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Focus on: Latin American Studies

Human Rights, Principles of Multiculturalism, and New Paths of Development in Latin America

Since the 1990s, multiculturalism has become a dominant issue in international discourse due to considerations relating to the negative effects of globalization, most of all, concerns that homogenous concepts of national societies and global culture, facilitated by the rapid development of new information and communication technologies, constitute the antithesis of the so-called "third generation of Human Rights" focused on cultural pluralism and sustainable development.

The debate on multiculturalism has had an interdisciplinary character from the beginning (Barabas; Burszta). Bhikhu Parekh (2000) points out that the multicultural movement appeared in the early 1970s in Canada and Australia, shortly thereafter in the United States, England, Germany and France and manifested a result of migration processes and the globalization of culture. It was used to refer to three different issues: the existence of multiple cultures, the ideology of respect and coexistence of multiple cultures, and a policy implemented by governments, mainly in Europe and North America, especially in relation to immigrants. Although the first two meanings of multiculturalism are used as synonyms for cultural pluralism, this is a more usual concept in Latin American anthropology that tries to give a specific and differential place to the original peoples in the contexts of cultural diversity.

Multiculturalism, usually understood as recognition of the coexistence of different cultural groups within the same national state describes the interaction between two or more cultures in a horizontal and synergistic way. This means that none of the groups that establish an intercultural contact is above another, in conditions of supremacy. That favors the integration and harmonious coexistence of all individuals, whereby no group is better than any other. From the political perspective, multiculturalism is closely associated with "identity politics," "the politics of difference", and "the politics of recognition", all of which share a commitment to revaluing disrespected identities and changing the dominant patterns of representation and communication that marginalize certain groups (for more see: Barabas; Burszta, Kymlicka, Song, Taylor).

We realize how important multiculturalism is for an existence of a modern state model when we consider that, from the beginning of 21st century, various international institutions have focused on the need to create new social mechanisms that

favor cultural diversity, equity, and social creativity on the local, regional, and national level. One of the important international documents was adopted in 2001, during the 31st session of UNESCO's General Conference. The Preamble of a new Universal Declaration of Cultural Diversity stresses two important things: "culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy" and "respect for the diversity of cultures, tolerance, dialogue, and cooperation in a climate of mutual trust and understanding is one of the best guarantees of international peace and security" (UNESCO). The Declaration of 2001 is intended mainly to preserve multiculturalism as a precondition for the ethical promotion and protection of minority rights, i.e. those of communities that remain most vulnerable to the homogenizing effect of globalization. The Declaration of 2001 therefore expressed a new ethic of cooperation in the field of cultural policies and the protection of human rights, offering a wide range of instruments for promoting respect of cultural diversity, intercultural dialogue, and the right to sustainable development. The political principles of multiculturalism were expressed in Article 2:

> In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace (…) (UNESCO).

Furthermore, the important role of multiculturalism in protecting and respecting human rights is expressed in Article 4:

> The defense of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope (UNESCO).

Undoubtedly, multiculturalism is one of the most important issues in modern societies. As an idea, political program, process, or communication model, it can generate some positive transformations, but it can also give rise to potential conflicts regarding the marginalization and poverty of ethnic minorities; demands for immigrant rights; claims of autonomy and self-determination from national and cultural minorities; demands for indigenous peoples rights to their own jurisdiction and territory; or conflicts on linguistic and religious rights of various groups. Unfortunately, there are a lot of examples that the principles of multiculturalism, based by definition on the coexistence and integrity of different cultures are failing in several parts of the world (a phenomenon described and defined as "failure of multiculturalism"). Indeed, conflict in Europe in recent years has shown how representatives of various cultures come reject one another rather than living together, leading to highly polarized societies that are breeding grounds for fundamentalism, radical populism, xenophobia, and even violence.

Recent decades have shown how the principles of multiculturalism have become important in various countries in Latin America – a region that does not have a homogeneous identity. It used to be said, that a *mestizo* culture prevails, but at the same time is shaped by multiple traditions amalgamated in a synthesis that we can named after Peruvian novelist José María Arguedas: *Todas las sangres* (every blood). In the historical process of formation of nationalities in Latin America the colonization and

transculturation were in large scale the imposition of alien models that did not seek effective dialogue with native cultures and minorities. Nonetheless, during recent decades many Latin American nation-states have gone through difficult process of reforms that have undermined the relations between social groups that were in place until the mid-20th century; and have seen the introduction of a number of ideas, movements, and government or non-government programs whose uniting factor was redefinition of the concept of the nation. Multiculturalism – in its Latin American variant called interculturalism (*interculturalidad*) – is present in the claims of the rights of aboriginal peoples to be treated as ethnicities and cultures with the same rights as the majority cultures of ruling elites who held the economic and social power in exclusive way. As a political tool, multiculturalism seeks to redefine national identity and citizenship, which, until the end of the 20th century was based on the political model of the classical liberal democratic state, grounded on a conception denied ethnocultural plurality (and promotes equal rights – equal duties, one state – one nation, etc.). That is why in Latin America the struggle for a pluralistic society is expressed in the need to reform the state and to make it more inclusive in areas such as education, health and work for the traditionally marginalized sectors. Principles of multicultural politics emphasize the collective identity, recognition of differences (ethnic, linguistic, religious, etc.), and guarantees of certain rights, including the right to self-identity and self-development (Anchustegui Iguarta; Burszta; Kymlicka; see also: Taylor and his theory of "recognition policy"). This change in attitude is clearly evidenced by amendments to official political doctrines made during the recent decades of democratic transition, and amendments to the constitutions of numerous Latin American countries at the turn of the century[1], in which the idea of the homogeneous nation-state was rejected in favor of principles of multi-ethnicity and the plurality of cultures – even to an almost utopian extent (idea of plurality of nations in one state territory). The process of "pluralist constitutionalism" has been inspired by international norms such as those outlined in ILO Convention No. 169 (1991), the Universal Declaration of Culture Diversity (2001), and the United Nations' Declaration on the Rights of Indigenous Peoples (2007). The process itself can be broken into three phases:

a) The phase of multicultural constitutionalism (1982–1988), which introduced the concept of cultural diversity and recognized specific indigenous rights;
b) The phase of pluricultural constitutionalism (1988–2005), which developed the concepts of a "multiethnic nation" and "pluricultural state", incorporating a wide range of indigenous rights for those of African origin and other minority groups, while at the same time implementing neoliberal policies, and with more market flexibility;
c) The phase of plurinational constitutionalism (2006–2009), which proposed the "re-founding of the state", with explicit recognition of the thousand-year-old roots linking indigenous groups to the land, as well as the end of colonialism (so-called: decolonization process), (Yrigoyen Fajardo; Lee Van Cott 2000; Baldi).

[1] Constitutional amendments in accordance with the concept of a "pluralist horizon" have been made in Argentina (1994), Bolivia (1994, Plurinational State of Bolivia 2009), Brazilia (1988), Colombia (1991), Ecuador (1998, 2007), Guatemala (1985), México (1992), Nicaragua (1995), Panama (1994), Paraguay (1992) and Perú (1993).

As can be noticed, the key issue in the implementation of the principles of multiculturalism in Latin America has become a discourse between the state and indigenous peoples, whose leaders – using the notions of neo-Indigenism, Indianism and modern *mestizaje* (miscegenation of cultures) – have deconstructed the political theories and social standards, dominant during the second half of the 20th century. The shift from military dictatorships to democracy in many Latin American countries has led many states to reconsider the need to recognize the cultural plurality of their societies, and grant constitutional recognition to indigenous groups. This has been accompanied by the recognition of indigenous rights in the aforementioned international documents and constitutions. Official recognition of the rights to self-government and self-determination was probably the most important step toward rectifying historical injustices and transforming structural inequalities between the state and indigenous communities. Latin America is therefore the clearest case in which international efforts to propagate multiculturalism have effectively supported domestic reforms and yielded effect on the local level. Indeed, these ideas have taken root to such an extent that Latin American countries as a whole have become more vocal and active proponents of international norms for indigenous rights than established Western democracies (Baldi; Sieder; Yashar).[2]

For at least three decades, the relations between states and indigenous peoples have been changing rapidly. It is worth noting that this process has not only to do with the global phenomenon of the "third generation of human rights", but also with raising awareness among political and social representatives of indigenous groups. After many years of marginalization, discrimination, and paternalistic state policy, they are now distinctly presenting themselves in official discourse. Moreover, thanks to education, they have also gained social competences and knowledge of legislation, allowing them to become increasingly visible at various levels of social and political life. Their aims are to protect and safeguard cultural heritage, to guarantee the right to sustainable development in accordance with their specific *cosmovision*, to preserve cultural identity and the ability to communicate in their own language, and to maintain the biological and cultural integrity of their own territory (environmental rights). This last aim is especially emphasized as an argument against the expansionist model of economic policy.

Today, we are witness to the sweeping process of decolonization and disintegration of an old-fashioned worldview, which was centered around the Creole and mestizo core of Latin American societies. In many ways, this is associated with the dilemma of universality *vs.* particularity conflicts. For example, because the multicultural demands of indigenous peoples must be expressed in the universal language of human rights in order to be accommodated, their essence tends to be distorted. The question is therefore how to resolve the tension between the universalism of human rights and the principles of multiculturalism? There are vibrant and unresolved debates in Latin America about how well the models of multiculturalism are actually working in practice. Some postcolonial theorists are critical of multiculturalism and the contemporary politics of recognition, claiming that they reinforce rather than transform the structures

[2] When the United Nations Declaration on the Rights of Indigenous Peoples was voted on at the UN's General Assembly in 2007, the main opposition came not from Latin American states, but from representatives of Canada, US, Australia, and New Zealand.

of colonial domination in relations between states and indigenous communities. Some argue that they involve merely symbolic, superficial changes, and that these policies have been designed by neo-liberal elites precisely to divert political attention away from problems with underlying power structures. Others argue that, while perhaps providing tangible benefits to indigenous peoples, multicultural reforms are creating new ethnic hierarchies; for example, by excluding Afro-Latino groups who are not typically considered "indigenous peoples" (Hindley; Song; Sieder).

It can be assumed, therefore, that the public debate on multiculturalism in Latin American countries is associated with human rights, democratization and decolonization, and the search for new economic models and new forms of dialogue leading to the sustainable development of all sectors of their societies. Multicultural policies have allowed people to recover the land of their ancestors, administer justice in accordance with their traditions, provide recognition as full citizens of the nation, and promote affirmative action to enable them to economic and political inclusion. Nonetheless, while the multicultural response has done much to raise the symbolic recognition of indigenous and Afro-descendant peoples nationally and internationally, its application calls for a profound revision in spheres such as land, health, education, and equal opportunities of development.

The articles in this special volume of *Ad Americam*, which is dedicated to Latin American studies present the issue of multiculturalism and human rights from a wide, interdisciplinary perspective. Marta Kania and Gaya Makaran give an overview of the evolution of the socio-political, economic, and legal status of indigenous peoples in Peru and Paraguay respectively, and reveal the huge contrast between the principles of multicultural policy officially promoted by the states and the reality of their citizens. Magdalena Krysińska Kałużna addresses the fact that the multiculturalist conception can serve as an instrument for resolving several socio-political problems, but at the same time can provoke conflicts between various actors of national societies by promoting cultures or aspects of cultures that are unacceptable from the point of view of human rights. Various aspects of multiculturalism as a socio-political phenomenon involving recent internal migration, dynamic religious differentiation, racial prejudice and economic inequalities in the higher education system are presented in articles of Katarzyna Górska (metropolitan Lima example), and Renata Siuda-Ambroziak and Anna Chojnowska (Brazilian affirmative action problem). Promotion of human rights through respect of culture of peace and democratization processes is discussed by Joanna Składowska on the example of the institution of Ombudsman in various Latin American countries. Katarzyna Dembicz (Cuba) and Magdalena Lisińska (Argentina) explore the process of decolonization, as well as neo-colonial elements that could affect the self-determination of some Latin American societies. Finally, Edyta Chwiej and Paulina Sawicka detail the economic and geopolitical aspects of international relations, based on the principles of sustainable development and with a focus on Brazil.

We hope that such a broad perspective presented by the Authors of this volume will interest readers and encourage them to expand their knowledge of the difficult yet, extremely interesting issues of multiculturalism, human rights, and development challenges in Latin America.

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