**BACKGROUND INFORMATION TO THE SYSTEMIC VIOLENCE IN CENTRAL AMERICA.**

**EXCERPT FROM ARTICLE BY**

**Elvia Arriola and Virginia Raymond, Migrants Resist Systemic Discrimination and Dehumanization in For-Profit Detention Centers (S. Clara J. of Int’l Law, 2017).**

**Note: The footnotes herein do NOT match the footnote in the published article.**

**“II THE EXTREME VIOLENCE OF THE NEOLIBERAL STATE FORCES WOMEN, MEN, AND CHILDREN OUT OF THE NORTHERN TRIANGLE OF CENTRAL AMERICA.**

Neoliberalism is …a theory of political and economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. The state has to guarantee…: First -- the quality and integrity of money….Second – military, defense, police and legal structures and functions to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. Third – if markets do not exist…then they must be created, by state action if necessary. Beyond these tasks the state should not venture.[[1]](#footnote-1)

As David Harvey explains in **A Brief History of Neoliberalism***,* economists from the University of Chicago found their first opportunity to test neoliberalism in Chilé, following the CIA-backed coup of 1973 that wrested power from the democratically elected president, Salvador Allende, and installed General Augusto Pinochet. This violent “experiment,” however nasty a shock to the Chilean people and much of the rest of the world,[[2]](#footnote-2) was a natural extension of U.S. intervention in Latin America for the benefit of U.S.-based global corporations. U.S. economic “interests” had repeatedly doomed democratically-elected leaders who sought to return control of land and economic policy to their own people through legitimate state actions. Guatemalans, for example, elected Jacobo Arbenz their president in 1950, but his plans for agrarian reform posed a direct threat to the United Fruit Company, a U.S. company with a virtual monopoly in the international trade for import and export of tropical fruits throughout the U.S. and Europe. John Foster Dulles and Allen Dulles, with the U.S. Department of State and CIA, manufactured a coup that replaced President Arbenz with a military junta.[[3]](#footnote-3) Anti-Communist fear and fervor provided the political justification for this action, if indeed any were needed within the United States. Similar motivations and rhetoric underpinned U.S. interventions in El Salvador and Nicaragua through the 1960s, 1970s, and 1980s. [[4]](#footnote-4)

While there is no precise analogy for U.S. intervention in Honduras in that period, the U.S. began to use Honduras as something of a “parking lot” for its military equipment and troops.[[5]](#footnote-5) The U.S. and Honduras military have been collaborating at least since 1965, when they began to conduct joint training exercises at the Soto Cano or Palmero Air Force Base, but dramatically increased when the U.S. government established a military presence at Soto Cano in 1983.[[6]](#footnote-6)   From this base, the Nicaraguan *contras*, with the support of U.S. Green Berets and the CIA, launched attacks on Nicaragua.[[7]](#footnote-7) There is evidence – including three mass graves -- of grotesque human rights violations taking place at El Aguate, an army base built for the *contras* by U.S. troops.[[8]](#footnote-8)

War, grotesque human rights violations including genocide against Mayan peoples, and instability in Central America during the 1980s produced a mass exodus of refugees, including children, in that decade and in the 1990s, especially from El Salvador. Many who came were boys in their early teens, and they came alone, or at least without parents or adult relatives. Many of these undocumented and unaccompanied boys and teens flocked to Los Angeles. Lacking access to any kind of assistance programs, some turned to each other for a sense of family, protection, and literal sustenance. They survived by committing petty crimes and looking out for one another. These self-created families eventually became the international criminal gang Mara Salvatrucha, or MS-13 [[9]](#footnote-9) According to T.W. Ward, there is no evidence of any mastermind among the former refugees from the Salvadoran civil war who set out to create a transnational narcotics trafficking organization. T.W. Ward explains,

The spread of MS from its origins in Los Angeles to other states and across international borders was unintentional. It occurred initially as a result of the secondary migration of Central Americans within the United States – moving to find jobs – and later as the result of mass deportations of gang members back to their home countries in Central America. *[[10]](#footnote-10)*

Nevertheless, the then-youthful gang members, having never known peace or stability in their own lives, returned to home countries that remained deeply riven and wounded. El Salvador, Guatemala, and Honduras were vulnerable. With many of the structures of the civil society undermined or even destroyed by civil war (in El Salvador), genocide (in Guatemala), and the effects of U.S. militarism (Honduras), these nations provided fertile ground for the growth and increasing power of the Maras and other crime networks. In time, these criminal organizations fused with law enforcement and other government officials and agencies.

The issue of migration and the treatment of undocumented migrant women seeking asylum presents major problems of gender violence in today’s global economy. Maribel’s case needs to be placed into the larger context of the historic political, economic and foreign policy relationships between the U.S. and Mexico or Central and Latin America. Maribel’s story illustrates a socio-political-economic development in Central America similar to the systemic outbreak of killings and rampant gender violence at the Mexican border, which followed the implementation of the North American Free Trade Agreement (or NAFTA)[[11]](#footnote-11) in the 1990s.[[12]](#footnote-12)

The NAFTA, for example, triggered structural changes at the border, connected to the rapid introduction of “maquiladoras,” factories owned by American companies now operating with subsidiaries at the Mexican border, in regions of northern Mexico also known for being active gateways for drug trafficking. As argued by Deborah Weissman[[13]](#footnote-13), the heavy industrialization introduced by NAFTA created an environment where systemic gender discrimination and violence could be linked to the economic success of Juarez City as a “free trade” success story. Hundreds of factories appeared nearly overnight in Juarez, but also within a few years, it became a hostile environment for women’s safety. Soon the name “Juarez” was associated with “femicides,” killings of women just because they were women, and hundreds of kidnappings, disappearances and violent examples of pre-death torture. A political economy of violence thus means that one of the obvious byproducts of expanding “free trade” market economies into less wealthy countries is an increase in systemic gender violence.[[14]](#footnote-14)

CAFTA-DR[[15]](#footnote-15) and its similar negative effects may be, however, only one relatively recent aspect of a wider and much longer series of interventions of both U.S. corporations and the U.S. government in Central America. These intervetions have factored into the regional transformation of the Northern Triangle of Central America into an extremely hostile social and economic environment for citizens where daily they are exposed to horrific examples of systemic and domestic violence, including kidnappings and retaliatory killings.[[16]](#footnote-16) Intervention in Central America has included U.S. aid to fund the training, first of anti-communist and later anti-narcotics tactical forces, weapons and expansion of training for military personnel. Arguably, concerns similar to the impact of NAFTA, surround the impact and implementation of the multi-lateral treaty CAFTA-DR, signed in 2005 by President Bush, creating additional export processing zones for seven countries in Central America and the Caribbean. But, we are also seeing the impact of historic law and policy agendas involving the U.S.’s interests in establishing military bases, fighting the so called War on Drugs and otherwise fostering changes in the legal and political culture of Central America that support the interests of foreign investors. In other words, the region is reflecting an ongoing effect of the implementation of neoliberal political agendas favoring privatization of natural resources distribution and governmental deregulation.

Post-NAFTA, the ever expanding neoliberal agenda has continued to develop and implement other structural changes in law and policy in the Central American region, not unlike those in Mexico, including free trade agreements, militarization of police forces, and funding for anti-drug trafficking. All of these have produced social disruptions and economic insecurity for the working poor, and served as incentives for waves of mass migrations. As Dawn Paley has documented, increased migration flows to the U.S. can be seen as the fallout from our own government’s supportive role in the law and policy surrounding drug war capitalism and its transfer from Colombia to Mexico and Central America in recent decades. As she argues, a central feature of the consequences of drug war capitalism is foreign investors directly benefitting from constant displacement of the rural poor from territories that are rich in the natural resources of great interest to global big businesses of oil, gas, mining and commercial agriculture. In those terrains, the villages made up of subsistence farmers and indigenous populations stand in the way of a corporate foreign investor’s intended extractive activities[[17]](#footnote-17).

Paley describes how some of the displacements have taken the form of murderous and terroristic removal of almost entire villages, or killings and disappearances of anyone associated with opposition activists who are then labeled guerrillas or members of drug cartels. She argues that the violent disruption may also be linked to criminal networks fighting the government, private police on behalf of big corporations[[18]](#footnote-18) or paramilitaries whose members might be gang members, former military or police. With each introduction of U.S. “aid” intended to clear the path for foreign investments and to intensify “drug wars” Paley argues, there is an increase in homicides and rural displacements as well as a rise in violence against the poor, indigenous, and against migrants.[[19]](#footnote-19) Thus, rather than a war on drugs it is viewed by Paley as a war on the poor, working people and migrants.” [[20]](#footnote-20)

The evidence documented by Dawn Paley[[21]](#footnote-21) chillingly links the extreme violence by organized gangs, paramilitaries and government acquiescence in Central America, to social, political and legal changes that value more the interests of big corporations than the human rights to life and safety of the working poor. This is the overall impact of the neoliberal model for international trade– to create a legal architecture[[22]](#footnote-22) explicit in its intent to protect foreign business interests, **[[23]](#footnote-23)** without any concern for the consequences of massive social and economic disruptions giving rise to widespread public insecurity, extreme poverty, drug trafficking and in due time, waves of human migration.[[24]](#footnote-24)

Neoliberalism to expand capitalism without restraint, i.e., to deregulate and privatize the extraction, production, and/or distribution of natural resources, continues to transform the wealth potential for rich and poor, with the former getting wealthier, as in Honduras,[[25]](#footnote-25) while the lives of the working poor worsen. For Central Americans, the introduction of new trade agreements explicitly designed to protect foreign interests produce a fall-out of systematic violence, torture, kidnappings and disappearances associated with drug war capitalism.[[26]](#footnote-26)  The result is a society saturated with heightened levels of public insecurity where daily life has people becoming witnesses to or victims of extreme violence and threats, while the police stand by, unable or unwilling to protect the populace.[[27]](#footnote-27)

All of these socio-political and economic changes effect dramatic disruptions, primarily in the lives of working poor farmers and peasants.[[28]](#footnote-28) In the case of NAFTA, for example, the same migration flow that lured migrants and their cheap labor to the northern Mexican maquiladoras, ironically produced higher levels of cross-border migrations into the U.S. The same can be said of the migrations from Central America, where U.S. foreign policy is closely tied to protecting the interests of an international business and political elite both in the U.S. and in the host (poor) country, without any regard for how the changes will impact the lives of the rural and working poor. Those people forced to migrate away from their villages or homes in Mexico, El Salvador, Guatemala, and Honduras, due to the ensuing economic crises and increased violence, have been met in the U.S. by hostility and harsh treatment for simply being migrants desperate to reclaim a personal sense of economic safety or security. [[29]](#footnote-29)

1. David Harvey, **A Brief History of Neoliberalism** (2005) at 2. [↑](#footnote-ref-1)
2. See Naomi Klein, **The Shock Doctrine: The Rise of Disaster Capitalism, Chaps. 2, 3** (2007) for a detailed account of the violent overthrow of the Allende presidency. [↑](#footnote-ref-2)
3. Stephen Kinzer, **Bitter Fruit: The Story of the American Coup in Guatemala** (2005). [↑](#footnote-ref-3)
4. Howard Zinn, **A People’s History of the United States**, 571-572 (1980, 2003). [↑](#footnote-ref-4)
5. In a forum on Central America in Austin, Texas, in late 1982 or 1983, attended by author V. Raymond, an audience member commented, “I see what the U.S. is doing in Nicaragua and El Salvador, but what does it want with Honduras?”  Speaker Milton Jamail, answered, “A parking lot.” [↑](#footnote-ref-5)
6. <http://www.globalsecurity.org/military/facility/soto-cano.htm> (last accessed 4/28/2016). [↑](#footnote-ref-6)
7. Alex Sanchez, *Honduras becomes U.S. Military Foothold for Central America*, ***NACLA***, September 4, 2007, <https://nacla.org/news/honduras-becomes-us-military-foothold-central-america> (last accessed 3/27/2016). [↑](#footnote-ref-7)
8. *Ibid*. [↑](#footnote-ref-8)
9. T.W. Ward, **Gangsters Without Borders: An Ethnography of a Salvadoran Street Gang** (Oxford 2012). [↑](#footnote-ref-9)
10. *Ibid* at xvii. [↑](#footnote-ref-10)
11. The NAFTA can be read at https://www.nafta-sec-alena.org/Home/Legal-Texts/North-American-Free-Trade-Agreement [↑](#footnote-ref-11)
12. Elvia Arriola, *Accountability for Murder in the Maquiladoras: Linking Corporate Indifference to Gender Violence at the U.S.-Mexico Border*, 5 **Seattle J. for Soc. Justice,** 603-59 (2007) [↑](#footnote-ref-12)
13. Deborah M. Weissman, *The Political Economy of Violence: Toward an Understanding of the Gender-Based Murders of Ciudad Juarez*, 30 **N.C. J. of Int’l L. & Com. Reg.** 795 (2005) [↑](#footnote-ref-13)
14. Arriola, *supra* n. 27 [↑](#footnote-ref-14)
15. The full text of the CAFTA-DR, or The Dominican Republic-Central American Free Trade Agreement can be found at https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text [↑](#footnote-ref-15)
16. *See generally*, Dawn Paley, **Drug War Capitalism (**2015) (hereafter Drug War Capitalism). [↑](#footnote-ref-16)
17. *Ibid*. [↑](#footnote-ref-17)
18. *Id.*, Chap. 2 [↑](#footnote-ref-18)
19. *Ibid*. [↑](#footnote-ref-19)
20. *Ibid*. [↑](#footnote-ref-20)
21. The foreword describes Paley as doing “an incredible job explaining the complexities of the hemispheric dilemmas that have brought death and destruction, while benefitting corporate interests. She has done exhaustive field research in key places that exemplify the basic dynamics of drug wars in the Americas.” Guadalupe Correa-Cabrera, *Foreword*, **Drug War Capitalism**, *supra* n. 31 at 9. [↑](#footnote-ref-21)
22. The NAFTA created a free trade zone with Mexico, U.S. and Canada. CAFTA-DR covers Costa Rica, Nicaragua, El Salvador, Guatemala, Honduras and the Dominican Republic. *See discussion* in Arriola, *Accountability for Murder in the Maquila*doras, *supra* n. 27 at 620-26, on how the legal architcture of NAFTA empowered the foreign investor/employers, while the very weak labor side agreement, the North American Agreement on Labor Cooperation (NAALC), weakened workers’ rights. [↑](#footnote-ref-22)
23. *See also* Amy Chua, **World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Insecurity** (2004). [↑](#footnote-ref-23)
24. Hector Perales, Jr., *The Impact of CAFTA, Drugs, Gangs, Immigration*, <http://www.telesurtv.net/english/opinion/The-Impact-of-CAFTA-Drugs-Gangs-and-Immigration-20160301-0008.html>; *see also “*Unjust Trade and Forced Migration,” by **Witness for Peace.Org,** at <http://witnessforpeace.org/downloads/Fact%20Sheet_Unjust%20Trade%20and%20Forced%20Migration_2010.pdf>; in Mexico the expansion of the global economy led to the proliferation of new factories and forms of trafficking operating alongside channels for illicit drug and human trafficking. The femicides of Ciudad Juarez are attributed to the dramatic effects. *See* Paley, **Drug War Capitalism**, at Chapter 4, “Mexico’s Drug War Reforms,” and Arriola, *supra*, n. 27. There are likely parallels occurring as CAFTA-DR has contributed to a celebrated increase in exports from small businesses to the Central American countries, yet there is no clear evidence that for the working poor the free trade agreement delivered on the promises of economic or social success. Compare “CAFTA-DR A Resounding Success,” U.S. Chamber of Commerce (2008) <http://www.aaccla.org/files/2010/12/CAFTADRAResoundingSuccess.pdf> with Paley’s research, *supra* n. 31, in support of the conclusion that neoliberal “free trade” has produced mostly very negative social changes for the rural or working poor in countries like Guatemala and Honduras. [↑](#footnote-ref-24)
25. **Drug War Capitalism**, Chapter 7 on Honduras generally, a country described as having the greatest socio-economic disparities in Central America. [↑](#footnote-ref-25)
26. *Ibid*. [↑](#footnote-ref-26)
27. As Paley explains, “[a] key means through which globalized capitalism can penetrate new territories and social worlds is through the use of terror against the populations. … Terror creates fertile ground for new forms of social control… The creation of anti-drug police forces and army units and spending on the drug war must be understood within the context of global capitalism and global warfare. In this context the acquisition of territory and resources, including increased control over social worlds and labor is a crucial motivating factor. Drug war discourses promoted by states and reported by mainstream media provide an efficient smokescreen, provoking moral panic in the population, which can also calcify and exaggerate divisions among communities (like between those who are and who are not involved in illicit activities), and impact relationships down to the level of neighborhoods, community groups and *campesino* (peasant farmer) organizations. **Drug War Capitalism,** *supra*, n. 31, at 18-19. [↑](#footnote-ref-27)
28. This too resembles the social disruption caused by the introduction of NAFTA in Mexico which triggered mass migrations in the mid nineties by farmers to cities and the northern border to find work. For a post-NAFTA critical assessment a few years after its implementation, *see* the documentary film **Maquila: A Tale of Two Mexicos** (2000). [↑](#footnote-ref-28)
29. In this election year (2016), the rhetoric of anger directed at Mexicans and immigrants has fueled a populist success of multi-billionaire Donald Trump. *See*, *Donald Trump’s Unspeakable Strategy to Erase His Past*, **The Atlantic** (Feb. 2016) at http://www.theatlantic.com/politics/archive/2016/02/trumps-unspeakable-strategy-to-erase-his-past/458748/ [↑](#footnote-ref-29)