cuba. 07/10/97. CERD/C/319/Add. 4, paragraph 16.
53. Someone once called Afro-Argentines the first "*desaparecidos*" in the history of the country. See Goldberg (2000:36).
54. There is a widespread sentiment that data collection on racial makeup constitutes a form of discrimination. The government of Uruguay, for example, recognized this practice as being discriminatory in its 12th, 13th, and 14th Consolidated Report to the Committee on the Elimination of Racial Discrimination, paragraph 3. To cite examples, Argentina has not included questions on race or color since 1914; Bolivia, since 1900; Peru, since 1961; Ecuador, since 1950; Venezuela, since 1876; Nicaragua, since 1920; Honduras, since 1945; and the Dominican Republic, since 1950. (Quoted in Hasenbalg, 1998:166.)
55. For example, Bolivia.
56. See Telles and Lim (1998) in which the authors look at how *pardos* (brown people) are closer in terms of social status to the *pretos* (Blacks) than to *brancos* (whites) in Brazil.
57. In fact, there are over 100 different categories in Brazil. See an interesting article by Eugene Robinson (1999), recounting the experience of an African American in Brazil in terms of racial identity.
58. For example, an article that appeared in Peru states that "there is a broad spectrum of interpretive possibilities on the origin, function, and destiny of Black people in Peru, but none of them separates their future from the mixed race (*mestizo*) complex that characterizes the nation" (Millones, 1996:16).
59. In this article, we shall not analyze how the origin of *mestizaje* in Latin America hearkens back to the sexual violence perpetrated by the Spanish and Portuguese conquistadors against indigenous women and later by slave traders against women brought from Africa as slaves.
60. 10th periodical report that the signatories were required to submit in 1994: Mexico. 30/03/95. CERD/C/260/Add. 1, paragraph 157.
61. CERD/C/319/Add. 4, 10.07.97, paragraph 16.

62. Final Observations of the Committee on the Elimination of Racial Discrimination: Colombia. 20/08/99. A/54/18, paragraphs 454–481.
63. Santiago Bastos y Manuela Camus, La exclusión y el desafío. Estudios sobre segregación étnica y empleo en la ciudad de Guatemala (1998).
64. "To speak of racism in Venezuela is somewhat complex, since it is not a very accepted topic, especially if we use the forms of racism that exist in the United States, Germany or in the Republic of South Africa as a point of reference" (Mijares, 1996:52).
65. It would be possible to take exception to this statement by considering the cases of the *politica de tierra arrasada* (scorched earth policy) in Guatemala or the many policies of extermination that were implemented against indigenous populations in different countries of Latin America.
66. 10th periodical report that the signatories were required to submit in 1996: Mexico. 30/09/96. CERD/C/296/Add. 1, paragraph 73 ("feeling of xenophobia and racial discrimination in some sectors of American society") and paragraph 75 ("at the present time, it is relatively easy to inflame racist and xenophobic sentiments in some sectors of American society against the streams of migrant labor or refugees"). The report only mentioned the indigenous people as constituting one of the most vulnerable groups to violations of human rights (paragraph 5) or migrant workers on the southern border who face the prospects of fear and uncertainty, and on a few occasions it mentioned the situations of violence, corruption, and vulnerability (paragraph 59), but never did it mention discrimination (within its borders).
67. Of course, with the exceptions noted in the footnote above.
68. Response given in a survey conducted in Guatemala among traditional families in that country, in Casaús Arzú (1998:130).
69. Ley creación del INADI Instituto Nacional contra la Discriminación y la Xenofobia y el Racismo, 23.515, promulgada de hecho, July 28, 1995, Ley 24.515.
70. Decreto por el que se expide la Ley Federal para Prevenir y Eliminar la Discriminación, June 11, 2003, Diario Oficial de la Federación.
71. Acuerdo Gubernativo 390–2002 de creación de la Comisión Presidencial contra el Racismo y la Discriminación contra los Pueblos Indígenas.
72. Law 10.678, May 23, 2003, Cria a Secretaria Especial de Políticas de Promoção da Igualdade Racial, da Presidência da República, e dá outras providências.
73. Presidential decree 4.228 of May 13, 2002, establishing a national program of affirmative action.
74. Law 3.708 of Rio de Janeiro, September 11, 2001 (establishes a quota system of 40% of all the admissions slots for "Black and brown" students in the local universities of Rio de Janeiro).
75. See Carneiro (2003), arguing for the examples from the United States that can be helpful for the Brazilian experience.

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