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Articles

Income Inequality and Economic Growth in Developing Countries: The Role of Savings

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ABSTRACT

Income Inequality and Economic Growth in Developing Countries:

The Role of Savings: In this study we carry out a qualitative exploration of some factors that can explain the poor economic performance of Latin America in relation to another set of developing and successful countries comprised of twelve Asian countries. We study the relation between inequality, the savings rate, and the economic growth rate for each region. The evidence indicates that Latin America has a poorer economic performance, which in turn is associated with the lower savings rate and more elevated levels of inequality in comparison with the Asian economies. One possible explanation is that together with lower income inequality and the aggregate savings rates, the labor force in Asia is more abundant than in Latin America. These combined factors are favorable for the lowering of internal socioeconomic instability and the adoption of an export-led growth strategy for insertion in the world economy. This export-led growth strategy promotes economies of scale, and thus offers greater possibilities of profitable investment, which in turn induces higher rates of savings and increased economic growth. In contrast, Latin America is lacking a clear comparative advantage in terms of resource endowment. In particular, the labor force is not abundant, so that its insertion in the world market is more limited. Besides, the social and economic instability associated with the region's high-income inequality is harmful to savings and investment, as well as for the economic growth of the region. Thus, in order to dynamize savings and investments, economic policy requires fiscal

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policies oriented to the mitigation of income inequality and the promotion of counter-cyclical policies to reduce social and economic instability.

Keywords: Economic growth, Savings rate, Inequality, Latin America, Asian countries

INTRODUCTION

The effect of inequality on economic growth is still an open question. Empirical evidence differs among regions and countries with different level of development. In this sense, Barro (2000) in a panel of countries presents evidence indicating that inequality is favorable for growth in richer countries but detrimental in poorer economies. In the same sense, more recently Caraballo et al. (2017), using dynamic panel estimation on a sample of 112 emerging countries for the period 1980-2014, show that income inequality has a positive influence on economic growth for richer countries. For the case of advanced economies Yan and Greaney (2017) for US and Japan, and Naguib (2015) for a sample of 31 OCSE countries for the 1971-2010 period, find that inequality is growth-promoting. On the contrary, Cingano (2014) for a sample of OCDE countries during the past 30 years, and Kennedy et al. (2017), in a panel data across all states and territories for Australia during the 1986-2013 period, present evidence indicating that inequality is harmful. Similarly, previous studies for a worldwide sample of countries claim negative effects. For example, Person and Tabellini (1994) state that income inequality reduces economic growth in two samples of democratic countries. The first is composed by US and 8 European countries, and the second by a wide set of developed and developing economies during the postwar period. In the same line, Alesina and Perotti (1996) for a sample of 71 countries during the 1960-1985 period find that inequality, by increasing sociopolitical instability and then politico-economy uncertainty, discourages investment and then economic growth. More recently, Berg et al. (2012) for 140 economies find evidence that the duration of growth processes is positively related to the degree of equality of the income distribution, so that inequality should be negative for economic performance. Also Babu et al. (2016), in a sample of 29 emerging countries, find that inequality is harmful for growth. Lee and Son (2016), in an extended panel data that covers a broad range of developing

and developed countries, find strong evidence that support the existence of a negative effect of inequality on growth, in particular in less developed economies. Similarly, Delbianco et al. (2014) for Latin America since 1980 to 2010, show that inequality generally is detrimental for economic growth, except in the upper tail of the richer countries income distribution, where this becomes favorable. Thus, until here the evidence seems to be eclectic. This supports the classic theory at higher income and the political economy approach in lower stages of development.

On the other hand, an interesting particular case is China, a large emerging country with a relative initial low per capita income since the beginning of transition and for a long time thereafter, where from the economic reforms of 1978 an increasing inequality has encouraged economic growth. The intuition is that Chinese case is different because of such inequality was transferred to the high savings rate achieved for this country. In fact, during the transition household consumption as a percentage of GDP dropped from about 50 per cent to about 35 per cent, with the consequent noticeable rising of higher income households and corporate savings rate (Lin 2013). In addition, evidence of a positive inequality-growth relationship for the case of China since the post-reform period can be found in Chan et al. (2014). For a sample of 26 provinces in the 1995-2011 period they find that high income inequality within the province raises the provincial growth rate. Similarly, Li et al. (2016) find a robust positive long run relationship in a panel of 27 provinces for the 1984-2012 period.

In short, richer and poorer economies present diverse results. In general, there is not clear evidence on the effects of inequality on growth. This could depend of the savings rate of each country. The intuition is that since the rate of savings is generally increasing in income, inequality should promote growth in those cases with higher propensity to save. In this frame, in richer countries higher inequality means a greater transference of wealth to richer and thriftier population. This raises the bulk of global savings, which in the long run encourages a higher capital accumulation and then economic growth. This is an interesting regularity in some regions like the Southern Asia. On the contrary, in Latin America the higher inequality and the difficulties to expand exports could have reduced the incentives to save. Thus, these social and economic conditions could have prevented greater inequality from channeling into greater savings, investment and growth in the long run.

More generally, developing countries are the particular interest, because these face greater need to improve the level of life of their citizens. Thus, in order to shed some light on the different economic performance

of Latin America and the more dynamic Asian countries, the objective of this paper is to determine the association among inequality, savings and economic growth in them during the 1960-2015 period.

The hypothesis is that inequality favors economic growth in countries with higher savings rate, because this will be traduced in higher investment and economic growth. Thus, the idea is that in the long run higher savings rate must encourage higher capital accumulation and then economic growth. In turn, a sustained growth should alleviate the situation of poorer population. On the contrary, in developing countries with lower savings rate higher inequality is not transferred to a significantly high global savings. Consequently, there these achieve lower levels of investment and economic growth. In turn, the contribution of this research is, from a wide approach, to determine some of the more important factors behind the successful Asian experience and the long run stagnation of Latin America. In fact, this finds that savings is the key link connecting inequality and economic growth, as this face more favorable conditions in the Southern Asian countries because these have more abundant endowment of labor force in relation to Latin America. There are two possible explanations to this evidence. First, the idea is that this allows them to reduce production costs as attract FDI, as it is mentioned in the literature discussed below, and then to reach a more successful insertion in the world market. On the contrary, Latin America does not present this advantage, but has faced chronic socioeconomic instability that has been harmful for investment and growth. In second place, the higher Latin America income inequality has been associated with a lower participation of the middle class, and as it is the main source of savings. Then, lower aggregated savings should have discouraged economic growth, so that at last such inequality could explain the different long term stagnation of this Latin America in relation to Asia. Theoretical explanation to rationale these claims can be found in the sociopolitical approach of the relationship between inequality and economic growth. From the seminal paper of Alesina and Perotti. (1996), this states that increasing inequality leads to greater social pressure towards distribution policies. These policies create distortions, which negatively affect the accumulation of physical and human capital, and then economic growth. The intuition is that incentives for such an accumulation are based on the private returns appropriation, but this may be hampered in societies with high inequality and a distributive conflict, which reduce investment and growth.

In that sense, the evidence found here suggests that the better performance of Asia in comparison with Latin America is mainly explained by its

lower levels of inequality and more elevated savings rate. One possible explanation of this result is that the former enjoyed of more favorable both internal conditions and opportunities to the insertion in the world market to save, invest and growth. In fact, notwithstanding both regions suffered civil wars and sociopolitical turmoil, Latin America presents an extreme high economic growth rate volatility and inflation, with episodes of hyperinflations in several countries like Argentina, Perú, Bolivia, Nicaragua, etc. Besides, both output and price volatility are generally harmful for economic growth in the long run (evidence on this for Latin America can be found in Bermúdez et al. 2015). Differently, in the Asian countries the lower inequality should have favored a context of lower socioeconomic instability. This, jointly a more abundant labor force that made possible the adoption of an export-led growth strategy and so its insertion in the world economy, should impulse a higher savings and investment associated to the more profitable opportunities. This should allow reach scale economies, and then higher possibilities of profitable investments, which in turn induce to both higher savings, investment and economic growth.

Nonetheless, even these factors in part can explain the different economic performance between both regions, there seems to be some deep determinants behind them. In particular, there is a consensus in the literature that social and economic instability is provoked by a large inequality of income distribution (for a pioneer contribution of this argument see Alesina et al. 1996). In turn, higher inequality can induce to a lower level of aggregated savings, that in turn discourages economic growth. Interestingly, this last channel was less explored as a key determinant of the different economic evolution between Asia and Latin America. Hence, this research states the key role of savings like a link between inequality and economic growth, to achieve a wider understanding of the successful performance of the Asian countries, and whose theoretical explanation was presented above.

In this sense, despite the heterogeneity proper of a region conformed by a lot of countries with characteristics different among them, in general Latin American countries share important economic features common among them. Examples of this is a history of high economic instability, given by very frequents episodes of high inflation, and even hyperinflation in the end of the eighties, as in most cases very high output and output growth rate volatility. Besides, these compose an economic region with a domestic market relatively small, and then clearly dependent of the external sector to achieve a process of sustained economic growth.

Interestingly, these features are particular more accentuated in comparison with the Southern Asian countries under study here. Even though this region presents asymmetries into the countries that conform this area, the countries share a common market clearly entrenched, in particular since the increasing economic expansion of China.

Moreover, the similarities at intra region level and the differences between both areas encompasses several key economic aspects. In this sense, both literature and empirical evidence presented in Table 2 and discussed below clarifies this topic. In special, there is shown that the main differences between both regions is the labor endowment, which is more abundant in the Southern Asian region. And in relation to this point, previous evidence, several studies emphasize that this was an attractive factor for FDI in this region. Examples of this point are the contributions of Rodrik (2016), who shows a premature deindustrialization process given by a hump-shaped relationship between industrialization and income, particularly in the recent decades in the growth process of Latin American countries. According to his argument, this is because of the massive manufacturing production of those regions like Asia, which have achieved such hump-shaped pattern, is thanks to the capacity to absorb the type of labor that these low- and middle-income economies have in abundance. In this sense, Rodrik states that manufacturing has traditionally absorbed significant quantities of unskilled labor. And more interestingly in terms of the present work, he claims that that manufacturing is a tradable sector. This implies that this sector is not limited by the demand constraints of a home market populated by low-income consumers, because it produces tradable goods that can be exported to the rest of the world. Hence, this can expand and absorb labor force to be employed in manufactures activities. And similar evidence is previously found by Ali and Guo (2005) for China, because this country has both a large land area and a dense population. Analogous results are in Ang (2008) for the case of Malaysia. In the same line, there are several studies on the relationship between labor and FDI, as a conducive factor for economic growth, are influenced by many different aspects in turn related to the labor market size, such as labor market flexibility, as is reported in Pham (2008) for Vietnam, and more recently Rong et al. (2020) for 30 Chinese provinces and Nguyen (2021) find that labor force supplies an attractive factor of FDI for Vietnam.

The empirical study is carried out by means of a qualitative and statistical approach, by analyzing mean tests and correlation measures. This is because the data availability of the inequality measures used here, i.e. the Gini coefficient as a general level of inequality, and the share of the top ten

percent of the richest population, is given complete at most by five-year periods (many missing years in the time series and low variability). Thus, the lack of a more frequent periodicity limits the econometric analysis, so that a qualitative exploration seems to be a better approximation to explore the relation between inequality, savings and economic growth. In fact, as it is shown in the next section, the literature of this issue arrives to very different results, which could be due to the analysis is sensitive to both the availability of data and the econometric methodology that is applied, as well as the difficulty to obtain a clear causality among those variables.

The paper is organized as follows. The next section presents the theoretical arguments to explain as a positive as a negative inequality-economic growth relationship. The data and empirical methodology used in this paper are presented in section 3. Section 4 shows the empirical evidence, and finally section 5 presents the conclusions.

THEORETICAL EXPLANATIONS OF THE INEQUALITY-ECONOMIC GROWTH RELATIONSHIP

Income inequality can exert positive or negative effects on economic growth, depending on the underlying channels linking them. There are two main mechanisms that explain a positive influence. In first place, the classical approach sustains that inequality raises aggregate savings, investment and then economic growth favors growth, because of the savings rate is higher in richer population (for a more detailed explanation of this approach see Delbianco et al. 2014 and Kennedy et al. 2017). In this sense, according to Barro (2000), this argument is particularly relevant in poor economies as it allows that part of population accumulate the minimum required to invest in human capital and entrepreneurship, which should impulse economic growth. In second place, inequality creates incentives for individuals to work harder and invest given the ability to earn higher wages. Thus they are also motivated to up skill by investing in human capital or switch to more productive industries, which boost economic growth (Cingano 2014).

On the contrary, there are at least two channels through which such relationship becomes negative. First, according to Galor and Zeira (1993) and more recently Kennedy et al. (2017), imperfections in financial and credit market reduce the ability of poorer individuals to borrow freely

against future income in credit markets. This restriction creates a binding constraint on the household sector and limits the ability of poorer people to invest in either physical or human capital, which in turn diminishes economic growth. Secondly, the political economy channel states that increasing inequalities lead to social discontent and distributive conflicts, both of which generate greater social pressure towards distribution policies. Such policies create economic distortions and increase the present consumption, which affect negatively the accumulation of physical and human capital, and then economic growth.

On the other hand, as it was explained above higher inequality implies as higher socio political instability and lower resources in hands of the middle class. And as it was explained above, the former implies less aggregated savings and a growth, so that the intuition indicates that there should exist a negative relation between inequality with both savings and long run economic performance.

DATA AND METHODOLOGY

The sample under study is composed by fifteen countries of Latin America and a sample including the most dynamic Asian countries (i.e. China and ten Southern Asian economies) for the 1960-2015 period. The data has an average five-year frequency, and these result from a simple average from the disposable annual data of the World Bank data base. The countries are detailed in the Table 1.

The variables under study are inequality (which is approximated by means of the Gini coefficient and the share of the income of the 10% richest population), the savings rate (defined as savings as % of the GDP) and economic growth (defined as the percent growth of GDP per capita in constant dollars).

On the other hand, as it was aforementioned the lack of a more frequent periodicity of inequality measures limits the econometric analysis, so that a qualitative exploration seems to be a better option to explore the relation between inequality, savings and economic growth at the light of the existing literature. Hence, in first place the empirical work is carried out by means of the study of the average values of these variables, and the significance of the differences between, which is obtained with a test of differences of means between both regions. In turn, this shows the correlations among inequality, savings and growth in each area. After that four graphics and a local polynomial smoother illustrates the nonlinearities between inequality,

Table 1. Sample of Latin America and Southern Asia countries

Latin America Countries	Asian Countries
Argentina	Cambodia
Bolivia	China
Brazil	Hong Kong SAR, China
Chile	Indonesia
Colombia	Lao PDR
Costa Rica	Malaysia
Ecuador	Myanmar
Guatemala	Singapore
Mexico	Thailand
Panama	Philippines
Paraguay	Vietnam
Peru	
Puerto Rico	
Uruguay	
Venezuela, RB	

savings and growth. Finally, a Pearson correlation analysis indicates the association among these variables, as for the total sample as in each region table.

EMPIRICAL EVIDENCE

This section presents the association between inequality, savings rate and economic growth for Latin America and Southern Asia. In first place this shows the average values and the test of means differences of these variables between these regions. Secondly, four figures present the values of inequality, savings and growth, and finally table shows the correlations of those variables.

The results shown in Table 2 indicate noticeable difference in all the economic variables included there. Latin American countries presents a very lower growth rate, both in five-years and accumulative terms, in relation to the Southern Asian countries. In turn, the former has higher income inequality, and lower values of savings rate, economic openness and global population, and then of labor force. Hence, as the factors endowment as the key economic indicators states prominent differences among both areas, that this qualitative exploration intents to relate in order to understand the very different economic performance between

them. Moreover, the differences between them are significant in all cases. In sum, not surprisingly the evidence indicates clearly a poorer performance of Latin America. This presents high levels of inequality, as lower savings rate and economic growth.

Table 2. Results of the two sample mean t-test between the Latin America and Asian countries

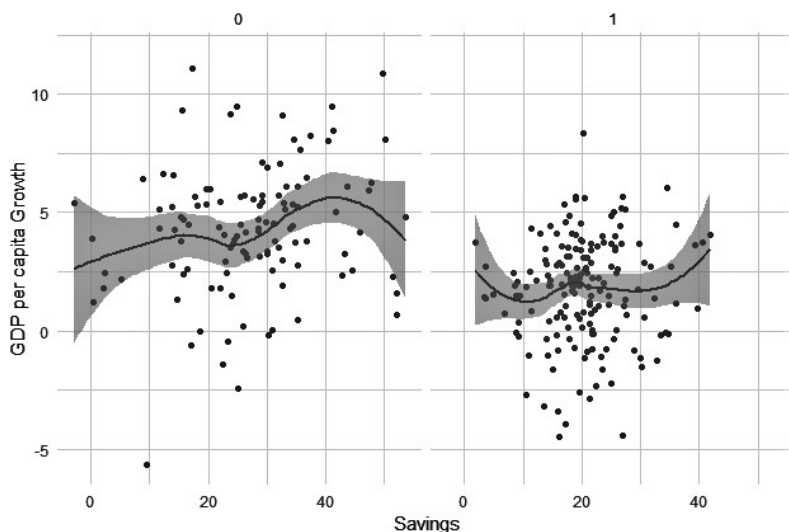
Variable	Latin America		Asia		t
	N	Mean	N	Mean	
GDP pc growth	179	1.80	124	4.20	8.02
Savings %GDP	171	20.35	117	26.53	5.36
GINI	91	50.28	39	40.04	-10.31
Share 10%	91	38.74	39	31.54	-8.29
Openness (X+M/GDP)	171	0.52	129	1.15	7.56
Cumulative Growth	179	27.73	124	63.10	6.98
Population	180	2.62e+07	144	1.27e+08	4.44

Table 3. Pair Wise Correlations between Inequality, Savings and Economic Growth for the total sample, Latin America and Southern Asia (p-values in parenthesis)

Total Sample	Growth	Savings	GINI	Share 10%
Growth	1			
Savings	0.27 (0.00)	1		
GINI	-0.35 (0.00)	-0.15 (0.09)	1	
Share 10%	-0.30 (0.00)	-0.16 (0.00)	0.97 (0.00)	1
Latin America	Growth	Savings	GINI	
Growth	1			
Savings	0.07 (0.33)	1		
GINI	-0.04 (0.74)	-0.06 (0.60)	1	
Share 10%	-0.01 (0.90)	-0.06 (0.52)	0.96 (0.00)	1
South Asia	Growth	Savings	GINI	
Growth	1			
Savings	0.20 (0.03)	1		
GINI	-0.13 (0.43)	0.40 (0.01)	1	
Share 10%	-0.14 (0.39)	0.29 (0.07)	0.97 (0.00)	1

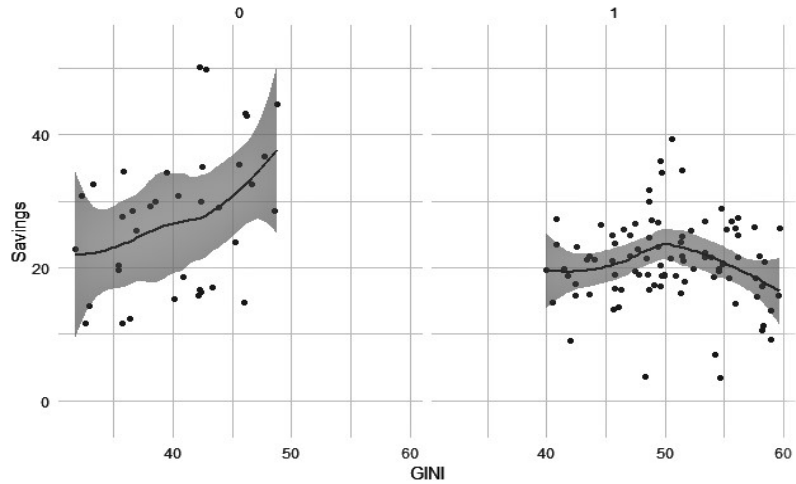
The Figures 1, 2 and 3 show the values of economic growth, savings rate and inequality, i.e. the Gini coefficient and the share of the 10% richest population, for the set of countries included in each region. Once again the evidence here shows sharp differences between both regions. First, in the Asian case in general economic growth is increasing in savings rates, and the savings rates are increasing in the inequality, both for the Gini coefficient as the share of the top 10% richest.

On the contrary, in Latin America there is not a clear association among these variables. Growth has similar values for different savings rates, while the figures of savings and inequality show a kind of inverted U. A possible explanation of these results is that a lower instability associated with a lower inequality, jointly to an abundant labor force in Asia favored its insertion in the world economy. This should have allowed to achieve scale economies, and then higher aggregated savings, investment and sustained growth. Differently, in Latin America the endowment of economic factors is not so favorable to the insertion in external markets; in particular, and contrarily to the case of Asia, in that region there is not an abundant labor force. This reduces the possibility of the insertion in the world



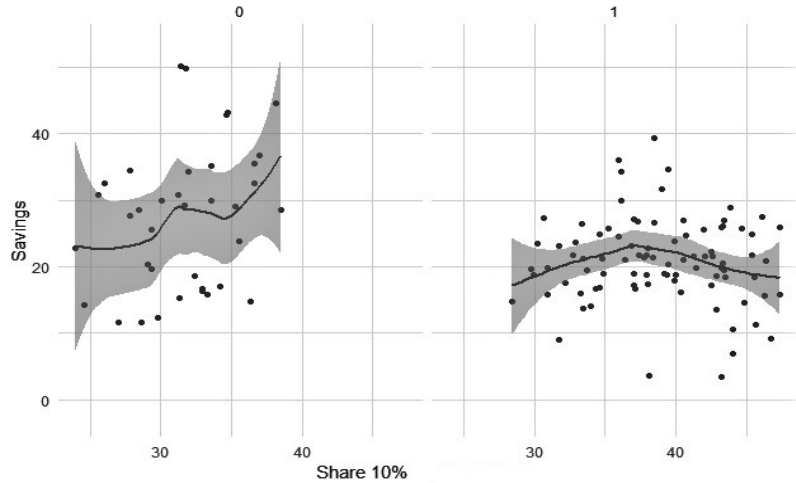
Note: the savings rate is in the horizontal axis, and the per capita GDP growth rate vertical are in the vertical axis. The left corresponds to Asia and the right points correspond to Latin American countries.

Figure 1. Per capita GDP growth rate and Savings rates in and Asian and Latin American countries



Note: the savings rate is in the vertical axis, and the GINI coefficient is in the horizontal axis. The left are Asian economies and the right points correspond to the Latin American countries.

Figure 2. Savings rate and GINI coefficient in and Asian and Latin American countries



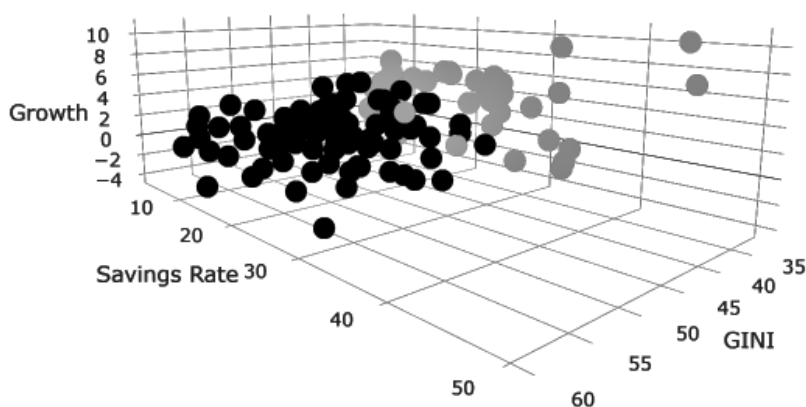
Note: the savings rate is in the vertical axis, and the share of the 10% richest is in the horizontal axis. The left are Asian economies and the right points correspond to the Latin American countries.

Figure 3. Savings rate and income share of the 10% richest in and Asian and Latin American countries

market. Consequently, their production was inward oriented to its small domestic market. Besides, its high inequality should promote political and economic instability, which discourage the investment and savings. The combination of these factors is detrimental for savings and investment, and then for economic growth.

In sum, in Latin America there is a higher income inequality associated with both lower aggregated savings and economic growth, in comparison to Asia. In fact, the savings rate is concentrated around 20%, while the growth rates vary from negative values to maximums close to the 7% annually. Differently, in China and the other Southern Asian economies savings rates are concentrated near a range of values between 30% and 40% are very frequent, approximately, and there the economies reach the highest growth rates. They are always positive and frequently reach values that are in range of an annual GDP per capita growth of 8%-10%.

Figure 4 resumes in a 3D graph, the evolution of inequality, savings and growth in both regions. This indicates that the Asian countries have higher growth rates, which are associated with more elevated savings and lower inequality. Differently, Latin America archived lower economic growth associated with more reduced savings rate and higher inequality. This region achieved higher growth rates, which are associated with more elevated savings and lower inequality. Differently, Latin America presents higher inequality, jointly with lower savings rate and growth.



Note: Latin American countries are represented by the black dots, while the Asian are gray.

Figure 4. Savings rate, Economic Growth and GINI coefficient in and Asian and Latin American countries.

Finally, in order to achieve more accurate results, the following tables present the correlation between income inequality, savings rate, and economic growth for each region. In first place, for the total sample the results of the correlations tables indicates that inequality is negatively associated with savings and growth, while the association between savings and growth is positive, but the results differ clearly between each region.¹ In the case of Latin America there is no significant association between the variables under study. Meanwhile, in the sample of Asia there is no association between growth and inequality, but this is positively related with the savings rates. In turn, economic growth and savings are positively and significantly associated. Thus, this suggests that even though inequality is not directly associated with higher growth, this could be indirectly favorable through higher savings rate.

Finally, even though the correlation results found in this study do not imply causality, they show a clear negative association of inequality with both aggregated savings and economic growth. In this sense, the intuition seems to indicate that, as inequality is given by the long run historical evolution of each region, this should be interpreted as the explicative variable of both lower savings and then a poor economic performance in Latin America in comparison to the Asian countries.

CONCLUSIONS REMARKS

This work explores the possible relationship between inequality, the rate of savings and growth of two areas with a very different economic performance during the last decades, Latin America and China and Southern Asia. The study is carried out by applying simple statistics tools to such variables for each region: the means, test of means differences, two figures that illustrate their values and a pair wise correlation test between them.

This empirical evidence presents a comparative study the economic evolution of Latin America and a sample of China and several dynamics Asian countries during the last five decades. In turn, it explores two possible factors associated with the different performance between them, which are income inequality and the rate of savings. The results of using simple statistics tools like the means, test of means differences, two figures that illustrated their values and a pair wise correlation test indicate that

1 These results are not necessary contradictory. They can be associated to the Simpson's paradox, where a trend may appear in several different groups of data but disappears or reverses when these groups are combined.

the more successful dynamics of the Asian countries could be related to lower inequality levels and higher savings rate. In fact, in Latin America there is no significant association between the variables under study. Differently, for the set of Asian countries inequality is positively associated with the savings rate, and this with economic growth. One possible explanation is that, as the Asian countries have had a more favorable endowment of economic resources, in particular an abundant labor force. This should favor the insertion in the world economy, which in turn promotes better opportunities to invest and so high economic growth. On the contrary, Latin America did not dispose of such comparative advantage. Instead, the higher inequality must have prompted political and economic instability, which discourage the investment and savings. The combination of these factors should reduce the long run the economic growth. In fact, the experience supports this explanation: Asian countries present very high economic openness levels (in particular the ratio exports/GDP) and low inequality, while Latin America was an inward oriented area since the great depression.

To summarize, the evidence found here suggest that one possible factor behind the better performance of the Asian economies is the higher savings that in turn are positively associated to a lower inequality, in comparison with Latin America. Hence, fiscal policies oriented to mitigate income inequality and to promote counter cyclical policies should reduce social and economic instability, and then impulse savings, investment and economic growth in the region.

Finally, this study is far from achieving a comprehensive explanation of the striking differences of the economic performance of both regions. Future lines of investigation can be based in exploring the underlying links between inequality and the savings rate. For example, it could be promissory to include in the analysis some variables of sociopolitical and economic instability, like the break of long-term political and economic plans for the former, and inflation and output variability to approximate economic instability.

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브라질 원주민 토지의 법적 권리와 분쟁*

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ABSTRACT

Conflicts and Legal Rights Indigenous Land Rights in Brazil: In this paper I explain why Brazilian indigenous land rights are being violated by the government's large-scale development projects, by industrial farming, and by mining development. I also analyze why indigenous land rights are not historically and legally protected in Brazil. For indigenous peoples, the land is a geographic space of their own lives, a cultural space for the preservation of tribal culture, and a space for recognition that secures an identity based on their own values and worldview. It can be said that the indigenous peoples are the land. The problems related to indigenous land rights are summarized by the following four issues. First, the land rights law, which does not recognize the natural rights of indigenous peoples, is a form of implicit colonialism in that it does not take into account the past lives or sacrifices of indigenous peoples. Second, indigenous peoples can live in, but cannot own indigenous lands. This is because the owner of the indigenous lands is the federal government. Third, since the administrative procedure for designating a protected area for indigenous peoples has not been carried out within five years as specified in the Constitution, hence, it is not binding and the procedure itself imposes bureaucratic barriers which make it difficult for indigenous peoples to protect their rights. Fourth, there is a problem of equity with other minority groups. In the case of the escaped slave community known as the "Quilombo," common property rights are recognized. However, indigenous peoples and non-indigenous traditional peoples are not recognized as exercising common property rights. Therefore, indigenous lands are occupied by the government's development policy, corporate agriculture and mine development, and indigenous people's right to live is also seriously infringed.

Keywords: Brazil, Indigenous, Non-Indigenous, Traditional population, Land demarcation, Indigenous Act, Land Law

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들어가기

브라질 원주민은 국제사회로부터는 삶을 터전을 보호받고 있지만, 브라질 국내에서는 온전히 보호받지 못하고 있다. 2019년 기준으로 원주민 토지는 대통령이 승인한 486곳, 사법부가 선언한 74곳, 국립원주민재단(FUNAI)이 승인 및 확인한 43곳, FUNAI가 확인 작업 중인 119곳으로 전체 722곳에 이른다. 그런데 원주민 토지의 85%가 불법적인 경작 활동이나 광산 개발과 같은 외부인의 경제 활동으로 침해받고 있다(Salomão 2019). 국제사회가 원주민 보호를 위해 많은 지원을 한다고 해도 국내에서 정책적으로나 제도적으로 지원하지 않는다면 아무런 의미가 없을 뿐만 아니라 분쟁의 대상으로 전락하는 경우들이 종종 발생한다. 최근 브라질 원주민들의 삶이 이런 상태에 있다고 할 수 있다. 브라질 사회에서 화전을 일구는 원주민들이 아마존 파괴의 주요 원인으로 지목되고, 넓은 보호구역으로 인해 브라질 경제 발전에 장애 요인으로 부각되는 이유가 여기에 있다.

따라서 어떤 정책이 선택되는가에 따라 원주민¹들의 삶과 생존이 결정된다고 할 수 있다. 우파 보수정권이 진보정권보다는 원주민 문화와 토지 보호에 훨씬 폐쇄적이고 부정적이다. 현 자이르 보우소나루(Jair Bolsonaro) 대통령²은 공개적으로 원주민들의 토지 권리를 인정하지 않겠다고 밝힐 정도이다. 실제 원주민들에 대한 폭력은 원주민 토지³ 구역 지정과 관련된 행정절차를 진행하지 않는 고유 자산에 대한 폭력, 원주민을 공격하는 직접 폭력, 공무원들의 근무 태만으로 발생하는 공권력의 부재로 구분할 수 있다. 2016년 6월 12일에 마토그루 두 술(Mato Grosso do Sul)주의 원주민 땅인 도우라두스 아맘바이베 구아 I(Dourados Amambaípeguá I)구역에서 발생한 까아라뽀 학살(Massacre de Caarapó)⁴ 사건이 하나의 사례이다. 이와 같은 원주민들에 대한 폭력의

1 2010년 브라질 지리통계청(IBGE)과 2016년 국립원주민재단의 통계에 따르면 브라질 원주민은 274개 언어로 말하는 305개 부족이 있다. 원주민 인구는 전체인구의 0.4%인 896,900명이며 688개 지역에 분포하고 있다(Silva 2018, 481-482)

2 지난 2019년 8월 자이르 보우소나루 대통령은 “더 이상 원주민 토지 지정은 없을 것이다”라고 공언한 바 있다(Salomão 2019).

3 원주민 토지는 1988년 연방헌법, 1973년 제6,001호 원주민법, 1996년 법령 제1,775호에 따라 전통적으로 점령하고 있던 토지인데, 마을(aldeia), 원주민 토지(terra indígena), 원주민 보호구역(reserva indígena), 원주민 구역(area indígena)으로 구분되기도 하고 그렇게 불리기도 한다. 본 연구에서는 전통적인 원주민의 권리를 정의하는 데 있어 정치적·사회적·법률적인 의미를 포함하고 있다는 측면에서 가능하면 원주민 토지로 표기하고자 한다. 개념적 차이는 Dambrós(2019, 179)를 참조하라.

정도가 높아지면서 원주민 단체들이 국제사회에 브라질에서 자행되고 있는 정부의 무분별한 정책과 인권침해의 심각성을 알리는 운동을 전개하였다. 브라질 정부는 원주민 연대의 활동이 자이르 보우소나르 대통령을 환경 파괴범으로 몰고, 브라질 상품 보이콧에 동조한 것이라는 명목으로 2020년 9월 국가 모독죄로 고소했다. 같은 해 12월에 무죄로 판결나면서 원주민 지도자와 단체가 고소인이었던 아우구스투 엘레누(Augusto Heleno) 제도 안전 비서실장(Gabinete de Segurança Institucional, GSI)을 명예훼손으로 맞고소했다. 정부와 원주민 단체 간의 법적 소송은 계속될 것으로 보이지만, 현 정부에서는 원주민이 승리하기 어려울 것으로 보인다. 원주민들에 대한 폭력, 인종차별과 무시는 포르투갈인들이 도착한 이후 지속되고 있지만, 오랜 기간 차별적인 구조가 고착화되어 법적·제도적 변화가 이루어지지 않는다면 원주민들의 삶은 온전히 보호받을 수 없다.

본고에서는 왜 원주민의 토지 소유권리가 브라질 정부의 대규모 개발 프로젝트, 기업농과 광산 개발로 끊임없이 침해받고 있는가, 그리고 원주민의 토지 소유권 확보에 어떤 역사적·법적인 문제와 한계가 있는가를 밝혀보고자 한다. 원주민들에게 토지는 자신들의 삶을 영유하는 지리적 공간이고, 부족 문화를 보존하는 문화적 공간이며, 자신들만이 지니고 있는 가치관, 세계관에 기반한 정체성을 확보하는 인식의 공간이라고 할 수 있다. 원주민이 곧 땅이라고 할 수 있다.⁶

4 마투 그루수 두 술 주의 까아라뽀에서 대농장주들이 연합해서 이 지역에 거주하고 있던 과라니(Guarani)와 카이오와(Kaiowá) 원주민들을 공격한 사건으로 끌로지오지 아킬레우 로드리게스 지 소수자(Clodiodi Aquileu Rodrigues de Souza)가 사망하고, 5명이 총상을 입었고 고무총탄으로 6명이 부상당했다. 이 사건은 네우송 부아인아인 필류(Nelson Buainain Filho), 비르질리우 메찌포구(Virgílio Metifogo), 제투스 까마추(Jesus Camacho), 지오네이 게징(Dionei Guedin)과 에두아르두 오시우 토모나가(Eduardo Yoshio Tomonaga) 농장주들이 계획한 것으로 밝혀졌다. 또한 까아라뽀 농업 조합(Sindicato Rural de Caarapó)도 적극적으로 가담한 것으로 조사되었다(Carvalho 2019).

5 원주민 연대는 2005년에 a) 전국 원주민 단체의 연대 및 원주민 연합 강화 b) 원주민 운동의 정치와 요구, 주장들과 원주민 투쟁 통합 c) 원주민 권리의 침해와 위협에 대한 전국 원주민 단체와 원주민 동원을 목적으로 결성되었으며, 북동부, 미나스제라이스와 이스피리투 상투 원주민 단체 연대(Articulação dos Povos e Organizações Indígenas do Nordeste, Minas Gerais e Espírito Santo, APOINME), 브라질 아마존 원주민 단체 협회(Coordenação das Organizações Indígenas da Amazônia Brasileira, COIAB), 남부 원주민 연대(Articulação dos Povos Indígenas do Sul, ARPINSUL), 남동부 원주민 연대(Articulação dos Povos Indígenas do Sudeste, ARPIN-SUDESTE), 페레나 부족 위원회(Conselho do Povo Terena) 등이 참여하고 있다(Valente 2020).

원주민 토지 권리에 대한 이론적 논쟁

원주민 고유론(A Teoria Do Indigenato)

원주민 고유론은 1902년에 주앙 멘지스 주니오르(João Mendes Júnior)가 전통적으로 점유한 토지에 대한 원주민들의 소유를 인정해야 한다고 주장한 것이 시작이다.

이미 원주민들이 평소 거주하면서 문화를 이루고 살고 있었기 때문에 그들이 점령하고 있는 이 땅은, 그들의 것이 아니라면, 빈 땅이기 때문에 이후의 소유주들의 것도 될 수 없다. 어쨌든, 그들의 땅은 아직 폐지되지 않은 1680년 4월 1일 칙령이 정하는 등록과 합법화 대상인 점유와 혼동될 수 없는 보존 권리가 있기 때문에 그들에게 속한다(Miranda 2017, 11, 재인용).

이런 주장의 근거는 발견 당시의 모습에서도 찾아볼 수 있다. 베스푸치는 원주민들이 소유 재산, 탐욕과 유산이 없다는 것을 강조하면서 브라질 원주민들의 장수 비결에 대해서도 언급했다. 베스푸치도 까밍뉴처럼 원주민들은 법도 없고 신앙도 없고 왕도 없고 복종하는 사람도 없어서 각자가 주인이었다고 묘사했다(조영현, 김영철, 김희순, 차경미 2020, 187). 즉, 사회 제도나 관습에 얽매이지 않고 자연 상태에서 환경을 누렸기 때문에 태고적 취득시효를 지니고 있으며, 영원히 집단적·민족적 상속권을 지니고 있다고 해석될 수 있는 부분이다(Da Cunha 1990, 94; De Queiroz 2010, 34-35).

태생적·원론적 논리에 근거한 고유론은 원주민 토지권을 강화하는 관료주의자(administrativistas)와 헌법주의자들에게도 영향을 미쳤다(Nogueira & Maulo, 2019). 주앙 멘지스 주니오르의 주장은 식민기간 원주민들에게 행해진 대량학살, 배제와 수탈을 고려한 것이다. 원주민들의 토지 권리는 브라질 국가가 만들어지기 전에 존재했었다는 고유권(자연적 생득권)으로 보았다. 따라서 포르투갈 왕실이 식민기간 원주민들의 땅을 탈취하고 강제노동에 동원할 목적으로 추진했던 정책에 대한 저항의 의미를 담고 있다. 원주민들은 소유권에 대한 적법성을 논할 필요조차도 없이 자신들이 점유하고 있는 토지의 주인이라는 것이다(De Oliveira & Freire, 2006). 결국 원주민들의 토지에

6 과라니와 까이오와 부족들은 ‘떼코아(tekoha)’라는 곳에서 모여서 집단적인 행동을 자주하는데 이곳은 그들의 언어로 ‘존재하는 곳’ 혹은 ‘살과 생존이 가능한 유일한 곳’이라는 의미이다(E.KARAI 2017).

대한 권리는 양도될 수 없는 천부권(Direito Inato)이라는 것이다.⁷

이와 같이 고유론은 자연법론(jusnaturalismo)에서 출발하고 있다. 자연법은 현대 사회의 모든 변화를 담을 수 없다. 그러나 브라질 원주민들의 토지 권리와 관련해서는 충분히 논의 대상이 될 수 있다. 자연법론은 우리 존재의 형성 구조에서 유래되었기 때문에 사회가 성립되기 이전의 인간 사회를 살펴봐야 한다는 것을 강조한다. 이러한 자연법 사상이 라틴아메리카 독립 혁명이 발생했을 때 자신들이 지니고 있는 고유권리를 주장하는 과정에서 활용되었다는 것을 생각해보면, 브라질 원주민들이 자신들의 토지 권리를 주장하는 근거로 또는 법적인 분쟁이 발생했을 때 논쟁의 접근방법으로 충분한 가치를 지닌다. 까를로스 알베르투 비파르(Carlos Alberto Bittar)는 인격권(o direitos da personalidade)은 천부권이고, 국가만이 헌법과 일반 법률 수준에서 긍정적인 권리를 제재하고 인정할 수 있다고 주장했다. 그러나 사법적인 명령에 따라 인정되는 인격권을 제한하는 것은 중요하지 않다. 이러한 권리는 인간에게 내재되어 있음으로 실정법에 우선하거나 독립적으로 존재한다(da Rocha & Melo 2017, 641). 그러므로 자연법의 인격권은 국가나 실정법 이전의 천부권이다.

자연법 사상으로 접근하게 되면 원주민들은 가장 기본적인 인권과 시민권이 보장되어야 한다. 그러나 실정법에서는 원주민들의 시민권이 보장되지 못하고 있다. 따라서 원주민들의 토지 권리도 인정받지 못하는 것은 어떤 측면에서는 당연한 수순이었다. 신분권이라는 관점에서 보면 원주민들은 인간이 개인으로서 가져야 되는 인격권을 가지고 있지 않다. 인격권의 출발은 신분권이 인정되어야 하는데, 신분권은 어떤 특정한 사회의 개인이 온전한 개인으로서의 누려야 하는 권리이다. 원주민들은 개인으로서의 신분보다는 공동체로서의 개인만 인정되고 있다. 개인은 브라질 사회의 온전한 일원으로서의 권리를 가지고 있지 않다. 따라서 토지 소유권도 개인이나 공동체의 완전한 소유권이 아니라 연방이 인정하는 점유권 정도에서만 인정하고 있다. 이는 브라질 사회가 원주민을 기본권을 가진 국민으로서 인정하지 않는 것이다.

그리고 자연법의 관점에서 접근하면 포르투갈인들이 도착한 이후 브라질에

7 1988년 헌법에도 반영되었다고 주장한다. 그러나 헌법에는 원주민들의 토지 점유에 대해서는 인정하지만, 시민으로서 누려야 할 권리 중의 하나인 인격권과 재산권을 규정하고 있지 않아서 한계를 지니고 있다.

서 이루어진 토지 점령은 모두 불법이다. 심지어 포르투갈 왕실이 브라질 발견 이후 식민화 과정에서 발견한 땅에 대한 소유권을 주장할 때 적용했던 ‘점유물 보유의 원칙(uti possidetis iuris)’이라는 관점에서도 보면 브라질에 정착해 살고 있던 선주민이었던 원주민의 토지 소유권은 인정되어야 한다. 이러한 논의들은 최근에 발생하고 있는 원주민 토지 문제에서 변론자료로 활용되고 있다(Miranda 2017, 6). 과라니와 까이오와(Guarani-Kaiowá) 부족의 원주민 보호구역 지정을 위한 행정 소송에서 이러한 자연법적인 접근을 통해 사건을 분석하는 내용들이 등장하고 있다. 마리아와 알리송은 인격권(direito da personalidade)의 관점에서 과라니-까이오와 부족의 토지 문제를 접근하여 전통적으로 조상이 점유하던 땅에 대한 권리를 보장해 원주민의 인격권을 보장해주어야 한다고 주장한다(da Rocha & Melo 2017)

그러나 연방대법원 제3,388호 청원 공판 이후 원주민 고유론은 원주민 실체론으로 대체되었다. 이 공판은 2004년 3월 29일 호라이마 원주민위원회(Indigenous Council of Roraima, CIR)와 US 열대우림재단(Rainforest Foundation US)이 브라질 연방정부를 상대로 인간의 권리와 의무에 대한 미주 선언(American Declaration of the Rights and Duties of Man) 1조, 2조, 3조, 8조, 9조, 18조와 223조를 위반 했고, 미주인권협약(American Convention on Human Rights)의 4조, 5조, 8조, 12조, 21조, 22조와 25조를 위반했으며, 호라이마(Roraima) 주의 하뽀자 세하 두 솔(Raposa Serra do Sol) 지역의 잉가리꾸(Ingaricó), 마꾸시(Macuxi), 빠따모나(Patamona), 따우레빵(Taurepang)과 와빠차나(Wapichana) 부족들에게 동 협약의 11조 1항과 2조의 국내 적용을 하지 않았다는 내용으로 범미주 인권위원회(Inter-American Commission on Human Rights)에 청원한 사건이다.⁸ 그동안 원주민의 고유권에 기초해 헌법이나 법률들이 적용되었는데, 이 판결은 원주민들이 전통적으로 토지를 점령한 시기를 결정할 때 특정한 시점을 기준으로 삼았다는 것이다(Cavacante 2016). 특정한 원주민이 자신들이 거주하거나 속한다고 생각하는 지역에 대한 원주민 토지로 인정받기 위해서는 민주 헌법이 공포된 1988년 10월 5일에 점령하고 있어야 한다는 것이다. 이러한 판결은 원주민들이 지니고 있는 고유권을 인정하지 않는 판결로 향후 발생하는 원주민 토지 분쟁 판결의 기준점이 된다는 점에서 매우 중요하다.

8 REPORT No. 125/10 Petition 250-04 Admissibility *Raposa Serra Do Sol* Indigenous Peoples Brazil October 23, 2010.

원주민 실제론(A Teoria Do Fato Indígena)

브라질은 1850년에 처음으로 토지법을 제정했다. 이 토지법은 기존 토지 소유를 합법화하는 것이었는데, 농촌의 지배 계급들이 경제적으로나 정치적·법적으로 토지를 포함한 소유 재산을 공식적으로 보장받는 장치가 되었다. 반면 토지권에 기초하여 농촌 노동자, 원주민과 흑인들은 사회적 폭력, 해체, 축출, 과도한 착취의 대상이 될 수 있는 법적인 근거가 되었다.⁹ 그럼에도 불구하고 “원주민의 땅은 소유자가 없다고 볼 수 없다”고 규정함으로써 원주민 토지를 고유 권리(Título Originário)로 규정하고 있다는 점에서 긍정적인 측면을 지니고 있다. 이처럼 19세기에 원주민의 토지 소유권은 포괄적으로 인정되었다. 그렇지만 실제 땅이 원주민 소유로 귀결된 경우는 극히 드물었다. 사실 원주민들은 영토 분쟁에 대한 전체적인 특성에 대한 이해가 부족해 중앙 정부의 집중화 전략이나 정치 프로젝트로 보지 못했다(조영현, 김영철, 김희순, 차경미 2020, 198-199). 때문에 토지법은 이 계층을 수탈하는 제도로 활용되었다. 130년이 지나 새롭게 제정된 헌법도 원주민들의 역사성을 인정하지 않기 때문에 크게 발전한 것이라 보기 어렵다.

2002년의 민법 제11조와 제12조는 인격권을 보장한다. 제1조는 법률이 정하고 있는 경우를 제외하고, 인격권은 양도하거나 포기할 수 없으며, 자발적으로 제한할 수도 없다. 제12조는 다른 조항들을 침해하지 않는다면, 인격권에 대한 위협이나 손해 중지를 요청할 수 있는 권리를 보장하고 있다(da Rocha & Melo 2017, 645). 토지권에서 인격권을 언급하는 것은 인간으로 누려야 할 권리가 존중받지 못하고 있다는 것을 보여 주는 것이고, 동시에 정체성에 대한 권리라는 측면에서 개인의 신분을 정의하는 것이기 때문에 인간이 당연히 누려야 할 권리 중에 하나가 재산권이 된다.

심지어 연방대법원은 2003년에 연방 헌법 20조 I과 XI 항목에 따라 650호 판례를 인용했는데, 먼 옛날에 원주민들이 점령했거나 혹은 살았었다고 밝혀졌다고 하더라도 소멸된 정착 지는 원주민의 토지로 인정되지 않는다고 보았다. 이 판례는 1946년 법령 9,760호 제1조 1항의 h항에 근거하여 상파울루주 상투 안드레(Santo André)와 과룰루스(Guarulhos) 지방에 위치한 토지의 취득

9 토지법에 근거해서 내륙으로 진출하고 정착지를 건설하는 사람들이 상파울루, 빠라나, 상파 까다리나, 히우 그란지 두술의 과라니(Guaranis), 파모이우(Tamoios), 투삐니깅(Tupiniquins)과 까인강기(Kaingangs) 부족들을 공격했다(Dambrós 2019).

시효를 결정하는 판결이었다(Juzinskas & Ayres 2019, 22-23).

그리고 원주민 실례론은 2009년에 하뿌자 세하두 솔 원주민 토지(IT Raposa Serra do Sol) 지정과 관련된 소송 과정에 대두되었다. 원주민 토지 소유권을 특정한 시점을 기준으로 설정하고 있다는 의미에서 ‘시간 표시(Marco temporal)’라고도 한다. 아이리스 브리투(Ayres Britto) 장관의 보고서에 따르면 헌법은 원주민들이 전통적으로 점령한 토지¹⁰에 대해 대체할 수 없는 근거 자료로 1988년 10월 5일 헌법 공포일이 기준이다. 다른 시대에 점령한 토지는 포함되지 않으며, 또한 앞으로 점령할 토지도 포함되지 않는다. 브리투 장관은 판결문에서 다음과 같이 인용했다.

점령 시점. 여기에 우리 헌법(Lei Maior)에는 “전통적으로 점령하고 있는 땅에 대한 권리를 원주민들에게 인정해주기 위해 대체할 수 없는 기준으로 1988년 10월 5일에 공포된 날짜를 정확한 날짜로 볼 필요가 있다. 전통적으로 점령한 땅을 고려해야 하지만, 점령할 땅은 고려 대상이 아니다. 또한 다른 시대에 점령한 땅도 아니고, 1988년 10월 5일 목표 시점까지 충분한 연속성이 없는 것도 해당되지 않는다. 목표 시점은 어떤 원주민 지역의 점령 시점에 대한 끝없는 논쟁을 결론짓는 합리적 결정을 반영한 것이다. 이런 기준이 이전 헌법에 언급되어 있었지만, 토지 점령 사실에 대한 확정 날짜는 다른 어떤 날짜도 아닌 1988년 10월 5일이다”(Juzinskas & Ayres, 2019, 24-25, 재인용).

즉, 원주민 고유론에서 주장하는 태생적 혹은 먼 옛날부터 원주민들이 점유하고 있었던 지역 혹은 그렇게 판단되는 토지는 인정하지 않는다. 또한 시간 경계론은 연방 헌법이 공포되었을 때 질병의 확산으로 인한 사망이나 벌목, 백인의 도시 및 농촌 확장이나 폭력으로 자신들의 땅에서 추방된 원주민들의 권리는 당연히 무시된다. 이러한 주장은 원주민 토지에 대한 자연권을 완전히 부정하는 것이며 동시에 원주민들의 역사성을 무시하는 것이다. 때문에 식민기간 원주민들이 받은 약탈의 역사를 부정하는 유럽 중심주의적인 관점이라고 비판받으며, 원주민의 자율권과 자기결정권에 반하는 결정이며(Dussel 2005), 식민기간의 구조가 내재되어 있는 ‘내재적 식민주의(Colonialismo Interno)’라고 비판받는다(Casanova 2007). 까사노바는 내재적 식민주의가 원래 정복과

10 Cristina Nascimento de Melo와 Julio Cesar de Aguiar는 루드비히 비트슈타인의 언어 게임을 통해 원주민의 ‘전통 점령(ocupação tradicional)’ 개념을 분석했다. 전통 점령에서 점령이란 현재 토지가 사용되는 것에 다른 것이 아니라 문제의 사람들의 전통과 관습에 따른 점령이어야 한다고 주장한다(de Melo & Aguiar 2016).

관련되어 있는데, 원주민들이 소멸하지 않은 식민국가, 공식적으로 독립하거나, 해방과정에서나, 사회주의로 전환되는 과정이거나, 신자유주의 자본주의로의 회귀와 재식민화하는 국가의 일부가 되었다고 주장한다. 그래서 여전히 자민족중심주의와 유럽중심주의가 제도적·사법적·경제적·사회적 현실에 그대로 반영되어 있다. 민족 국가(Estado-Nação)에 의해 식민화된 국민, 사회적 소수자와 민족은 식민주의와 신식민주의에서 동일한 현실에 직면해 있다. 그러면서 정부가 자기 결정권과 국민임을 부정함으로써 국가가 존재하지 않음을 보여준 것이라고 보았다. 또한 민주적 참여가 원주민의 독특한 정치 결정 방식, 언어, 전통과 관습이 무시되면서 제한되었다.

이러한 법적 근거는 역시 법실증주의(positivismo jurídico)에 근거하고 있다. 법실증주의¹¹ 관점은 해석·적용에 있어서 어떠한 정치적·사회적·윤리적 요소도 고려하지 않고, 오직 법 자체만을 형식 논리적으로 파악하는 것으로 실정법을 초월하는 자연법을 인정하지 않는다. 법실증주의는 실정법 체계의 완전 무결성에 대한 확신을 바탕으로 법관에 의한 법창조 내지 자의적 판단을 배제하려는 사상이다. 아드리아누 지 꾸피스는 법실증주의에 근거해 다음과 같이 언급했다.

모든 사회 환경은 권리의 본성에 대한 특별한 감수성을 지니고 있다. 도덕적 양심을 바꾸고, 사회 내에서 개인의 지위를 마주하는 방식을 바꾸고, 상대적으로 개인의 필수 불가결한 권리의 범위가 바뀐다. 이러한 사법적 명령에 대한 개념에 반하여 인격권은 긍정적인 형태를 갖추게 된다. 인격권은 다른 주관적인 권리들과 마찬가지로 긍정적인 질서(명령)와 결부되어 있다. 사회의 지배적인 이념이 자신의 질서(명령)에 대해 압력을 가하고 있다는 것을 인정해야 한다. 본질적으로 사람에 대한 권리로 이해되는 천부권으로서 인격권을 지정하는 것은 불가능하다(da Rocha 2017, 642, 재인용)

따라서 원주민 실제론은 식민 제국주의의 전리품으로 받은 사유재산을 보호할 목적을 지닌 배제적 이데올로기의 산물이다. 1988년 헌법이 제정되었을 때 전통적인 토지 점령을 방해하는 강제 이주, 토지의 수탈이나 학살 외에도 식민화로 고통받은 원주민들을 배려하지 않은 것이다.

11 20세기 전반기에 살았던 이탈리아 법률가인 아드리아누 지 꾸비스(Adriano De Cupis)가 브라질의 법실증주의에 크게 영향을 미쳤다.

원주민 토지 관련 법률의 변화

민주화 이전의 법률

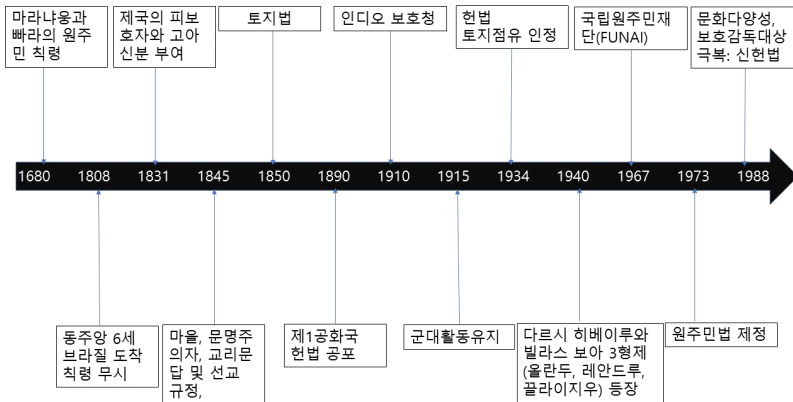
포르투갈 왕실은 본국에서도 1375년부터 특정인에게 식민과 생산을 위임할 목적으로 세스마리아(Sesmária) 제도를 운영했다. 세스마리아 제도는 왕실이 재정복 전쟁으로 확보한 지역을 개발할 목적으로 새로운 정착민들에게 버려진 땅이나 경작되지 않는 토지를 합법적으로 양도하는 제도였다. 브라질에서는 1530년 11월 20일에 마르쥔 아폰수 지 소우자(Martim Afonso de Souza)가 최초로 허가장을 받았다. 그리고 1680년 포르투갈 왕실 칙령으로 원주민들이 점유하고 있는 땅에 대한 소유권도 인정해주었다. 그 후 세스마리아 제도는 여러 가지 이유로 정상적으로 운영되지 못했고, 불법적으로 토지를 점유하는 경우가 많았다. 따라서 식민기간 토지 소유권은 세스마리아 제도를 통한 소유권 확보와 관습적인 방법으로 인정받는 경우로 구분되었다(Miranda 2017, 6-7).

독립 이후 브라질은 포르투갈이 식민기간 운영했던 토지법을 유지했다. 1850년에 발표한 제601호 토지법(Lei de Terras)으로 토지 소유를 공식화했고, 세스마리아 제도를 점검하고 점유(Posse) 체제를 조정하여 대농장 제도를 합법화했다. 이 법률은 공식적으로 토지 거래를 허용했을 뿐만 아니라 공공재산과 사유재산을 구분했다. 제1조는 브라질 제국과 외국의 국경에서 10레구아¹² 이내에 위치한 빈 토지는 무료로 양도할 수 있다고 규정하고 있다. 그리고 외국인 이민을 수용하고 그들이 많이 거주하는 곳에 거주지를 건설할 수 있도록 했다. 여기서 언급하는 빈 땅은 국가, 지방 또는 시의 공공 목적으로 활용되지 않는 곳, 지방이나 연방의 허가나 세스마리아로 양도되지 않아 특정인의 소유가 인정되지 않는 곳, 세스마리아나 정부의 양도가 이루어지지 않은 곳, 법령이 인정하는 점유자가 없는 곳을 말한다(Miranda 2017, 7-8). 이렇게 소유 주체에 대해 명확하게 규정함으로써 토지 관리와 개발에 활용할 수 있었다.

그러나 제1공화국의 1891년 헌법은 원주민들의 토지 문제를 다루지 않았다. 단지, 식민기간 포르투갈 왕실이 인정한 토지에 대해서만 소유권을 인정할 수 있다고만 언급하고 있다. 유럽의 실증주의와 과학주의에 매료되어 있던

12 1 레구아(legua)는 4.44~6.17km이다.

공화주의자들은 원주민을 경제 발전과 사회 진보에 장애요인으로 인식했기 때문에 백인 지배 계층의 권리 보호에 집중했다. 제1공화국 기간의 발전이라면 1910년 전국 노동자 정착과 원주민 보호청(o Serviço de Proteção aos Índios e Localização de Trabalhadores Nacionais, SPIILTN)을 신설하고, 1918년에 원주민을 문화적으로 열등한 집단으로 인식하고 개화를 위해 독립적인 원주민 보호청(o Serviço de Proteção aos Índios)을 설립한 것이다. 1910년에 캄지두 홍동(Cândido Mariano da Silva Rondon)은 청장에 부임하면서 원주민 보호청의 목표를 제시했다. 첫째 원주민과 평화로운 공존, 둘째 원주민의 물리적 생존 보장, 셋째 원주민들의 점진적인 “문명화된” 습관 취득 장려, 넷째 원주민 생활에 대한 “우호적인” 영향, 다섯째 원주민의 땅에 정착, 여섯째 브라질 내륙 정착에 기여, 일곱째 원주민 땅에 경제적 재화의 생산과 접근의 용이성 확대, 여덟째 농업 생산성을 높이기 위해 원주민 노동력 고용, 아홉째 원주민의 브라질 국민 정서와 시민의식 강화 등이라고 강조했다. 홍동의 목표가 모두 성취되지는 못했지만, 현대 브라질 원주민 정책의 기초가 되었다.



자료: Dambrós(2019, 178)

그림 1. 브라질 원주민 관련 제도 및 규범 변화

1928년에는 제5,484호 법령을 공포하여 원주민들의 법률적인 상황을 좀 더 정확히 규정하면서, 브라질 주류 사회와의 관계에 따라 원주민들을 “유목민 집단(grupos nômades)”, “정착민(aldeados ou arrancados)”, “농경지 통합

(incorporados a centros agrícolas)” 그룹으로 구분하였다. 1934년 신국가체제 헌법은 토지 소유가 양도할 수 없는 권리라고 명시했다. 이 헌법에 따라 정글에 사는 원주민들도 토지를 소유할 수 있는 권리를 지니게 되었다.

그러나 1950년대에서 1970년대는 원주민 토지에 대한 입장은 빌라 보아스(Villas-Bóas)¹³ 형제들과 같은 보호주의자들과 정부 주도로 진행되었던 동화주의자로 양분되었다. 보호주의자인 빌라 보아스 3형제는 1941년에 홍까도르-싱구(Roncador-Xingu) 탐사대에 참여해 원주민 보호 운동에 매진했으며, 1961년에 ‘싱구(Xingu) 원주민 국립 공원’을 설립하는 데 중요한 역할을 했다. 특히, 연방정부가 브라질 주류사회와 원주민이 만나는 원충 지역을 만들 책임이 있다고 주장했다. 동화주의적 관점은 정부 정책이나 일반인들에게 좀 더 폭 넓게 수용되었다. 군부정권이 들어선 이후 1964년에 농업 개혁 여파와 강력한 사회적 요구로 제4,504호 토지법(Estatuto da Terra)이 제정되었다. 많은 토지가 농지 없는 농민들에게 분배되었고, 농지개혁으로 식량 증산을 달성할 수 있었다. 또한 점유 합법화 과정에 대해 명확한 지침을 제시했다. “연방의 빈 땅 이전은 현행법이 정하는 행정절차를 따른다”라고 정했다. 1967년에 새로운 헌법을 공포하면서 같은 해 12월 5일에 원주민 보호청을 국립원주민재단으로 승격했다. 재단 설립과 함께 원주민 토지는 연방 소유이며 원주민들이 독점적으로 점유하면 양도할 수 없다고 규정했다. 이를 통해 원주민 보호 구역 혹은 원주민 토지에 대한 구역 지정이 가능해졌다.

1973년 12월 19일에는 제6,001호 원주민법(Estatutodo Índio)이 제정되었다. 이에 따라 법률적·행정적인 개념의 ‘원주민 토지(terra indígena)’라는 개념이 도입되었다. 또한 부족(nação)에 대한 원주민의 사회적·정치적 조건을 규정하였고, 원주민 토지에 대한 정의, 토지 법제화 과정, 지원 조치 등 개인으로서의 원주민을 인정하게 되었다. 또한 원주민 토지 문제를 전담할 기구로 국립원주민재단을 지정하였다. 원주민법 제17조에 원주민 토지를 규정하고 있는데 원주민 토지는 원주민들이 정착하거나 점유한 토지, 보호구역과 원주민 공동체 점유 토지로 구분했다(Cavalcante 2016, 3-4). 또한 제18조에는 원주민 토지는 원주민 공동체나 정글에 사는 사람들의 직접 소유로 제한되어 어떠한

13 올란두 빌라 보아스(Orlando Villas-Bóas, 1914-2002), 클라우지우 빌라 보아스(Cláudio Villas-Bóas, 1916-1998)와 레안드루 빌라스 보아스(Leonardo Villas-Bóas, 1918-1961)는 브라질 서부 지역 탐험에 이바지했다.

법적 거래나 행위, 임대할 수 없다고 정하고 있다. 아울러 1항에서는 외부인들이 이 지역에서 사냥, 낚시, 과일 채취와 영농활동을 하는 것을 금지했다. 제19조는 원주민 지원 관련 연방기관의 관리 하에 행정명령이 정하는 절차에 따라 행정적으로 구역 설정이 이루어진다고 정하고 있으며, 대통령이 비준한 구역은 연방재산청에 등록해야 한다고 정하고 있다. 이와 같이 원주민법에도 원주민 토지에 대한 규정들은 비교적 명확하게 정하고 있다. 그러나 원주민 개인이나 공동체가 소유권을 가진다는 내용은 찾아 볼 수 없다. 원주민 토지는 연방정부의 소유임을 명확히 하고 있음으로, 원주민들의 개인 재산권은 여전히 인정되지 않았다.

1988년 헌법의 원주민 토지 규정

1988년 헌법은 현재 브라질 사회의 근간을 이루고 있다. 민주화 과정에서 대부분의 사회적 소수자들의 요구를 수용하여 문명화함으로써 브라질 사회의 특성을 가장 잘 반영한 헌법이라고 평가된다. 여기에는 원주민들에 대한 조항뿐만 아니라 흑인들과 킬롬볼라(Quilombola)들에 대한 내용도 구체적으로 제시하고 있다. 원주민의 토지 소유권과 관련된 조항은 제20조 XI항과 231조이다. 제20조는 원주민 토지의 소유권이 누구에게 있는지 명백하게 밝히고 있고, 제231조는 원주민 토지 구획을 지정하는 내용에 대해 구체적으로 규정하고 있다. 제20조 XI항은 “전통적으로 원주민들이 점령하고 있으며 문화와 물리적 재생산에 필요한 원주민 토지는 연방 재산이다”라고 명시하고 있다. 원주민 토지에 대한 원주민의 권리는 양도하거나 처분할 수 없으며 시효도 없다. 즉, 연방 재산이기 때문에 원주민들이 점유할 수는 있지만 소유할 수도 없고, 기본적으로 점유한 토지는 거래 및 개발을 위한 자발적인 이용 권리를 행사할 수 없다는 것이다.

헌법 제231조는 아래와 같이 원주민 토지에 대해 구체적으로 제시하고 있다.

- 제231조 원주민들의 사회 조직, 관습, 언어, 신념과 전통, 전통적으로 점령하고 있는 땅에 대한 고유한 권리를 인정하고, 연방은 그 토지에 대해 경계를 지정하고 모든 자산을 보호하고 존중하고 보장할 책임이 있다.
- 1항. 전통적으로 원주민들이 영구적으로 정착한 땅이며, 생산활동을 위해 이용한 땅, 그들의 활용, 관습과 전통에 따라 문화적·물리적 재생산에 필요하고 복지에 필요하며 환경자원의 보존에 필수 불가결한 땅이다.

- 2항. 전통적으로 원주민들이 점령한 땅은 영구적인 점유를 위한 것이며, 그곳에 존재하는 토양, 강과 호수의 자원을 독점적으로 누릴 수 있다.
- 3항. 원주민 땅에 매장되어 있는 광물자원의 탐사와 채굴, 에너지 잠재력을 지니고 있는 수자원의 이용은 법에 따라 영향을 받는 집단의 채굴 결과에 참여가 보장되어야 하고 의회의 승인을 받아야 진행할 수 있다.
- 4항. 본 항에서 언급하는 땅은 양도하거나 취득할 수 없으며 불가침의 권리이다.
- 5항. 원주민들을 자신의 땅에서 이동시키기는 것을 금지한다. 단, 의회의 결정에 따라 국민들을 위협에 빠뜨리는 전염병이나 재앙의 경우이거나, 국가 주권을 위해서는 예외로 한다. 의회의 심의를 그친 후 어떤 경우에도 위험이 사라진 즉시 다시 회복시킨다.
- 6항. 이 조항에 언급된 토지의 점유, 지배 및 소유를 목적으로 하는 행위 또는 그 안에 포함된 토양, 강 및 호수의 천연자원 개발은 법적 효력이 없는 것은 무효이다. 결과 조치의 조항에 따라서, 법 규정에 따라 선의로 점령하여 발생한 수익의 경우를 제외하고는 연방의 활동이나 보상권이 소멸되거나 무효화되지 않는다.
- 7항. 174조 3항과 4항의 조항은 원주민 토지에 적용되지 않는다.

이처럼 헌법 제231조는 명문 그대로 해석하면 원주민 토지에 대해 논의되었던 천부권이나 고유권리의 개념은 모두 사라진다. 이러한 헌법 조항은 국제적인 합의도 지키지 않은 내용이다. 콜롬비아의 경우에는 원주민 부족이나 공동체가 거주하고 있는 토지에 대한 선조 전례 재산은 공동 토지 소유권을 인정받는데 결정적인 요소이다. 파라과이도 사호이아야막사(Sawhoyamaza) 부족과의 소송에서 법원은 강제 탈취 당한 토지와 선의로 제3자에게 토지를 양도했을 경우에도 선조의 토지 권리는 사라지지 않는다고 결론내렸다 (Juzinskas & Ayres 2019, 29-30, 34). 이와 달리 브라질 헌법은 시간 표시 제도를 도입하여 원주민들의 고유 재산권을 인정하지 않고 있다.

1988년 헌법은 원주민들이 점령한 땅에 대한 법적인 보호를 약속하고 있지도 않은데 시민 헌법(Constituição Cidadã)으로 불린다. 이 헌법으로 브라질 원주민 정책 패러다임은 완전히 바뀌었다. 그동안 원주민들은 문화적으로 낙후된 것으로 간주되어 개화시켜야 하는 대상으로 인식하여 동화주의적 관점에서 접근했다. 시민헌법은 민족적·문화적 다양성을 인정하는 다문화주의적인 관점을 담으면서 원주민들이 지니고 있는 개인적·집단적 정체성에 대한 권리도 인정했다. 또한 새로운 민주주의 질서에서 원주민을 보호하는 것이 매우 중요한 것이라는 인식을 나타낸 것도 큰 변화였다. 이에 따라 국가가 원주민들에게 역사적으로 많은 부채를 지고 있다는 것을 인정하였으며,

제헌의회 의원들이 헌법이 공포된 날로부터 5년 이내에 모든 원주민 토지의 구획 지정을 해야 한다는 헌법의 경과 규정 6조를 두었다(Juzinskas & Ayres 2019, 20; Junior 2004, 695). 그러나 경과 규정이 제대로 시행되지 않아서 국가와 원주민, 서로 다른 원주민들 간에 토지를 두고 마찰이 발생하고 있으며, 원주민들의 개인이나 공동 소유권은 여전히 인정되지 않았다.

경과조치에 따라 1990년부터 ‘법적 아마존(Amazônia Legal)’의 원주민 토지 보호 통합 프로그램(Programa Integrado de Proteção das Terras Indígenas na Amazônia Legal, PPTAI)이 재정적인 지원을 확보하면서 원주민 보호구역 지정이 시작되었다. 원주민 보호 구역 지정을 놓고도 많은 논쟁이 있었지만, 연방정부는 원주민 토지 분쟁의 원인을 원주민들에게 돌리고 있다. 즉, 원주민 공동체 내의 통일된 의견을 도출하는 데 어려움이 있을 뿐만 아니라 다른 원주민 부족들 간의 대립에서 비롯되었다는 것이다. 원주민 보호 구역 지역이 시작되면서 자신들의 영토권을 주장하지 않던 부족들이 조상들이 거주했던 곳이라고 주장하는 경우도 있었다. 직접적인 토지 소유의 문제 외에 원주민 보호 구역 지정도 사회적·지정학적·경제적·환경적·사법적인 문제들이 나타났다. 사회적인 관점에서는 토지 인정이 지연되면서 대농장들이 영농지역을 확대하면서 많은 원주민 가족들이 다른 지역으로 강제 이주해야 하는 문제가 발생했다. 지정학적인 측면에서는 국경 지역, 지방과 주의 경계를 획정하는 문제와 맞물려 있어서 어떤 경우에는 국제적인 논쟁으로 발전하기도 하고, 주와 지방간의 대립으로 이어지기도 했다. 경제적 측면에서는 농목축업과 농가공업, 에너지 자원 개발과 관광 개발과 같이 생산 활동과 직접적으로 연결되는 경우인데, 가장 많은 분쟁이 발생하고 있다. 환경적인 측면에서는 자연 보호구역과 원주민 토지가 지리적으로 겹치는 경우인데, 정부 차원에서는 원주민들의 생활 방식인 화전 농업이 환경을 파괴한다고 보고 있다. 반면 원주민 단체들은 자신들의 삶의 방식이 오히려 환경을 보호한다고 주장한다. 사법적인 측면에서는 원주민 공동체에 이전된 소유 토지와 연방이 승인한 특정한 지역의 토지 명목이 변경되는 경우이다. 이럴 경우 헌법과 법률에 따라 연방 정부가 법적 권한을 독점하기 때문에 원주민들은 강하게 반발하고 있다(Holliday 2016). 이러한 다층적인 문제가 존재하지만 가장 먼저 고려되어야 하는 것은 원주민 생존의 문제이고, 그 기본적인 조건이 원주민 토지 지정이다.

2009년에 제정된 제11,952호 법령은 점유 규제정책을 보완하고, 법적 아마존의 연방 토지에 대한 추가적인 점령에 대해 명확하게 정하고 있다. 내용을 살펴보면 “최대 15개 세금 부과 면적(Modulos Fiscais)¹⁴까지 점령을 허용하고, 1,500 헥타르가 넘지 말아야 한다”고 규정하고 있다. 연방정부는 명확한 범위를 정하고 있지만, 원주민 공동체와 마찰을 빚고 있다. 그 원인은 원주민들의 활동 범위에 대한 오해에서 비롯되는데, 연방정부는 사전 조사를 통해서 특정한 지역으로 제한하지만, 원주민들은 의식주를 해결하기 위해 구역을 벗어나기도 하고, 때로는 자연재해로 인해 다른 지역으로 이동해야 하는 경우도 발생하는데 이런 상황들을 충분히 반영하지 못했기 때문이다.

1988년 민주헌법은 사회적 소수자들의 권리를 수용하고, 브라질 문화의 다문화성을 인정하는 다문화주의 헌법으로 평가되지만, 브라질 사회에서 가장 약한 사회적 소수자이고, 고유한 독창적인 문화를 구성하고 있는 원주민 공동체의 가장 기본적인 권리인 토지권을 보장하지 못하고 있다. 헌법 수정안을 통해서 원주민들의 생존과 문화를 보존할 수 있도록 토지권을 인정해야 하는 과제가 남아 있다.

원주민 토지 지정 절차와 분쟁

원주민 토지 지정의 절차적 문제

원주민 토지 구역 지정은 행정적인 행위이며 원주민 공동체가 고유한 점유권을 가지고 있는 연방 재산에 속한다. 이 재산에는 환경 보전을 위한 공터도 포함된다. 또한 헌법 제20조 2항은 국경 방어를 위해 필요한 공터에 대해서도 언급하고 있다. 1973년 발표된 원주민 법에 근거해서 국립원주민재단이 독점적으로 원주민 토지 구역 지정 절차를 진행할 수 있다. 그 절차는 1775/96호 대통령령¹⁵에 따라 원주민들이 전통적으로 점령한 땅의 경계를

14 1979년 농업정책 장려와 농지개혁을 추진할 목적으로 농촌 부동산에 대한 권리와 의무를 규정하는 토지법을 보완하기 위해 제6,746호 법령에 언급된 내용으로 각 지방마다 다르지만 국립 농지개혁과 정착연구소(Instituto Nacional de Colonização e Reforma Agrária, INCRA)가 지정하는 헥타르 단위로 고정된 면적 측정 단위이다.

15 1973년 12월 19일의 제6,001호 법령의 제2조 IX항과 헌법 231조, 84조 IV항에 근거하여 1996년 1월 8일, 1775호 대통령령을 공포했다.

확인하고 식별한다. 이 법의 제1조는 헌법 231조와 1973년 12월 19일 제6,001호 법령의 제17조 1항에 언급된 원주민 토지는 본 법령에 따라 원주민 연방 지원 기관의 감독 하에서 행정적으로 구역 지정한다고 언급하고 있고, 제2조는 원주민들이 전통적으로 점령하고 있는 토지의 구역 지정은 인정된 자격을 갖춘 인류학자가 발굴한 연구 결과에 기초한다고 밝히고 있다. 원주민 연방 지원 기관이 정한 기간 내에 식별을 위한 인류학적인 연구를 진행해야 한다고 정하고 있다(Dambrós 2019, 178). 따라서 원주민 토지 구역 지정은 국립원주민 재단의 판단에 따라 지정 절차가 진행된다는 점에서 일원화되어 있다는 장점이 있지만, 반면 독단적인 운영이 가능한 구조라고 할 수 있다. 이러한 법률에서는 전통적으로 점령한 원주민 토지 지정은 표 1 원주민 토지 지정 절차 및 기관에 따라 진행된다.

표 1. 원주민 토지 지정 절차 및 기관

구 분	기 관	세 부 내 용
1단계 연구단계(Estudo)	FUNAI	원주민 토지에 대한 식별과 경계 설정을 위한 연구
2단계 지정고시(Delimitadas)	FUNI	FUNAI 이사장이 보고서 내용 확인 후 승인 및 관보 15일 이내 공지, 90일간 주와 지방 정부를 포함한 관련 기관의 의견 접수. 60일 이내에 사법부에 제출
3단계 선언단계(Declaradas)	사법부	사법부 30일내 물리적인 지정과 지역 경계를 선언
4단계 승인단계(Homologadas)	대통령	대통령의 승인으로 지리좌표화되고 구체적인 경계 지정
5단계 등록단계(Regularizadas)	FUNAI	비원주민 이주
	INCRA	비원주민 정착
	FUNAI	승인 후 30일 이내 연방 명의로 연방자산관리청과 등기소 등록
6단계 금지단계(Interditadas)	FUNAI	독립적인 원주민 보호를 위해 제3자의 유입과 이용 금지

자료: Salomão(2019)과 FUNAI 자료 활용

원주민 토지 지정 절차는 기술 표준 설명서(Manual de Normas Técnicas)에 따라 진행되는데, 기술 표준 설명서는 2008년 6월 24일에 제정된 제682호

포고령에 근거해서 만들어졌다. 이 설명서는 지정 예시, 건강관리, 구체적인 경계, 지정 기간 등 필요한 지침을 만드는 것까지 다양한 내용을 다루고 있다. 이런 기준에 따라 지정된 원주민 토지는 지표면 위 20cm 높이로 측량 면적을 표시하는 다각형 동판에 등록된 표준 마크를 설치해야 한다.

이런 과정들은 위의 표에서 보는 바와 같이 단계적으로는 국립원주민재단, 국립농지개혁과 정착연구소(Instituto Nacional de Colonização e Reforma Agrária INCRA), 사법부와 대통령의 결정에 따라 이루어진다. 기본적으로 원주민 토지가 행정부의 업무이기 때문에 대통령의 의지가 결정적인 역할을 한다. 현재 보우소나루 대통령은 더 이상 원주민 토지를 지정하지 않을 것이라고 공언했기 때문에 거의 진행되지 않고 있다.¹⁶ 이를 반영하듯 원래 사법부 산하이던 국립원주민재단을 농업부로 이관했다. 농업부가 대농장주들의 농장 개발과 확장, 농업 노동자들의 요구를 수용해서 추진하는 부서라는 것을 고려하면 원주민들의 점유권이 보호받을 가능성은 매우 낮다. 대농장주, 농업 노동자와 원주민들 간의 대립이 자주 발생하는 이유도 여기에 있다.

표 1에서 보는 바와 같이 원주민 토지 지정은 법률이 정하는 여러 단계를 거쳐 이루어진다. 그 과정에서 국립원주민재단과 대통령의 역할이 매우 크다고 할 수 있다. 원주민과 환경은 상보적인 관계 때문에 정책을 집행할 때 동일선상에서 논의되는 경우가 많다. 브라질 원주민 토지가 이산화탄소 배출량을 연간 3,180만 톤을 줄이는 것으로 나타났기 때문에 원주민 토지 지정이 원주민 토지를 보호할 뿐만 아니라 환경 보존과 기후변화 대응에도 도움이 된다. 따라서 행정부가 어떤 비전을 가지고 있는가에 따라 원주민 토지 지정의 규모가 결정된다. 현 보우소나루 정부는 개발주의적 관점에서 원주민과 환경 문제를 접근하고 있고, 자신의 정권을 지지하는 3B¹⁷ 중에 고기를 생산하는 대농장주들이 농장을 확장하는 것을 지지하고 있기 때문에 원주민들의 토지권이 보장되기 어려운 상황이다. 반면에 표 2에서 보는 바와 같이 루이스 이나시우 룰라 다 시우바(Luiz Inácio Lula da Silva) 정권으로 시작된 좌파

16 현 정부와 원주민이 대립하는 5가지 현안 중에 첫째가 원주민 토지 지정을 진행하지 않는 것이다. 다음으로는 원주민 토지 내의 광산 개발, 기업 농업의 확장, 통합주의적 입장과 문화 말살 그리고 원주민 단체의 자의적인 해체이다(Fellet 2020).

17 3B는 성경(Bíblia), 소(Boi)와 총알(Bala)이다. 성경은 개신교도(목사)들을 의미하며, 소는 대농장주를 의미하고, 총알은 제복을 입은 군인, 경찰과 소방관 등의 정치인들을 의미한다.

정부 기간에는 법령으로 승인된 경우 91곳, 조례 선언 88곳으로 모두 178곳에 이른다.

표 2. 노동자당 집권기 간 원주민 토지 지정 횟수

구분	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
승인법령	21	23	08	10	06	01	09	02	03	07	01	00
선언조례	03	10	05	12	20	08	11	07	06	02	03	01

자료: Dambrós(2019, 181)

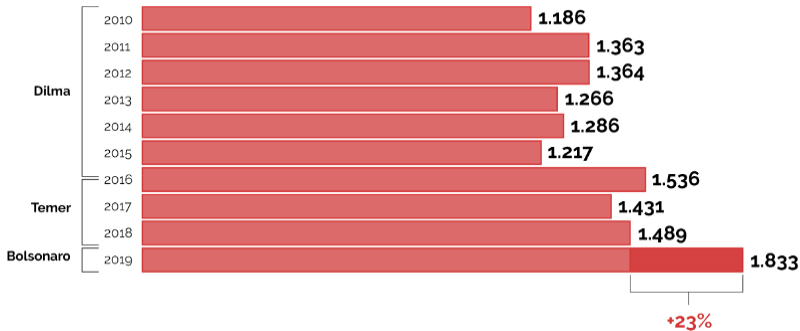
반면 보우소나루 집권 1년이었던 2019년에는 공권력의 누락으로 인해 발생한 폭력이 총 267건이었다. 원주민 선교위원회(Conselho Indigenista Missionário, CIMI)가 원주민 특별 보건청(Secretaria Especial de Saúde Indígena, Sesai)에서 얻는 자료에 따르면, 전체 사망자가 133명이었는데, 그중 에 아마조나스(Amazonas) 주 59명, 마투 그로수 두 술 주 34명으로 나타났다. 유아사망자(0-5세)도 2018년 591명에서 2019년에는 825명으로 증가했는데, 각각 아마조나스 주 248명, 호라이마 주 133명과 마투 그르수 주 100명인 것으로 나타났다. 원주민들에 대한 지원 부족도 많은 사례가 있는 것으로 나타났는데, 일반적인 지원 부족 65건, 원주민 학교 지원 66건, 보건 분야 지원 85건, 술과 마약 근절 20건, 보건 지원 부족으로 사망한 경우도 31건으로 나타났다(Conselho Indigenista Missionário 2020, 7).

현 정부에서는 원주민 토지를 지정하지 않는 공권력의 횡포가 광범위하게 확산되었을 뿐만 아니라 다른 필수 요소들을 지원하지 않는 무능한 공권력을 보여주고 있다. 이에 따라 희생자 숫자는 계속 증가하고 있다. 심지어 공권력이 농촌 지역에서 대농장주, 노동자와 원주민 간의 분쟁에도 개입하여 조작하는 경우가 발생하고 있어 단순한 정책적 방임을 넘어 방조하고 조장하는 단계로 발전하고 있어 원주민 공동체가 큰 위협에 노출되고 있다.

원주민 토지에 대한 폭력

전국에서 원주민 토지와 관련된 분쟁이 끊이지 않는다. 목사 토지 위원회(Comissão Pastoral da Terra, CPT)가 발표한 자료에 따르면 지난 10년간 그림 2와 같이 지우마 호세피와 떼메르 정권에서도 분쟁은 있었지만. 보우소

나루 대통령 집권 1년에 23%가 증가한 것으로 나타났다. 2019년에 발생한 농촌 분쟁 중에 토지 분쟁이 1,833건, 노동자 분쟁 90건, 물 분쟁도 489건이나 있었다. 분쟁 지역으로는 법적 아마존 지역이 많은 부분을 차지하고 있다.



자료: Fonseca & Domenici(2020)

그림 2. 농촌 분쟁 발생 추이

그리고 원주민 토지 분쟁이 전체의 34.4%를 차지했는데, 분쟁에 휩싸인 전체 114,742 가족 중에 원주민 가족이 49,750 가족이었다. 원주민 전체 인구가 896,900명인 것을 고려하면 지나치게 많은 원주민들이 토지 분쟁에 휘말리고 있다.¹⁸

원주민 토지 분쟁 횟수는 244건이고 그중에 19.5%가 폭력으로 이어졌다. 전체의 30.7%인 320가족이 추방되었고, 9%인 930명은 퇴거되었으며, 67%인 26,621회 이상 권리를 침해당했다. 개인적인 폭력에도 많이 노출되었는데, 전체 살인 중 9명(28%)이 살해당했고, 살인 미수 9회(30%), 살인 위협 39명(19.4%), 습격 11번, 상해 10명, 협박 16회로 나타났다(Comissão Pastoral da Terra 2020, 104). 이러한 조사는 농촌 분쟁이라는 좀 더 포괄적인 수준에서 확인된 원주민 폭력이다.

원주민 선교위원회가 발표한 “2019년 브라질 원주민에 대한 폭력 보고서 (Violência Contra os Povos Indígenas no Brasil Relatório Dados De 2019)”는 자산에 대한 폭력, 개인에 대한 폭력, 공권력 부재로 인한 폭력, 미접촉 자유

18 2019년 브라질의 농촌 지역 분쟁(토지, 물, 노동, 개인에 대한 폭력)에 대한 구체적인 사례와 분석내용들은 Comissão Pastoral da Terra(2020)를 참조.

원주민에 대한 폭력으로 구분하여 구체적인 사례들을 보고했다. 조사대상 기간 침입, 방화와 농장 확장으로 원주민 토지 수탈이 더욱 심해졌을 뿐만 아니라 전국적으로 빠르게 확대되었다. 침입자들은 산림을 벌목하고, 목재를 판매하고, 숲에 불을 지르고, 목초지를 조성하고, 그 지역에 울타리를 치고, 열대 우림을 깨끗이 제거한 곳에 가축을 키우고, 최종적으로는 대두나 옥수수를 재배한다. 결국 기업농이 성장하면 원주민들과의 마찰은 증가한다는 것을 보여준다. 구체적으로 살펴보면 토지 분쟁은 2018년에 11건에서 2019년 35건으로, 살해 위협은 8건에서 33건으로, 위협은 14건에서 34건으로, 고의적인 상해도 5건에서 13건으로, 지원 부족에 의한 사망도 11건에서 31건으로 증가했다. 이와 같이 2019년 한 해 동안 원주민들에 대한 전체적인 폭력이 증가한 것을 알 수 있다. 원주민 토지와 관련된 폭력은 2019년에 총 1,120건이 발생했는데, 토지 지정 지연과 누락이 63%인 829건, 원주민 토지 분쟁 35건, 다양한 자산에 대한 침해, 천연자원의 불법적인 개발과 점유지 침입이 256건을 차지했다. 원주민 토지 지정 신청이 1,298건인데 그 중에 829건이 연방재산청의 원주민 토지 등록이나 지정 절차를 마무리할 국가가 지정을 지연하거나 누락시키고 있다. 또한 829건 중 64%에 해당하는 536건에 대해 국가가 어떤 조치도 취하지 않고 있다. 다양한 자산에 대한 침해, 천연자원의 불법적인 개발과 점유지 침입이 256건이었는데, 이 내용을 다시 세분하면 표 3과 같이 544건으로 구분된다. 256건 중에는 환경 파괴가 77건과 재산 피해도 30건이 포함되어 있다.¹⁹

표 3. 원주민 토지 분쟁 원인과 발생 건수

발생 원인	발생 건수
침입	208건
벌목 및 열대우림의 불법적 개발	89건
광산 개발 및 이동성 채광	39건
농목축 대농장(가축, 대두와 옥수수)	37건
화재	31건
어류 남획	31건

19 원주민에 대한 폭력(개인, 공권력) 뿐만 아니라 지역별 원주민 토지에 대한 폭력의 구체적인 사례들은 (Conselho Indigenista Missionário, 2020), 참조.

발생 원인	발생 건수
불법 농장 및 방화	30건
수렵 남획	25건
인프라 건설(도로, 철도, 전기에너지)	25건
자원 불법 개발(모래, 대리석, 점판암, 야자 새싹)	14건
농약으로 인한 식량자원과 수질오염	7건
관광 산업	5건
마약 밀매 루트	3건
전체	544건

자료: Conselho Indigenista Missionário(2020, 7)

2019년에는 지난 11년간 가장 많은 7명의 원주민 지도자들이 살해당했다. 사례별 사망 지도자들은 2019년 2월 27일에 우루까이아(Urucaí) 공동체 분쟁의 까시키 프란시스꾸 지 소우자(Cacique Francisco de Souza Pereira), 2019년 6월 13일에 세미페리우 두스 인지우스(Cemitério dos Índios) 공동체 분쟁의 까시키 윌리암스 마차두 알렌가르(Cacique Willames Machado Alencar), 2019년 7월 22일에 와이아빠/아우테이아 마리리(Waiãpi/Aldeia Mariry) 원주민 토지 분쟁의 엠이라 와이아빠(Emyra Waiãpi), 2019년 8월 6일에 세미페리우 두스 인지우스(Cemitério dos Índios) 공동체 분쟁의 까를루스 아우베르투 올리베이라 지 소우자(Carlos Alberto Oliveira de Souza), 2019년 11월 1일에 아라리보이아/92/아우테이아/에프니아 과자자라, 가비앙과 과자(Arariboia/92 Aldeias/Etnias Guajajara, Gavião e Guajá) 원주민 토지 분쟁의 빠울루 빠울리누 과자자라(Paulo Paulino Guajajara), 2019년 12월 7일에 까나 브라바/아우테이아 꼬깅뉴/꼬깅뉴 II/일라 지 상빠드루/시우비누/무쑥/노바 비포리아누(Cana Brava/Aldeias Coquinho/Coquinho II/Ilha de São Pedro/Silvino/Mussun/NovaVitoriano) 원주민 토지 분쟁의 까시키 피르미누 뽀레세지 과자자라(Cacique Firmino Prexede Guajajara), 그리고 2019년 12월 7일에 라고아 콤쁘리다/아우테이아 레이찌/데센찌(Lagoa Comprida/Aldeias Leite/Decente) 원주민 토지 분쟁의 라이문두 베니시우 과자자라(Raimundo Benício Guajajara) 등이다(Figueiredo 2019). 원주민 지도자가 살해당하면 소속 원주민 공동체의 저항력이 현격히 약해져 다른 곳으로 쫓겨나던지, 아니면 열악한 환경을 숙명적으로 수용하는 경우가 많아서 해당 공동체가 더 많은 피해를 입게된다.

이런 폭력적인 상황에 대한 목사 토지 위원회의 국내 조정관인 파울루 세자르 모레이라(Paulo César Moreira)는 농촌 지역에 ‘제도화된 폭력(violência institucionalizada)’ 때문이라고 분석한다. 국가가 원주민 습격을 조장하는 촉진자 역할을 하고 있고, 폭력 주동자들은 원주민들은 권리가 없기 때문에 제거되어야 한다고 생각한다(Figueiredo 2019). 원주민 선교위원회도 원주민 토지에 대한 개발과 폭력은 정부에 의해 이루어지고 있다고 비판한다(Conselho Indigenista Missionário, 2020, 6). 원주민 토지에 대한 분쟁이 발생하는 근본적인 원인은 정부의 관리 소홀이고, 대자본가들이 경제적 이익을 추구하기 위해 원주민 토지 구역으로 무단으로 진출하고 있기 때문이다. 원주민 토지에 대한 관리 감독을 해야 하는 기관들이 자신들의 업무를 다하지 않기 때문에 생기는 일이기도 하다.

‘전통 인구’의 토지 권리

브라질에서 ‘전통 인구’는 원주민과 비원주민으로 구분된다. 연방법에는 전통 사회 특징을 ㉠ 비원주민 전통 집단에 속한다는 자기 인식, ㉡ 주변 사회로부터 별개 집단으로 구분, ㉢ 영향이 적고 생물다양성 보전에 기여하는 천연자원의 지속 가능한 채취, ㉣ 문화적·물리적 생존을 위해 자연, 그 주기와 요소에 의존, ㉤ 생계활동의 중요성과 자본축적 감소, ㉥ 믿음, 신화와 관습으로 정해지는 집단적인 기억 속에 살아있는 어떤 특정한 영토에 속하는 영토성, ㉦ 토지와 자원에 대한 공동관리, ㉧ 세대별 지식의 구두 전달 방식을 가지고 있는 경우라고 언급하고 있다(Leuzinger & Lyngard 2016, 424). 전통 인구는 2007년 2월 7일 대통령령 제6,040호를 통해 공식적으로 인정되었다. 이들은 자신들만의 독특한 공통적인 특성을 지니고 있다. 전통 비원주민 인구에는 까보플루(Caboclos), 까이사라(Caiçaras) 엑스트라비스마(Extrativistas), 장가 데이루(Jangadeiros), 뽀스까도르(Pescadores), 히베이린뉴(Ribeirinhos), 세링 게이루(Seringueiros), 킬롱볼라(Quilombola) 등이 있다. 이들은 대부분 자신들의 공동체와 문화를 이룬 아프리카 노예들의 후손들이다. 2003년에 공포된 대통령령 제4,887호 2조는 킬롱볼라를 “자신들의 기준에 따라, 토지에 대해 특수 관계이고 역사적인 억압의 저항과 관련된 흑인을 조상으로 간주하는 역사적 궤적을 가진 민족적·인종적 집단”이라고 규정하고 있다. 이러한 정의는 킬롱볼라를 도망 노예 공동체라는 이전의 대통령령보다는 좀 더 포괄적인

개념으로 확대한 것이다. 대통령령은 킬롱볼라 공동체는 토지 기부, 상속과 구매 혹은 토지 소유자가 그 집단을 인정하면 형성될 수 있다고 정하고 있다. 브라질 헌법 경과 조치 68조는 1988년 헌법 공포 당시 점령하고 있던 토지에 대해 킬롱볼라의 재산권을 인정한다. 연방, 주와 지방 정부는 특정한 조건이 충족되면 킬롱볼라의 재산 소유권을 부여해야 한다. 대통령령 제4,887호 17조는 연방, 주와 지방정부가 공동체의 재산권을 인정해야 한다는 것을 규정하고 있다. 공동재산은 나눌 수 없으며 부동산 등기소에 이를 양도(판매, 기부, 교환 등)할 수 없다는 조항을 포함시켜야 한다. 또한 17조는 공동체가 자신들의 이익을 대변할 협회를 구성할 것을 요구한다(Leuzinger & Lyngard 2016, 423). 원주민 토지 지정과 마찬가지로 킬롱볼라 공동체 소유권 지정도 대통령령 제4,887호에 식별, 인정, 제한과 지정, 재산권 등록을 정하고 있다.

표 4. 전통 인구의 토지 권리

구분	법령	토지권리
원주민	•1988년 헌법 20조 XI항과 231조(7) •1973년 원주민법(Indigenous Act 1973, Lei n° 6001/73)	•원주민 토지 연방 소유 •원주민 공동체는 자신들의 땅을 영구 점유할 수 있음 •지표면 자원의 독점적 사용 권리
킬롱볼라 (Quilombolas, 도망노예 정착촌)	•1988 헌법(Transitory Dispositions, article 68)	•연방정부, 주정부와 시정부가 공동 재산권을 부여 •토지는 나눌 수 없음 •재산 등록은 양도할 수 없다는 규정을 포함해야 함
비원주민 전통 인구	•대서양 산림법(Atlantic Forest Act (Law n° 11.428/06); Conservation Units Act (Law n° 9985/00)	•승인 없이 장작이나 건축 목재 채취 권리 •다른 곳으로 이동할 때까지 보호구역에 머물 권리

자료: Leuzinger and Lyngard(2016, 426)

표 4의 전통 인구의 토지 권리 현황을 살펴보면 원주민들은 자신들의 토지에 대한 어떠한 소유권이 인정되지 않고 해당 지역에 대한 점유권만 인정받는다. 반면 킬롱볼라들은 공동체의 재산으로 인정되는 소유권을 지닌다는 것에서 차이가 있다. 비원주민 전통 인구의 경우에는 점령한 지역에 대해 토지와 관련된 소유권을 인정받는 것이 아니라 생계유지에 필요한 자원 이용만을 허가받고 있다. 전통 인구들이 각각의 문화 전통에 따라 생활하고 있기

때문에 수용하는 수준은 다를 수 있다. 그럼에도 불구하고, 기본권에 해당하는 재산권을 인정받지 못하는 것은 브라질의 지배 엘리트들이 여전히 폐쇄적인 정책을 선택하고 있기 때문이다.

비원주민 전통 사회 중에 경제 활동을 중심으로 구분하면 브라질너트 채취인 가스파네이루(Castanheiros), 라텍스 채취 활동에 종사하는 세링게이루(Seringueiros)와 바바수(Babaçu) 너트 껍질을 채취하는 께브라데이라 지 꼬꾸 바바수(Quebradeiras de Coco Babaçu) 등이 있다. 이러한 비원주민 전통 집단들은 전통적으로 자신들이 거주하던 토지에 대한 법적 권리가 없다. 2000년 연방법 제9,985호 42조에 정부가 그 지역의 완전한 보존 단위로 지정할 때는 그 사람들을 이동시킬 것을 요구하고 있다. 예를 들어 대서양 산림의 경우, 이 지역에 거주하고 있는 사람들은 사전 허가 없이 건설 목재나 장작을 채취할 수 있는 법적 권리를 지니고 있다. 완전 보호 보존 지역으로 선정되면 전통 사회를 다른 곳으로 이동시켜야 하는데, 이것은 헌법 제215조와 제216조에서 국가의 문명 발전에 참여한 모든 국민들은 문화권(Direitos Culturais)을 보장받는다라는 규정에 위배된다. 이 규정은 브라질의 문화유산, 물질적·비물질적 특성의 자산, 창작, 제작 및 생활의 전통 방식을 포함한다. 또한 헌법 제225조에서도 정부는 현재와 미래 세대를 위해 환경을 보호해야 한다는 의무가 있다고 정하고 있다.

전통 인구들은 자연환경의 보존과 개발이라는 개념적인 경계에 있다. 경제 개발주의자들은 전통 인구와 환경은 경제 발전을 위해 활용되어야 한다는 입장인데, 전통 인구들이 거주하는 지역들은 다량의 천연자원을 포함하고 있는 경우가 많아 마찰을 빚는다. 또한 환경 보존이라는 측면에서도 입장 차이에 따라 분쟁이 발생한다. 자연환경 보호를 위한 전략에 따라 보존주의자(preservacionista)와 환경보호주의자(conservacionistas)로 구분되는데, 1970-1980년에 브라질 공공정책에 많은 영향을 미친 보존주의자들은 특정한 지역에 인간 집단을 배제하고 ‘원래의 상태(estado original)’의 자연 그대로를 보존할 것을 주장하고, 민주화 이후 국제사회와 시민단체와의 논의를 확대하면서 영향력을 확대한 환경 보호주의자들은 자연과 사회를 의도적으로 분리하지 않고 천연자원의 피해 없이 활용하는 전략으로 자원의 지속 가능한 사용을 강조한다.

이러한 주장은 사회환경주의자로 발전했다. 사회환경주의자들은 전통적으

로나 역사적으로 천연자원을 지속 가능한 방법으로 활용해오던 지방 인구들이 보존주의자 관점의 환경정책과 개발주의적 대기업들로 인해 생활 방식을 침해하고 있다고 비판한다(Tebet 2020, 1). 국가 보존지역 계획(Plano Nacional de Áreas Protegidas), 전통 공동체 및 국민 정책(Política Nacional de Povos e Comunidades Tradicionais)에서도 언급하고 있는데 천연자원에 의존하고 있는 전통 인구는 환경 보호주의자에 가깝고 지속가능한 개발 가능성이 있다. 이들은 전국에 분포하고 있고 생물다양성 보존을 위한 기본적인 지식을 발전시켰다는 긍정적인 평가를 받고 있지만, 정부의 정책에 따라 전통 인구들은 원주민이던 비원주민들이던 자신들이 오랫동안 거주했던 생활 터전을 떠나야 하는 상황이 빈번하게 발생하고 있다.

나가기

브라질의 원주민들은 토지에 대한 소유권을 인정받지 못하고 있다. 대신에 연방 정부가 소유하고, 원주민 토지 지정을 통해 영구적인 점유권리만을 가질 수 있다. 이러한 과정들을 살펴보면 원주민들은 충분히 자신들의 권리를 보장받고 있는 것 같지만, 현실은 전혀 그렇지 않다. 매년 많은 원주민들이 토지와 관련된 폭력, 개인에 대한 폭력과 공권력의 폭력에 노출되어 있다. 원주민들에게 토지는 자신들의 삶을 영유하는 지리적 공간이며, 부족 문화를 보존하는 문화 공간, 가치관과 세계관을 기반으로 정체성을 확보하는 인식의 공간이다. 따라서 원주민들이 자신들이 전통적으로 점령하고 거주하던 곳을 떠난다는 것은 특정한 원주민 부족의 정체성이 사라지는 것이며, 역사성과 문화성이 소멸되는 것을 의미한다. 이런 의미에서 브라질 헌법이 보장하는 다민족·다문화 사회를 완성하기 위해 보호받아야 한다.

본문에서 살펴본 바와 같이 원주민 토지 권리와 관련된 문제들을 정리해 보면 다음과 같다. 첫째, 원주민의 고유권을 인정하지 않는 토지 소유법은 원주민들의 과거의 삶이나 희생을 고려하지 않은 것이라는 측면에서 내재적 식민주의적이라 할 수 있다. 원주민 토지 권리에 대한 이론적 근거에서 논의한 바와 같이 토지권은 원주민 고유론과 실제론이 존재하고 있고, 2009년에 연방대법원이 인용한 실제론 이전에는 고유권이 인정되었다는 측면에서 자연

법에 기초하여 고유권을 인정하는 것이 필요하다. 헌법 공포일을 시간 기준으로 설정하는 것은 원주민들이 지니고 있는 문화권을 심각하게 침해하는 것이다. 둘째, 원주민들은 원주민 토지에 거주할 수 있지만 소유할 수는 없다. 원주민 토지의 소유주는 연방이기 때문이다. 즉, 개인의 기본적인 권리인 재산권을 인정하지 않는다. 때문에 브라질은 국제협약에 서명한 내용들을 위반하고 있다. 셋째, 원주민 보호 구역을 설정하는 행정적 절차가 헌법에 명시된 5년 이내에 이루어지지 않았기 때문에 구속력이 없을 뿐만 아니라 절차 자체가 매우 관료적으로 진행되어 있어 원주민들이 권리를 보호받는데 어려움이 있다. 그리고 점유지가 연방 소유이고, 지표면에 대한 사용권만 인정되고 있어 지하자원이나 수자원과 같은 자원개발에 대한 선택권이 원주민들에게 온전히 주어지지 않았다. 이 또한 기업농이나 광산 개발업자 뿐만 아니라 연방정부의 경제개발을 위해 침해될 수 있는 소지가 있고, 실제 발생하고 있는 분쟁의 가장 큰 발단이 되고 있다. 넷째, 다른 소수집단과의 형평성에 문제가 있다. 도망 노예 공동체인 킬롱볼라의 경우에는 공동 재산권이 인정되고 있다. 킬롱볼라가 토지 소유권을 가질 수 있는 것이 과거의 희생에 대한 보상의 의미가 있다면 원주민들도 과거의 희생, 자신들의 민족적·문화적 정체성 유지를 위해 당연히 토지 소유권이 인정되어야 한다. 그리고 원주민과 비원주민 전통 인구들의 토지들이 대부분 개발이나 환경 보호의 대상이 되고 있는데, 개발이던 환경 보호이던 전통 인구들의 이주를 전제로 하고 있는 것은 그들의 생존권을 위협하는 것이다.

마지막으로 본 논문에서도 브라질의 많은 선주민(nativos) 민족들을 하나의 민족인 것처럼 원주민(Índios)으로 통칭해서 표현하고 있는데, 이런 용어 사용은 재고되어야 한다. 원주민으로 통칭해서 표현함으로써 274개 언어를 사용하는 다양한 소집단의 304개 민족들의 민족적·문화적 정체성을 인정하지 않을 뿐만 아니라 개개인이 지니고 있는 인권을 근본적으로 침해하는 것이다. 개개 선주민 민족이 지니고 있는 권리를 존중하기 위해서는 각 민족이 지닌 특성을 평등주의적인 관점과 다문화주의적인 관점에서 접근하고 이해할 필요가 있다.

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Causing Troubles Elsewhere: The Shining Path and Its International Networks, 1980-1993*

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ABSTRACT

Causing Troubles Elsewhere: The Shining Path and Its International Networks, 1980-1993: As a Maoist organization, the Shining Path inflicted terror and violence in Peru throughout the 1980s and early 1990s. Facing strong domestic resistance and vehement international condemnation, this militant group was never able to establish a communist regime in Peru as its leader Abimael Guzmán had envisioned. With little domestic support and amid frequent international denunciations, the Shining Path looked beyond the Peruvian borders for trouble and capitalized on its transnational connections to enhance its survival. Its global networks spanned the Americas, Europe, and even reached to North African countries like Libya, which lacked connections to Peru or communist countries. While the Shining Path was unable to create a massive communist regime as it wished, it did, however, generate fear and violence within Peru and beyond. From this perspective, the organization altered its strategic political goal to the process goal of effecting chaos and fear among the global communities. Ironically, the supposed allies of Shining Path, according to the Maoist ideology, actually turned against the communist organization—peasants from rural Peru resented the disruption of their lives caused by Shining Path, while China, the cradle of Maoism, along with the Soviet Union and Cuba, condemned the guerrillas as terrorists. By examining the expansive transnational sources generated by the Foreign Broadcast Information Service of the Central Intelligence Agency (CIA) and the official newspaper of the Chinese government,

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Renmin Ribao, this paper contributes to the recent and growing historiography that has analyzed diverse political movements in Latin America beyond their immediate geographical origins.

Keywords: Shining Path, Radical Maoism, Sino-Latin American relationship, Transnational political movements, International terrorism

INTRODUCTION

Since its founding, the Shining Path (Sendero Luminoso) of Peru pledged its allegiance to the radical Maoist communist ideologies. Its founder, Abimael Guzmán, ambitiously envisioned a new communist Peru created by large-scale rural rebellions and guerrilla warfare. Since 1980, Shining Path initiated myriad insurgent activities throughout the countryside and at times in major cities, engendering profound political chaos, violence, and economic disruptions (e.g., Hazleton and Sandra Woy-Hazleton 1992; Reategui 2012; Acuña Villavicencio 2018). Ultimately, Shining Path failed to establish a strong domestic movement, and its influence has largely ceased to exist since 1993. The irony here is that the supposed allies of Shining Path, according to the Maoist ideology, actually turned against the communist organization—peasants from rural Peru resented the disruption of their lives caused by Shining Path, while China, the cradle of Maoism, along with Communist Soviet Union and Cuba condemned the guerrillas as terrorists.

With little domestic support and encountering frequent international denouncements, how did Shining Path survive for more than one decade? This paper argues that Shining Path looked beyond the Peruvian borders for troubles and capitalized on its transnational connections to prolong its existence and expand its influence. Its global networks spanned across the Americas, Europe, and even to Middle Eastern countries like Libya, which none originated in Peru or in communist countries. While Shining Path was unable to create a massive communist regime as it wished, it did, however, generate fear and violence within Peru and beyond. From this perspective, the organization transformed its strategic political goal of establishing a revolutionary government to the process goal of effecting chaos and fear within the global community.¹ Such transformation of

1 I would like to thank Jon Buchleiter for pointing this out.

objectives enabled the members to cope with their sense of loss after failing to confront the more powerful Peruvian government directly (Hamden 2018; Silk 2003). By altering its outlook from domestic to international and shifting its strategies from confronting to harassing the Peruvian government, Shining Path shows how organizational malleability may facilitate and continue to fulfill, albeit partially, the original missions of political groups. It also demonstrates how people and institutions may transgress the national borders to evade control and restrictions from the state and in turn broaden the resources available to them.

Organized chronologically, this essay is divided into three sections with each exploring the intentions and activities of Shining Path at different stages of its development. Altogether, it shows how Shining Path gradually shifted its focus and actions from within Peru first to its neighboring countries in South America and then to the broader international community. During this process, Shining Path morphed from a domestic guerrilla group to a transnational terrorist organization. The first section explores the origin of Shining Path. It shows that Abimael Guzmán derived his inspiration to establish the militant group from the Cultural Revolution in China. However, while Guzmán tried to create a communist stronghold in Peru, he ultimately failed to achieve his goals. Meanwhile, China, the Soviet Union, and Cuba vehemently condemned the organization to protect their trade and economic interests in South America. The second section explores how with little room to maneuver domestically, Shining Path established intra-America networks to survive. By participating in intra-America drug trade, the organization gained crucial funding for its activities. These include purchasing weapons from and forming alliances with other insurgent groups in South America. The last part examines the broader international connections of Shining Path outside of the Americas. During the first years of the 1980s, some Shining Path leaders began to establish a foothold in Europe. A few even led members to train in Libya. Towards the late 1980s and early 1990s, as Shining Path began to seriously decline in the Americas, many members flocked to Europe. There, these Maoists caused episodes of social disruptions such as threatening the Peruvian embassies abroad. They also recruited immigrants from other countries and appealed to many college students who staged protests to voice their support for Shining Path.

The major source for this paper draws from the Foreign Broadcast Information Service (FBIS). Founded in 1941, FBIS was a part of the Central Intelligence Agency (CIA). Stationed at twenty locations worldwide, the service department collected and translated newspaper articles from

abroad to keep the United States government informed of important world events. With their vast geographical span, source materials from FBIS can perspicuously illuminate international dynamics and movements that more localized archival documents cannot provide. More importantly, they are also less susceptible to the whims and biases of the CIA agents who tended to exaggerate or even fabricate facts to denigrate leftist organizations during the twentieth century. Unlike many other sources produced by the CIA and the U.S. government, those from FBIS were originally written by local journalists and therefore had less input from the agents themselves (besides the process of collection). Of course, like any historical materials, the news reports gathered by the CIA can be questionable at times. Wherever possible, this paper corroborates the facts claimed in FBIS with other sources, chiefly the *Truth and Reconciliation Commission of Peru* (*Comisión de la Verdad y Reconciliación del Perú*). Secondly, this paper incorporates sources from the official newspaper of the Chinese Communist Party, *Renmin Ribao*, to discern the attitude and stance of the Chinese government on Shining Path. Employing these transnational records, this paper contributes to the current historiography by shedding light onto the little-known activities of Shining Path outside of Peru.²

This paper thus builds on and contributes to the recent historiography on the Peruvian Maoist organization, which has extended the analytical temporal framework by examining the antecedents and the aftermath of the activities of Shining Path but has largely overlooked the broader geographical impact of the organization beyond Peru or South America (La Serna 2012; Heilman 2010a; Soifer and Vergara 2019). More broadly, this essay joins the recent scholarship on the international dimensions of various political movements in Latin America (Brown 2017; McPherson 2019; Keller 2015). It demonstrates how purported regional or national activities generated profound impact far beyond their immediate political boundaries.

2 This paper does not incorporate sources from the Peruvian archives for a few reasons. First, given the transnational focus of the paper's argument, archival materials from Peru may not illuminate the international connections of the organization as vividly as those from outside the country. Second, the *Truth and Reconciliation Commission of Peru* with its ten volumes already contains ample credible information on the domestic activities of Shining Path. Third, the recent travel restrictions due to the global pandemic has made traveling to Peruvian archives challenging. Lastly, the word and length limits have made incorporating other materials impossible.

EARLY RELATIONS ABROAD

As a Maoist organization, Shining Path had a strong connection with Communist China since its founding. Inspired by Mao Zedong's passionate devotion to the communist revolution and his staunch anti-western stance, Abimael Guzmán adopted his hero's vision for the global proletariat world and envisioned Shining Path as the true communist party of Peru. In 1965, Guzmán visited China for the first time as the Chinese Communist Party began to project its influence abroad. Split from the "revisionist path" of the Soviet Union, the Chinese Communist Party invited fledgling communist leaders in many Third World countries to carry out Mao's global revolutionary vision during the 1960s. As one of the invitees, Guzmán admired the revolutionary accomplishments presented by the Chinese officials, which further confirmed his resolve to create a communist regime in Peru.³ Two lessons in China left a significant impact that guided Guzmán's later philosophy for realizing his political dreams. The first was the belief that only the radical Maoist version of communism could fundamentally alter the social, economic, and political structures of Peru. Strictly adhering to Mao's philosophy was therefore paramount for effecting real change. The second was the importance of armed conflicts in delivering these changes. Receiving training on making explosives and weapons, Guzmán developed and crystallized his idea that violence was the best way to create a communist regime in Peru. He especially learned that even with scarce military resources, he could improvise and create his own weaponry and thereby bolstering his chance for success (La Serna and Starn 2019, 41-43; Lovell 2019, 367-372; Rothwell 2020).

Guzmán's wife Augusta de la Torre was likewise enamored with the communist revolution in China. Also a fervent Marxist-Leninist, de la Torre visited China and received revolutionary training in 1967 when Mao Zedong had just initiated the Cultural Revolution. There, she admired the communist progress of eradicating the remnants of capitalism in the country. After returning home, de la Torre became the *de facto* second-in-command of Shining Path. The Cultural Revolution in China further reinforced the couple's desire to create a comparable communist movement in Peru. Both believed that rural Peru such as the village of Ayacucho had the potential of becoming the beacon of a true Maoist

³ These alleged successes, however, was deceptive as the Chinese Communist Party deliberately hid the disastrous effects of the erroneous policies of the party.

communist paradise in Latin America. To bolster their purity and fundamentalist belief in true communism, the comrades often read newspapers and watched propaganda movies from China (La Serna and Starn 2019, 53-56; Degregori and Stern 2012, 106; Degregori 1996; Chiaramonti 2018; Taylor 2006).

Absorbing and applying the lessons that they learned from Mao, Guzmán and his wife directed Shining Path to train Peruvians for guerrilla combats.⁴ Throughout the early 1980s, Shining Path constantly inflicted gory incidents on Peru, which deeply hurt the country's economy. (Arena and Arrigo 2020; Soto, Sánchez, and Ríos 2019; Degregori and Stern 2012). These attacks obstructed the Peruvian economic growth as tourism shrank by around eighty percent, with traditional tourist cities such as Cuzco suffering the most financial losses.⁵ Later, with the increasing challenges to confront the Peruvian government directly, Shining Path resorted to more covert activities to subvert the Peruvian society.⁶ For instance, the organization often recruited children to take advantage of the fact that police usually did not suspect minors as criminals. These children often approached the unsuspecting law enforcement officers and then killed them with firearms (Asencios Lindo 2016; Kirk 1993).⁷

Despite Shining Path's keen effort to inflict terror on the Peruvian society, it largely failed to do so. Because terrorism caused by the Maoist militants constantly disrupted their lives, most Peruvians, including the leftists and peasants, began to harbor resentment against the organization. In 1983, labor Minister Joaquín Leguía observed that the Peruvian working class and even communist-leaning leftist labor unions did not support Shining Path as they apparently detested Shining Path's violent acts.⁸ Even peasants, whom Shining Path supposed to recruit and benefit according to the Maoist ideology, rose against the organization (Koc-Menard 2007). In Ayacucho, Shining Path's terror to locals was so immense that reports of peasants killing members of the guerrilla group emerged. What further enervated Guzmán's political vision was that the Peruvian government

4 "Police Discover Guerrilla Training Camps," June 14, 1981, Foreign Broadcast Information Service (hereafter FBIS).

5 "Percovich, Leguía Comment on Shining Path," September 10, 1984, FBIS.

6 "Using Peddlers, Beggars as Spies," January 3, 1983, FBIS. "Police Discover Guerrilla Training Camps," June 14, 1981, FBIS. President Belaúnde was same president who endured the Cuban supported insurrection of 1965. He came back to power in the 1980s once the military government crumpled.

7 "Shining Path Recruiting, Training Children," January 2, 1983, FBIS.

8 Ibid.

enhanced its military presence throughout the country, leaving very little room for the guerrillas to operate.⁹ As scholars have shown, Shining Path remained a relatively small militant organization with members between five to eight thousand at its zenith (e.g., Dreyfus 1999, 379).

Not only did Shining Path lose much of its domestic support, but the international community, including even Cuba and Soviet Union, also overwhelmingly condemned the group as terroristic. As early as 1982, barely two years after the founding of Shining Path, Castro denied any connection with the guerrilla group. Deeming the organization as terroristic, Castro condemned the senseless atrocities and violence carried out by Shining Path. The Soviet Union also feared that the presence of a strong Maoist-Marxist group in Peru might jeopardize its prospective connections with South America. "The Soviet Union has a lot to win from a good relationship with us and a lot to lose if it is stained by the suspicion that Cuba supports Shining path," a columnist of a Peruvian newspaper *Expreso* explained, "The sale of arms and trade exchange, fishing within our 200 mile territorial sea and Aeroflot's flights to Peru could all go down the drain if a hint of connection between Shining Path and Havana, which in the end would imply an indirect connection with Moscow, is found." The columnist further asserted that Shining Path received no foreign support, "Everything indicates that Shining Path is essentially home grown with few or no connections abroad."¹⁰

Even China, the birthplace of Maoist ideology to which Shining Path vowed to follow, condemned the group. The Chinese government's response to the organization was partly due to Shining Path's hostile stance against its new generation of leadership. After Mao died, The Chinese Communist Party, under the direction of Deng Xiaoping, resolved to depart from the radical Maoism that killed millions of people and left China economically, socially, and culturally damaged. Instead, it reconciled with its former enemies in the west and adopted capitalism. Seeing that the Chinese government had disavowed Maoism, Guzmán was indignant. He felt that China had betrayed the country's founder and his vision. Fueled by Mao's ideology of perpetual revolution, Guzmán and his comrades revenged. In 1980, Shining Path members hung dead dogs on lamp posts and traffic lights with signs that read "Deng Xiaoping, Son of a Bitch" (Degregori and Stern 2012, 4).

Unsurprisingly, embittered by Shining Path's blatant insolence, the

9 "Peasants Kill Terrorists," January 28, 1983, FBIS.

10 "Columnist Discounts Cuban Ties to Shining Path," December 11, 1982, FBIS.

Chinese government frequently condemned the organization. For instance, on March 3, 1983, Su Huang, the ambassador of People's Republic of China (PRC) to Peru denounced the terrorist attacks carried out by Shining Path. In his formal talk with Valentín Paniagua Corazao, president of the Chamber of Deputies of Peru, Huang stated that "we oppose terrorist acts as well as interventionism."¹¹ Besides retaliating against the impudence from Shining Path, boosting its reputation on the global stage provided another incentive for the Chinese government to censure the Peruvian Maoist militants. Having just opened its economy to the world, the new leadership of the Chinese Communist Party was careful to present China as a responsible modern nation. It knew well that condemning Shining Path would enhance its image and garner more trade opportunities with South America and beyond.

Infuriated by China, Shining Path launched another cycle of vengeance. Months later, on December 26, 1983, a group of five men threw home-made bombs towards the PRC embassy building in Lima. Both ambassador Huang and his wife were inside at the time of the attack. Fortunately for the Huangs, the bomb only landed and exploded in the front garden of the embassy, causing no injuries. Although no organization claimed responsibility, the Peruvian authorities believed that Shining Path was likely the culprit.¹² Throughout the late 1980s and early 1990s, Shining Path orchestrated similar attacks against the Chinese embassy. For instance, on May 31, 1990, Shining Path exploded a car full of explosives in front of the Chinese embassy in Lima. Although no one was injured, the explosion caused severe damages to the embassy building. The car bomb also shattered windows and destroyed facades of nearby resident buildings along with two vehicles. Altogether, the terrorist act cost half a million dollars in damage and destroyed some valuable information that the embassy had collected over several years.¹³

Given the mutual animosity between China and Shining Path, *Renmin Ribao*, the official newspaper of the Chinese Communist Party often harangued the *senderistas*. It labeled the Maoist organization as a "guerrilla group,"¹⁴ a "armed militant group,"¹⁵ a "terrorist group,"¹⁶ and an

11 "PRC Ambassador Denounces Acts of Terrorism," March 3, 1983, FBIS.

12 "PRC Embassy, Restaurant Bombed," December 26, 1983, FBIS. On the same day, eight men disguised as fishermen also carried out a similar attack on a coastal restaurant called La Rosa Náutica. Though the bomb damaged the building, there were no casualties.

13 "Car Bomb Explodes in Front of PRC Embassy," May 31, 1990, FBIS.

14 "Bilu yi yujidui zaici xiji Lima" 秘鲁一游击队再次袭击利马 [A guerilla group in Peru attacks Lima again], *Renmin Ribao* 人民日报, October 19, 1983, 7.

15 "Bilu zhengfu xuanbu zaici yanchang jinji zhuangtai" 秘鲁政府宣布再次延长紧急状态

“anti-government armed group.”¹⁷ To further distance the Chinese Communist Party from the Peruvian guerilla group, none of the news articles by *Renmin Ribao* mentioned about Shining Path’s purported connections to and support for Maoism. Perhaps to inflict moral revenge on the organization, the newspaper reported many gory incidents perpetrated by Shining Path members between 1983 and 1985, especially during 1983. In July 1983, *Renmin Ribao* reported that Shining Path attacked Lima, causing several districts to lose electric power for around twenty minutes. The militants destroyed several high voltage transmission towers and assaulted several police in the district of Chorrillos. The newspaper also recalled a previous attack perpetrated by the guerrillas in the same month. As a result of the assault, the entire city of Lima lost power for one day. Several districts were without power for three or four more days.¹⁸ In August of the same year, *Renmin Ribao* described that more than two hundred Shining Path militants had ambushed at the village of San José De Secce and attacked a small group of patrol officers of the Peruvian marine, resulting in a vehement fight that lasted for two hours. The marines killed forty militants while sustaining three deaths and five injuries.¹⁹

Likely to further position the Chinese government as a responsible and peace-loving institution, *Renmin Ribao* detailed and condemned the ways in which Shining Path damaged the democratic elections of Peru and the tranquil livelihoods of the Peruvian people. For example, in November 1983, the newspaper described that while Peru was suffering from high rates of unemployment and exorbitant inflation, it was also facing increasing violent attacks from Shining Path. Fourteen out of the twenty-four states of Peru were suffering from frequent militant assaults. The guerrillas had also increased its presence in Lima. The explosion detonated by the organization on November 10 was especially gruesome. Mass panic among the residents of Lima ensued. Shining Path also destroyed power facilities in other states including Ayacucho. *Renmin Ribao* lamented

[The Peruvian government declares extension to the state of emergency again], *Renmin Ribao* 人民日报, October 10, 1985, 6.

16 “Bilu kongbu huodong changjue” 秘鲁恐怖活动猖獗 [Terrorism is rampant in Peru], *Renmin Ribao* 人民日报, January 30, 1993, 6.

17 “Bi yipi fanzhengfu wuzhuang fenzi bei zhuahuo” 秘一批反政府武装分子被抓获 [A group of anti-government militants in Peru were captured], *Renmin Ribao* 人民日报, November 3, 1992, 6.

18 “Bilu yi youjidui zaici xiji Lima” 秘鲁一游击队再次袭击利马 [A guerilla group in Peru attacks Lima again], *Renmin Ribao* 人民日报, October 19, 1983, 7.

19 “Bilu zhengfujun tong youjidui jizhan” 秘鲁政府军同游击队激战 [The military of the Peruvian government fought vehemently with the guerilla group], *Renmin Ribao* 人民日报, August 11, 1983, 7.

that after finally having its own elected civil government in 1980, Peru still faced considerable instability, casting doubt on its road to democracy (See also Sanders 1984).²⁰ In 1984, *Renmin Ribao* broadcasted that “the terrorist group Shining Path” had attacked the power supply system in Lima and Huancayo. This was the second time the capital city experienced power outage due to guerrilla violence since December 1983.²¹ In 1985, the newspaper reported that because of the recent guerrilla attacks, the Peruvian government declared state of emergency for sixty days in twenty-five of the 145 counties in Peru, including those in the states of San Martín, Huánuco, Pasco, Ayacucho, Huancavelica, and Apurímac.²²

The Chinese newspaper was silent about Shining Path from 1986 until the early 1990s when the Peruvian government captured Guzmán. Two reasons might explain this silence. First, Shining Path’s domestic influence diminished significantly after the mid-1980s, to which the Chinese media became less attuned. Second, the Chinese government was quite ambivalent about its position towards the organization. Considering that Shining Path brandished the Maoist ideologies on which the Chinese Communist Party was founded, lambasting the organization would indirectly tarnish the party’s own image.

With diminished domestic support and rising international condemnations, Shining Path became increasingly desperate especially after the Peruvian government implemented more draconian measures against the group. “Shining Path will not succeed, because all it can show for itself is some destruction and murders here and there,” Peruvian War Minister General Luis Cisneros confidently claimed. “The extremist group has survived so far because the police did not know how to handle the problem. These depressed areas must be pulled out of their current situation because they are the breeding ground for terrorism.” The Peruvian army further suffocated the organization by increasing its presence throughout the country. “Shining Path will make sure not to provoke a confrontation with the armed forces because it is not suitable for them,” declared General Cisneros.²³ It is clear that by 1984, Shining Path had lost its traction for large-scale domestic terrorist activities and only relied

20 “Bilu you xuanbu liangge diqu chuyu jinji zhuangtai” 秘鲁又宣布两个地区处于紧急状态 [Peru declared state of emergency in two regions again], *Renmin Ribao* 人民日报, December 10, 1983, 7.

21 “Bilu shoudou gongdian xitong zao xiji” 秘鲁首都供电系统遭袭击 [The attack on power supply system in Peru’s capital], *Renmin Ribao* 人民日报, July 22, 1984, 6.

22 “Bilu dui yixie xian shixing jinji zhuangtai” 秘鲁对一些县实行紧急状态 [Peru imposes state of emergency on some counties], *Renmin Ribao* 人民日报, August 11, 1985, 6.

23 “War Minister against Military Fighting Terrorists,” December 23, 1982, FBIS.

upon scattered incidents of violence to carry out its mission. According to Minister of Interior Luís Percovich, Shining Path members seemingly “have lost their direction.”²⁴

INTRA-AMERICA CONNECTIONS

With very little room to survive domestically, the leaders of Shining Path were cognizant that extending the organization’s influence beyond the Peruvian border might enhance its survival. Already in 1983, the Peruvian government detected traces of foreigners in the guerrilla troops of Shining Path. Supported by foreign allies, Shining Path at times paralyzed and blackmailed the city of Ayacucho, prompting President Belaúnde to denounce foreign interventions. Although the president could not pinpoint the specific foreign organizations that aided Shining Path at the time, he condemned these external involvements. “Peru categorically rejects the imposition of any foreign ideas or programs on the country,” declared Belaúnde, “If such an intervention is confirmed, strong action will be taken.” Belaúnde pledged to fortify existing police stations, enhance communication networks, and improve the standard of living for the locals so they would be less enticed to join Shining Path.²⁵

While Shining Path faced significant constraints on its funding as the Peruvian government gradually contained the organization’s influence, the *senderistas* supplemented its dwindling operation revenues from drug trade. As a newcomer to the already established illicit business in South America, Shining Path often collaborated with more experienced drug trafficking groups and personnel from other nations, especially Colombia, in carrying out transactions. In 1984, Peruvian Interior Minister Luís Percovich and Labor Minister Joaquín Leguía stated that they had clear evidence that Shining Path was linked to international drug traffickers. “It is obvious that [Shining Path] is receiving foreign support,” observed Percovich, “because it has been proven that Peruvian bills have been printed in Colombia with paper brought from Germany, which is where the Peruvian state has its legal currency bills printed.”²⁶ Subsequent incidents proved that Percovich’s observation was correct. Throughout the mid and late 1980s, Peruvian police found that Shining Path were often involved in

24 “Percovich, Leguía Comment on Shining Path,” September 10, 1984, FBIS.

25 “President Belaúnde on Fight against Terrorism,” January 9, 1983, FBIS.

26 “Percovich, Leguía Comment on Shining Path,” September 10, 1984, FBIS.

cocaine trafficking in South America (Masterson 2010; Tarazona-Sevillano 1990).²⁷ Because the drug trade was so lucrative, Shining Path at times tried to release captured drug traders by attacking these prisons and unleashing raids in cities where the jails were located.²⁸

Although some scholars might contend that the news articles collected by the CIA perhaps exaggerated the accounts of Shining Path's involvement in transnational drug trade to denigrate the Maoist organization as it did to many leftist groups in Latin America, more credible reports from the *Comisión de Verdad y Reconciliación* suggest that the militants did in fact cooperate with many foreign drug traffickers in northern Peru to fund its activities. Unlike the other guerrilla groups who directly engaged with transnational drug trading, however, Shining Path contributed to such business by acting as a broker between the drug-producing peasants and the narcotraffickers. It also provided security details for drug trading activities and protected the narcotraffickers from the government forces of Peru. Through its symbiotic relationship with other militant groups and extracting dues from the drug-producing peasants and the drug-trading traffickers, Shining Path effectively enriched itself, which significantly improved its ability to fund its anti-establishment activities.

The most prominent drug-producing area that fell under the control of Shining Path was Upper Huallaga Valley (UHV) in the departments of Huánuco, San Martín, and Loreto. Before the *senderistas* came to the valley, narcotraffickers already had dominated the drug trade in the area and were especially active in the districts of Uchiza, Paraíso, and Tocache. Comprised of Peruvians and foreign nationals from countries like Colombia, Mexico, and Bolivia, these narcotraffickers often fought for control over drug production and market in the UHV beginning in the mid-1970s, routinely terrorizing the residents. With little presence of the Peruvian government, the disorders in the UHV left a power vacuum which Shining Path quickly filled after its arrival in the early 1980s. With a considerably stronger force, the Maoists, declaring their alleged purpose of restoring peace and justice in the region, gradually established control over the drug-producing rural and the drug-distributing urban areas in the UHV. It balanced the competing interests between different narco-trading groups and protected the local peasants who cultivated coca leaves from unfair

27 "Military to Strengthen Border Against Traffickers," March 30, 1987, FBIS; "Drug Traffickers Arrest; Cocaine Seized," January 3, 1991, FBIS.

28 "Percovich, Leguía Comment on Shining Path," September 10, 1984, FBIS. See also "2.11. La violencia y el narcotráfico en las provincias de padre abad y coronel portillo," *Comisión de Verdad y Reconciliación* (hereafter *CVR*), 351.

extortions. Most importantly, Shining Path guarded the clandestine airstrips that narcotraffickers used to conduct transnational cocaine trade. It generated handsome revenues by charging thousands of dollars of fees each time the drug traders used the facilities. Reportedly, around 41 narcotrafficking groups across UHV signed contracts with Shining Path for the use of the airstrips. As such, Shining Path became an important, yet indirect, player of the intracontinental drug trade in the Americas by the mid-1980s (Dreyfus 1999, 379-389; Gonzalez 1992, 125-130; Degregori 2012, 151; Masterson 2010, 56).²⁹

Not only did Shining Path profit handsomely from the transnational drug trade, but it also leveraged its dominant position in the UHV and its intracontinental networks to upgrade its arsenal. Prior to developing its connections with the narcotraffickers, Shining Path often obtained weapons by murdering law enforcement officers.³⁰ It is unclear how much longer did Shining Path continue its killing of police officers to gain firearms. But by the mid-1980s, its need for guns and ammunition became increasingly satisfied. Given its crucial role in ensuring the integrity of the airstrips, Shining Path successfully persuaded various drug-trafficking factions to donate advanced weaponry including AKM, FAL, and RPG, mostly from Colombia. It promised that with more powerful firearms, it could better guard the lifeline of these drug traders—a convincing argument that swayed these militant groups who viewed their weapon donations as an investment to their drug-trading business.³¹

When foreign guerrilla groups could not satiate the needs of Shining Path for weapons, the organization purchased firearms from abroad, likely using the dues paid by the drug traffickers. In 1986, the Panamanian authorities detained a Danish ship called *Pia Vesta* which had already unloaded weapons in Peru and was in the process of delivering another batch of weaponry. The ship captain confessed that Shining Path ordered the firearms for its next major guerrilla combat. On board the ship, the Panamanian police found various Soviet weapons, including bazookas, rocket launchers, mortars, AK-47 assault rifles, and thirty vehicles. Some of these shipments were also destined for El Salvador for unknown purposes.

29 “2.11. La violencia y el narcotráfico en las provincias de padre abad y coronel portillo,” *CVR*, 358; “2.23. Narcotráfico, conflicto armado interno y corrupción,” *CVR*, 747-764; “2.9. El PCP-SL durante el auge de la droga en el alto hualaga,” *CVR*, 282-303; “International Narcotics Trade: An Overview of its Dimensions, Production Sources, and Organizations10/3/88 [report],” U.S. National Archives WJC-DPC-120357806. “Sendero Luminoso Vive de la Coca,” *El Tiempo*, February 9, 1993.

30 “Policeman Guarding Bolivian Embassy Killed,” October 16, 1982, FBIS.

31 “2.23. Narcotráfico, conflicto armado interno y corrupción,” *CVR*, 751.

From both the quantity and the quality of these firearms, the Peruvian government believed that Shining Path intended to use these weapons for their “Great Attack.”³² Unsurprisingly, with frequent weapon purchases, the Maoists became a quite formidable force. Starting from 1987, during its military engagements with Shining Path, the Peruvian government forces noticed that the firearms of the militants were becoming increasingly advanced (See also Masterson, 2010: 54).³³

Later investigations suggest that Shining Path and other guerrilla groups in Colombia used Panama as an intermediary hub for weapon trafficking. Hiring local Panamanians and other foreigners in Panama to transport various firearms, these organizations distributed weaponry to their members in South America. According to the Colombian intelligence community, these weapons included rocket launchers, rifles, and infrared sights. It was unclear where these weapons originated. Some speculated that the Nicaraguan “recontras” were the original sellers. However, the Nicaraguan government subsequently dismissed the allegation. Others believed that the Panama Defense Forces of General Manuel Noriega were making secret deals with the anti-establishment organizations.³⁴ Either way, it is apparent that by the mid-1980s, Shining Path was able to utilize its intra-America connections to facilitate its terrorist activities.

Meanwhile, Shining Path also expanded its networks with guerrilla groups in other countries. In 1985, according to an Ecuadorian news agency, high-ranking leaders of various terrorist groups in South America held a meeting in Peru convened by José Tapia Arroyo, a known liaison among South American terrorists. These groups included Shining Path, Alfaro Lives of Ecuador, the M-19 of Colombia, the Liberation Party of Argentina, the Movement of the Revolutionary Left of Chile, and the People’s Committee of Bolivia. The meeting’s alleged agenda was to plan a new round of terrorist attacks in South America, destabilize the region, and achieve “the unity of the people’s movements of the Southern Cone.”³⁵ Meanwhile, Shining Path began to form alliances with groups in Ecuador, Mexico, and the United States. The Peruvian intelligence community was particularly concerned that Mexico was becoming the next popular rendezvous for Shining Path and other South American groups (Rubio

32 “Ship Apparently Unloaded Arms for Guerrillas,” June 21, 1986, FBIS; “Un extraño barco cargado de armas alerta al gobierno peruano,” *El País*, June 21, 1986.

33 “2.23. Narcotráfico, conflicto armado interno y corrupción,” *CVR*, 751.

34 “‘Official Source’ Alleges Weapons Trafficking,” December 23, 1991, FBIS.

35 “South American Terrorists Reportedly meet,” June 13, 1985, FBIS; “Report Links Shining Path [to] International Terrorism,” June 1, 1985, FBIS.

Pardo 2004, 4).³⁶ Although it is likely that Shining Path ultimately failed to develop a strong relationship with other guerrilla groups and could not effect mass violence to destabilize the continent as it hoped, the intracontinental meeting reflects how the Maoists tried to project its influence abroad.

Yet, despite its relative success at forming alliances, attaining funds, and obtaining weapons, Shining Path failed to gain support from rural areas outside of Peru. Just like the Peruvian peasants who resented Shining Path for its violence and terror, rural dwellers elsewhere tried to mitigate the influence of the guerrillas. For example, in 1988, in Orurillo, Camaco Province of the La Paz Department in Bolivia, four Shining Path members entered the Bolivian side of Lake Titicaca, carrying machineguns, walkie-talkies among other military equipment. Unfortunately for these four individuals, local military guards along with peasants quickly detected and detained these troublemakers and turned them over to the Port Acosta Military Garrison of Achacachi. According to the peasants, Shining Path members often came to Bolivian border regions to terrorize the locals. A few weeks prior to the incident, Bolivian peasants spotted Shining Path members in Cantón de San José de Pacolla and Ulla Ulla, Fran Tamayo Province. Given the frequency of Shining Path's intrusion, these peasants petitioned the Bolivian Foreign and Interior Ministries to ask the Peruvian government to strengthen surveillance and increase security measures along the Bolivia-Peru borders.³⁷

INTERNATIONAL RELATIONS

Besides cultivating its networks within the Americas, Shining Path also established transnational networks in other continents. Its "expansion" into Europe first began within the nuclear family of Augustas de la Torre, the wife of Abimael Guzmán. During the early 1980s, multiple members of the de la Torre family fled to Sweden as they feared arrests for their connections with Shining Path. In 1982, after briefly severing his ties with the Maoist organization, Javier Esparza Márquez, de la Torre's brother-in-law, traveled to France en route for Sweden. Once in Sweden, after rejoining Shining Path through a phone call with Guzmán, Esparza proposed to extend the *senderistas'* influence in Europe by spreading the

36 "Report Links Shining Path [to] International Terrorism," June 1, 1985, FBIS.

37 "Armed Peruvian Arrested in La Paz Department," May 23, 1988, FBIS.

organization's propaganda on the continent and establish strong relations with other Marxist-Leninist-Maoist organizations within his vicinities. Unsurprisingly, Guzmán supported the idea and positioned Esparza as the leading figure in Europe. Since then, "Comrade Enrique" enhanced the influence of "International Revolutionary Movement" (MRI) across the Atlantic by constantly recruiting Shining Path militants (Heilman 2010b, 163).³⁸ Around the same time, Shining Path sent an engineer and a professor named Maximiliano Durand Araújo to Paris to study nuclear engineering. Araújo then worked as a consultant for the French government for some months before embarking on his revolutionary missions in Europe.³⁹ Later, in 1984, Araújo and Esparza Márquez established the first "Sol Peru Committee" in Paris.⁴⁰

Shining Path was keen to establishing its publicist machine in Europe. For example, in Sweden, Shining Path, also known as "Peru People's Movement" there, founded the "Peruvian Revolution Support Committee," the "Mariategui Literary Circle," and the "Ayacucho Literary Circle." Among them, the latter was the earliest, mostly comprised of de la Torre's relatives at first. These groups frequently distributed flyers on the militants' grand revolutionary visions throughout the country and founded a propaganda newspaper in Europe called *El Diario* with Laura Zambrano Padilla and Luis Arce Borjoa as its directors. With a robust team of propagandists, Shining Path often distributed flyers and brochures to the locals, advertising its vision for a "glorious Andean Revolution." It disseminated "subversive ideology, promotes the recruiting of followers, and seeks logistic and financial support for the 'armed struggle' in [Peru]," a report said.⁴¹ Shining Path members in Sweden also organized public demonstrations on holidays such as the Labor Day to enhance its presence in the country (Heilman 2010b, 163). Similarly, in the United States, supporters of Shining Path created the "Committee to Support the Revolution in Peru" and sold pro-Guzmán propaganda at a bookstore in Berkeley, California. One of its flyers reads, "Defend the Life of Abimael Guzmán."⁴²

38 "Shining Path Activities in Europe Reviewed," August 16, 1992, FBIS.

39 "Senator Views Shining Path Activities in Europe," April 6, 1989, FBIS.

40 "Shining Path Figure in Europe Profiled," November 2, 1991, FBIS; "Shining Path Activities in Europe Reviewed," August 16, 1992, FBIS.

41 "Shining Path Activities in Europe Reviewed," August 16, 1992, FBIS.

42 "Peru Condemns Groups Who Back Maoist Rebels," *The Baltimore Sun*, December 29, 1991; "Group of 7 different items in support of the Shining Path guerrillas in Peru," Abebooks.com, n.d., accessed January 29, 2021, https://www.abebooks.com/servlet/BookDetailsPL?bi=12794044639&searchurl=an%3Dcommittee%2Bto%2Bsupport%2Bthe%2Brevolution%2Bin%2Bperu%26sortby%3D17&cm_sp=snippet-_srp1-_image2. See

After gaining foothold in Europe, Shining Path quickly expanded its networks through its linkages with militants in South America. In 1985, a Bolivian named Oscar Crespo helped connect Shining Path with “Revolutionary Coordinating Board” of the Internationalist Revolutionary Movement (MRI) based in London.⁴³ Since then, Shining Path had constantly leveraged its relationship with guerrilla groups in Bolivia, even viewing the country as a “bridge” to Europe.⁴⁴ By 1985, the Peruvian Secret Service found that “Shining Path’s connections span from Argentina to the United Kingdom.”⁴⁵

With links to wealthier nations, Shining Path utilized these relations to raise more funds for its activities. Adolfo Olaechea, the leader of Shining Path in the United Kingdom, financed most of the organization’s activities in Europe through its alliance with the International Revolutionary Movement whose headquarter was based in London.⁴⁶ In 1989, the Peruvian government discovered that Shining Path had been receiving support from Italy for over seven years. Donors, often expat members, of the organization raised funds through staging theatre plays. These people also had connections with unidentified criminal associations based in Europe. Some members also performed theatre plays in New York for money.⁴⁷ Subsequent evidence also suggests that throughout the late 1980s to early 1990s, Shining Path constantly received funding from criminal groups in wealthy European countries such as Denmark, Spain, France, Sweden, Switzerland, and the United Kingdom.⁴⁸

While Shining Path was busy extending its networks in Europe, it also received training and support from North Africa. Comrade “Vicuna,” a key figure for establishing Shining Path’s international connections, traveled to Libya in 1983 before he went to Paris. Although his activities in Libya were unknown, it was likely that he received some training and money from the extremist groups there.⁴⁹ These initial interactions did not generate much attention from the Peruvian government. Because the activities

also “Maoist Group Sees Bright Days with Shining Path,” *Chicago Tribune*, January 22, 1993.

43 “Report Links Shining Path [to] International Terrorism,” June 1, 1985, FBIS.

44 “Country Reportedly Shining Path Route to Europe,” June 18, 1990, FBIS.

45 “Report Links Shining Path [to] International Terrorism,” June 1, 1985, FBIS.

46 “Shining Path Activities in Europe Reviewed,” August 16, 1992, FBIS. Olaechea was defiant of the Peruvian government, regularly signing and sending news to Peruvian news media.

47 “Deputy says Shining Path Gets Foreign Support,” March 29, 1989, FBIS.

48 “Report Links Shining Path [to] International Terrorism,” June 1, 1985, FBIS.

49 Ibid.

were so quiet, a columnist of *Expresso* could not confirm Shining Path's connection with Libya. "Of course, if it does receive any support from the Middle East terrorist groups," claimed the columnist, "it is probably only insignificant and received on rare occasions"⁵⁰ However, by 1985, the Counterterrorist Department of the Peruvian police reported that there was credible evidence showing that twelve Shining Path members were undergoing training in Libya. These members learned new ways to carry out terrorism and guerrilla fights. Originally based in Paris, the militants embarked on their trip to Tripoli via Brussels on either December 6 or 7 of 1985. Professor Araújo and Hildebrando Pérez Huarancca, also known as Camandante Casselli, organized this trip. However, the identities of the rest of the ten members were unknown. The police believed that these members all carried false passports and other forms of identification with them.⁵¹

By the mid-1980s, both the Peruvian intelligence service and the CIA became very worried about Shining Path's broad international connections. In 1985, the CIA and its partner intelligence officers in other countries furnished a report to the Peruvian government. Entitled "Shining Path Connections and the Possible Financial Support It Receives from Foreign Financial Organizations," the document detailed information about Shining Path's global networks for the previous five years. It traced Shining path's linkages with various subversive organizations in Latin America, Europe, and Asia. The report concluded by stating that the improvement of the guerrilla groups' ability to branch out and form international cooperation may pose serious security challenges to both Peru and around the world.⁵²

The CIA's predictions and worries were correct. Towards the late 1980s and early 1990s, as the prospect of Shining Path was dimming drastically in both Peru and the Americas, Europe saw an influx of Shining Path members seeking to rekindle the revolution. Thanks to the immigration system of these countries, many Shining Path members were able to claim "refugee" or "political asylum" status for indefinite stays. Sweden was one of the countries to which Shining Path members flocked. It was also where the organization operated its European propaganda office.⁵³ To the great dismay of the Peruvian government, "The Swedish government even has the satisfaction of maintaining Shining Path political refugees, who receive financial support from the Swedish government. This is nothing

50 "Columnist Discounts Cuban Ties to Shining Path," December 11, 1982, FBIS.

51 "Terrorists Reportedly Receive Training in Libya," December 16, 1985, FBIS.

52 "Report Links Shining Path [to] International Terrorism," June 1, 1985, FBIS.

53 "Shining Path Activities in Europe Reviewed," August 16, 1992, FBIS.

new, we are perfectly well aware of it,” complained Deputy José Barba Caballero of the Peruvian police.⁵⁴

In Europe, Shining Path also recruited members from local communist or terrorist groups for its revolutionary aims. With the largest Peruvian population in Europe, Spain had the most Shining Path members on the continent with branches in Madrid, Vigo, Santiago de la Coruna, Barcelona, and Laguna. This is unsurprising considering that both Peru and Spain share the same language. However, most Shining Path leaders in Spain were not Peruvians but local Spaniards who were members of the Spanish Communist Party. The organization might have also maintained some connections with Basque Fatherland and Liberty (ETA), a Basque separatist organization. In Germany, the Turkish-Marxist-Leninist Communist Party (TK-ML), a member of the Internationalist Revolutionary Movement, at times also interacted with Shining Path members.⁵⁵

Shining Path also actively recruited immigrants and attracted college students across Europe. In Spain, Walter Malca Carbajal was in charge of recruiting Spanish, Peruvian, and Moroccan students. Under Carbajal's leadership, the organization frequently enticed the 300,000 undocumented immigrants in Spain by promising them legal help to prevent their deportation. In Germany, the police reported that Shining Path actively recruited Turks, Kurds, and southern European immigrants. At times, these immigrant communities staged demonstrations to voice their support for the Maoist organization. Shining Path also had some appeal to university students across the United Kingdom. These youngsters often organized protests at various cities to threaten the Peruvian government. Their demonstrations clearly disconcerted the Peruvian officials as its *chargé d'affaire* Gilbert Channy sometimes petitioned the British government to end such disturbances.⁵⁶

By the early 1990s, Shining Path became so well-known that traces of foreign support from East Asia began to emerge. In 1990, it was rumored that the Japanese Red Army allegedly wanted to support Shining Path. Peruvian Foreign Minister Luis Marchand Stens responded that although no substantial evidence could back this claim, “It should be noted, however, that any alliance or agreement that seeks to promote

54 “Deputy says Shining Path Gets Foreign Support,” March 29, 1989, FBIS. See also “Sendero Luminoso lucha para no pasar desapercibido en Suecia,” *El Comercio*, November 26, 2006.

55 “Shining Path Activities in Europe Reviewed,” August 16, 1992, FBIS. See also “El pasado terrorista que se escondía en un bar latino de Ventas,” *El País*, February 25, 2018.

56 Ibid.

subversion would be very worrisome for all of us.”⁵⁷

Ironically, the Chinese Communist Party continued its condemnation of Shining Path throughout the early 1990s like it did during the 1980s. To express the Chinese government’s support for a politically stable Peru and denounce the disruptive activities of Shining Path, *Renmin Ribao* detailed how the terrorism caused by the Maoist organization hampered the democratic process of Peru. For example, in 1993, *Renmin Ribao* reported that Peru was filled with the milieu of anxiety due to the potential terrorist activities of Shining Path, causing uncertainties to Lima’s upcoming municipal election. It then detailed how the guerrilla group orchestrated multiple violent attacks in Lima to obstruct the election, including its bombing of the police stations, government buildings, and public transportation as well as its senseless killings of law enforcement officers.⁵⁸ The paper noted that out of fear, few Peruvians were present at the ballot box.⁵⁹ Over the next few years, *Renmin Ribao* continued to distance China from the Maoist organization by depicting more of its gruesome acts.⁶⁰

To present Shining Path as a feeble and moribund organization, *Renmin Ribao* reported extensively on the captivity and surrendering of the leaders of the Maoist group. In 1992, when the Peruvian government apprehended four leaders of Shining Path in the northern state of Ancash, *Renmin Ribao* celebrated such arrest as “another heavy blow” to the group.⁶¹ In the following year, the newspaper broadcasted the disintegration of Shining Path and how Guzmán admitted his defeat to President Alberto Fujimori and requested for a peace talk with the Peruvian government, a proposal that Fujimori staunchly rejected.⁶² Throughout the mid-1990s, *Renmin Ribao* continued to report how waves of Shining Path members surrendered to the Peruvian government.⁶³

57 “Japanese Link with Shining Path ‘Worrisome,’” December 14, 1990, FBIS.

58 “Bilu kongbu huodong changjue” 秘鲁恐怖活动猖獗 [Terrorism is rampant in Peru], *Renmin Ribao* 人民日报, January 30, 1993, 6.

59 “Bilu juxing shizheng xuanju” 秘鲁举行市政选举 [Peru holds municipal elections], *Renmin Ribao* 人民日报, January 31, 1993, 6.

60 For a few examples see “Bilu tuzhuren zao qiangsha” 秘鲁土著人遭枪杀 [Peruvian indigenous people shot dead], *Renmin Ribao* 人民日报, August 22, 1993, 6; “Bi zhengfujun yu fanzhengfu wuzhuang jiaohuo” 秘政府军与反政府武装交火 [The Peruvian military forces exchange fire with rebels], *Renmin Ribao* 人民日报, December 20, 1995, 6.

61 “Bi ‘Guanghui Daolu’ youyou lingdaoren beibu” 秘“光辉道路”又有领导人被捕 [Another leader of Peru’s “Shining Path” arrested], *Renmin Ribao* 人民日报, November 2, 1992, 6.

62 “Bi ‘Guanghui Daolu’ lingdaoren yaoqiu hetan” 秘“光辉道路”领导人要求和谈 [Leaders of Peru’s “Shining Path” requests peace talk], *Renmin Ribao* 人民日报, October 12, 1993, 6.

63 “Guanghui Daolu’ lingdaoren yaoqiu chengyuan tingzhi baoli” “光辉道路”领导人要求成员停止暴力 [Leaders of “Shining Path” demand members to stop violence], *Renmin Ribao* 人民日报, November 1, 1993, 6; “Guoji jianxun” 国际简讯 [International news],

Notwithstanding its arrant fiasco within Peru, Shining Path gained memberships, resources, and influence abroad, frequently threatening and vandalizing Peruvian embassies in other countries with revolutionary propaganda. In Sweden, Shining Path members smeared a façade of the Peruvian embassy in Stockholm with pro-communist slogans and painted it with “aggressive red color.” Intending to assassinate the Peruvian ambassador to Sweden, these activists fired six gunshots at the main door. Fortunately for the Peruvian ambassador Gustavo Adolfo Silva Aranda, these activists failed to carry out their mission due to the arrival of local police force. In London, Shining Path members painted the organization’s symbols on the front sidewalk of the Peruvian embassy. They also fired two shots at the building while threatening to murder the officials inside via phone calls. By the early 1990s, Peruvian embassies in Spain, Belgium, Italy, Germany, Switzerland, France, and Denmark were apparently “accustomed to periodically receiving threats from pro-Shining Path ‘Support Committees for the Peruvian Revolution (CARP).’”⁶⁴ Shining Path’s terror threats cost Peruvian embassies across Europe and elsewhere lots of money to strengthen their security. Depending on the countries in which they locate, Peruvian embassies spent around 200,000 to 400,000 U.S. dollars per year on their own defense.⁶⁵

Shining Path members employed similar tactics to terrorize the Peruvian embassy in Mexico City with one distinction—they hanged a dead dog on top of the building. Serapio Mellma, coordinator for CARP in Mexico, was most likely the culprit behind the gruesome scene. Shining Path also left a threatening message that reads, “You must not request the expulsion of, nor give any information on, any Peruvian who works with us. Do not forget that here the party also has thousands of eyes and ears.”⁶⁶ Shining Path’s terrorizing strategies were so influential that other terrorist groups in Latin America also followed suit.⁶⁷

With increased disturbances caused by Shining Path’s international activities, the Peruvian government tried to curb the organization’s global influence through inter-governmental cooperation. “We should pressure the Peruvian Foreign Ministry to demand stricter treatment and greater cooperation from these countries with the Peruvian struggle against violence and subversive crime,” declared Deputy José Barba Caballero of the Peruvian

Renmin Ribao 人民日报, June 6, 1994, 6.

64 “Shining Path Activities in Europe Reviewed,” August 16, 1992, FBIS.

65 Ibid.

66 Ibid.

67 “Shining Path Strategy Seen,” October 24, 1988, FBIS.

police force.⁶⁸ Yet, no credible evidence seems to indicate that the Peruvian government was able to curb Shining Path's influence abroad.

Even though the Peruvian government could not contain Shining Path's international activities, the European countries began to toughen their positions against the militants in the early 1990s. Several gruesome incidents caused by Shining Path and major demonstrations against the violence in Peru caught the attention of Europe and the rest of the world. For instance, the Tarata Street bomb incident in 1992 that killed 25 people and wounded 155 drew profuse international condemnations.⁶⁹ The protest from the Miraflores and Villa El Salvador neighborhoods in Peru brought more European attention to the heinous crimes committed by Shining Path.⁷⁰ Since these incidents and protests, the German government implemented new immigration regulations that aimed to criminalize and expel foreigners in connection with and contributed financially to terrorist groups. It identified and decided to apply this new rule to twenty Shining Path members and fifty Turkish collaborators. The German government also dispatched more police force around the Turkish neighborhoods and restricted the number of Peruvians who could enter the country. Germany even at one point considered sending troops to Peru to help the Peruvian government combat the subversive group. Ultimately, however, the German government decided against it in accordance with arm reduction policy implemented after the German reunification.⁷¹

Around the same time, the Swedish government expelled four Peruvians linked to the Shining Path. *La República* believes that the Swedish government was ready to deport twenty more Shining Path members. These included family members of Abimael Guzmán and other important expat leaders. In Spain, after Shining Path had threatened the Catholic Church because some priests supported the Spanish government's decision to expel the militants, the Spanish authority increased its vigilance on both the Peruvian community in Spain and the Basque Fatherland and Liberty.⁷²

However, some Shining Path members found loopholes and avoided punishments even amid the strengthening regulations and toughening security measures implemented by the European governments. For instance,

68 "Deputy says Shining Path Gets Foreign Support," March 29, 1989, FBIS. See also "Shining Path Supporters Abroad Anger Peru," *New York Times*, December 18, 1991, A11.

69 "Police Seize Documents Linking Guzmán to Attacks," August 16, 1992, FBIS.

70 On the activities of Shining Path in these neighborhoods see: "Shining Path's Urban Activities Studied," September 1, 1991, FBIS.

71 "Shining Path Activities in Europe Reviewed," August 16, 1992, FBIS.

72 Ibid.

even as the British government increased its vigilance on the Peruvian community, some members were shrewd enough to avoid breaching the law and successfully dodged deportation. The organization even formed the Musical Guerrilla Army Group composing songs that praised terrorism. "It was horrible," the Peruvian embassy in London remarked, "but no measures can be taken against them if they simply paint slogans and do not violate the law."⁷³ Apparently, the British laws for regulating graffiti were quite loose.

While its fortunes in both Peru and the Americas were shrinking, Shining Path broadened the geographical scope of its international connections to garner more resources. After Shining Path leaders first established a foothold in Europe during the early 1980s, a throng of militants arrived during the mid-1980s to early 1990s. By recruiting locals, taking advantage of legal loopholes, and leveraging their connections with wealthy countries, Shining Path enhanced its survival and garnered limited levels of success vis-à-vis their revolutionary goals. Even though the organization was no match to the Peruvian government domestically, it found alternative ways to threaten the government abroad. By painting slogans and firing shots at Peruvian embassies worldwide, not only did Shining Path generate fear among Peruvian officials, but it also cost the Peruvian government substantial money for security. These subversive activities ultimately ensured the organization to continue exert its influence in both Peru and beyond even whilst its members were scattered across the world.

CONCLUSION

Even though Abimael Guzmán initially envisioned a major domestic Maoist movement that would completely remake Peru into a radical communist nation, his vision completely crumbled after multiple failed attempts to establish both domestic support and international approval from even the communist countries. While the peasants resented the guerrilla's violent attacks and disruptions of their lives, Soviet Union, Cuba, and China denounced the organization as terroristic to boost their trade opportunities with Latin America. Meanwhile, the Peruvian government strengthened its military presence and continuously hunted the militants. With little room to survive domestically and under incessant condemnations from the governments worldwide, Shining Path looked

73 Ibid.

elsewhere for resources and gradually established its own international networks for survival. It achieved considerable success, which partially explains why and how the organization was able to survive for more than a decade. By tracing the diverse intracontinental and international contacts of Shining Path, this paper demonstrates the ways in which the *senderistas* actively sought underground transnational avenues for financial support and firearms. While unable to confront the Peruvian government directly, Shining Path members sought alternative ways to terrorize the officials abroad by defacing Peruvian embassies, threatening consular officials, and rallying support from the Europeans and migrants. By causing troubles elsewhere, not only did Shining Path prolong its existence, but it also projected its influence onto a much wider audience than Guzmán had initially envisioned.

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What is the Key for Sustainable Development in the Banking Sector for Latin American Emerging Countries?

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ABSTRACT

What is the Key for Sustainable Development in the Banking Sector for Latin American Emerging Countries?: The objective of this study is to analyze the effectiveness of financial reform policies. We examine six Latin American emerging financial markets (Argentina, Brazil, Chile, Colombia, Mexico and Peru), and four Asian countries (South Korea, Indonesia, Thailand, and Malaysia) that introduced substantial financial reforms after the Asian financial crisis and compared them to assess the effectiveness of the reforms and make some policy suggestions for emerging Latin American financial markets. We perform an ordinary least squares analysis and compare the market performance of financial institutions in the four Asian countries with that of other emerging markets. A set of panel data was constructed for the period from 2011 to 2018. Our primary findings include: (i) the financial reform measures suggested by the IMF resulted in significantly better financial management efficiency in the four Asian countries targeted in this study than in other countries with emerging markets; (ii) the effects of the financial reform measures are continuous, and even today, the financial management efficiency of these four Asian countries remains comparatively sound.

Keywords: Financial reforms, Asian financial crisis, Panel data, Latin American emerging financial markets

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INTRODUCTION

According to an analysis conducted by the IMF, banking system fragility is one of the primary causes of financial crises. The IMF thus requires that nations going through a financial crisis introduce financial reform as one of their main loan conditions. Various nations have become aware that their banking systems are facing issues such as too many banks, deteriorating credit quality, relatively high non-performing loan ratios, reduced bank profitability, inadequate disclosure of financial information, and lack of financial supervision.

First of all, we collected some financial information what they faced by six Latin America emerging financial markets (Argentina¹, Brazil², Chile³, Colombia⁴, Mexico⁵ and Peru⁶), which governments have sought to examine the problems in the operations and designs of their banking systems, worked to solve the problems faced by domestic banks, improved their management efficiency, enhanced bank competitiveness, and enabled the financial system to coordinate with what is needed for economic development in order to become a driving force of economic development.

Meanwhile, we examined four Asian countries (South Korea, Indonesia, Thailand, and Malaysia) that introduced substantial financial reforms after the Asian financial crisis and compared them to assess the effectiveness of the reforms and making some policy suggestions to Latin-emerging financial markets. The main financial reform measures adopted by Asian countries were as follows: (i) Promotion of mergers and acquisitions of financial institutions; (ii) Accelerate the processing of problematic financial institutions; (iii) Reduction of non-performing loan ratios of banks; (iv) Enhance financial supervision.

LITERATURE REVIEW

Hardy and Pazarbasioglu (1999) obtained samples from 50 countries from the period between 1980 and 1997, 38 of which had gone through a total of 43 banking crises. Using a multinomial logit model, they investigated whether any macroeconomic or financial variables could serve as leading indicators of banking crises and whether the causes of the Asian financial crisis in 1997 were any different from those of other financial crises. They divided the possible leading indicator variables into three groups, namely real sector variables, banking sector variables,

and potential shock variables, and the time periods into the pre-crisis year and the crisis year. The empirical results indicated the following: (1) declines in GDP growth rates play an important role during financial crises but cannot indicate that a banking system is under stress before a crisis arises; (2) during the Asian banking crisis in 1997, the proportions of the real effective exchange rate and gross foreign liabilities with regard to the GDP had a significant correlation, and it is worth noting that these two variables did not have a significant impact on banking crises in other regions; (3) the occurrence of banking crises is associated with real GDP growth declines, the boom and bust of inflation, credit expansion, increased real interest rates, decreased incremental capital-output ratios, steep drops in real exchange rates, and adverse trade shocks in the same year. Furthermore, characteristics specific to a country or region should also be taken into consideration.

Demirgüç-Kunt and Detragiache (1998) examined the possible leading factors of banking crises using 65 countries over the period from 1980 to 1994, in which of 29 of the developed or developing countries had suffered from a total of 31 banking crises. They defined a banking crisis as (a) a banking system with a non-performing ratio exceeding 10%, (b) the bailout cost for banks exceeding 2% of the GDP, (c) issues in the banking sector causing banks to be nationalized on a large scale, and (d) numerous cases of bank runs, emergency measures such as deposit freezes or prolonged holidays in banks, or deposit guarantees offered by the government. Based on banking crisis theories and the availability of variables, they divided the explanatory variables into macro variables, financial variables, and institutional variables. Their empirical results indicated that (1) banking crises tend to occur when the macroeconomic environment is fragile, and particularly when GDP growth rates are low; (2) increased risk in the banking sector may arise from the high inflation caused by high real interest rates; (3) the presence of deposit insurance increases the systematic risk in banks; (4) some empirical data showed that a higher degree of financial liberalization tends to increase the likelihood of banking crises; and (5) the entry of foreign banks is beneficial because they increase competition.

Bongini, Claessens, and Ferri (2001) investigated 238 financial institutions in five countries in East Asia in 1996, including South Korea, Malaysia, Thailand, the Philippines, and Indonesia. The proxy variables they examined included CAMEL, bank ownership, and whether the bank was controlled by a family. Their empirical findings revealed that financial information

such as CAMEL can serve as effective predictors of the bankruptcy or closure of banks during financial crises in Asia.

The Executive Board of the IMF launched the Financial Stability Indicators (FSIs) in 2003. The CAMEL variables not only serve indicators that can be used to monitor the stability of financial systems in various countries but also constitute the core set of indicators of sound deposit-takers as defined by the IMF.

The empirical results obtained by Kaminsky and Reinhart (1999) indicated that since the emergence of the financial liberalization trend, banking crises and currency crises have become more closely connected to each other in emerging countries. The initial stage of a banking crisis often precedes a currency crisis, and once the currency crisis breaks out, it will further worsen the banking crisis, thereby resulting in an all-out financial crisis. Claudia B. Peretto (2008) using supervised logistic regression to express about 66 bank entities of the Argentine Republic in order to explore the causes that divide the classification in efficient or inefficient.

Mishkin (2001) pointed out that under the impact of financial liberalization and open international capital market financing channels, the financial institutions in countries with emerging markets can use higher interests to attract foreign investment, particularly when the exchange rate of the U.S. dollar is fixed. This can easily mislead foreign investors to overlook exchange-rate risk, and the massive influx of foreign investment (especially short-term funds) can lead to the excessive expansion of domestic credit, which can ultimately produce a huge surge in overdue loans, balance sheet deterioration, and the increased likelihood of banking crises. The accompanying credit crunch then severely affects the country's economic growth.

The above strand explores the effect of macroeconomic factor and financial stability indicators CAMEL (Capital, Asset quality, Management, Earnings, Liquidity) to investigation in developed or developing countries of financial institution performance. These literature does not consider the effects of Latin-emerging, while our study examines between four Latin-emerging countries and Asian countries and discussing what lesson of financial reform on Latin-emerging countries.

METHODS AND DATA SAMPLING

Methods

Demirgüç-Kunt and Huizanga (2000) used some bank specific variables and macroeconomic variables used by methodology of ordinary least squares (OLS) to evaluate performance of bank. We extended the study of Demirgüç-Kunt and Huizanga to using the methodology to first be analyzed linear panel data, then applied OLS regression to assess the performance of banks in 10 emerging markets for the period from 2011 to 2018. The variables of the regression model were defined as follows:

$$BP_{i,t} = f(\text{makro}_t, \text{Bank}_{i,t}) + e_{i,t}$$

where

- $BP_{i,t}$: performance of bank i in year t
- makro_t : macroeconomic variables in year t
- $\text{Bank}_{i,t}$: specific variables for bank i in year t
- $e_{i,t}$: idiosyncratic error term

Data Sampling and Descriptive Statistics

We investigated four Asian countries following the Asian financial crisis that were affected the most severely and compiled the measures that they took to reform financial institutions. Panel data combining horizontal cross-sectional and time series analysis was used to test the significance of variables on bank performance in emerging markets. Profitability ratios (ROA) indicating the efficiency of the banking system were considered dependent variables.

Based on the literature review presented in the previous section, we included in our analysis the net interest margin ratio (NIM) and the five CAMEL indicators, i.e., capital adequacy ratio (capital adequacy, CAP), non-performing loan ratio (asset quality, AST), cost-to-income ratio (management capability, MAN), pre-tax operation income divided by average assets (earnings quantity, EAR), and net loans divided by deposit and short-term funding (liquidity, LIQ).

Miguel, Francisco and Victor (2014) assess empirically the effects of inflation on private sector bank credit and economic growth in Mexico over the period 1969–2011. They estimated the long-run effects of inflation rates through bank loans on real output in the long run.

We also included gross domestic product (GDP) growth rate and

consumer price index (CPI) for the period from 2011 to 2018. Capital adequacy, asset quality, management capability, earnings quantity and quality, and the adequacy of liquidity were obtained from the BankScope database. Macroeconomic variables (GDP growth rate and CPI) were obtained from the Global Insight database.

A total of 10 countries were included in this research: Argentina, Brazil, Chile, Colombia, Thailand, Indonesia, Korea, Malaysia, Mexico, Peru.

The sample comprised annual data for the period from 2011 to 2018. Table 1 lists descriptive statistics for overall data. The profitability indicators were the median ROA of the selected 10 countries which included all banks (1.49%). The skewness coefficient of GDP growth rate and MAN were below zero, indicating a leftward skew, whereas the other indicators were skewed to the right. The kurtosis coefficients of LIQ and MAN were less than 3 (platykurtic), whereas the other indicators were leptokurtic. The median value of the capital adequacy ratio embodying the financial power for shock absorption and credit activity was above the minimum requirements determined by Basel.

Table 1. Descriptive statistics- Overall data

	ROA	NIM	CAP	AST	MAN	EAR	LIQ	GDP	CPI
Mean	1.49	5.50	17.00	2.97	58.95	1.99	89.56	3.18	5.16
Median	1.42	5.00	16.12	2.64	59.76	1.66	87.67	3.19	3.44
Maximum	3.71	15.07	42.50	9.01	70.92	5.23	118.49	7.24	37.52
Minimum	0.35	0.58	11.18	1.16	47.42	0.55	61.66	-3.77	-0.90
Std. Dev.	0.64	3.63	4.65	1.52	6.45	1.00	12.59	2.30	6.45
Skewness	1.48	1.10	3.27	1.75	-0.04	1.48	0.07	-0.96	3.46
Kurtosis	5.57	3.38	16.70	6.49	2.19	4.65	2.76	4.17	15.64
Jarque-Bera	51.26	16.58	768.30	81.41	2.23	38.14	0.25	16.70	691.77
Probability	0.00	0.00	0.00	0.00	0.33	0.00	0.88	0.00	0.00
Sum	118.87	439.79	1360.37	237.66	4716.34	159.35	7164.75	254.46	413.18
Sum Sq. Dev.	32.31	1038.73	1705.28	182.67	3289.11	78.71	12531.82	416.29	3289.24
Observations	80	80	80	80	80	80	80	80	80

Note: variables: ROA =Return on Asset, NIM =Net Interest Margin, CAP= Total Capital Ratio, AST = Impaired Loans Ratio, MAN = Cost to Income Ratio, EAR = Pre-Tax Operation Income / Average Assets, LIQ = Loans / Dep & ST Funding Ratio, GDP= Gross Domestic Product growth rate, CPI= Consumer Price Index.

Table 2 lists descriptive statistics for Latin American countries in this study. The profitability indicators were the median ROA of the selected 6 countries which included all banks (1.71%). The skewness coefficient of GDP growth rate and MAN were below zero, indicating a leftward skew, whereas the other indicators were skewed to the right, this is consistent with the overall ten data countries. The kurtosis coefficients of NIM, MAN, EAR and LIQ were less than 3 (platykurtic), whereas the other indicators were leptokurtic.

Table 2. Descriptive statistics- Latin American countries

	ROA	NIM	CAP	AST	MAN	EAR	LIQ	GDP	CPI
Mean	1.71	7.16	16.75	3.45	60.57	2.31	89.85	2.51	6.85
Median	1.47	5.66	15.61	3.12	61.18	1.78	86.92	2.53	3.80
Maximum	3.71	15.07	42.50	9.01	70.92	5.23	118.49	6.59	37.52
Minimum	0.73	2.71	11.18	1.28	47.42	0.99	61.66	-3.77	1.32
Std. Dev.	0.68	3.66	5.70	1.72	5.08	1.13	13.73	2.49	7.78
Skewness	1.51	0.77	3.10	1.34	-0.31	1.05	0.24	-0.72	2.72
Kurtosis	4.24	2.33	12.97	4.54	2.85	2.95	2.60	3.45	9.84
Jarque-Bera	21.30	5.66	275.50	19.10	0.82	8.79	0.79	4.59	152.63
Probability	0.00	0.06	0.00	0.00	0.66	0.01	0.67	0.10	0.00
Sum	81.93	343.48	803.88	165.60	2907.44	110.75	4312.60	120.24	328.98
Sum Sq. Dev.	21.62	630.44	1529.02	139.47	1212.00	59.96	8863.46	290.68	2844.39
Observations	48	48	48	48	48	48	48	48	48

Note: variables: ROA =Return on Asset, NIM =Net Interest Margin, CAP= Total Capital Ratio, AST = Impaired Loans Ratio, MAN = Cost to Income Ratio, EAR = Pre-Tax Operation Income / Average Assets, LIQ = Loans / Dep & ST Funding Ratio, GDP= Gross Domestic Product growth rate, CPI= Consumer Price Index.

Table 3 lists descriptive statistics for Asia countries in this study. The profitability indicators were the median ROA and NIM of those Asia countries which below to Latin American countries in this study, however, the median value of the capital adequacy ratio of Asia countries in this study higher than Latin American countries in this study, it is shows that Asian banks are more focused on capital adequacy and risk management.

Table 3. Descriptive statistics- Asia countries

	ROA	NIM	CAP	AST	MAN	EAR	LIQ	GDP	CPI
Mean	1.15	3.01	17.39	2.25	56.53	1.52	89.13	4.19	2.63
Median	1.21	2.72	17.88	1.97	57.13	1.58	89.88	4.46	2.15
Maximum	1.80	5.77	21.73	3.97	70.87	2.46	104.90	7.24	6.41
Minimum	0.35	0.58	13.66	1.16	48.07	0.55	64.47	0.84	-0.90
Std. Dev.	0.39	1.59	2.33	0.71	7.54	0.47	10.86	1.51	1.82
Skewness	-0.21	0.55	0.13	0.41	0.63	-0.07	-0.56	-0.33	0.53
Kurtosis	2.13	2.01	2.04	2.23	2.24	2.63	2.59	2.66	2.81
Jarque-Bera	1.25	2.90	1.32	1.68	2.87	0.21	1.87	0.73	1.57
Probability	0.53	0.23	0.52	0.43	0.24	0.90	0.39	0.69	0.46
Sum	36.94	96.31	556.49	72.06	1808.90	48.60	2852.15	134.22	84.20
Sum Sq. Dev.	4.83	78.23	168.33	15.64	1763.18	6.81	3658.52	70.81	102.52
Observations	32	32	32	32	32	32	32	32	32

Note: variables: ROA =Return on Asset, NIM =Net Interest Margin, CAP= Total Capital Ratio, AST = Impaired Loans Ratio, MAN = Cost to Income Ratio, EAR = Pre-Tax Operation Income / Average Assets, LIQ = Loans / Dep & ST Funding Ratio, GDP= Gross Domestic Product growth rate, CPI= Consumer Price Index.

Table 4 shows the correlation matrix describing the correlation among the independent variables. The correlation coefficients were used to reveal the relationships and manifest problems in the case of high multicollinearity. A high correlation (+/- 0.90 and higher) among variables indicates that they cannot be estimated using the same equation. As shown in Table 2, there was no multicollinearity among the independent variables, which indicates that they can be used in the estimation of dependent variables.

Table 4. Explanatory variables correlation analysis

	ROA	NIM	CAP	AST	MAN	EAR	LIQ	GDP	CPI
ROA	1.00								
NIM	0.35	1.00							
CAP	0.01	-0.09	1.00						
AST	-0.12	0.30	0.10	1.00					
MAN	0.05	0.20	-0.14	0.08	1.00				
EAR	0.85	0.43	0.23	-0.02	-0.03	1.00			
LIQ	-0.23	-0.18	-0.29	-0.17	0.00	-0.29	1.00		
GDP	-0.23	-0.10	0.32	-0.36	-0.31	-0.10	0.07	1.00	
CPI	0.73	0.28	-0.09	-0.03	0.28	0.63	-0.36	-0.50	1.00

ANALYSIS OF EMPIRICAL RESULTS

Our objective was to compare the effects of the financial institutional reforms that these four Asian countries introduced after the Asian financial crisis with Latin America-emerging financial markets to assess the effectiveness of the reforms and to make some policy suggestions to Latin America-emerging financial markets. The four main financial reform measures adopted by Asian countries were described as below:

1. Promotion of mergers and acquisitions of financial institutions
2. Accelerate the processing of problematic financial institutions
3. Reduction of non-performing loan ratios of banks
4. Enhance financial supervision

Tables 5 lists estimates of the OLS regression model used to identify performance determinants in Latin America-emerging market banks and emerging-market banks in four Asian countries.

Table 5. OLS regression model estimates Performance Determinants of Banks for Latin America and four Asian countries in emerging-market

ROA				
	Emerging-market banks in six Latin America countries		Emerging-market banks in four Asian countries	
NIM	-0.022*	(0.096)	0.072**	(0.045)
CAP	-0.017*	(0.064)	-0.040**	(0.016)
AST	-0.093***	(0.003)	-0.011	(0.781)
MAN	0.020**	(0.039)	-0.018***	(0.002)
EAR	0.395***	(0.000)	0.635***	(0.000)
LIQ	-0.001	(0.721)	0.004	(0.269)
GDP	0.002	(0.924)	0.064***	(0.004)
CPI	0.023**	(0.019)	-0.056***	(0.003)
β_0	0.311	(0.713)	1.247*	(0.091)
R^2	0.864		0.943	
Adj- R^2	0.836		0.923	
F-statistics	30.897		47.705	

Note: ***, **, * represent 1%, 5%, 10% significant level

Tables 6, 7 lists estimates of the OLS regression model on fixed effects (Cross-section and Period) for six Latin America countries and all ten countries. This model takes into account that the differences between countries in the explained variables will cause explanatory variables and error terms the relevance of, which in turn causes estimation inefficiency. Therefore, the differences between countries will be excluded, so that the differences between countries will not change due to changes in time.

Table 6. OLS regression model on fixed effects (Cross-section and Period) for six Latin America countries

ROA				
	Cross-section fixed effects		Period fixed effects	
NIM	-0.026	(0.323)	-0.023	(0.129)
CAP	-0.012*	(0.067)	-0.014	(0.166)
AST	-0.053*	(0.094)	-0.109***	(0.005)
MAN	0.006	(0.546)	0.014	(0.212)
EAR	0.191***	(0.002)	0.409***	(0.000)
LIQ	-0.001	(0.847)	-0.001	(0.768)
GDP	0.006	(0.778)	-0.011	(0.724)
CPI	0.007	(0.458)	0.020*	(0.070)
β_0	1.469**	(0.089)	0.688	(0.500)
R^2	0.941		0.879	
Adj- R^2	0.918		0.822	
F-statistics	41.618		15.508	

Note: ***, **, * represent 1%, 5%, 10% significant level

Table 7. OLS regression model on fixed effects (Cross-section and Period) for all ten countries

ROA				
	Cross-section fixed effects		Period fixed effects	
NIM	-0.016	(0.472)	-0.001	(0.911)
CAP	-0.015***	(0.008)	-0.013	(0.178)
AST	-0.042*	(0.096)	-0.044	(0.159)
MAN	0.004	(0.573)	0.004	(0.557)
EAR	0.208***	(0.000)	0.455***	(0.000)
LIQ	-0.003	(0.342)	0.002	(0.533)
GDP	0.015	(0.326)	-0.012	(0.607)
CPI	0.005	(0.508)	0.028***	(0.008)
β_0	1.994***	(0.001)	0.865	(0.105)
R^2	0.942		0.815	
Adj- R^2	0.976		0.771	
F-statistics	59.272		18.752	

Note: ***, **, * represent 1%, 5%, 10% significant level

Robust regression is an alternative to least squares regression when data is contaminated with outliers or influential observations and it can also be used for the purpose of detecting influential observations. However, if there is no error in the data after verification, and this study expects to learn during this period (2011-2018) whether the financial system of the six emerging market countries in Latin America has any reference for the four Asian countries in this study, all the data should be retained for analysis after the author of this study compares the data one by one and finds no error. On the other hand, there is no so-called extreme value problem in this paper, so there is no need to judge whether the individual data or variable case is extreme value, so there is no doubt about robustness test.

The empirical results of four main financial reform measures adopted by Asian countries were described as following:

Promotion of mergers and acquisitions of financial institutions (MAN)

A lower cost-to-income ratio indicates that the enterprise has greater control over operating costs and presents higher operational efficiency. Promoting financial institution mergers and acquisitions represents an increase in operational efficiency, so we used the cost-to-income ratio as the proxy variable for the promotion of the mergers and acquisitions of financial institutions.

As shown in Table 5, the cost to income ratio (MAN) seems to be statistically significant determinant of ROA in four Asian-emerging market countries and Latin America-emerging market countries at 1% and 5% level respectively, it seems to be more statistically significant with Asian-emerging market countries.

Appendix presents the statistics of the nine major variables during the study period from 2011 to 2018. The mean cost-to-income ratio of the four countries investigated in this study was 56.53% and lower than Latin America-emerging market countries in 60.57%. This shows that when the governments of the four investigated countries encouraged banks to undergo mergers and acquisitions, they achieved economies of scale and increased their operational performance.

Accelerate the processing of problematic financial institutions

The capital adequacy ratio (capital adequacy, CAP) refers to the ratio of total capital to total risk-weighted assets. The financial authorities in each country generally exercise control over the capital adequacy ratios of commercial banks so as to monitor the ability of the banks to withstand risks. This study used the capital adequacy ratio as the proxy variable for swifter handling of problematic institutions.

As shown in Table 5, the capital adequacy ratio (CAP) seems to be statistically significant determinant of ROA in four Asian-emerging market countries and Latin America-emerging market countries at 5% and 10% level respectively.

As shown in Appendix, the mean capital adequacy ratio of 10 countries was 17%. Following the Asian financial crisis in 1997, the South Korean government took over two large-scale banks (one of which was sold to foreign investors), closed five small- and medium-scale commercial banks, prompted the mergers of eight commercial banks, and ordered to closures of over 30 non-banking financial institutions. The Thai government ordered the closures of 56 problematic financial institutions and took over six commercial banks through financial development foundations. The Indonesian government revoked the licenses of 66 private financial institutions, 12 of which were taken over by the government. These were all swift measures to handle problematic financial institutions to enhance the ability of the banks to withstand risk. During the study period, the mean capital adequacy ratios of these three countries that implemented swifter handling of problematic financial institutions (South Korea, Indonesia, and Thailand) were all higher than 14%. According to the stipulation that the capital adequacy ratios of banks be no less than 8.5% in Basel III in 2019, swifter handling of problematic financial institutions can effectively improve the ability of banks to withstand risk.

Reduction of non-performing loan ratios of banks

The non-performing loan ratio (asset quality, AST) is the ratio of loans with overdue payments to total loans and presents the amount of loans made by a financial institution that clients may be unable to repay. A higher non-performing loan ratio indicates poorer loan quality, which means that the deposits made by depositors are less secure and is likely to induce bank runs. Generally speaking, financial institutions

with non-performing loan ratios less than 3% also have better credit quality. In this study, we used the non-performing loan ratio as the proxy variable for asset quality of banks.

As shown in Appendix, the mean non-performing loan ratio of 10 countries was 2.97%. The main purpose of the organizations established by the four targeted countries in this study (South Korea, Indonesia, Thailand, and Malaysia) to handle non-performing loans is to acquire and more quickly handle the non-performing loans of financial institutions so as to reduce their non-performing loan ratios and assist financial institutions in resuming normal loan services. The experiences of these countries show that, except for IBRA, the asset management companies in Thailand, Malaysia, and South Korea are all serving their function in dealing with non-performing loans quickly, thereby producing marked declines in their non-performing loan ratios.

During the study period, the non-performing loan ratios of the four Asia targeted countries were all less than 2.3% and lower than Latin America-emerging market countries in 3.45%. This shows that when the governments of the four investigated countries encouraged banks to serve their function in reducing non-performing loan ratios during the study period. However, the results in Tables 5 indicate that AST was not significantly effective in improving bank performance.

Enhance financial supervision

To strengthen the supervision system for financial supervision and management and to improve their financial supervision performance, the Asian countries affected by the financial crisis unified financial supervision, adopted strict regulations for capital adequacy ratios, loan assessment and classification, and loan loss provisions, and enhanced their internal control and audit systems. We therefore used the non-performing loan ratio and the cost-to-income ratio as the proxy variables for strengthening of financial supervision. As described in Sections 4.2, the policies to strengthen financial supervision in the four targeted countries of this study (South Korea, Indonesia, Thailand, and Malaysia) indeed improved the management efficiency of their financial industries. Although it has been more than two decades since the Asian financial crisis in 1997, the management efficiency of the financial institutions in these countries remains sound.

Our study finds that these six banking systems in Latin America are better placed to manage risk in the event of a global financial and economic

downturn similar to that experienced in 2008–2010. Regulatory frameworks are stronger than in 2008 with improved risk management and transparency. The financial condition of these banking systems remains solid while currency risks have declined. Most regulators have implemented or are in the process of implementing Basel III capital guidelines. This has contributed to improvements in both the level and quality of capitalization. Regulators have improved their oversight of bank liquidity and currency exposure as well. These markets' banks generally have sufficient loss absorption buffers and liquidity, bolstered by sustained profitability.

CONCLUSIONS

The objective of this study was to present the financial institution reforms that four Asian countries introduced after the Asian financial crisis and compare them with countries with Latin America-emerging financial markets to assess the effectiveness of the financial institution reforms that they implemented. We performed a detailed OLS analysis and compared the financial market performance of the financial institution reforms in these four Asian countries with that in Latin America-emerging market countries. Our primary findings were as follows: (i) the financial reform measures suggested by the IMF resulted in significantly better financial management efficiency in the four Asian countries targeted in this study than those in other countries with emerging markets; (ii) the effects of these financial reform measures are continuous, and even today, the financial management efficiency in these four Asian countries remain comparatively sound.

For Latin America-emerging emerging markets policy maker, which ought to choose clear and reasonable financial policies to promote both stability and development in the financial market. In times of high fluctuations, economic decisions should be made to control market risk, and policy interventions must be made at the right time with the right amount of force so as to bring stable markets and increase bank competitiveness.

DECLARATIONS

Abbreviations IMF: International Monetary Fund; NIM: net interest margin ratio; CAP: capital adequacy ratio; AST: non-performing loan ratio; MAN: cost-to-income ratio; EAR: pre-tax operation income divided by average assets; LIQ: net loans divided by deposit and short-term funding; GDP: gross domestic product growth rate; CPI: consumer price index.

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Availability of data and materials All data used in this paper are not available to the public in general. Data is available at the bankScope and Economist Intelligence Unit (EIU).

Ethics approval and consent to participate Not applicable.

Competing interests The authors declare that they have no competing interests.

APPENDIX

1. According to INDEC, the national Argentina statistics institute, real GDP fell by 0.3% in seasonally adjusted, quarter-on-quarter terms in April-June 2019. However, a low base of comparison meant that year-on-year growth was mildly positive at 0.7%. Exports disappointed, contracting by 0.6% in sequential terms, although they grew by 15% year on year. The weakness relates largely to weaker external demand for Argentina's industrial manufacturing exports. However, the net external sector contributed positively to GDP as imports contracted more sharply, by 2.7% in sequential terms and by 23% year on year.
2. On October 30th 2019, the monetary policy committee (Copom) of the Banco Central do Brasil (BCB, the central bank), unanimously decided to reduce the Selic policy rate by 50 basis points to 5%, an all-time low. Policymakers have said that there were upside and downside risks to the path of inflation. On the one hand, a high level of spare capacity and inflation inertia may lead to undershooting. On the other hand, the current degree of monetary stimulus—which works on a lagged basis—increases uncertainty over transmission channels and could cause inflation to rise above the mid-point target over the medium-term forecasting horizon. Furthermore, this upside risk would be heightened, should emerging-market conditions deteriorate and/or the (post-pension) economic reform agenda disappoints.
3. Chile president, Sebastián Piñera, has signed a new banking bill into law after 18 months of legislative work that spanned two administrations. The law seeks to bring financial regulation on par with Basel III standards through institutional changes and tapered implementation of recommended capital buffers and liquidity requirements. The reform will help to modernize the financial system, and a long roll-out period gives banks ample time to incorporate additional requirements and regulations into pricing and strategic planning. Compliance costs will differ across the industry, but there is general agreement in the system that updating to Basel III standards was a necessary step to ensure the long-term viability of the sector. Even though debt levels have increased steadily over recent years, the Chilean banking system appears stable and well protected: non-performing loans remain low and buffers are adequate.
4. OECD recommendations can be passed by government decree or executive action, but some of them will require additional funding

and will take time to come to fruition. These include, for example, measures to improve logistics and connectivity, to reduce the costs involved in setting up a business, to improve digitalization, to enhance competition in heavily concentrated industries (such as transport and telecommunications), to lower banking margins, to reduce tariff and non-tariff trade barriers, and to improve the quality of education. Colombia is likely to make progress in some of these areas, chiefly those pertaining to road infrastructure, custom procedures, digitalization, business set-up costs, education quality, and tax evasion.

5. On October 20th 2019, the IMF managing director, Kristalina Georgieva, met with Mexico's finance minister, Arturo Herrera, and the governor of the Banco de México (the central bank), Alejandro Díaz de León. The Fund also released its concluding statement following its annual Article IV visit. It praised Mexico's overall policy mix but highlighted several medium-term challenges, including the need to increase non-oil revenue, ease monetary policy, boost financial inclusion and reduce crime. We expect Mexico to maintain its orthodox policy mix, while making little progress on the longer-term challenges.
6. On November 7th 2019, the Banco Central de Reserva del Perú (BCRP, the central bank) cut its benchmark interest rate by 25 basis points, to 2.25%. The rate cut was the second this year; the previous reduction, also of 25 basis points, came in August. The BCRP is looking to stimulate the economy at a time when fiscal levers are proving to be less than effective. Public investment, although recovering, has underperformed substantially this year owing to a change of authorities at local government level. A recently announced fiscal package by the central government is expected to have only a marginal impact on growth.
7. Nine major variables summary statistics sheet on six emerging Latin-American markets

Country	2011	2012	2013	2014	2015	2016	2017	2018
ROA(%)								
Argentina	2.75	2.91	2.83	3.71	3.34	3.18	3.19	2.86
Brazil	1.51	1.26	1.10	1.20	1.36	0.73	1.40	0.99
Chile	1.53	1.51	1.55	1.42	1.26	1.52	1.69	1.92
Colombia	1.28	1.54	1.31	1.45	1.41	1.52	1.23	1.30
Mexico	1.46	1.35	1.25	1.43	1.34	1.34	1.55	1.52
Peru	2.02	1.85	1.70	1.37	1.91	1.18	1.48	1.42

Country	2011	2012	2013	2014	2015	2016	2017	2018
NIM(%)								
Argentina	4.99	5.66	5.07	5.01	4.52	10.95	10.48	10.38
Brazil	4.99	5.66	5.07	5.01	4.52	4.13	4.93	3.92
Chile	3.48	3.48	3.56	3.02	3.30	2.91	2.73	2.71
Colombia	5.43	5.18	5.29	6.52	6.15	5.69	6.55	6.42
Mexico	4.63	5.90	10.72	10.24	8.98	8.21	9.58	9.61
Peru	11.12	12.42	13.66	12.90	14.52	15.07	14.98	13.32
CAP(%)								
Argentina	42.50	13.02	14.28	15.91	13.38	15.00	12.73	13.79
Brazil	17.58	16.17	17.50	17.77	17.34	19.15	18.00	17.51
Chile	15.07	14.13	13.82	13.32	12.98	13.96	14.54	13.91
Colombia	28.89	36.80	25.19	11.76	11.18	12.49	13.74	14.40
Mexico	16.16	16.35	15.72	15.66	15.61	15.60	16.62	16.08
Peru	17.20	18.13	16.71	14.83	14.72	15.48	16.21	14.99
AST								
Argentina	1.59	2.05	1.97	2.35	1.74	2.42	2.06	3.60
Brazil	3.50	3.78	4.13	3.67	4.15	9.01	8.05	6.48
Chile	1.35	1.28	1.89	2.10	2.25	3.82	3.56	3.32
Colombia	4.53	4.72	4.93	4.65	3.76	2.31	3.48	4.47
Mexico	2.39	2.22	2.97	2.71	2.23	2.27	3.00	2.73
Peru	1.80	2.31	2.30	3.30	3.23	6.08	6.49	6.60
MAN								
Argentina	63.92	62.11	61.70	60.37	62.45	65.95	66.55	67.75
Brazil	55.21	58.59	62.31	61.21	60.20	59.76	67.65	65.33
Chile	53.01	57.38	57.94	56.61	55.32	61.58	63.32	59.24
Colombia	60.27	54.16	59.84	54.38	59.78	50.98	59.75	61.47
Mexico	64.56	62.66	61.61	65.02	66.24	70.92	69.72	67.06
Peru	56.37	54.90	55.64	51.06	47.42	64.98	62.04	61.15
EAR								
Argentina	3.30	3.79	3.93	5.23	4.51	4.01	4.12	4.23
Brazil	1.84	1.54	1.23	1.60	1.06	0.99	1.71	1.02
Chile	1.81	1.64	1.61	1.49	1.32	1.73	1.71	1.50
Colombia	3.58	5.05	1.66	1.98	2.10	2.17	1.34	1.54
Mexico	1.64	1.77	1.45	1.50	1.40	1.78	1.71	1.41
Peru	2.72	3.32	2.95	2.95	3.24	1.88	2.02	2.67

Country	2011	2012	2013	2014	2015	2016	2017	2018
LIQ								
Argentina	76.36	81.06	83.10	83.37	81.20	75.43	76.49	65.50
Brazil	83.35	91.46	84.49	87.24	74.57	80.33	61.66	63.21
Chile	104.49	110.59	114.44	112.65	111.27	114.79	113.68	118.49
Colombia	85.95	94.64	86.59	93.37	100.57	98.06	100.81	98.46
Mexico	94.31	93.73	98.69	93.98	97.21	76.84	79.32	78.17
Peru	83.43	80.19	82.97	85.54	82.89	90.87	94.40	92.39
GDP								
Argentina	6.05	-0.90	2.34	-2.47	2.59	-2.20	2.67	-2.48
Brazil	3.99	1.93	3.01	0.50	-3.77	-3.60	1.06	1.12
Chile	6.02	5.42	4.12	1.87	2.21	1.53	1.47	4.05
Colombia	6.59	4.04	4.87	4.39	3.05	1.96	1.35	2.57
Mexico	4.05	3.78	1.61	2.27	2.65	2.04	2.12	2.00
Peru	6.48	5.94	5.79	2.45	3.30	3.94	2.49	3.98
CPI								
Argentina	9.78	10.05	10.62	21.40	16.36	37.52	26.49	34.28
Brazil	6.64	5.40	6.20	6.33	9.03	8.74	3.45	3.67
Chile	3.33	2.99	1.92	4.40	4.35	3.79	2.18	2.32
Colombia	3.42	3.17	2.02	2.90	4.99	7.51	4.32	3.24
Mexico	3.40	4.11	3.81	4.02	2.72	2.82	6.04	4.90
Peru	3.37	3.66	2.81	3.25	3.55	3.59	2.80	1.32

8. Nine major variables summary statistics sheet on four Asian markets

Country	2011	2012	2013	2014	2015	2016	2017	2018
ROA(%)								
Korea	0.86	0.56	0.35	0.44	0.73	0.66	0.77	0.76
Indonesia	1.72	1.77	1.80	1.45	1.08	1.48	1.44	1.29
Malaysia	1.21	1.23	1.20	1.05	0.94	0.85	0.93	0.94
Thailand	1.08	1.43	1.64	1.29	1.43	1.64	1.44	1.48
NIM(%)								
Korea	2.46	2.47	2.19	1.92	1.86	1.74	1.75	1.89
Indonesia	5.36	5.76	5.20	5.07	5.47	5.77	5.62	5.19
Malaysia	0.78	0.58	1.66	1.75	1.69	1.70	1.62	1.41
Thailand	3.04	2.96	3.06	3.19	3.29	3.19	3.20	3.47

Country	2011	2012	2013	2014	2015	2016	2017	2018
CAP(%)								
Korea	13.98	14.62	14.63	14.02	13.66	14.93	15.10	14.91
Indonesia	16.38	16.87	18.12	17.89	19.33	21.38	21.73	21.35
Malaysia	18.30	18.81	17.74	18.41	19.87	18.74	20.78	19.67
Thailand	15.22	16.04	15.12	16.80	17.86	18.31	17.96	17.96
AST								
Korea	1.64	1.63	1.99	2.20	1.88	1.41	1.16	1.25
Indonesia	1.81	1.44	1.39	1.91	2.68	3.04	2.97	2.75
Malaysia	2.84	2.21	1.92	1.70	1.83	1.90	1.70	1.94
Thailand	3.97	2.59	2.88	2.94	2.99	3.25	3.03	3.22
MAN								
Korea	58.51	62.34	70.87	70.84	70.34	70.55	67.89	62.75
Indonesia	58.15	59.27	57.36	59.36	60.51	57.42	56.90	57.94
Malaysia	48.97	48.29	49.48	48.94	53.44	52.47	51.83	49.72
Thailand	50.74	60.37	49.32	49.62	49.21	48.07	49.12	48.31
EAR								
Korea	1.22	0.77	0.55	0.68	1.04	0.91	1.01	1.08
Indonesia	2.06	2.42	2.46	1.99	1.52	2.10	2.06	1.86
Malaysia	1.64	1.66	1.62	1.40	1.26	1.28	1.34	1.37
Thailand	1.89	1.65	1.78	1.53	1.58	1.58	1.57	1.72
LIQ								
Korea	103.62	104.90	104.01	93.11	92.01	99.46	101.41	95.85
Indonesia	81.12	84.98	88.09	86.26	87.09	86.20	84.98	87.20
Malaysia	64.47	66.34	70.62	74.05	77.67	79.94	82.55	82.31
Thailand	91.66	99.27	98.07	97.49	94.89	95.77	95.49	101.27
GDP								
Korea	3.69	2.40	3.17	3.20	2.81	2.95	3.16	2.67
Indonesia	6.18	6.03	5.56	5.01	4.88	5.02	5.07	5.17
Malaysia	5.29	5.47	4.69	6.01	5.03	4.22	5.74	4.74
Thailand	0.84	7.24	2.73	0.91	2.94	3.24	4.04	4.12
CPI								
Korea	4.03	2.18	1.30	1.28	0.71	0.97	1.94	1.48
Indonesia	5.36	4.28	6.41	6.40	6.36	3.52	3.81	3.20
Malaysia	3.17	1.66	2.11	3.14	2.10	2.09	3.80	0.97
Thailand	3.81	3.01	2.18	1.90	-0.90	0.19	0.67	1.07

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Peruvian Prison Reforms and the Covid-19 Outbreak

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ABSTRACT

Peruvian Prison Reforms and the Covid-19 Outbreak: The Peruvian State guarantees inmates the right to adequately equipped imprisonment facilities, and the prison regime's aims to re-educate, rehabilitate, and reintegrate inmates have been a recognized part of the Constitution of 1993. Peruvian Prison reforms, however, have experienced challenges in their efforts to enact and enforce these constitutional provisions. This research explores the Peruvian Prison System as a complex adaptive system to better understand the non-predictable outcomes of efforts by the Governmental Authorities to improve prisons, and considers how such a system has influenced prison reforms in light of the limited capacity of the Peruvian state. Employing the Complexity Theory to analyze prison reforms enacted between 2011 and 2016, as well as the ones during the Covid-19 outbreak in 2020, we observe that the regulatory capacity has prevailed in prison reforms despite the political context, but met with challenges in areas of analytical, coordination and deliver capacity in the Prison System as a complex adaptive system, due to the limited capacity of the Peruvian state.

Keywords: Prison, Reforms, Covid-19, Complexity theory, Complex adaptive systems, Peru

INTRODUCTION

The Peruvian Prison System has been placed under a state of emergency three times over the last 15 years (February 2005,¹ February 2012,² and

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1 Declared by Urgency Decree No. 04-2005.

2 Declared by Urgency Decree No. 007-2012.

recently, in January 2017³) under conditions deemed unconstitutional due to the lack of minimum provision of mental healthcare services⁴ as well as for being overcrowded.⁵ The Coronavirus outbreak has exacerbated this problematic context, and it has gone on to uncover several deficiencies in the whole Peruvian Public Administration and also within the Prison System itself.

Despite the World Health Organization's declaration of Covid-19 as an international public emergency on January 30, 2020, the Peruvian government responded belatedly in the area of prison matters. When the first Covid-19 patient in Peru was diagnosed and announced on March 6, 2020 (Redacción Gestión 2020), emergency measures were implemented in different sectors. And though these measures and the effects of the pandemic in prisons are still unfolding, some preliminary aspects of the government's response are worth analyzing.

This research aims to examine the challenges Peruvian prisons have experienced in implementing reforms and takes the measures enforced during the Covid-19 outbreak as a referential point, to be contrasted with previous reforms promoted during President Humala's government. Peru's limited state capacity has set the stage for the current prison situation. The Complexity Theory is a suitable approach to explore its prison setting as a complex adaptive system, as well as to compare the reforms implemented during the pandemic between March and December 2020 (Vizcarra, Merino and Sagasti Administration) with the ones executed between 2011-2016 (Humala Administration). This comparison analyzes the endogenous and exogenous aspects that have influenced prison reforms; furthermore, it allows us to explore retrospectively how the state capacity and prison system responded to the reforms implemented.

In this study, Section 2 explores the Peruvian state capacity and Complexity Theory in analyzing the Prison System as a complex adaptive system; Section 3 examines the complexity in the Peruvian Prison System and the state capacity in prison reforms, and Section 4 details the

3 Legislative Decree No. 1325, as amended by Supreme Decree No. 013-2018-JUS, declared the state of emergency of the Peruvian Prison System from January 7, 2017 until January 6, 2021.

4 See the Constitutional Court decision regarding (i) M.H.F.C. represented by Melchora Castañeda Tuesta de Flores v. INPE Director published in the Constitutional Court website on September 16, 2019; and (ii) Pedro Gonzalo Marroquín Soto represented by Miguel Aurelio Baca Villar v. INPE Director (2010), published on the Official Gazette El Peruano on November 3, 2010.

5 See the Constitutional Court decision regarding C.C.B. v. Tacna Prison (2020) published on the Official Gazette El Peruano on June 4, 2020.

conclusions. Employing a Mixed Methods approach, we analyze the regulations enacted during the pandemic, publicly available data provided by the Ministry of Justice and INPE (the Peruvian Prison Authority) and reports elaborated by the Peruvian Ombudsman, as well as interviews with former officials of INPE, scholars and attorneys at law, and contributions from members of academia and civil society.

STATE CAPACITY AND THE PERUVIAN PRISON SYSTEM AS A COMPLEX ADAPTIVE SYSTEM

The State's authority and power, its ability to enact public policies and enforce regulations, are related to its infrastructural power which reflects the state capacity (González-Bustamante 2021, 2). This capacity has improved in Peru with the development of a formal economy following an economic boom, alongside a decrease in the country's poverty rate, though this also includes the informal economy linked to illicit activities and crimes (Dargent et al. 2017, 10-11, 26; Luna 2020, 114). Challenges specific to the Latin American region, linked to insufficient provision of minimum required public services, a lack of enforcement to demonstrate the legitimacy of the State's use of physical force, as well as the "territorial, functional and socioeconomic divisions, and corruption" (Luna 2020, 127), are also evident in Peru. An increase in crime rate draws attention to the prison capacity and raises the question of improving it to meet population demands in criminal justice. Under Complexity Theory, we explore the types of administrative capacities that provide solutions within the state, such as provision of public services (delivery capacity), rule of law and law enforcement (regulatory capacity), comprehensive collaboration between institutions and state authorities (coordination capacity), and analytical capacity to evaluate forecasts and state actions in progress related to prison affairs (Lodge and Wegrich 2014, 11-14).

Complexity Theory was developed in the areas of natural science, and may be applied in the study of social sciences, particularly in Socio-legal research as proposed by academia^{6,7} for the study of nonlinear dynamical

6 Our research considers the approach of T. E. Webb that makes a distinction between Complexity Theory, Chaos Theory and Autopoiesis Theory (Webb 2014). However, other scholars cited by Webb (2014) such as J. B. Ruhl, J. Salzman, P. Cilliers, J. Murray, Julian Webb, N. Leuhmann, and G. Teubner, among others, focused their research in areas of Complexity Theory, public policies and law.

systems in which changes “are not (necessarily) proportional to inputs” (Pycroft and Bartollas 2014, 2). This theory aims to explore the complexity between the interactions of set of rules, the system, and its environment: “System parts interact under these rules and from this system behavior and organisation emerges. Notably, the form of system organisation and behavior cannot be predicted by examining the constituent parts, and a particular development cannot be predicted from observation of this starting point” (Webb 2014, 481). Therefore, it offers an explanation to the difficulties of managing legal regulation, and more generally, the development of legal systems (Webb 2014, 493), as well as an approach to examine the changes in the system from time to time, and the law’s adaptation (Ruhl 1997, 967-989; Ruhl and Katz 2015, 238-243), to measure complexity in systems (Harris 2019, 58-61; Ruhl and Katz 2015, 211-231)⁸ and to analyze the Environmental Law (Ruhl 1997, 942-966), International Environmental Law (Kim and Mackey 2014) and Foreign Investment Law (Pauwelyn, 2014) as complex adaptive systems.

Of interest, the Prison System has not yet been analyzed by academia under Complexity Theory, though some scholars have explored the application of Chaos Theory in criminology and social justice (Milovanovic 1997), as well as criminal justice and social work (Pycroft and Bartollas 2014). Considering the gap in Complexity Theory in the area of criminal justice, the prison system in particular, this represents an opportunity to evaluate the field as a complex adaptive system, how its reforms have been implemented, together with its outcomes and pending challenges.

The Peruvian Prison System can be represented as a complex adaptive system from the general properties proposed by Ruhl (1997) based on Holland’s work (Holland 1995), namely “aggregation”, “nonlinearity”, “flows”, “diversity” and “self-criticality”. Firstly, “aggregation” states that systems act based on “complex, large-scale behaviors that emerge from the aggregate interactions of these less complex agents” (Ruhl 1997, 942) and the current structure of the Prison System is one of self-organization

7 Complexity Theory is employed to examine Administrative Law by scholars such as Ruhl and Salzman in a regulatory framework (Hornstein 2005, 914) as well as Hornstein (Hornstein 2005). Additionally, other scholars explore the Complexity Theory in different areas of law: Ruhl examines Complexity Theory in the environmental regulations, its failures, and mechanisms to improve its effectiveness (Webb 2014, 482), Roe analyzes the such theory in connection to the corporate law, and Di Lorenzo explores the Complexity Theory through the chaos theory to improve the legislation (Hornstein 2005, 914).

8 UK Office of Tax Simplification has developed a Complexity Index to identify which areas are most complex and why. See <https://www.gov.uk/government/publications/office-of-tax-simplification-complexity-index>

with interactions between the Ministry of Justice, INPE, prison workers and inmates. Secondly, “nonlinearity” considers that “relationships of system components [...] to be measured do not exhibit a mathematical proportionality” (Ruhl 1997, 946) can be observed in the continuing state of emergency of the prison system with its reforms that have not been sufficient to optimize areas of prison capacity, rehabilitation and reintegration. Thirdly, “flows”, as appears in the “force of change in complex adaptive systems [...] involves the flow of some medium” (Ruhl 1997, 947), can be seen where information available from INPE, as well as the society’s perceptions, are considered by the Executive Branch and Congress for the elaboration of policies and laws in prison affairs. Fourthly, “diversity” is generated by disturbances in complex adaptive systems (Ruhl 1997, 989) and is represented by the changes in prison policies and regulations, as well as the political decisions made by the Ministry of Justice and INPE, both as leading authorities. Finally, “self-criticality” is oriented to transform change into a stable standard instead of a radical reform, although the system “will occasionally experience major disruptions inherent in nonlinearity and aggregation” (Ruhl 1997, 943, 952). This case is evident from the prison’s declaration of emergency in the past years that have since become a normalized situation within the Prison System.

We consider it necessary to determine if the prison reforms during 2011-2016 and 2020 were implemented with the Prison System framed as a complex adaptive system or not, in order to better understand their outcomes and the trajectory of the ones ongoing. We consider Webb’s contribution based on Cilliers’s work in order to explore the Prison systems under complexity with regards to its “self-organization”, relationships between the system and the “boundary”, “attractors”, and the “environment and the system’s adaptation” (Webb 2014, 491), which is analyzed in Section 3. We believe that the analysis of the Peruvian Prison System under the Complexity Theory may contribute to the field of academia and benefit policymakers by examining the formulation of prison reforms that have generated subpar results for the inmates’ re-education, rehabilitation and reintegration. This examination has further relevance to the evaluation of state capacity and may highlight possible patterns underpinning the system as a whole.

COMPLEXITY IN PRISONS AND THE COVID-19 OUTBREAK

Analytical Capacity: The Prison System as a Self-organization

Under Complexity Theory, a self-organizing system is one in which its own organization emerges spontaneously from a non-order context as a result of diverse internal decisions arisen from the interrelation of its parts. As a consequence of this dynamic, the whole organization transcends its components and generates self-organized behaviors with a non-predictable impact within the context of nonlinearity (Webb 2013, 485-487). Thus, INPE and the Ministry of Justice are considered as components of the Prison System's self-organization due to their legal capacity in enforcing laws and regulations in the Executive Branch, specifically in matters of prison management, inmate treatment, and rehabilitation.

Several parts of this dynamic deserve further consideration. Firstly, the INPE,^{9,10} as a public executive organism (*organismo ejecutor público*) under the Ministry of Justice, is responsible for the National Prison System; it has normative, economic, financial, and administrative autonomy. The current structure, however, represents a burden for any Minister of Justice in office: prison matters are usually under scrutiny of public opinion¹¹ and ministers are aware that their continuity, reputation, and credibility are subject to any potential crisis involving, or in, prisons. In practice, the Ministry of Justice opts to allocate all the responsibility and risk to INPE in case any critical prison event occurs,¹² a behavior evident during the Covid-19 outbreak.

Secondly, it is common practice for the INPE's National Prison Board (the institution's managerial body comprising of a President, Vice-President, and a third board member) to rotate on a frequent basis. Between September

9 INPE acronym in Spanish refers to the National Penitentiary Institute (Instituto Nacional Penitenciario), the Peruvian Prison Authority.

10 Pursuant to the Peruvian Criminal Execution Code, article 133, the Ministry of Justice Organization and Functions Law, Law No. 29809, article 15, and the Legislative Decree that strengthens the National Prison System and the National Penitentiary Institute (Instituto Nacional Penitenciario-INPE), Legislative Decree No. 1328, article 6.

11 V. S. García Toma, interview, July 29, 2020; C. Nakazaki Servigón, interview, August 8, 2020; F. J. Llaque Moya, interview, July 25, 2020; J. L. Pérez Guadalupe, interview, February 1, 2020.

12 V. S. García Toma, interview, July 29, 2020.

2010 and February 2020, the institution had eight presidents, all of whose appointments and removals were politically driven. During the Covid-19 outbreak between March and December 2020, an aggravating political event occurred: after President Vizcarra was impeached in November 2020 for accusations of corruption, the President of Congress who assumed the Republic's interim's presidency occupied the position for less than a week before resigning, after which a second interim president was appointed.¹³ Also during this period, four Ministers of Justice were appointed,¹⁴ giving the INPE four different presidents at separate times. Notwithstanding this, Humala's Administration (2011-2016) appointed seven Ministers of Justice and three INPE presidents. Thus the changes in INPE management brought "outrage" and made it impossible to plan and execute any proper plan of prison management or policy due to the high volatility of the leading staff in charge,¹⁵ compounded by the fact that some of those appointed did not have sufficient experience in leading prison affairs (Pérez Guadalupe 2020).

The limitations in INPE management can be observed as well in the area of budget execution for prison infrastructure development. According to the Ministry of Economy and Finance, INPE's budget execution for prison infrastructure development was 100% in 2014 (PEN 120,756,723) and 99.6% in 2015 (PEN 105,914,077) during Humala's Administration. In 2016, following the transition to Kuczynski's Administration the budget execution was significantly reduced to 38.2% (PEN 34,802,432). For the next three years the budget execution continued to rise: 44.3% in 2017, 52.6% in 2018, 71.5% in 2019, before dropping in 2020 to 52.6%. It is important to note that for 2020, the initial budget for prison infrastructure was PEN 157,045,645 while its execution represented a reduction of more than 50% of the allocated amount, despite the pandemic. In this year alone it is obvious that political instability and deficient leadership in INPE management generated poor and non-sustainable development within the prison infrastructure.

13 President Martín Vizcarra was impeached by the Congress on November 9, 2020 and the President of the Congress, Manuel Merino took power on November 10, 2020. However, due to social protests in the country, President Merino resigned after six days and Francisco Sagasti was elected as the new president by the Congress and assumed the presidency on November 17, 2020.

14 During this period, Fernando Castañeda and Ana Neyra (Vizcarra Administration), Delia Muñoz (Merino Administration) and Eduardo Vega (Sagasti Administration) were appointed as Ministers of Justice.

15 F. J. Llaque Moya, interview, July 25, 2020.

The Peruvian Ombudsman agreed that Governmental Authorities did not have the necessary technical and political skills to react in time against Covid-19 (Fernández Millán 2020). Additionally, such institution, as the National Preventive Mechanism against Torture and ill-Treatments (NPM), reported an increase in the occurrence of ill-treatment during the pandemic and proposed recommendations to the Public Authorities (Defensoría del Pueblo 2020a; Defensoría del Pueblo 2020b).

Considering the prison reform experiences between 2011-2016 and the unique context of 2020, a politically stable Executive Branch, as reflected in the appointment of INPE Prison Board, may be necessary to open the way to develop consistent reforms inside the sector. With a change in government every five years, it is understandable that new authorities would implement their own policies subject to their political orientations, and would not necessarily continue the work of previous administrations. Nevertheless, it is not unreasonable to argue for consistent and sustainable prison policies during the period of a five-year government.

Regulatory capacity:

Relationship between the Prison System and the boundary

Webb (2013, 488) considers boundaries as a defining feature of any system, whether these boundaries are within partial systems or represent observed boundaries of a partial system, and that systems do not necessarily adapt its structure or boundaries towards externalities unless they are considered “legal”, although the concept of “legal” may change from time to time. The law’s boundaries are subject to ongoing interactions within society, and refer specifically to “the product of emergent interaction, of the encounter between self-understandings of assemblages, processes and concepts that claim the legitimacy afforded by identifying themselves as legal, and those assemblages compelled to engage with them” (Webb 2019, 72). However, boundaries influence the adaptation of the system’s organizational rules and structure due to the learning capacity and memory of the system’s participants, as proposed by Cilliers (Webb 2013, 488). In cases where problems arising from nonlinear contexts are excluded, the legal system may still be influenced by a different kind of learning capacity, through aspects such as “limited memory”, “locality and contingency of knowledge”, as well as the innate imperfections of its models (Webb 2013, 489), giving rise to unforeseeable results.

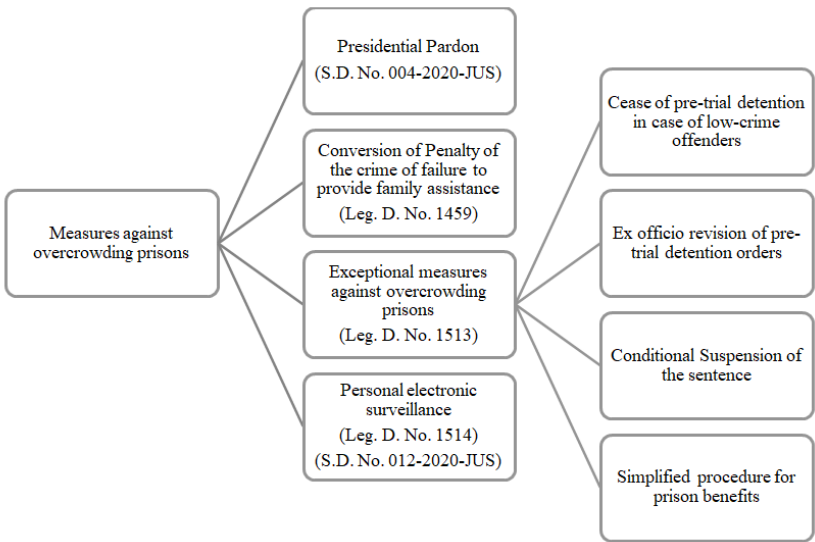
Peru’s position as a Civil Law jurisdiction is based on the Principle

of Legality acknowledged by the Peruvian Constitution (Const. 1993, art. 2, section 24, literal d.): “No one shall be prosecuted or convicted for any act or omission which, at the time it was committed, was not previously expressly and unequivocally described in the law as a punishable offense; nor shall it be punished by a penalty not provided for by law”. Inmates have the right to occupy adequate facilities, and the prison regime aims to re-educate, rehabilitate, and reintegrate the inmate into society at the time of their release (Const. 1993, art. 139, sections 21-22); furthermore, the Constitution of 1993 recognizes that no one shall be a victim of moral, mental or physical violence, nor subject to torture or inhuman or degrading treatments (Const. 1993, art. 2, section 24, literal h).

The Criminal Enforcement Code (1991), meanwhile, stipulates that criminal justice and preventive measures shall exclude torture, inhuman or degrading treatment, and any other acts against human dignity (CEC, 1991, Preliminary Text, art. III). Another provision furthers the clause, stating that inmates shall receive comprehensive treatment in an adequately equipped environment from the time of admission to the internment facility, until release (CEC, 1991, art. 3). The principles of the Peruvian Prison System, therefore, are focused on the inmate’s treatment and reintegration and the maintenance of an optimal prison facility to satisfy those ends.

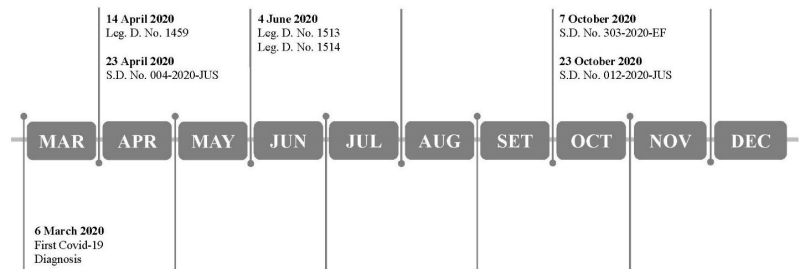
Between 2011-2016, the government enacted regulations prioritizing prison infrastructure development and prison service improvement (Legislative Decree No. 1229 and Supreme Decree No. 007-2016-JUS), the 2016-2020 National Prison Policy and the National Prison Plan (Supreme Decree No. 005-2016-JUS). Meanwhile, in 2012 the Ministry of Justice and INPE launched 10 measures to improve the Prison System (Ministerio de Justicia and INPE, 2012) and the former body prepared a sectorial plan to implement sustained improvement of the prison capacity and inmates’ rehabilitation, for as early as 2030.

Notwithstanding this, there has not been sufficient regulations and reforms to secure the rights of the entire prison population within the challenging context where social distancing is required. During the pandemic, specifically between March and December 2020, the Peruvian government enacted the Supreme Decree No. 008-2020-SA to declare a national public health emergency for 90 calendar days. Special laws were implemented during the Covid-19 outbreak, as detailed in Fig. 1 and Fig. 2, to reduce the overcrowded prison population.



Source: Author’s elaboration based on CEAS (2020), Pérez Guadalupe and Nuñovero (2020).

Fig. 1. Peruvian State Response to Covid-19 Outbreak in Prisons



Source: Official Gazette El Peruano.

Fig. 2. Regulations enacted during Covid-19 Outbreak

The first of these, the prison benefit of an automatic penalty conversion for inmates guilty of failure to provide family assistance¹⁶ was enacted

16 Pursuant to Criminal Code, articles 149 and 150, the “crime of failure to provide family assistance” refers to the omission to provide food, education, clothing, among others from a householder to their children, as well as a to its spouse or legal non-marriage partner (*pareja bajo unión de hecho*), and to the man who abandons a pregnant woman under a critical situation whom he has impregnated.

by Legislative Decree No. 1459 for those who did not represent a source of significant social harm, and could be expected to contribute to the citizenship's social welfare. Once inmates satisfy the provision of family assistance and the cost of damages of their crime, whichever the case may be, the penalty is converted and the inmate released.

Next is presidential pardon, which falls under Presidency duties in accordance with the Constitution of 1993 (art. 118, par. 21); the Ministry of Justice's Presidential Pardon Commission is in charge of evaluating, qualifying and proposing to the presidency cases for approval. However, accusations of corruption surrounding some cases of presidential pardon have reduced the number of inmates released through this modality (CEAS 2020, 15). Instead, it has become necessary for Governmental authorities to adopt special measures to implement the same process but on an accelerated basis by enacting Supreme Decree No. 004-2020-JUS. Inmates in the advanced stages of a chronic disease that may be aggravated by Covid-19, those with any other non-terminal diseases that render them vulnerable to the spread of Covid-19 while imprisoned, female inmates with children, pregnant inmates, inmates whose penalty conclude within six months at the time of the review, inmates with a penalty of no more than four years, and inmates older than 60 years old all have benefitted from these new presidential pardon regulations. Due to the population's concerns, some crimes were excluded from consideration.¹⁷

The exceptional measures introduced against prison overcrowding consisted of four main courses of action: cease of pre-trial detentions, revision of pre-trial detentions granted, conditional suspension of sentence, and implementation of a simplified process for prison benefits focused on specific crimes that do not overly affect society's expectations of sanctions.¹⁸

17 Exception includes crimes such as murder, aggravated injuries, omission to family assistance, kidnapping, human trafficking, sexual exploitation, slavery, rape, sexual offenses, sexual harassment, sexual extortion, promotion of prostitution, infant pornography, aggravated robbery, extortion, elaboration, supply or possession of dangerous materials, spread of contagious or dangerous disease, illegal medical practice, among others (Supreme Decree that establishes special conditions for the evaluation and recommendation proposal for Presidential Pardon, under the public health emergency by Covid-19, art. 3.3).

18 Exception includes crimes such as murder, aggravated injuries to women and family members, injuries to women and family members, promotion of or participation in gangs, kidnapping, human trafficking, sexual exploitation, slavery, forced works, rape, sexual offenses, among others (Legislative Decree that establishes exceptional measures to reduce overcrowding prisons and juvenile offender centers due to Covid-9 contagion, art. 2).

Finally, the Covid-19 outbreak forced an accelerated implementation of special regulations for personal electronic surveillance. Prior to the pandemic, the pilot program consisted of only 24 electronic shackles placed into circulation (CEAS 2020, 18) due to bureaucratic regulations and a limited budget that could not support a wider distribution. The situation has since moved ahead, with complementary actions, such as the enactment of new rules to facilitate its implementation by Supreme Decree No. 012-2020-JUS,¹⁹ together with the public call in on October 7, 2020 addressed specifically to electronic shackle providers (INPE 2020a; INPE 2020b).

Delivery capacity: The Prison System and Attractors

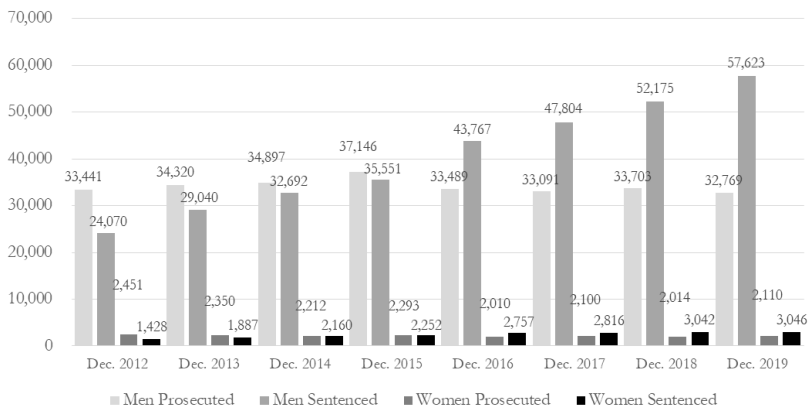
Studying the attractors of a system and their contributions to that system's structure is a way to interpret and understand the reasons why certain events have occurred at a specific time. For example, by describing the prevailing 'social influences' and 'structures' in a societal setting (Webb 2013, 489). For the purposes of our investigation, the Prison System's attractors may be examined under the Complexity Theory to understand how the interactions within the parts of the system and its boundary have influenced the current prison situation in Peru, prior to, and after the Covid-19 outbreak.

The prison regime aims to re-educate, rehabilitate, and reintegrate inmates into society at the time of their release (Const. 1993, art. 139, sections 21-22). It recognizes that no inmate shall be a victim of moral, mental, or physical violence nor subject to torture or inhuman or degrading treatments (Const. 1993, art. 2, section 24, literal h). However, the Prison System's attractors differ from the ideal scenario stipulated by the laws; the Peruvian Ombudsman is the independent public institution to monitor this particular.

Peruvian Criminal Justice allows prosecuted parties (and even those without a criminal charge) to be imprisoned during ongoing investigations, or up to the date when criminal trials are scheduled to commence, due to the nature of the crime involved, or if the prosecuted party's behavior represents a potential risk to the criminal investigations (pre-trial detention). This mechanism is criticized not only by scholars^{20,21,22} but also by

¹⁹ Supreme Decree that approves the Rules to employ the personal electronic surveillance, Supreme Decree No. 012-2020-JUS was published in the Official Gazette El Peruano on October 23, 2020.

international organizations^{23,24} as it anticipates punishment before a person has been found guilty. As detailed in Fig. 3, between 2012 and 2019 the number of prosecuted men and women in prisons have reduced, with an increase in the numbers of those sentenced, from which it may be inferred that criminal justice has undergone few improvements, but not enough to significantly affect prison infrastructure. Therefore, some scholars and professionals consider it important that this aspect should be addressed through a comprehensive reform in Criminal Justice by Judiciary and Congress.²⁵



Source: Author's elaboration based on INPE (INPE 2012; INPE 2013; INPE 2014; INPE 2015; INPE 2016; INPE 2017; INPE 2018; INPE 2019).

Fig. 3. Prosecuted and Sentenced Inmates in Peruvian Prisons, December 2012-December 2019

20 See <https://laley.pe/art/9746/prision-preventiva-en-tiempos-de-pandemia-y-la-doctrina-razon-de-tipo-humanitario>

21 See <https://lpderecho.pe/discusion-ideologica-prision-preventiva-presuncion-inocencia/>

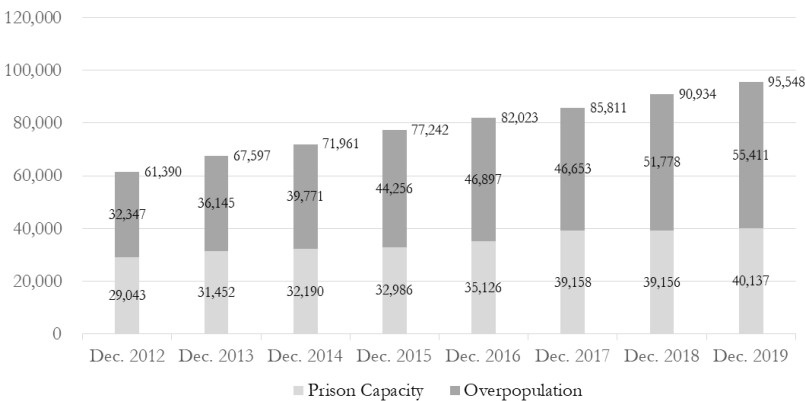
22 See <https://revistaidee.com/idee/content/la-prisi%C3%B3n-preventiva-en-per%C3%BA-%C2%BFmedida-cautelar-o-antipo-de-la-pena>

23 The Inter American Human Rights Court has issued a report encouraging the reduction of pre-trial detentions in the Americas. See <http://www.oas.org/es/cidh/informes/pdfs/PrisionPreventiva.pdf>

24 UN Office of the High Commissioner for Human Rights issued the in the "Human Rights Dispatch 2" in which recommends alternatives to pre-trial detentions due to Covid-19 outbreak. See https://www.ohchr.org/Documents/Issues/Executions/HumanRightsDispatch_2_PlacesofDetention.pdf

25 V. S. García Toma (interview, July 29, 2020); C. Nakazaki Servigón (interview, August 8, 2020); F. J. Llaque Moya (interview, July 25, 2020); J. L. Pérez Guadalupe (interview, February 1, 2020).

Prison capacity is also a limiting factor to improve inmate treatment. It reduces resocialization efforts, which are subject to a specific budget in accordance with the maximum capacity of the physical infrastructure allocated to this area. As detailed in Fig. 4, government authorities have failed to foresee and so plan for the increase in prison matters across a seven-year period: in December 2012, overpopulation represented 52.69% (32,347), and in December 2019, 57.99% (55,411). Moreover, as of December 2019, the prison capacity allowance was 40,137 inmates, with an overcrowding rate of 138% that limited provision of accommodation, healthcare attention, education, prison works -all of which impacted on efforts to prepare inmates for their reintegration into society at the end of their sentence. The unconstitutional state of affairs seen in the overcrowding of prisons and its impact on prison mental healthcare, prior to the events of the pandemic, highlights the permanent crisis of the Prison System and the failure of authorities to take the necessary steps to improve the situation.



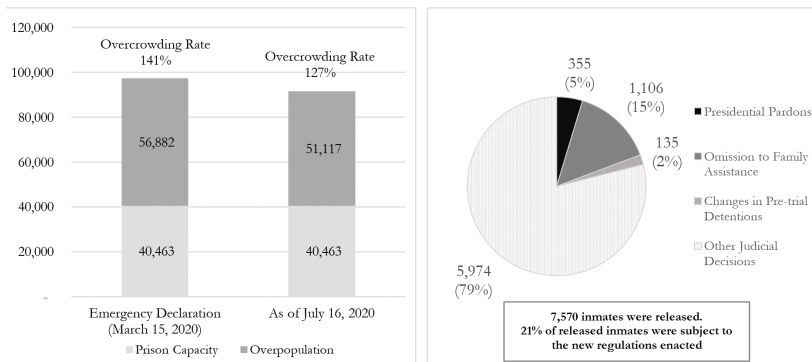
Source: Author's elaboration on INPE (INPE 2012; INPE 2013; INPE 2014; INPE 2015; INPE 2016; INPE 2017; INPE 2018; INPE 2019).

Fig. 4. Prison Accommodation Capacity December 2012-December 2019

During Humala's Administration, the prison system made important achievements in the areas of security and prison capacity (in 2016, no riots occurred and only 8 brawls were reported; prison capacity was increased from 32,347 to 35,126) (INPE 2020; INPE 2020c), enacted a 10-measure plan to improve the Prison System, and elaborated on the 2030 Prospective Plan of the Ministry of Justice, which includes

INPE as its dependent body. However, when Kuczynski's administration came into office, several projects that were still in progress, such as the implementation of electronic shackle, were not continued.

Between February and November 2020, 18 riots and 14 brawls occurred, which affected the stability and management of the prison; in the same period, 219 inmates died from Covid-19 and another 232 died with Covid-19 symptoms without official confirmation of the disease. Government official data regarding inmate' status in prisons during the pandemic and their release under the different legal mechanisms enacted by the Executive Branch has not been disclosed in a standard, transparent and accountable manner. Notwithstanding this, civil society has carried out an essential role during the pandemic. CEAS published a report proposing recommendations for Prison System reforms and compiling separate information disclosed by governmental authorities (CEAS 2020), as detailed in Fig. 5.



Source: CEAS (2020, 19).

Fig. 5. Overcrowding Reduction between March 15, 2020 and July 16, 2020

As of March 15, 2020, the day of the emergency declaration, prison overcrowding rate was 141%. The ideal scenario was a reduction of 56,882 excess inmates to control the effects of the pandemic in all the prisons across the country. As detailed in Fig. 5, as of July 16, 2020 only 7,570 inmates had been released, and the overcrowding rate reduced to 127%; 79% of whom benefitted from decisions made within the Judiciary that were not related to the new regulations implemented by the Executive Branch. In this context, is it possible to say that regulations implemented during the pandemic produced predictable results and

achieved the governmental expectations? Without doubt, the inherent complexity in prisons became even more evident with during this period, and it is essential to note that although the number of inmates released could not solve the overcrowding problem in prisons, it represents an important improvement in prison management.

The government's expectations and the results of laws enacted during the pandemic, as detailed in Table 1, shows the challenges in implementing regulations inside the Prison System, a motion that involves not only INPE but also the Ministry of Justice and the Judiciary. In this self-organized system the environment, and therefore its attractors, remain not predictable. Consequently, the delay in governmental strategy to counter the effects of the pandemic inside the prisons meant that the focus fell inevitably to addressing the overcrowding situation by the enactment of special regulations, as detailed in Section 3.2.

Table 1. Overcrowding Reduction as of August 9, 2020

	Legal Base	Expectation	Inmates released	Balance
1	Presidential Pardon Supreme Decree No. 004-2020-JUS	3,000	367	2,633
2	Conversion of Penalty of the crime of failure to provide family assistance Legislative Decree No. 1459	2,832	1,164	1,668
3	Exceptional measures against Covid-19 Legislative Decree No. 1513	Not Determined	615	-
4	Personal Electronic Surveillance Legislative Decree No. 1514	2,000	-	-
Total inmates released		2,146		

Source: Author's elaboration based on data from CEAS (2020) and INPE (2020b).

Between March 15, 2020, and July 16, 2020, as detailed in Fig. 4, 7,570 inmates were released from prisons, and the population reduced from 141% (97,345 inmates) to 127% (91,580 inmates) due to two arms of action: (a) new regulations to reduce the overcrowded facilities that saw the release of 1,596 inmates (1.7% of the prison population; representing 21% of the inmates released), and (b) judicial decisions unrelated to the implementation of new regulations to counter overcrowding (representing 79% of the inmates released). Other actions such as the limitation of visits and healthcare measures have been insufficient or

executed without appropriate transparency. It is premature to discuss the impact and results of these actions.

In the area of presidential pardons, only 12.23% of the expected target population received this benefit; for inmates who opted to reduce their sentence through the omission of family assistance, 40.10%. Despite governmental intentions, there were a limited number of prison workers to assess the inmates' clinical conditions, confirm the status of inmates applying for presidential pardons (the prison population registry is managed exclusively by INPE) and prepare individual case files, as well as the additional information requested by INPE or the Judiciary where records were outdated or incomplete (CEAS 2020, 14).

It was not possible to determine the exact number of inmates released under Legislative Decree No. 1513, due to the specific requirements to apply for this benefit. As for Legislative Decree No. 1514, the enforcement of personal electronic surveillance is still a pending task from the Ministry of Justice: prior to the enactment of this Legislative Decree, only 24 inmates had received the personal electronic surveillance device under the pilot plan (Redacción Gestión 2020a); four months after implementation, the Executive Branch issued the Supreme Decree No. 012-2020-JUS²⁶ approving new rules for employing Personal Electronic Surveillance. Executive Branch has estimated a provision of 2,000 electronic shackles; however, this plan is still ongoing due to delays within the Ministry of Justice, and results may only be appreciable during 2021.²⁷

According to INPE, as of October 2020 the prison population numbered 87,754 inmates, of which 46,927 were in excess of prison capacity. If we compare this information with Prison Accommodation Capacity December 2012-December 2019 (Fig. 4), this represents an important improvement in the Prison System. This situation underscores the reality that for a reform to be effective, it should address concurrently and in parallel several aspects to mitigate potential risks from changes in Peruvian politics and the unpredictable dynamics of prison affairs.

26 Supreme Decree approving the Regulations for the application of the Personal Electronic Surveillance measures, Supreme Decree No. 012-2020-JUS was published in the Official Gazette *El Peruano* on October 23, 2020, repealing and replacing the Supreme Decree No. 004-2017-JUS, approving the Regulation of Legislative Decree No. 1322, which regulates personal electronic surveillance and establishes measures for the implementation of the pilot plan.

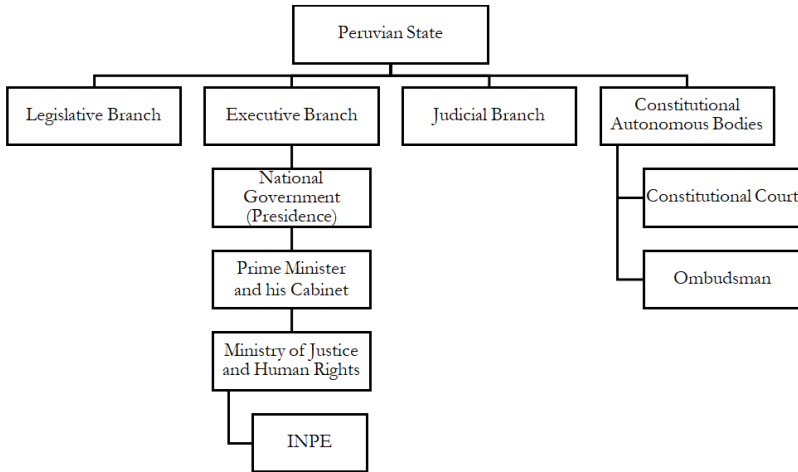
27 Fernando Castañeda as the Minister of Justice announced the purchase of 8,000 electronic shackles and around 7,000 inmates should receive such benefit. However, he was replaced by Ana Neyra in July 2020, and the Terms of Reference for purchasing only 2,000 shackles were issued in October 7, 2020 (INPE 2020b).

Coordination capacity: The Environment, the Prison System and its Adaptation

Complex systems are affected by the interaction between its parts and the environment; Webb considers that disorders experienced by the system may either be those of maladaptation or stagnation. The former refers to when a system does not adapt appropriately due to environmental factors subject to the population's knowledge: laws maladapted "might appear irrelevant, overly rigid, too flexible, inaccurate, or disjointed, to those whom the rule applies" (Webb 2014, 491); the latter refers to scenarios where "rules are forgotten, neither being misapplied or acknowledged but going unobserved" (Webb 2014, 492). When this happens, the collective will of the participants define the direction of a complex system and may lock it onto a particular 'path of development' despite its nonlinearity, unless a 'massive environmental upset' forces any significant change (Webb 2014, 491).

Peruvian Prison System reform is a regular topic in public administration discussions owing to its lack of infrastructure. Although regulations implemented in the system have been effective, as detailed in Section 3.2., insufficient prison services in the area of mental healthcare and the situation of overcrowding has resulted in it being declared unconstitutional by the Constitutional Court.

The relationships among INPE, Ministry of Justice, Courts of Justice, Congress, and Peruvian Ombudsman, under the structure of the State, as detailed in Fig. 6, have influenced the Prison System as well. Firstly, we consider it important to explore the influence of the Courts of Justice in the Prison System represented by the Judiciary and the Constitutional Court. The Judiciary is one of the three main branches of the Peruvian State, together with the Executive Branch and Congress. This body administers justice within its jurisdictional function granted by the Constitution of 1993 (art. 138) and it integrates the Supreme Court of Justice, Superior Courts of Justice, Specialized and Mixed Courts, Courts of Peace (either including an attorney at law as judge, or not); it is empowered to judge criminal cases, among others. The Constitutional Court, on the other hand, is an autonomous constitutional body with the duty to hear (i) the writ of unconstitutionality, (ii) orders refusing petitions of *habeas corpus*, *amparo*, *habeas data*, and *mandamus* as a last resort, and (iii) disputes over jurisdiction or over other cases assigned by the Constitution, in accordance with the law (Const. 1993, art. 202).



Source: Author's elaboration based on the Peruvian State website.^{28,29}

Fig. 6. Peruvian State Organizational Structure

The judges' independence and discretion to decide whether or not to impose pre-trial detentions³⁰, as well as to determine the punishment term once a person has been found guilty are reflected in the body of the prison population. The number of people detained during an ongoing investigation (prior to the criminal charge) or prosecution phase, in addition to inmates already sentenced, significantly affects the infrastructural capacity and the reintegration process of inmates across the country. In response to this, the Supreme Court of Justice issued the Plenary Agreement No. 01-2019/CIJ-116 on September 10, 2019 to establish a standard criterion for pre-trial detentions by judges. However, pre-trial detentions continue to be ordered by judges, and its consequences were evident during the Covid-19 outbreak. Consequently, joint efforts

28 Retrieved August 4, 2020, from <https://www.peru.gob.pe/docs/estado.pdf>

29 Portal del Estado Peruano (*Peruvian State website*) includes a figure with the whole state structure. For referential purposes, the Legislative and Judicial Branch were included in order to clarify the main structure of the State. We intentionally omitted other Constitutional Autonomous Bodies that are not comprised under this research.

30 According to the Criminal Procedure Code (2004, art. 268), the pre-trial detention is enforced as the *ultima ratio* if, based on the initial findings, it is possible to determine the concurrence of the following assumptions: serious elements of conviction for reasonably estimating the commission of a crime that links the accused as the author or participant in the crime, the penalty to be imposed is more than four years' imprisonment; and it is reasonably inferred that the investigated or prosecuted will try to evade justice or hinder the criminal investigation.

between the Executive Branch and Judiciary for reducing pre-trial detentions in prisons were considered (examined in Section 3.3), and the situation remains of significant concern for its effect on the Prison System as a whole.

Secondly, we consider Congress's leading role, which is to legislate within its sole chamber in a semi-Presidential State in a multi-party system, a responsibility it has assumed since the Constitution of 1993. During 2011-2016, the official coalition obtained 47 of 130 seats in the parliament and constructed a majority built on political alliances with other parties. This generated a comprehensive relationship between both branches of the State. However, as a consequence of the 2016 Congress and Presidential elections, leadership of the Legislative Branch fell into the hands of the opposition party, who secured 73 of 130 seats. This reversal created tension between Congress and Executive Branch and led to the resignation of President Kuczynski, with vice-president Vizcarra assuming the presidency, after which Congress was dissolved and a new parliament with new members assumed function on March 2020. This political shift proved aggravating during the pandemic, since at that time the Executive Branch had no official representation.³¹ A politically strained relationship between the Executive Branch and Congress became commonplace during the presidency of Martin Vizcarra; the Covid-19 pandemic aggravated it further due to the newly elected Congress of March 2020. Difficulties to reach a consensus that would allow for prison matters laws to be enacted were evident in the middle of the pandemic. The first initiative between Congress and the Executive Branch was the delegation of certain faculties for a period of 45 calendar days under Law No. 31011, published on March 27, 2020, in issues such as public health, fiscal and tax policy, promotion of investments, citizenship security and the internal order, labor right's protection, education, prevention and protection of people in vulnerable situations, provision of goods and services to the population, industries protection, culture, and tourism. Legislative Decree No. 1459,

31 Vice-President Martin Vizcarra assumed the presidency upon Pedro Pablo Kuczynski's resignation on March 23, 2018 and dissolved the Congress on September 30, 2019, arguing a vote of confidence factually denied by the congressmen. However, the Constitutional Court by sentence dated January 14, 2020 (Case No. 0006-2019-CC/TC) ratified such decision and new congressmen started functions for the period between March 19, 2020 and July 26, 2021. During this period, political conflicts between the Executive Branch and the Congress were frequent, the official Party (Peruanos por el Cambio) broke off relations with President Vizcarra and the Executive branch had no congressmen in the new parliament for the period 2020-2021.

in turn, was enacted by the Executive Branch on April 14, 2020, in response to the governmental lack of clarity towards the Prison System while prison riots were increasing in the country. Subsequent discussions, however, between Congress and the Executive Branch to reduce overcrowding in prisons proved fruitful³² and on May 22, 2020 a bill was sent for additional faculties' delegation in favor of the Executive Branch to implement measures to reduce overcrowding in prisons and juvenile offender's rehabilitation centers. As a consequence of the Congress's approval of this bill,³³ the Executive Branch enacted Legislative Decrees No. 1513 and 1514.³⁴

Thirdly, we consider the Peruvian Ombudsman, which was incorporated for the first time within the national legal system during the enactment of the Constitution of 1993 as an autonomous constitutional body. It represents another important actor involved in prison affairs. This institution is in charge of defending fundamental rights, supervising Public Administration duties, as well as the efficient provision of public services in the country; particularly, the Constitution of 1993 (art. 162) establishes and confers the constitutional mandate to this institution to protect the citizen's right across the country as well as to act as the National Preventive Mechanism (NPM) under the OPCAT for preventing torture and other cruel, inhuman, or degrading treatment or punishment.³⁵ These roles have been actively fulfilled by the Ombudsman Officers from time to time, but the compliance of Ombudsman's non-binding recommendations

32 The Congress received the Executive Branch's Bill No. 5110/2020-PE to implement exceptional measures for overcrowding population reduction in prisons, the Judiciary's Bill No. 5149/2020-PE and 5150/2020-PE regarding special measures for the conditional suspension of the sentence and revision of pre-trial detentions and Congressmen's Bill No. 5115/2020-PE to establish a humanitarian penalty execution and Bill No. 5139/2020-PE to replace the pre-trial detention with restricted court appearance but due to their inconsistency between each other, the Congress Commission on Justice Affairs proposed a substitute Bill that was finally rejected by the Congress on May 17, 2020.

33 The Law that delegates faculties to the Executive Branch for legislating in criminal, criminal procedure and prison law, Law No. 31020 was published in the Official Gazette *El Peruano* on May 28, 2020.

34 Legislative Decree No. 1513 implements exceptional measures against overcrowding prisons and Legislative Decree No. 1514 optimizes the implementation of personal electronic surveillance as a coercive mechanism and criminal penalty for reducing overcrowding prisons. Both were published in the Official Gazette *El Peruano* on June 4, 2020.

35 Peru is a signatory of the UN Convention Against Torture (CAT), effective in the country upon August 6, 1988, as well as the Optional Protocol to the UN Convention against Torture (OPCAT), effective upon October 14, 2006.

has been subject to monetary issues: whereas more than 80 percent of the cases are resolved in accordance with the Peruvian Ombudsman's recommendations, the percentage dramatically drops to less than 10 percent in cases where monetary compensation is suggested (Uggla 2004, 441).

The Peruvian Ombudsman monitors prison affairs across three phases: *ex-ante* prevention (before ill-treatment occurs), during ill-treatment and *ex-post* prevention (avoid the reiterative occurrence of ill-treatment); during the pandemic, it took an active role criticizing several governmental omissions and suggested possible solutions to the prison crisis (Defensoría del Pueblo 2020; Defensoría del Pueblo 2020a; Defensoría del Pueblo 2020b; Defensoría del Pueblo 2020c). However, owing to its innate property of defending human rights, the society's perception may be that Ombudsmen supports criminals and wrongdoers (Uggla 2004, 438); on top that its legitimacy may vary in the areas of prison matters, despite the institution's remarkable landmarks in upholding national democracy.

Last to be considered is the socio-cultural environment. This area represents a challenge for the Prison System for its legitimacy and the population's perceptions. Although there is no consensus between scholars on the definition of the concept of organizational legitimacy, common ideas support a valuation of an organization's behavior based on the treatment of its recipients, which are subject to the rules and standards of their respective cultural environment (Canel and Luoma-aho 2019, 139). Particularly, Suchman examines three typologies: pragmatic legitimacy (determined by what an organization delivers to society), cognitive legitimacy (organizations are accepted since there is no other option), and moral legitimacy (Canel and Luoma-aho 2019, 142). The fact that INPE is the only leading body in charge of prison affairs and that dealing with an overcrowded population and managing the treatment of its inmates often produces inconsistent results, among other problems, means that the cognitive approach best defines the legitimacy of INPE.

Additionally, perceptions of crime, as well as the Peruvian social consciousness towards prison matters are strongly influenced by the populist viewpoint perpetuated by governmental authorities,³⁶ for the simple fact that improved prison conditions do not necessarily guarantee

36 President Vizcarra announced on April 29, 2020 that the government shall not allow to open prisons for rapists, the criminals, the female killers and the current prison chaos was not generated by the inaction of the government but because of the problems coming from many years ago, <https://elbocon.pe/trends/coronavirus-covid-19-minuto-a-minuto-martin-vizcarra-hoy-explica-cuales-seran-las-personas-que-saldran-de-las-carceles-noticia>.

electoral votes. If hospitals have never been a relevant priority in Peruvian politics, life in prisons has been less so.³⁷ Governmental authorities are less interested in prison matters unless a crisis were to arise, and any decision to ‘improve’ inmate life is to the effect of securing popular support. Therefore, these two aspects were critical during the pandemic: judges were faced with the challenge of deciding if pre-trial detention in prison facilities was ‘necessary’ against a background of prison overcrowding, deficient mental public healthcare -both unconstitutional circumstances- on top of the Covid-19 outbreak and the lack of clarity in the governmental directive relating to prison matters. Having said that, should the Executive Branch prioritize meritocracy and technical skills over political interests, INPE officials with express expertise in prison matters may be in a position to provide a sustainable alternative to the matter.

CONCLUSIONS

Complexity Theory comprises the study of nonlinear dynamical systems in which changes “are not (necessarily) proportional to inputs” (Pycroft and Bartollas 2014, 2) due to the interaction of the parts in the system and the behavior it generates that cannot be predicted by examination of its constituent parts alone (Webb 2014, 481). Therefore, considering the Prison System as a complex adaptive system, we examine, retrospectively, the initial actions taken by the Peruvian Governmental Authorities in prison affairs during the Covid-19 outbreak between March and December 2020 against the ones implemented between 2011 and 2016 in response to the limited research in Complexity Theory application in this sector and the non-predictable preliminary results that have generated different outcomes in the Peruvian prison reforms.

The Peruvian state capacity, as analyzed in the Prison System under the Complexity Theory, evidences that analytical capacity (system’s self-organization), regulatory capacity (normative boundaries), delivery capacity (attractors) and coordination capacity (the interactions within the environment and its adaptability) are necessary to understand the challenges in implementing reforms and why certain challenges persist (Webb 2014, 491). The Prison System, as a complex adaptive system,

37 C. Nakazaki Servigón, interview, August 8, 2020.

structures its self-organization based on the interactions between the Ministry of Justice and INPE, the competent authorities within the Executive Branch in power to decide on prison affairs. This relationship brings its own set of complexities for reasons that include INPE's position as a dependent institution of the Ministry of Justice, the qualification of INPE as a burden to the ministry, frequent rotation of INPE management team, political instability within the Executive Branch, the relationship between Executive Branch and Congress, and the government's delayed response during the Covid-19 outbreak. We observe, however, that a stable leadership in the presidency may provide the necessary support to INPE authorities to promote and enact changes to improve prison capacity and the treatment inmates receive.

Boundaries define a system and the same system does not necessarily adapt its structure or boundaries towards externalities, unless they are considered "legal", although the concept of what constitutes "legal" may change from time to time (Webb 2013, 488). Nonetheless, boundaries influence the adaptation of a system's organizational rules and structure through the learning capacity and memory of the system's participants, as proposed by Cilliers (Webb 2013, 488). During the pandemic, special regulations were enacted with the aim of releasing inmates that do not represent a 'potential' source of harm to society and so reduce the occupancy in overcrowded prisons; the Prison System, as a self-organized system, appropriately handled the situation. Pursuant to the Principle of Legality, regulations regarding special measures to guide presidential pardons, penalty conversion of those charged with failure to provide family assistance, measures against overcrowding prisons and the employment of personal electronic surveillance were enacted, all without meeting their expected goals. Implementation and enforcement of these regulations remain a challenge in the area of prison affairs due to the limited state capacity.

Attractors are the situations addressed in a complex system, and describe the prevailing 'social influences' and 'structures' in a society that help interpret of why certain events happened at a specific time (Webb 2013, 489). It is further associated with delivery capacity. Although the prison regime aims to re-educate, rehabilitate, and reintegrate inmates into society at the time of their release (Const. 1993, art. 139, sections 21-22), the Prison System's attractors differ from the ideal scenario stipulated by the laws, a situation that became more evident during the pandemic. When Governmental Authorities enacted special regulations with the

intention of releasing 56,882 inmates through several legal mechanisms, it was in response to the unconstitutional conditions of insufficient prison mental healthcare services and the overcrowded environment of prisons. Implemented mechanisms ultimately only established a determinate target of 7,832 inmates; as of July 16, 2020, the number of those released was 7,570, 21% of whom (1,596 inmates) were released under these special regulations, while the rest (5,974 inmates) were subject to discretionary decisions within the Judiciary. It is necessary to explore the interaction between the Prison System and the environment to understand how these results came about inside the Peruvian complex prisons. This situation underscored the importance that once a reform is conceived it should address several aspects in parallel to mitigate potential risks that might occur due to the constant changes in Peruvian politics.

Complex systems may be affected by the interaction between the environment and the system's parts, and Webb (2014, 491-492) considers system disorders that may be due to maladaptation (systems do not adapt appropriately owing to its response to environmental factors, subject to the population's knowledge) and stagnation (rules are forgotten, neither being misapplied or unacknowledged, but going unobserved). In these cases, the participants define the direction and guide the system; the system may be eventually locked onto a particular 'path of development', despite its nonlinearity, unless a 'massive environmental upset' forces any significant change (Webb 2014, 491). This last point provides a context for us to consider the many failings underpinning the Peruvian Prison System: deficiencies seen in the Executive Branch, such as weak institutions in the Presidency, Ministry of Justice and INPE; the limited INPE capacity (reduced number of prison workers) and reduced capacity of the State as a whole to accelerate public purchases for electronic shackles; preference of pre-trial detentions by the Courts of Justice instead of other alternative mechanisms to reduce prison population; the permanent state of political instability from a weak or absent official Party in Congress; limited prison monitoring (non-binding recommendations by Peruvian Ombudsman); inherent limitations of the socio-cultural environment and non-favorable perceptions towards crime and prison affairs.

The impact of Covid-19 on prisons encouraged Governmental Authorities to refocus their attention on the Prison System and accelerated the implementation of solutions to overcome overcrowded facilities and

deficiencies in areas of health care. Despite political instability within the Executive Branch and particularly, in INPE authorities, the enactment of new regulations under the State's regulatory capacity introduced several feasible avenues for improvement. The analytical, coordination and delivery capacity, however, still represent a challenge when considered against a prevailing background of limited state capacity.

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Dekasegi Portuguese: Towards a Nomenclature and Outlining of the Existence of a Portuguese Language Variety in Japan

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ABSTRACT

Dekasegi Portuguese: Towards a Nomenclature and Outlining of the Existence of a Portuguese Language Variety in Japan: In the 1990s, pressured by an economic slowdown, workforce shortage and a decrease in the birth rate, the Japanese government decided to change some of its immigration laws. This permitted foreign-born individuals who possessed Japanese ancestry (Nikkei) to have access to the Japanese labor market, primarily as blue-collar workers. Since then, a considerable number of Brazilians have moved to Japan and have brought with them their habits, culture, and language. This is the context of the Portuguese language spoken by these Brazilians, which has considerably changed through contact with Japanese and other foreign languages. This new Portuguese language variety has been detected and is being steadily explored in academia, and it has received a range of distinct names. In this paper, I seek to standardize the nomenclature in Portuguese, to develop and establish a name in English and other foreign languages for the variety, as well as to provide a clear definition for the phenomenon to distinguish it from other possible language contacts involving Portuguese and Japanese.

Keywords: Dekasegi Portuguese, Nomenclature, Language contact, Loanword, Language change

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INTRODUCTION

Generally translated as ‘someone who works away from home’, *dekasegi* became a popular label to define the context of Latin Americans of Japanese ancestry, their partners, and their offspring who moves to Japan (Tsuda 2003; Beltrão and Sugahara 2006; Sayaka 2015; Yamashita 2019). Sometimes, this movement can be permanent, but can also be back and forth from their country of origin to Japan or vice-versa, establishing a circular migration (Tsuda 2003; Newland 2009; Manzenreiter 2017). Regardless of a more nomad or sedentary approach, these individuals are considered members of a *dekasegi* community (Tsuda 2003; Ferreira 2007; K. Sasaki 2008; Moreno 2009; Vilog 2011). As a community, those members might be associated through geographic location (Córdova Quero 2009), labor (Roncato 2013), religion (Lange 2013; Córdova Quero and Shoji 2014), relationship (Tsuda 2003; Sato 2013), but also through the use of language and technology, such as news websites, blogs, and social networks groups in Portuguese and Spanish on the internet (Moreno 2009; E. Sasaki 2009a; Dall’Ava forthcoming).

In this paper, we will introduce some features of the Portuguese language as employed by the Brazilian *dekasegi* community, which presents some variation from Standard Brazilian Portuguese and other varieties (Dias 2015; Matsumoto and Okumura 2020b). Still, our main goal here will be presenting and recommending an expression to identify it. Before that, though, we need to discuss some extra background regarding the context in which this variety developed.

CONTEXT: WHERE AND HOW THIS VARIETY EMERGED?

By 1990, the government of Japan decided to ease some of its immigration restrictions, aiming to bring Japanese descendants to somehow compensate for its lack of human capital and workforce, but simultaneously, trying not to draw attention to racial or ethnic elements (Lie 2001; Costa 2007; Córdova Quero 2009). That opened up a new option and had a considerable impact on the life of Nikkei Latin Americans who were looking for higher-paying jobs (Tsuda 1998) or more stable conditions than in their homeland (Costa 2007). Since then, Japan has received a huge flux of these immigrants. The increase and growth of this population came not

only from the movement of these workers but also from their family members. That was especially the case for individuals from Brazil, a country which a century before, during a period of Japanese diaspora, became the new home for countless Japanese fellows, developing into what we would know today as the largest Japanese community outside the archipelago. This process of back and forth between two regions by a certain group, a characteristic of the *dekasegi*, is an already well-described phenomenon known as circular migration (Newland 2009).

When moving to Japan, these Brazilians, although sometimes aware of a few Japanese customs, usually didn't have enough command in Standard Japanese (Beltrão and Sugahara 2006). Frequently, though, they had some background knowledge in Japanese words via a Japanese-Brazilian Portuguese variety (PT¹: Variedade Nipo-Brasileira): somewhat influenced by Japanese, it is a Portuguese variety spoken by Japanese Brazilians, which exists in a diglossic context with Brazilian Portuguese in areas with a high concentration of Japanese descendants in Brazil (Suehiro Matsumoto and Bueno 2017). Alongside other varieties, such as South and Southeast Brazilian dialects (Matsumoto and Okumura 2019a, 2019b, 2020a, 2020b), these Brazilians made use of Portuguese as their vernacular daily language in Japan, which also became the Latin American *dekasegi* community *lingua franca* (Takenaka 2009; RácZ 2019).

Thereby, thirty years after the first wave of Brazilians experiencing the 'return to the homeland' (Yamanaka 1996; Tsuda 2003; Soares and Motta 2012; Matsue and Pereira 2017), the Portuguese language in Japan would develop idiosyncratic features and present variation when compared with Standard Brazilian Portuguese and other varieties. We are not the first ones to observe this, though. As early as the beginning of this century, Kono (2001) already noticed Japanese loanwords being commonly used in Portuguese by the Brazilian community in Japan. Although much more concerned with code-switching, Nakamizu (2003) would also provide extra examples of how Portuguese would perform under a Japanese language context. More recently, Dias (2015) would bring more loanwords examples and a further discussion regarding the development of a new Portuguese variety. The following example is provided by her (Dias 2015, 85)²:

1 We will make use of the following abbreviations based on ISO 639-1 (2021): (PT) Standard Brazilian Portuguese; (EN) Standard American English; (ES) Standard Latin American Spanish; (FR) Standard Metropolitan French; and (JA) Standard Japanese.

2 All sentence examples will be presented as they originally occurred, followed by a translation in Standard Brazilian Portuguese (example a) and Standard American English (example b).

- (1) *Gomen*, eu esqueci meu *keitai* e nem deu para te avisar que ia ter *zangyo*.
 (1a) *Desculpe-me*, eu esqueci meu *celular* e nem deu para te avisar que ia ter *bora-extra*.
 (1b) *Sorry*, I forgot my *cellphone* and I couldn't tell you about the *overtime*.

Words like *gomen*, *keitai*, and *zangyo* (a non-standard spelling of *zangyo*) aren't segments of the Standard Brazilian Portuguese lexicon and they don't convey a meaning on most Portuguese varieties either. These are loanwords from Japanese, which were adapted, phonetically and orthographically, to Portuguese and are extensively adopted in this variety. The morphology is influenced as well, which corroborates for the development of new words, such as (Dias 2015, 90):

- (2) Ele vai ter que *gambatear* muito...
 (2a) Ele vai ter que se *esforçar* muito...
 (2b) He will have to *work* very *hard*...

In the same way, *gambatear* has no meaning in Standard Brazilian Portuguese. *Gambatear* comes from *ganbatte* (JA: 頑張つて), the conjunctive form of verb *ganbaru* (JA: 頑張る) meaning to work hard or to do your best. Likewise, the suffix *-ar* is added since it is one of the verbal endings that produce the infinitive in Portuguese, mainly, when we are dealing with neologisms through loanwords (Assirati 1998; Fujiwara 2014; Santos 2017; Ganança 2018).

As part of thesis research, we have also actively identifying loanwords and neologisms of Japanese origin in the speech of dekasegi community members throughout social media. We primarily focused on job advertisements and subsequent comments produced by its members in social media groups (Facebook). Therefore, our data was presented and collected in the written form and originally posted by and/or turned to dekasegi community members in a social network.³ To better illustrate some of the linguistic phenomena happening in this variety, we will provide a few examples from our *corpus* collected through the years

3 We opted to not collect direct information from individuals in the posts. Still, all of our *corpus* was gathered from Facebook groups that were thoroughly turned to the daily life or work domain of Brazilians living in Japan. In our examples, all information displayed was entirely of free access, which means that we needed no more than a Facebook account to visualize those jobs advertisements. Still for privacy and security reasons, we left out all possible personal data such as cellphones, names, QR codes, etc, that could eventually trace back to it. For more details of our data collection methodology and further examples, see Dall'Ava (forthcoming).

2019/2020. All of the original extracts can be observed in the appendix attached at the end of this paper. We are going to start with three examples selected from a job advertisement:

- (3) Temos “*teate*” para motorista.
 (3a) Oferecemos *bônus* para motoristas.
 (3b) We offer *compensation* for drivers.
- (4) *Yakin* ou *birukin* com *zangyo*!
 (4a) *Turno noturno* ou *turno diurno* com *bora-extra*!
 (4b) *Night shift* or *day shift* with *overtime*!
- (5) Pessoas com carteira do *kuren* e empilhadeira são bem-vindas.
 (5a) Pessoas com carteira de motorista de *guindaste* e empilhadeira são bem-vindas.
 (5b) People with *crane* and fork-lift driver’s licenses are welcome.

We have Japanese loanwords like *teata*, *yakin*, *birukin*, *zangyo*, and *kuren*. In example (3), the use of quotation marks reveals a certain instability of the word *teata* when employed in Portuguese, a common trait of neologisms when first adopted in a new language (Alves 1988; Torrano 2010; Janeli and Orsi 2020). In the other sentences, much like as we saw in Dias, those loanwords didn’t reveal any kind of visual graphic distinction from the other common words. They still, though, went through some adjustments to adapt themselves to the new language and spelling system. In (4) and (5), orthographic adaptations of the romanization system were detected: words like *zangyo* and *kuren* are spelled without any indication of a long vowel. It is not submitted to the stricter rules of a Hepburn system as in *zangyō* and *kūren*, but it also doesn’t follow a more lenient system as Waapuro style either, which there is no need to use diacritics, just add an extra *u*, as in *zangyou* and *kuuren*. Orthographic adaptations, such as these, might also be related to phonetic/phonological adaptations (Vendelin and Peperkamp 2006; Kang 2010). Although long vowels are distinctive features in Japanese, they are certainly not in Portuguese. If we add to this that most Brazilians in Japan don’t have high proficiency language skills in Standard Japanese language (Beltrão and Sugahara 2006), with no surprise, these vowels frequently don’t make through when they arrive as loanwords in Portuguese. In sum, for a non-Japanese speaker, and especially for a Portuguese speaker, it wouldn’t make sense to add such a vowel in a romanization, since it is unnoticeable. This,

though, isn't the only reason why these vowels were deleted. Here is another job advertisement example:

- (6) Ola *lifiteiros* vim trazer uma vaga de trabalho para *lifto*.
 (6a) Olá, *operadores de empilhadeiras*. Trago uma vaga de trabalho em *empilhadeiras*.
 (6b) Hello, *forklift operators*. I present a *forklift* job vacancy.

Example (6) deviates from Standard Brazilian Portuguese spelling. There is no standard use (or no use at all) of diacritics and punctuation. These are traits of a casual language used throughout certain domains of the Internet (Squires 2010). Such an environment would hardly promote the use of an extra imperceptible vowel, especially considering the adaptation features we previously discussed. Example (6) also brings the words *lifto* and *lifiteiro*, both neologisms presented in the plural form, *lifto*s and *lifiteiro*s, developed through the loanword *rifuto* (JP: リフト), curiously, also a loanword in Japanese, coming from the English word *lift*.⁴ Much like as we saw in example (2), *lifiteiros* is a nativized word, given that it incorporates Portuguese suffixes: *-eiro* which, among its numerous meanings (Gonçalves et al. 1998; Santos 2017), in this context, refer to a type or place of work, and *-s* as the typical plural marker in that language. Moreover, although *lifto* and *lifiteiro* are used in the same sentence and have the same root, their spelling rather diverges from each other. While *lifiteiro* adds an extra vowel between the consonants *f* and *t*, certainly pursuing the reasoning that in Portuguese this consonant cluster is not permitted (Kickhöfel Alves 2008); *lifto* keeps a spelling more prone to the English one, without the extra vowel. Formal instability such as this confirms the neological nature of these words, and how the process of integration is occurring in the new linguistic system (Alves 1984; Antunes et al. 2012).

We would like to provide one last example, this one more related to the buying and selling marketplace within the Dekasegi community:

- (7) Qualquer um desses *keizinhos* por apenas 99.999 ienes (...)
 (7a) Qualquer um desses *carrinhos compactos* por apenas 99.999 ienes (...)
 (7b) Any of these *adorable microcars* just for 99.999 yens (...)

4 For a further discussion examining *lifto* as loanword from Japanese and not directly via English, see Dall'Ava (forthcoming).

As we saw in (6), we have another fully nativized word *keizinhos*. The word root is the morpheme *kei-*, which derives from *keijidosha* (JP: 軽自動車), a type of compact car quite common in Asia, particularly, in Japan. Then it is followed by an epenthetic consonant *-ɕ-*, the suffix *-inho*,⁵ and *-s* as a plural marker. The suffix *-inho* is usually regarded as the typical morpheme that indicates diminutive in Portuguese. Still, in this context, carry a sense of sympathy and affection (Barbosa 2012). Therefore, *keizinho* doesn't mean that a compact car, that is already small, is even smaller. It just means that the said car is lovely, adorable, or charming. It is somewhat similar to the *-y* suffix in English, as in *doggy*. That said, the loanwords and neologisms in this and the previous examples give us a hint on how deep these words are applied in this variety.

Beyond these lexical implications, in their turn, Matsumoto and Okumura (2020a; 2020b) present some fresh phonological phenomena, and extra data regarding such variety, which its emergence might be explained through a koineization process. According to them, Brazilian Portuguese speakers that came to Japan were originally from different Brazilian regions, mostly from the South and Southeast, and naturally brought their varieties with them. In short, the merging of these varieties through the process of reduction in the variation (leveling), and crystallization of a new variety (focusing) (Trudgill 1986; Trudgill et al. 2000) plus the influence from Japanese, and other foreign and immigrant languages such as Spanish or Tagalog, would make this Portuguese variety diverge and develop differently from those that we would find in Brazil.⁶

Besides loanwords and neologisms, mostly of Japanese origin, these authors also reported noticeable innovations and rearrangement of the rhotic paradigm system, and the emergence of a new phonetic segment, a voiceless bilabial fricative [ɸ], which is absent in other Portuguese varieties, but present in Japanese. In Brazilian Portuguese, the strong-R⁷ is a posterior fricative having pivot points in velar, uvular or glottal

5 The segment *-ɕ-* can either be considered an epenthetic consonant or a single morpheme as *-ɕinho-*. See Lee (1999), and Cagliari and Massini-Cagliari (2000).

6 In their study, Matsumoto and Okumura (2020b) are more concerned with the Portuguese language as spoken in Jōsō City, Ibaraki. But most (if not all) of their findings must be extended to the language description of other Brazilian communities in Japan, especially, if we consider the dekasegi population continuous internal migration in the archipelago. See Kono (2001), Beltrão and Sugahara (2006), and Matsumoto and Okumura (2020b).

7 Possible phonological contexts that rhotic sounds emerge in Brazilian Portuguese: strong-R (beginning of word, intervocalic, preceded by a nasal vowel, and preceded by [w], [z] or [ʒ]); weak-r (consonant cluster and intervocalic); coda (end of a syllable followed by consonant and end of a word). See Rennie (2015).

articulation [r, R, x, ʁ, χ, ʁ, h, fi], while the weak-r articulates as an alveolar tap [ɾ]. By its turn, in the coda position, it can be realized as either a strong-R or weak-r, in addition to other possibilities [ɻ, Ø] (Rennicke 2015; Bouchard 2019). Yet, in this new variety, we may observe the realization of strong-R and weak-r diverging from what is found in Brazilian Portuguese. There is the possibility of tap [ɾ] or a fricative [ʁ] in contexts that are typically regarded as strong-R. For instance, the fricative can oddly be found at beginning of a word, such as *rural* [ʁu'raw]. As for the tap, some rhotic sounds may lose their distinction, so words like *carro* (EN: car) and *caro* (EN: expensive), which are usually respectively pronounced as strong-R and weak-r, might be both realized as [ka'ɾu]. Features like these would be particularly noticeable in those who were born in Japan or lived most of their own lives quite far away from their parents' homeland (Matsumoto and Okumura 2019a, 2020a).

In this paper, we will certainly advocate for the establishment, emergence, and development of this new variety. Besides being spoken by virtually every Brazilian in Japan, it may also be seen written, usually in bilingual Japanese-Portuguese signs inside housing complex such as Homi Danchi in Nagoya or in general public signs where Brazilian communities might be found, such as Toyota, Hamamatsu, Oizumi, Ibaraki and so on. As well noticed by Matsumoto and Okumura (2020b), it is even possible to find it making use of kanas (hiragana/katakana) instead of the expected Latin alphabet at supermarket gondolas.

Throughout this paper, we will bring some of the nomenclature discussions regarding this variety of Portuguese, a language spoken and written all over Japan by Brazilian deka-segi immigrants. What still isn't clear, though, is a matter of terminology: how exactly should we name it? In the following section, we will present some past attempts to do so, and also promote a particular and original terminology more in tune with how languages and varieties names are usually standardized in English and Portuguese.

A MATTER OF TERMINOLOGY

By the time this paper was composed, there was no English name that indicates this variety. In large part, because most of the studies written or related to the subject in English are limited to recent works led by Kazuko Matsumoto research group (Feijó 2016; Feijó 2019;

Matsumoto et al. 2019; Matsumoto and Okumura 2019a, 2019b, 2020a, 2020b). There is no attempt to name it, but it is accepted and recognized that there is a ‘newly emerging variety’ (Matsumoto and Okumura 2020b, 198). In Japanese, according to Shigematsu (2012) and Dias (2015), the term Dekasegi-go (JA: 出稼ぎ語), which can be roughly translated as ‘Language of the Dekasegi’, is already quite commonly used, at least, at the academic level.

Now, in Portuguese, although there is no consensus, there is quite a range of possible candidates for this position: Dekassês (EN: Dekassese), Dekasseguês (EN: Dekasseguese), Nihonguês (EN: Nihonguese), and VPBJ (PT: Variante do Português Brasileiro no Japão; EN: Brazilian Portuguese Variety in Japan) just to name a few. Dias (2015, 68) points out that the speakers themselves don’t actually have a precise name for this variety and might not even recognize a terminology, such as Dekasseguês.

Initially, we were inclined to choose between one of these forms, translate it, and advocate for it as a standard name in English and Portuguese. However, as we analyzed each one of these, we realized that they could lead to different problems, mostly including name or description oscillation, visibility, and translation issues. In the next section, we will lead to some arguments explaining why these labels present issues and are not the most adequate choice for a more standard nomenclature. But first, in the following subsections, we will introduce and discuss each of these four candidates and the contexts that they were ultimately employed.

Dekassês

Roughly, Dekassese may be taken as a translation to Dekassês. Morphologically, it could be understood under two similar procedures: 1) as a portmanteau of Dekasegi (PT: Dekassegui/Decasségui) and Portuguese (PT: Português); or 2) from the word Dekasegi added the suffix *-ês*, which in Portuguese commonly produce nouns and adjectives indicating a native place (PT: França → Francês; EN: France → French) or the name of certain languages (PT: Japão → Japonês; EN: Japan → Japanese).

According to Kono (2001, 181), this term was first coined by a well-known Portuguese language magazine addressed to the Brazilian community in Japan IPC.Digital (by the time, known as International Press) on June 11, 1995; and it is defined as: “(…) the use of some Japanese

words and expressions in the Portuguese language spoken by Brazilians”.⁸ Considering the mass dekasegi immigration started in the early 1990s (Tsuda 2003; Córdova Quero 2009; Sakai 2010; Goshima 2011; Watarai 2014) this indicates that right from the start the phenomenon was well noticed. This also shows this is one of the oldest nomenclatures that we have a record.

Unfortunately, looks like the term wasn’t quite appealing enough and didn’t turn out to be very popular. For instance, a fast search on the internet⁹ for Dekassês shows only two results: one from Kono’s article and another from Cherrier (2013), in which she makes reference to Kono’s work and cites it as a competing term for Nihonguês and Dekasseguês. This last one, much more prominent, at least on academy articles, will be addressed in the following subsection.

Dekasseguês

Similarly to Dekassês, Dekasseguês (EN: Dekasseguese) can also be understood as a portmanteau of Dekasegi and Português, or as a Dekasegi with the addition of the suffix *-ês*; this time, though, keeping the *-gi* segment of the loanword.

Sometimes spelled as Decasseguês (Dias 2015) or even Decaseguês (Moreno 2009), Dekasseguês presents a wide variety of definitions, fluctuating according to each author. For instance, Ferreira da Silva (2008, 68) says it is “a language only comprehensible for those familiar with the Japanese language”¹⁰; Moreno (2009, 197) presents it as a “hybrid language”¹¹; Mizumura (2011, 102) claims it to be “Japanese words in sentences with a Portuguese structure”; Sato (2013, 41) comments about “the use of the Portuguese language gerund, which Brazilians mix with the Japanese language”¹²; and Fujiwara (2014, 105) assumes it to be a “language spoken by the [Brazilians] descendants of Japanese people, or by the dekasegi” which also “presents features of code-switching”.¹³ Although interesting, these definitions don’t clear

8 **free translation.** Original [(...) o uso de algumas palavras e expressões japonesas no português falado pelos brasileiros.]

9 We resorted to Google’s default search bar for this. The result was achieved on November 15, 2020.

10 **free translation.** Original [(...) uma linguagem compreensível somente para quem está familiarizado com o japonês.]

11 **free translation.** Original [língua híbrida.]

12 **free translation.** Original [(...) o uso do gerúndio da língua portuguesa que os brasileiros mesclam à língua japonesa.]

up what kind of phenomenon we are dealing with, so we could be referring to a range of different language processes such as code-switching (Myers-Scotton 2000), mixed/hybrid language (Matras and Bakker 2003), or neologism/loanword borrowing (Alves 1984; Paradis and Lebel 1994). Also, it is important to apprehend that some of these authors opt to use quotation marks when referring to Dekasseguês, which is pointing to terminology instability, signaling to some hesitation towards its name, and lacking precision as well, when describing what kind of phenomenon we are dealing with.

Dias (2015, 79) would be the first one to comprehend it as a variety of Portuguese, making her definition more in tune with the understanding we are looking for:

Dekasseguese is a variety of Brazilian Portuguese in which we can observe the influence of the Japanese language and the main area of occurrence is in Brazilian communities throughout Japan. It is defined by the use of Japanese words and expressions in Portuguese conversations and also by the use of Japanese words and expressions adapted to Portuguese.¹⁴

Nonetheless, we don't agree on spotlighting only 'words and expressions' to define this variety, since these adaptations might occur in other linguistic components, besides the lexicon. These adjustments also apply to phonological level and orthographic aspects, as noted by Matsumoto and Okumura (2020b) and even by Dias (2015).

Summing up, we could say that Dekasseguese has received some recent attention and discussion, and it is a more popular name variation of Dekassese. There are still, though, other contestants as we are about to see in the consecutive subsections.

Nihonguês

Akin to previous options, Nihonguês (EN: Nihonguese) can also be comprehended as portmanteau: Nihongo (JA: 日本語; EN: Japanese language) and Português (EN: Portuguese); or as Nihongo with the addition

13 **free translation.** Original [Língua falada pelos descendentes de japoneses, ou pelos decasségus (...) apresenta traços de code-switching (...)]

14 **free translation.** Original [O dekassegúês é uma variedade do português brasileiro na qual podemos observar a influência do idioma japonês e cuja principal área de ocorrência são as comunidades brasileiras no Japão. Caracteriza-se pelo uso de palavras e expressões japonesas nas conversas em português e também pelo uso de palavras e expressões japonesas aportuguesadas.]

of the suffix *-ês*.

Although not very extensively, there are still some authors that sketch a few comments about it, usually, comparing to some other terminology. Dias (2015, 79), for instance, notice it as an alternative name to Dekasseguês, according to her, something mentioned by her informants; Cherrier (2013, 5) compares it with Dekasseguês and Dekassês and adds that she has already heard Nihonguês coming “from the mouth of Brazilians living in Japan”.¹⁵ Fujiwara (2014, 119) would go further and present a definition for it: “Nihonguese would designate the language formed by the mixture of Japanese and Portuguese, that is, the Portuguese language with interferences from Japanese, and/or vice versa.”¹⁶ But much like as we have seen previously if we take this definition at its face value, we would challenge ambiguity, especially under the ‘mixing’ factor, since we could be referring to a wide spectrum of phenomena.

There is still, though, one last contender we should consider as we will see in the following subsection.

VPBJ

Differently presenting itself and going against the tide, VPBJ or BPVJ don’t follow our portmanteau terminology pattern. This one stands for an acronym: Brazilian Portuguese Variety in Japan (PT: Variante do Português Brasileiro no Japão). It is also the most recently conceived term and it is presented as an alternative to Dekasseguês. According to Sakaguchi (2017, 2018), a new name is needed, because she believes that a word such as *dekasegi* (temporary migrant worker) might hold a negative meaning.¹⁷

Although Sakaguchi doesn’t offer a definition herself, she leans on Mizumura (2011, 99) which describes it as “(…) Brazilization and Japanization of words and whole expressions (…)[it’s an] unique speech”.¹⁸ Yet, she does contribute with some enlightening comments (Sakaguchi 2018, 141):

15 **free translation.** Original [(...) de la bouche de Brésiliens vivant au Japon.]

16 **free translation.** Original [Nihonguês designaria a língua formada pela mistura de japonês e português, ou seja, a língua portuguesa com interferências do japonês, e/ou vice-versa.]

17 We do believe a new term must be coined, but for a different reason. See section ‘Dekasegi Portuguese’.

18 **free translation.** Original [(...) abrasileiramentos e ajaponesamentos de vocábulos e expressões inteiras (...) [sua] linguagem é única.]

(...) this variety became more prominent in the form of Japanese loanwords and expressions from the daily lives of community members. It is important to highlight that, in everyday life, the use of these loans is not random, there are conventions shared by the interlocutors within a cultural and/or situational context that restricts the lexical repertoire (...) ¹⁹

For her, similar to Dias's description of Dekasseguês, VPBJ is likewise intrinsically connected to the loanwords. This saves us from the ambiguity we found ourselves in the past names, but still makes us wonder if we could tag a variety based only on lexical innovation and cultural/situation context, but not taking into account other structural variation (Coelho et al. 2012). In our case, it leaves aside other attested linguistic phenomena detected in such variety, such as phonological change (Matsumoto and Okumura 2019b).

POINTING OUT SOME ADDITIONAL ISSUES

Now, with all our contestants presented, we will introduce in the following subsections, problems when embracing any of these names, highlighting its issues and comparing them with a similar language contact context. After that, we are going to promote a distinct terminology and definition, which we believe will fitly cover the phenomenon.

A Similar Related Debate:

The Spanish Language Developed by the Dekasegi in Japan

Before moving on to a terminology debate, we need to present one last element which will impact and enrich this discussion. It is important to emphasize here that dekasegi doesn't refer only to Brazilians, but also to other Latin American groups moving to Japan: mainly Peruvians, alongside Argentinians, Bolivians, and so on. Usually, these groups are Spanish-speaking immigrants. Not much different from the Portuguese language counterpart, a new Spanish variety has also emerged in these dekasegi communities (Rossi, 2009a, 2009b; Niland, 2012).

¹⁹ **free translation.** Original [(...) essa variante ficou mais proeminente sob a forma de empréstimos de palavras e expressões japoneses do dia-a-dia dos membros da comunidade. É importante destacar que, no cotidiano, o uso desses empréstimos não é aleatório, há convenções partilhadas pelos interlocutores dentro de um contexto cultural e/ou situacional que restringe o repertório lexical (...)]

Sometimes called Japoñol or even Japoñolés, this contact variety suffers from the same definition, classification, and label issues we saw previously. For instance, Japoñol might include phenomena much beyond the dekaségi one (Irigoyen, 2018; Flores and Williams, 2019), whereas Japoñolés could include different language contexts as well (Niland, 2012). Hypothetically and without further clarification, Dekaseguês (ES: Dekasegués) could also refer to such a Spanish variety. That is why when choosing our nomenclature, we will have to opt for a name as transparent as possible and consider the existence of comparable phenomena in a similar context. When we decide to name the Portuguese variety, we must consider the Spanish one as well, and try not to make these terms even more ambiguous. In short, we must seek not to mix up those concepts.

The Terminology Quarrel

All terminologies presented so far raise one or more of the following inconsistencies:

(I) Lack of consensus – as we have seen previously, although it is common sense in the literature that we are dealing with a language variety, each of these terms may refer to a range of distinct phenomena (code-switching, code-mixing, neologism, phonological change) without clearing up what exactly we are working with. For instance, what some authors might call Nihonguês (Cherrier 2013; Dias 2015) might apply to something different for others (Fujiwara 2014). As we noted and it is well-observed by Dias (2015), the lack of consensus on how to call it doesn't apply only to the academy, but also extends to the members of the Brazilian dekaségi community.

(II) Oscillation / Ambiguity – somewhat related to the previous point, there are also problems with the specific use of each of these names. For example, Nihonguês can refer to any linguistic contact that occurs between Japanese and Portuguese (Fujiwara 2014). Terms like Dekassês and Dekaseguês, despite making an obvious reference to the dekaségi, it does not make clear what kind of linguistic contact we are considering. Now, BPVJ (Brazilian Portuguese Variety in Japan) does present a technical definition of the variety we are working with, which is certainly a plus. However, besides being an extensive description, which might be harder to apprehend and process, it can also be taken as ambiguous or opaque, considering that it would be necessary to advocate for a variety of Brazilian

Portuguese outside of Brazil.²⁰

(III) Visibility – perhaps, saving for Dekasseguês, most of these terminologies are used in a quite broad sense embracing any kind of language contact or mixing; and, at least up to now, none of them are widely adopted, consolidated, and stabilized as referring to such Portuguese variety, whether in the academy or in the dekasegi community itself. In the long run, this can present as an eventual problem for scientific dissemination. This type of clash and turmoil between different names could also bring other issues, for instance, when it comes to the use of keywords and problems associates with synonymy in natural language (Siddiqi and Sharan 2015). This is especially the case for automatic search tools that make extensive use of text keywords, such as Google's search bar, or even Acrobat Reader's or Microsoft Word's navigation toolbar (Ctrl-F). It is preferable to converge all or most of the results to just one term, at least, when we are considering the very same concept (Cole 1987). For example, this would make it easier for a researcher to find what s/he is looking for, and afterward, spreading it out through publications or presentations. Thus, it is fairly difficult to advocate for the maintenance of a disjointed *status quo* with multiple names and ambiguous definitions, which is the position we find ourselves in at the moment.

(IV) Translation – translating technical terms is always troublesome. Throughout our work, we presented some suggestions in English for each one of the terminologies that were originally in Portuguese: Dekasese, Dekasseguese, Nihonguese, and BPVJ. Of course, these are straightforward translations and even if we had decided to keep them, they still would need some adjustment and polishing. For instance: what would be the ideal translation for Dekassês or Japoñol? If we followed that path, we would certainly face a nomenclature mismatch and inconsistency between some of the main languages that publish about the development of a Portuguese variety in Japan, such as Portuguese, Spanish or English. Every time we selected a different language, a straightforward translation wouldn't work, and a new term would have to be coined or previously known by heart. Of course, another option

20 Much like Matsumoto and Okumura (2020a, 2020b), we do recognize the importance of Brazilian Portuguese varieties in the formation of what we call Dekasegi Portuguese. We don't think, though, that tagging it as a Brazilian Portuguese variety is adequate. Besides, limiting it to a certain geographic area, such as Japan or Brazil, make it sound like a dialect. In fact, we believe we are dealing with a Portuguese language sociolect that was primarily raised in Japan, but also in Brazil (Dall'Ava, forthcoming).

is leaving the name untranslated and present as it appears in the original language (Cole 1987), but that would go against our goal of being as transparent as possible when forging a new name, especially, concerning languages other than Portuguese.

In sum, we consider that none of the terms previously presented are clear enough. We are seeking a name that is as straightforward as possible to translate, at least from Portuguese to Spanish or English, and somehow also represents the context of Brazilian communities in Japan.

A NEW TERMINOLOGY

Under the next subsections, we will bring arguments that are going to support an original nomenclature for this new variety of Portuguese. We will start discussing our inspirations and methodology on how to compose a name for a language variety. We will also present our terminology and bring some further details about our choice.

How to Formulate a New Terminology?

Most languages will receive their name in a quite natural way. By natural, we mean that their speakers or communities will present soon or later a name that will designate such peoples, languages, varieties, etc. Sometimes, foreigners or communities in contact will do this job (Murdoch 2004). But in our case, at least when this article was composed, there is no name broadly recognized by the Brazilian dekasegi community; and in the academy, although there is a collection of suggestions and a dispute between (ambiguous) terms, there is no well-established name.

We are also concerned with principles to orientate ourselves in our goal to construct a new terminology. Thus, as a research methodology, we contemplate a comparative terminology scheme, such as presented in Cole (1987). It is a pertinent method to consider, given that it applies to our needs since it is useful to establish and compare nomenclatures in more than one language. According to him, there are two main notions to grasp when approaching terminologies: a concept, an abstraction with all the characteristics of the object; and a term, which designates a specific concept. Moreover, to coin a new term, guidelines must be followed: the need for new terminology, research for a vocabulary, concept to

be delimited, equivalence between terms, and evaluation of terms. Up to this point, we have already gone through all these instructions, but as we saw in previous sections, we don't evaluate well any of the previously presented terms.

If still isn't possible to convey terms through this method, it is possible to forge new ones. For that, though, according to Cole (1987), it is desirable to have a model or an endorsement from a standardization body. All that said, there isn't a strict rule on how to name a language or variety. Hence, we present how they are usually named across Indo-European languages, try to emulate this mechanism, and follow some previous patterns already noticed in other works. Language varieties names frequently follow this path in English:

Relevant Adjective(s) + Language Name

In Romance languages such as Portuguese, Spanish, and French, the general rule is similar but just swapped (Language Name + Relevant Adjective(s)). Although it is not the only possible procedure, it is one of the most common practices found at sites designed to language taxonomy or description, such as Glottolog (2020), Linguasphere (2020), and Phoible (2020). The relevant adjective(s) may specify a certain region, people, or community. For instance, for a standard or set of varieties, we have Brazilian Portuguese (PT: Português Brasileiro) and European Portuguese (PT: Português Europeu) referring to a region. The same applies to English: American English (PT: Inglês Americano) and British English (PT: Inglês Britânico). Similarly, dialects also follow an analogous pattern: Caipira Portuguese (PT: Português Caipira) (Azevedo, 1984) and Carioca Portuguese (PT: Português Carioca) (Koike 1986; Gradoville 2018) indicating a region and/or people. Other kinds of lects, such as Ethnolects or Sociolects follow a similar path, for example, African-American Vernacular English (PT: Inglês Vernáculo Afro-Americano) (Mufwene 2001), Popular African French (FR: Français Populaire Africain) (Bassolé 2004) and Afro-Brazilian Portuguese (PT: Português Afro-Brasileiro) (Lucchesi et al. 2009) denominating a people and/or community.

As discussed throughout this paper, we are trying to find the best nomenclature that will better fit multiple languages commonly adopted in the academy, particularly, those frequently promoted in the dekasegi

discussion. For example, the use of the suffix *-ese* (PT: *-ês*) is much more prolific in Portuguese than in English. So, it is also possible to find in Portuguese linguistics literature terms like Caipirês (Pires Santos 2012), Cariquês (Barros and Savedra 2011), or Dekasseguês (Dias 2015), but not so much in English: Caipirese, Cariquese or Dekasseguese. Besides that, *-ese* might be used both for naming languages and varieties, heading for some instability, which we are trying to deflect here. Considering these issues, we are proceeding to the next subsection in which we are going to offer a new and original terminology for the Portuguese variety in the study.

Dekasegi Portuguese

We are mostly concerned with naming issues for the following languages: English, Portuguese, Spanish, and French. These languages were selected because these were the ones we mostly found a bibliography related to Dekasegi Portuguese matter. Largely, that happens because these are some of the most common widespread lingua francas throughout the academic literature (Phillipson 2008; Mortensen and Haberland 2012; Agost 2015) or in general (Ethnologue 2021).²¹

Regarding Japanese, another language which we might find significant published material related to the dekasegi community, we will not suggest a new nomenclature for two reasons: firstly, as formerly addressed, Shigematsu (2012) and Dias (2015) already confirmed that Dekasegi-go is a well-established name, at least for the Portuguese variety. Secondly, at this point, we don't feel comfortable enough to make a name suggestion to a language we don't have a sufficient morphological grasp. Either way, we do recognize though, that in Japanese, as in any other language that might be employed to discuss this matter, discernment between the Portuguese and Spanish varieties of Dekasegi communities must be a major concern and might eventually be required.

As the title of this section suggested, our new proposed nomenclature is Dekasegi Portuguese.²² The Portuguese segment for the new term is quite clear: since it is a variety of Portuguese, it makes sense to add

21 Retrieved on January 9, 2021: <https://www.ethnologue.com/guides/ethnologue200>

22 The denomination Dekasegi Portuguese was inspired by an unfinished hyperlink in an article in the Wikipedia English version. Notably, by the time, as there was no specific article about Dekasegi Portuguese, the hyperlink led to the main article about Dekasegi. It was achieved on November 11, 2020: <https://en.wikipedia.org/wiki/Interlanguage>

it to the newly coined name as it is generally the rule. Now, we will designate Dekasegi as part of the nomenclature, because it can be regarded as a matter of pride, belonging or identification for Brazilians and other Latin Americans (Oliveira 1997; Tsuda 2003), as a term extensively used both by institutions or members of the Brazilian community (E. Sasaki 1998; E. Sasaki 2009a) and supported in the academic field in general (Kono 2001; E. Sasaki 2009b; Soares and Motta 2012; Roncato 2013; Dias 2015; Souza and Almeida 2015). Even Sakaguchi (2018, 47) which has previously criticized the term, also recognizes that “the negative connotation of the term ‘dekasegi’ faded away and has become a synonym for an opportunity to profit in a relatively short period”²³. Thus, we will define this variety as:

Dekasegi Portuguese – a variety of Portuguese language employed by members of the Brazilian dekasegi community and developed through constant and diglossic language contact with Japanese, and to a lesser extent with Spanish, Tagalog, and other foreign languages in Japan.

Regarding the definition, we are making it as broad as possible, not restricting ourselves to just the lexicon (loanwords, neologisms, etc) as happened to previous statements, since there are changes and adaptations already attested in grammar. Besides recognizing the influence of Japanese, Spanish, and Tagalog, we leave it open and don’t rule out the possible influence of other foreign languages, especially, the language of those individuals or groups that might fit in a similar dekasegi reality in Japan, such as Koreans, Chinese, Indonesians, and Thai (Shipper 2002; Córdova Quero 2009; Vilog 2011). We are also taking precautions measures when describing Dekasegi Portuguese and avoiding obscure or blurred descriptions. For instance, if notions like dekasegi and dekasegi community weren’t previously established, making use of them to define Dekasegi Portuguese could sound like a circular definition. Hence, we make sure that dekasegi and dekasegi community are concepts well-discussed and already established in the literature (Tsuda 2003; Moreno 2009; E. Sasaki 2009a; Vilog 2011). In other words: including these notions when describing Dekasegi Portuguese doesn’t compromise the suggested definition at all, and instead, show that we are in sync with the discussions in the

23 **free translation.** Original [(...) a carga negativa do termo ‘dekassegui’ foi se atenuando e se converteu em sinônimo de oportunidade de ganhos expressivos em relativo curto prazo (...)]

field, dialoguing with it and anchoring our description in some of its fundamental notions.

Furthermore, we notice some advantages regarding this name. Firstly, it is not an ambiguous term denoting several distinct linguistic phenomena. Also, it is not too extensive, neither bear obscure or unclear content for the nomenclature. It is in pair with the usual naming process of other Portuguese varieties. Moreover, it is an uncomplicated and transparent term to translate (PT: Português Decasségui; ES: Portugués Dekasegi; FR: Portugais Dekasegi).

Besides all that, it already leaves a trodden path or an arrangement to the naming process of other language varieties in similar contexts that suffer from comparable issues. For instance, following the same procedure, we could advocate for the Spanish variety developed by the Hispanic dekasegi community in Japan as Dekasegi Spanish (PT: Espanhol Decasségui; ES: Español Dekasegi; FR: Espagnol Dekasegi).

In the following and last section, we will bring some final remarks, presenting some thoughts on how and where these terms might be employed, and making it clear in what kind of context we are planning to make use of them.

REMARKS

Throughout our paper, we presented an already fairly noticed Portuguese variety developed by the Brazilian dekasegi community in Japan, which was born, grown, and developed in a strong language contact context. Then, we moved the discussion to its name. We introduced several past candidates, why they weren't necessarily the best option, and then we focused on offering and delineating a new term and definition for such variety. Since we believe it is crucial some kind of name standardization to outline and make it clear what kind of phenomenon we are dealing with, one of our main goals was removing any of the ambiguities past terms granted, and at the same time, trying to deal with possible translation issues.

Yet, it is important to notice and emphasize that we are making a suggestion, especially to be used within academia. There is no point in recommending a term that isn't 'catchy' enough. Ultimately, we know that it is the dekasegi community and the academy, each one in its

niche (but certainly influencing each other), the final judges that will define which nomenclature and notion will be elected and employed hereafter.²⁴

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APPENDIX

Appendix 1 – examples (3), (4), and (5).

IBARAKI-KEN
FÁBRICA DE PÃES
 Massa de pão para congelar
¥900/h + adic. noturno + ajuda de combustível


Yakin ou hirukin c/ zangyo!!
FÁBRICA DE TEKIN
¥1.200/h + 25% h.extras/ adic. noturno
 • Pessoas com carteira de kuren e empilhadeira são bem-vindas
 • Jovens são bem-vindos
 Ambiente predominante masculino e de jovens

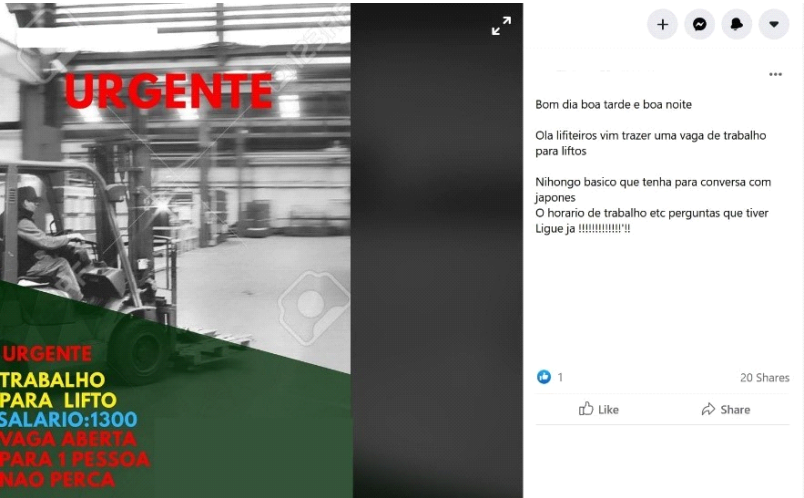

AICHI-KEN **LINHA E COZINHA**
¥930/h ~ ¥950/h + 25% h.extras
 • Aumento conforme a capacidade produtiva e função
 • Transporte do Hemi Danchi
 • Diurno ou noturno (não é alternado)
 • Temos "teate" para motorista
 • Ajuda de transporte


FÁBRICA DE MASSA (LÁMEN)
TAKETOYO-CHO
¥950/h + 25% h.extras ou
 + 25% adic. noturno
 • Fazemos a sua mudança
 • Ambiente predominante feminino


Oferecemos:

- Shakai Hoken
- Férias remuneradas
- Apartamento semimobiliado

Appendix 2 – example (6)



Appendix 3 – example (7)

Qualquer um desses keizinhos por apenas 99.999 ienes pagamento a vista no cash.

Moco ano 18(shaken 10meses km 122)

Ek ano 16 (shaken 1 ano km 118)


Wagon r ano 17 (sem shaken km111)obs:shaken a parte.

Aceito Visa ou master e faço financiamento próprio com entrada de 30.000 e parcelas a combinar...



¥99,999

Na semana do 9.Keizinho para trabalho

 Message

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Notes

**Globalization of Latin American Studies:
Contributions from East Asia**

Globalization of Latin American Studies in the Intertwined Network

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ABSTRACT

Globalization of Latin American Studies in the Intertwined Network

Globalization of Latin American studies gives valuable impetus to already stagnating Japanese Latin American studies. If it is more challenging to be an all-in-one Latin American studies scholar nowadays, then it would be helpful to consider research networks of various scales: local, field (Latin America), global, and regional (Asia). Globalization is also expected to expand diversity in Latin American studies. We have much to learn from studying Latin American experiences. Global Latin American studies can provide great richness in diversity.

Keywords: Network, Collaboration, Asian Latin American Studies

INTRODUCTION

The four articles presented in this volume by Yun-Joo Park, Guo Jie, Melba Falck, and me derived from an online mini-symposium held on November 14, 2020 on the topic of “Globalization of Latin American Studies: Perspectives from East Asia,” as a part of the 57th Annual Conference of the Japan Society of Social Science on Latin America (JSLA). The mini-symposium was also promoted by the East Asian Network of Latin American Studies (EANLAS). Park, Guo, and Hamaguchi had collaborated to coordinate EANLAS since 2014 when they met at the Annual Conference of the Latin American Studies Association of Korea (LASAK). Falck was specially invited to contribute as a commentator.

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She has contributed notably to Asian studies in Latin America through her outstanding scholarly works and also as an editor of the journal *México y la Cuenca del Pacífico*. Isamu Okada of Nagoya University chaired the mini-symposium.

The symposium's theme was motivated by a remark made by Professor Aldo Panfichi Huamán of Pontificia Universidad Católica del Perú, who participated in the Kobe Seminar of EANLAS held in January 2017. In his speech, in the capacity at that time of the Latin American Studies Association (LASA) president-elect, he emphasized globalization of Latin American studies. Globalization is expected to contribute to the diversification of perspectives in Latin American studies. Asian and Latin American scholars were able to collaborate broadly to compare the social development experiences and to share the beliefs on the importance of local values. However, Asian scholars have remained on the sidelines of Latin American studies. If Latin American studies continue to be dominated by scholars of Western countries and Latin America, then research advances will be restrained, held back from leaping to escape the prevailing north-south view of the world.

We live in a world where international relations have become increasingly diverse. A growing consensus holds that the 21st century will be the Pacific Century (Clinton 2011), in which Asian countries will harness economic growth. Technological advances in transportation and communications have lifted a *distance curse* that divided Asia and Latin America. Latin America has become increasingly enmeshed with Asia-Pacific economic integration. Asian countries have a bolder presence in Latin America and are reconfiguring globalization strategies with Latin America posed in a mainstream relation (Hamaguchi et al. 2018).

Latin American studies constitute a branch of area studies. As a broad research field, area studies were born from the intelligence and military imperatives of the United States during and after World War II (Cummings 1997). As the Cold War ended, area studies' importance as a tool for the machinations of the hegemonic countries has diminished. Scholars have devoted efforts to identify each country's unique factors restraining social progress from a historical and socio-cultural context. Social progress has been understood as adaptation to liberal democracy and a competitive market economy, which have become a single norm in post-Cold War globalism. Local uniqueness exotic to the Euro-Ameri-centric orthodox academic disciplines has not been seriously considered. The evaluation of globalization to date is mixed, even judging favorably. It has created

diverse opportunities for less developed parts of the world, but severe local tensions have also emerged.

Area studies have become a lively field of debate between the global norm and local values. However, when the global norm and local values are conflicting, it has remained unclear how to adjust the former incorporating implications from the latter. Compared to area studies under the earlier paradigm, which directly subsidized national intelligence and big business profits, the post-Cold War area studies' aims have become obscure.

Area studies should be reinvented to contribute to global governance construction in the recent era of globalization. Instead of the globalization from above (i.e., imposition of global norms as a unique model), alternative globalization from below as an implication from area studies is highly anticipated. The alternative strategy should depart from the single politico-economic model and academic euro-ameri-centrism. It should embrace heterogeneity, multilateralism, and regionalism. In this regard, Professor Panfichi's remark about globalizing Latin American studies is well-timed for the Pacific Century era. Asia and Latin America face each other directly from their perspectives, not through the lens of western hegemony.

Against this background, the mini-symposium addressed the following questions. What are the merits of the Latin American research by a researcher from East Asia who is neither from Latin America nor from Europe/US, a historical stakeholder in the region? How will such studies contribute to the globalization of Latin American studies?

The remaining part of this article will present my views on these questions from a Japanese standpoint.

LATIN AMERICAN STUDIES IN JAPAN: A NEW VIGOR

Early works on Japanese scholars mentioned Latin America for the enlightenment of the people. Although presenting inaccurate and imaginary perspectives about Brazil and Argentinean Patagonia from conversations with Italian missionaries, the first mention of Latin America was readily apparent in *Seiyo Kibun* (*Study of the Occident*), written by a medieval Cheng-Zhu scholar and politician Arai Hakuseki (1657-1725). Next, *Sekai Kunizukushi* (*Countries in the World*, 1869) by the early modern scholar

and writer Fukuzawa Yukichi (1835-1901) includes book contents regarded as a translation of foreign books. Having established diplomatic relations with Latin American countries¹, the Ministry of Foreign Affairs and private individuals related to emigration enterprises² produced comprehensive reports describing Latin American countries. Pre-World War II studies of Latin America were strongly motivated by emigration.

In the post-World War II era, University of Tokyo archaeologists took a leading role in Latin American studies, starting from their scientific expedition to the Andes in 1956³. In light of the area's linguistic commonality, language and literature scholars formed another group of scholars supporting early research and education in Latin American studies as an interdisciplinary field of humanities and social sciences. Since the 1990s, establishment of international studies departments has become a boom among Japanese universities in response to Japanese society's demand for learning more about other countries. These programs have almost always included courses on Latin America.

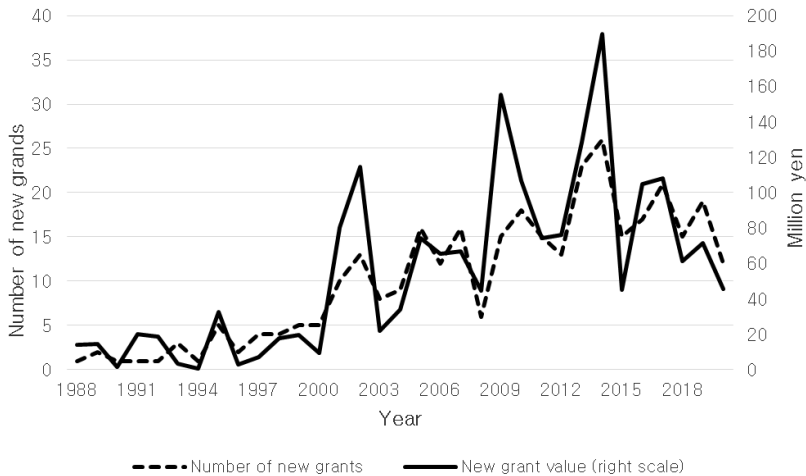
Figure 1 depicts the government research fund's evolution granted to Latin American studies provided by the Japan Society for the Promotion of Science (JSPS). It shows an upward trend in the number and the value of grants until the mid-2010s. Various generations of Latin American studies in Japan have produced enormous amounts of knowledge. Recent studies of globally spreading populism and authoritarianism often refer to Latin Americanists' earlier works. Economists regularly cite Latin America when discussing future risks of sovereign bankruptcy and widening income disparities in Japan. Some Japanese scholars' works have become key literature in Latin America. Among them, most notable are Matsushita (1983) on the labor-union influence on Peronism's genesis in Argentina, and Murakami (2012) on Peruvian electoral authoritarian populism of the Fujimori era. Hosono (2016; 2018) advocates the combination of Latin America's natural resource advantages and Japanese technical cooperation in the comparative development policy perspectives.

1 Japan established diplomatic relations with Latin American countries in the late 19th century in the following order: Peru (1873), Mexico (1888), Brazil (1895), Chile (1897), and Argentina (1898).

2 Pioneer Latin America in the early 20th century included reports by Mizuno Ryo, Yokoyama Gennosuke, and Aoyagi Ikutaro, all related to emigration enterprises.

3 Kingsberg (2014) describes that Japan rejoined the global academic community with the pre-Inca archaeological study, a research in the United States "backyard" and also free from discredited prewar legacies of colonialism and expansionism, on a topic of historical significance to Europeans.

Tsunekawa (2019) highlights a critical difference in Asia Latin America's social systems engendering economic performance gaps. The maturity of earlier studies benefits us.



Source: Author's elaboration based on KAKEN homepage <https://kaken.nii.ac.jp/jp/>

Figure 1. JSPS research grants to Latin American studies: numbers and values by year.

However, JSPS grants have declined in recent years. Japanese Latin Americanists are also concerned that journals published by two academic societies, the Japan Association for Latin American Studies (JALAS) and the Japan Society of Social Science on Latin America (JSLA), have received fewer paper submissions in recent years.

The lack of dynamism of current Latin American studies is a part of area studies stagnation despite encouragement by the Japanese government and the leading bodies of Japanese academia. They have issued a guiding principle to promote interdisciplinary area studies⁴. Area studies require that scholars work diligently to specialize in both their discipline and a region. An economist who had a model and data would be able to write a paper on Brazil without visiting the country. A language

4 In June 2002, the Council of Science, Technology, and Academia of the Ministry of Education, Culture, Sports, Science and Technology issued a policy report on the promotion of humanities and social sciences. The report highlighted area studies as an invaluable arena of far-reaching academic collaboration with broad and interdisciplinary approach to study areas of multiple levels from global to local including Asia, the Americas, and Islamic areas.

specialist in Spanish or Portuguese could accurately report everyday occurrences in Latin America. Nevertheless, they would be able to gain deep insights only by broadening their expertise to integrate scientific disciplines and expert observations of the region. For young scholars who compete for academic positions, time is so valuable for composing papers for journals that they remain aloof from area studies to emphasize disciplines. Moreover, a mid-career scholar might not be successful in being proficient at a language.

Despite the gloomy prospects, we should not distrust the growing reality that Latin American studies have become regarded as less important. However, we have much to learn from studying Latin American experiences in paths to democracy, social justice, overcoming hunger, food production revolution to sustain future food demand, the environment, and development. We can also learn from greater understanding of the complex and divided world of today. Latin America will be a key global player in the recognition and resolution of these issues.

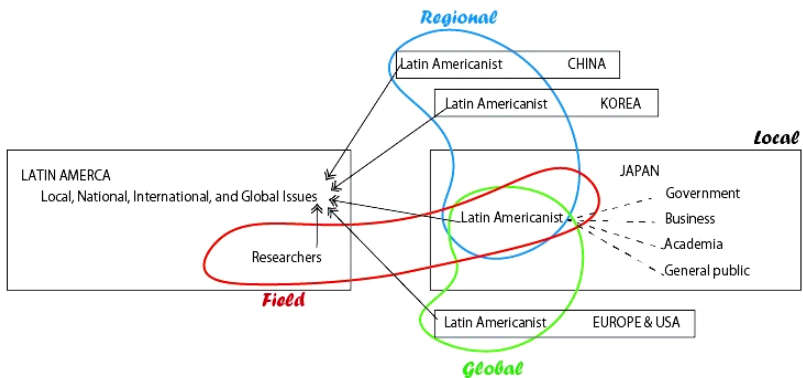
If it is more challenging to be an all-in-one Latin American studies scholar nowadays, then it would be helpful to consider networking to gain new vigor. The next section presents discussion of the importance of Latin American studies' globalization and research networks.

GLOBALIZATION AND NETWORKING OF LATIN AMERICAN STUDIES

We argue that Latin American studies can develop in intertwined networks as depicted in Figure 2. Here, we will discuss Japan's context, but we believe that our argument is generally valid.

One can start with the local network, which helps develop the uniqueness of Japanese Latin American studies. Global Latin American studies can be expected to provide great richness in diversity. Whereas diversity is based on individual characteristics, they tend to reflect a country's background as reflected in the opinions of government, business, academia, and general public. Scholars actively appeal to receive research funding support. These entities get takeaways from research outputs of Latin American studies.

Next, the network with Latin American scholars is crucially important. For Japanese scholars, the great distance to Latin America has always constituted an important barrier hindering field studies. The recent advent



Source: Author's elaboration

Figure 2. Globalization of Latin American Studies will evolve through intertwined networks.

of internet communication tools and inexpensive international flights have made exchanges of ideas much easier. The JSPS provides a matching fund for international joint studies to allay some Japanese scholars' costs. Moreover, Latin American scholars' growing willingness to write in English, in response to the research evaluation system, facilitates production of research output jointly, promoting incentives for sharing tasks. Collaborative research topics extend beyond Latin American local matters and Japan – Latin America bilateral issues to global questions involving Japan and Latin America.

As the third component of the networks, Japanese Latin Americanists will engage the global research network more actively. Although Latin America has been an important area of United States influence and historical significance to Europeans, it is also a prospective partner of the imminent Asia-Pacific community. By contributing new perspectives and additional research funds, the global Latin American studies community will embrace the field's globalization with Asian scholars' more active participation. Latin American studies provide unique insights into global humanity's current issues based on the region's historical and cultural background.

Last but not least, Asian regional cooperation in Latin American studies can be fostered as a venue for exchanging views with similar historical backgrounds and cultural values. The short distances in the region simplify interactions for mutual learning. Establishing a formal mechanism for cooperation can be expected to enhance the visibility of Asian scholars

in the global research network. The East Asian Network for Latin American Studies we launched seven years ago is a first step in that direction.

CONCLUDING REMARKS

This short essay was aimed at motivating the globalization of Latin American studies for two reasons. One is to give valuable impetus to already stagnating Japanese Latin American studies. We understand that being an expert in both disciplines and the region is challenging, especially for young scholars. Even if it is difficult to be an all-in-one area study scholar to meet scholarly work evaluation requisites, a person can obtain supplementary external resources from research networks of various scales: local, field (Latin America), global, and regional (Asia). Another reason is to expand diversity in global Latin American studies. Because of the original objectives, area studies in general had been under the influence of hegemonic countries' intelligence and military interests. globalization of Latin American studies is necessary for the academic maturity of the subject. We believe that they can provide unique insights into global humanity's current issues based on the region's historical and cultural background.

We consider that development of collaboration of Latin Americanists in China, Korea, and other Asian countries will benefit to a considerable degree from expanding mutual learning opportunities. Collaboration is also meant to enhance the visibility of Asian Latin American studies in the global research network.

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Outsiders within: Latin American Studies from East Asian Perspectives*

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ABSTRACT

Outsiders within: Latin American Studies from East Asian Perspectives:

This paper aims at contemplating on the contribution of East Asian perspectives to Latin American studies. To do so, the author revisits her own experience of being an East Asian scholar of Latin American studies and argues that East Asian scholars have a special positionality within Latin American studies as an outsider within, which is a theoretical concept raised by Patricia Collins who states that such positionality allows researchers to be more creative and critical. By applying such notion, this paper informs about unique contributions that East Asian perspectives should make to Latin American studies and illustrates a few ways to do so.

Keywords: East Asian perspectives, Latin American studies, Outsider within, Positionality, Insider-outsider debate

INTRODUCTION

At the end of my dissertation on Mapuche's struggle to recuperate their cultural rights in the Chilean health sector, I asked myself who I am as a researcher and why I should study Latin America and I wrote,

I am a Korean who studies Latin America, specifically, in this work, Mapuche communities. I would usually be qualified by many as a total "outsider". I am not a Mapuche. I am not even a Chilean. I was not born in Chile and I do not speak Mapudungun, Mapuche language. Thus I would be

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an outsider. Am I? Not really. For Mapuche activists as well as non-Mapuche researchers, I am not “just” another outsider wondering around indigenous communities to find the truth about humanity because I am not even an “imperialist colonizing Western” researcher. At best, I am a stranger at the border. I am from the third sector, which is neither Mapuche nor Western (Park 2006, 281).

I tried to answer the questions about my identity or even authenticity as a researcher of Latin American studies. Toward the end of the methodology section, I confessed,

My position as a strange researcher at border does not end with the fieldwork. Whenever I submit a paper, I am tempted to change my name into a more “Latin” or “Western” name thinking that it might enhance my credibility or authenticity as a researcher. What about “Eva Parque” instead of “Yun-Joo Park”? or “Jennifer Park Rodrigues”? However, I constantly struggle with the politics of authenticity because it seems my authenticity as a Latin American researcher has no place in the world of the academia strongly divided based on “outsider/insider” dichotomy or “the Colonized/the Colonizers” dichotomy (Park 2006, 282).

When the Japan Society of Social Science on Latin America asked me to be a panelist on the session about East Asian Perspectives on Latin America and to present my thoughts on the possible contributions of East Asian perspectives to Latin American studies, I immediately recalled the insecurity I felt as an East Asian researcher on Latin America who has been educated in the US institution. I have to admit that I see striking resemblance between me who sees oneself as a stranger at the border and East Asian scholars of Latin American studies who have been treated as strangers at the border for a while in the world of Latin American studies. Before looking for possible contributions of East Asian perspective to Latin American studies, I believe we need to address first our peculiar positionality as East Asian scholars of Latin American studies.

POSITIONALITY OF EAST ASIAN RESEARCHER OF LATIN AMERICA

As a Korean researcher of Latin America, the question I got the most was why I am interested in Latin American studies rather than

what I am interested in. This question comes from Latin Americans, Non-Latin Americans as well as Koreans. First of all, Koreans seem to want to know what is the contribution of Latin American studies has to Korean society. I often felt that question somewhat nationalistic because it implies the uncertainty about the usefulness of my study, especially when the questioner realizes that my research area is not about Korean relations with Latin America. Studying other area to serve to national interests seems to be the obvious starting point of any area studies. Since Latin American studies in Korea has never been one of dominant disciplines in Korean academic society, a small group of Korean Latin America researchers have responsibility of producing valuable knowledge about the region. Despite the necessity of knowledge production for Korean society, area studies with purpose of expanding national interests are dangerous to say the least. We already have learned many lessons about the danger of nationalistic area studies from the history.

Latin Americans are often very curious about my motivation and some of them even questioned my credential as a Latin American researcher. The curiosity about a Korean researcher is more than understandable due to the scarcity of Korean researchers of Latin America. The membership of the biggest academic association of Latin American studies in Korea, LASAK (Latin American Studies Association of Korea) reaches only to 350 members. The number of active members is expected to be much smaller. But many times, the queries about my doing research on Latin American issues goes beyond simple curiosity. Mapuche activists expressed unease about my research by saying that they do not want to “add” more colonizers snooping around their community. They have enough Western researchers observing their life. Why would they need more from East Asia?

Such reactions from Latin Americans turn out to be more than comprehensible considering the emergence of Latin American studies as a colonizing discipline from the Western world. The first Latin American scholars, as we all know, were European colonizers who collected information to serve the interest of the empire. Latin American studies has evolved since then and now we tried our best not to be colonizers. However, the very nature of area studies, “studying others”, makes such progress hard to notice. Why do you study others? Latin Americans have every right to ask researchers from outside of Latin America and we should be able to face the ethical as well as methodological question of studying others.

Interestingly enough, many Western researchers, who have dominated Latin American Studies, also show their curiosity toward my identity as a researcher of Latin America. Again, it stems from the lack of Korean researchers in the field. However, would I be asked multiple times why I study Latin America if my specialty were Chinese Studies? I wonder. Once I raised the point to my beloved American Latinamericanist friends, they became perplexed. Do Western scholars have better credential than mine in Latin American studies? Yes, or maybe. If you look at the most prominent academic works in Latin America, most of them is done by either Latin American scholars or Western scholars. Of course, it is partially because of the volume of researches done by Western scholars on Latin America. However, such abundant interests of the Western world on Latin America indicate the complex relation between Latin America and the Western world as well as the odd positionality of East Asian scholars.

Ironically, the positionality of East Asian perspectives crystalizes the essence of the relation between the first world and the third world within Latin American studies. There have been Latin American studies by the insiders i.e. Latin Americans and the Latin American studies by the outsiders i.e. the Westerners. Adding East Asian perspectives to the existing equilibrium turns out to be an effort to create “another” way of doing Latin American studies. The problem is East Asian scholars are neither insiders nor outsiders. We could argue that we are part of the first world now however we all feel that it could be quite difficult to be a “perfect” member of the first world. For example, China has been bigger economy than anybody else in the world for a while but it could not make it to G7. There is a rumor that Korea might be invited soon to G7 yet it is not clear. Japan has been rather successful in joining the first world among East Asian countries, but does it have the same privilege and power as other “Western” countries in the ruling block of the world? East Asian countries have been invited to be an honorary member of the first world. Are we even going to be actual members of the first world in the near future sharing power with “the powerful”? That seems to be a big question mark. In that sense, our identity as a scholar from the first world is in question.

Most important, our experience of having been dominated by the Western world enables us to sympathize with Latin Americans. We have experienced and are experiencing now orientalism and its byproducts. The industrialization process of Korean economy as an emerging market

resembles to Latin American economic development. Political turmoil East Asian countries had to go through and still are going through to achieve and stabilize democracy seems a lot like what Latin American countries have endured. However, does such resemblance in history, economy as well as political development make us an insider? Not really. We are, despite of being an honorary, still a member of the first world. Personally, I had hard time to realize my identity of a citizen of the first world because my upbringing in 1970s and 1980s tells me otherwise. However, I have to admit that the presence of East Asian countries in Latin America is not as an insider. Once employees of the global economy became an employer of the economy. Once we were the factory of the world, now we do more than just being factories in global economy. Therefore, East Asian scholars do not have a credential as an insider. Not anymore, I guess.

Understanding the contribution of East Asian perspectives to Latin American studies requires to reflect on who we are. We are neither insider nor outsider of Latin America. In this note, I argue that East Asian scholars of Latin American studies are outsiders within, who bring creativity as well as novel perspectives to the field. And this positionality holds key to explore contributions that East Asian perspectives could make to Latin American studies.

THEORETICAL INQUIRIES: EAST ASIAN RESEARCHERS AS OUTSIDERS WITHIN

The relation between the subject of a research and its researcher has long been an important methodological issue in social science. Like natural science where total objectivity seems to be required and possible, the early social scientists tried to value objectivity as a core principle of methodology. Simmel could be one of them who argues for outsider doctrine. He stated that outsider “is freer, practically and theoretically...he surveys conditions with less prejudice; his criteria for them are more general and more objective ideals; he is not tied down in his action by habit, piety, and precedent” (Simmel 1950, 404-405).

Outsider doctrine was contested heavily by scholars of race and gender. Besides impossibility of ever being “object” toward any subject of social scientific research, those who criticize outsider doctrine contend that the outsider has a structurally imposed incapacity to comprehend alien

groups, statues, cultures, and societies. They further state that, unlike insiders, the outsider has neither been socialized in the group nor has engaged in the run of experience that makes up its life. Therefore, they argue, the outsiders cannot have the direct, intuitive sensitivity that alone makes empathic understanding possible (Merton 1972, 15). They proposed insider doctrine instead of outsider doctrine. The stance of those who believe in insider doctrine could be summarize with Connant's remark that "whites are not and never will be as sensitive to the black community precisely because they are not part of that community" (Connant 1968).

Merton's discussion (1972) on outsider's view vs. insider's view urges us to unite rather than confront each other around intellectual and theoretical line that divides those who hold each view. He points out the growing division between social scientists reflects divisions and conflicts in the larger society and, because of that condition, scholars often become combative about their position. The debate on insider's view vs. outsider's view turned into a matter of belief rather than a matter of academic conversation to find a common ground. His arguments cannot be more relevant in analyzing the invisible dissection regarding the questions of "who we are as researchers and which views embrace more truth". However, instead of producing a dialectical solution toward the dichotomy of views, the debate has resulted in the division of labor within the social science that we witness in these days. i.e. "outsiders" do their own little science project without consulting "insiders" while "insiders" write their painful or joyful stories thinking that outsiders would never understand them. So, contrary to what Merton wanted to see, the two views are yet un-merged and divisions persist.

As stated previously, East Asian scholars do not fall into either of the two categories of Latin American Studies. Actually, the two categories are too simplistic in the era of globalized world that endlessly produces new types of self and knowledge. The debates about insider's view vs. outsider's view stemmed from the social conflicts and problems of 1960s and 70s when the US had yet seen neither Wal-Mart made in China nor Mexico in the middle of L.A. Brilliant thinkers like Collins (1986) later captured the complexity of our ever-changing social reality and urged to develop further comprehensive approach to the views such as "outsider within". Collins urges sociologists to embrace their self and reflect it in the research. According to Collins, outsider within is an outsider but shares some experience and knowledge of the group. Good examples are a black female domestic worker who became honorary

members of white family but could never be a true member of the family or black feminists who are an honorary member of white sociology. They are seen as either not black enough or “sociological” enough. Collins states that such marginality is not a weakness rather could be a strength. The marginality that outsider within ended up acquiring provides her/him a creative position to evaluate the group by understanding it without being one of them. She goes on and said that such positionality should be used “wisely”.

As previously mentioned, I believe that East Asian perspective on Latin America is that of outsider within. We are neither insider nor outsider. We are outsider but share historical, economic as well as political commonalities with Latin America. Therefore, like Collins pointed out, we have a unique positionality as outsider within which allow us to be in a truly creative position to understand Latin America. Then how would we use this unique positionality “wisely”? I have several suggestions.

PROPOSALS

East Asian scholars of Latin American studies have been heavily focusing on researching the relation between East Asia and Latin America. The vast majority of works produced by East Asian side of Latin American studies deal with trade relations, international relations as well as cultural relations between East Asia and Latin America. It seems natural that we do want to know more about ourselves and our presence in Latin America. No doubt that Latin American scholars also are intrigued by ever growing relations between the two regions. However, I propose that we should do more than just looking into our own relations with Latin America to further our contribution to the field.

As previously noted, East Asian scholars as outsider within have a unique position to deepen our understanding of Latin America. Developing more nuanced understanding of Latin America will benefit greatly the academic community of Latin American studies as whole. Therefore, I would argue that we should focus our effort more on researches of general topics of Latin American studies and share the analyses with our fellow colleagues both from Latin America and Western world.

Furthermore, compared to our researches on the relations between East Asia and Latin America, it is quite striking to see how little work has been done on comparing the two society. We often look into Latin

American cases and realize how relevant they are to the analysis of our own society. I also know that many Latin American scholars, too, examine East Asia in order to better understand their own society and its challenges. Now, it is time for us to engage in serious comparative researches of the two regions. We could highlight differences as well as similarities in a creative way as outsider within. By doing so, we could contribute to the understanding of humanity, which by the way is the sole purpose of social science.

In recent days, we witness a growing interest on East Asian perspectives on Latin America. I welcome it with all my heart. I wish such interest should serve to enrich Latin American studies as whole by adding our unique and creative positionality as an outsider within.

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Tan Lejos, Tan Cerca: On the Intellectual Implications of Latin American Studies in East Asia

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ABSTRACT

Tan Lejos, Tan Cerca: On the Intellectual Implications of Latin American Studies in East Asia: The Pacific Ocean separates East Asia and Latin America but also opens a window of opportunity for exchanges between the two regions. Due to the rapid development of bilateral economic relations, increased government research funding and ever deepening intellectual curiosity among scholars, the development of Latin American Studies in China has seen unprecedented developments over the past two decades. Japan and South Korea also have a long history of engagement with Latin America, and research communities in both countries have already developed distinct traditions and approaches to studying the region. With the globalisation of Latin American Studies, East Asian scholars face common challenges and responsibilities as they make important decisions about the way they view the North Atlantic research tradition and refine their identity or cultural consciousness as the subject of the “South” in the cognitive system of the global frame. In 2014, East Asian Network of Latin American Studies (EANLAS), a regional academic community promoted by the joint efforts of Latin American scholars from Japan, South Korea and China, is expected to serve the realization of the above visions at the entity level through communication and collaboration with relevant academic networks at various levels.

Keywords: East Asia, Latin America, China, Area Studies, EANLAS

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As a scholar from East Asia, I find exploring Latin America to be a relatively rare opportunity given to the physical distance and cultural differences which limit contacts between our two regions. Even when two worlds are far apart, it seems that innate curiosity always drives inquiries into foreign people and objects – but it is also never easy to build mutual, in-depth understanding of each other. Even time and space are working against us; winter and summer, day and night are both diametrically opposed in Latin America and East Asia. The urge for these two regions to bridge the gap between them can only be driven by strong forces. As relations between Latin America and East Asia are growing ever closer, this essay presents firstly a retrospective look into the process of their development from the beginning.

CONTACT AND COGNITION ACROSS THE PACIFIC

Research indicates that China and Latin America did not have direct interactions in the written history before modern times. The real contact began at the beginning of the 16th century, after Christopher Columbus discovered the New World and Vasco da Gama opened a new route to Asia. At this point, the main transport channel between Europe and China shifted from land to sea. Relations between China and America began to slowly emerge through trade—with Manila as a hub (Luo Rongqu 1986). Later, in the 19th century and more specifically between 1800 and 1874, a large number of Chinese contract laborers went to Latin America. This migration wave was the first time large groups of Chinese people came into contact with the region, and it was later followed by four other migration waves. Today, the largest numbers of overseas Chinese are concentrated in South and Central American countries, such as Peru, Brazil, Ecuador, Venezuela, Panama, Argentina, Costa Rica and Surinam. Most of these migrants are engaged in business, software, manufacturing, construction, the service sector and the resource industry.

The earliest works by Chinese scholars on Latin America were produced during the Ming and Qing dynasties. A pioneer in this regard is Xu Chaojun, whose book *Gao Hou Meng Qin* is the first Chinese work to include a historical inquiry into the region (Xu 1807-1809). Another example of an early study is *The Four Continents* by Lin Zexu which contains stories about the heroic resistance of the Chilean Araucans

against Spanish colonial rule (Lin 2018). However, according to the mainstream view of Latin American studies community in China, these early texts are far from the area studies mentioned today, which mainly developed after the founding of the People's Republic of China.

Post-1949 China-Latin America relations can be divided into three periods. The first one lasted from 1949 to 1970 and it was shaped by historical (Cold War) and ideological (revolutionary) factors. The second period of official relations was between the 1970s and the late 20th century. In these decades, the international system went through substantial political, economic and social changes. China and Latin America were experiencing reform and development at the same time. Most Chinese scholars took a pragmatic approach and focused on exploring topics that were directly relevant to their own country's development; they sought to study practical problems and concentrated on Latin America's opening-up and economic adjustment, comparing it with China's post-1978 reforms. Other topics that attracted their interest included Latin America's development strategy, paths and models, as well as social justice movements, democratization, political and ideological changes. The 21st century can be viewed as the third period of China-Latin America relations. Globalization and market forces have, somewhat surprisingly, tightly bound these two opposite regions standing at different ends of the world. Economic interdependence and cooperation between them have reached unprecedented levels as interlocked processes are already in motion. China has become Latin America's most important trading partner in Asia as well as one of the major sources of foreign direct investment and external financing. With the acceleration of its economic and social transformation, China has begun paying closer attention to Latin American case studies on issues such as the middle-income trap, urbanization and inclusive growth. Meanwhile, Latin American studies in China have also entered a more institutionalized development track. This is manifested in three aspects, and the first one is the development of research institutions with a strong regional focus. According to partial statistics, as of July 2019, there are 56 institutions engaged in Latin American studies in China, with more than 500 full-time and part-time researchers (Guo et al. 2020). The second aspect here is the incorporation of Latin American Studies into other subjects within the education system. In addition to the study of Latin America's history, languages, literature, economics and politics, today more scholars explore the region from various perspectives grounded in anthropology, sociology, archaeology, law,

religion, art among others. The third aspect is the increase in government attention to, and funding for research on Latin America. On the one hand, this is the natural result of closer economic ties between the region and China; on the other, it is also driven by the government's inclusion of Area Studies in its most recent strategic development agenda. For scholars, it is crucial to maintain a balance between the academic rigour and the public service aspect of their research in Latin American Studies; in particular, it is crucial to ensure that scholarship does not simply serve as an extension of government policy.

Similar to China, the two other major East Asian economies, Japan and South Korea are increasingly developing connections to Latin America shaped by their own historical background and current needs (Hamaguchi, Guo and Kim 2018) .

THE NORTH ATLANTIC TRADITION OF LATIN AMERICAN STUDIES IN THE BACKDROP OF A GLOBAL CONTEXT

How does the growing intellectual and realistic needs combined with the increasing availability of policy and funding support shape Latin American studies? It is a question that has been occupied my thoughts at times. On November 14, 2020, at the 57th Annual Conference of the Japan Society of Social Science on Latin America, Professor Nobuaki Hamaguchi of Kobe University posed two questions related to this topic: a) what is the merit of the Latin American research conducted by a researcher from East Asia, who is neither from Latin America nor from historical stakeholders in the region such as Europe and the US; and b) how will such researches contribute to the globalization of Latin American Studies?

These questions are extremely challenging. Their answer relates not only to the legitimacy of the identity of latinamericanists from East Asia and to the intellectual value of our research, but also to the prospect of revising or challenging the North Atlantic approach in Latin American Studies, and at a deeper level, to the cognition of the global framework and cultural consciousness as part of the “South”. So far, the research agenda of Latin American Studies has undoubtedly been defined by scholars from Europe and the US, especially the latter. As so-called traditional stakeholders, their theories, methods and choice of research

topics have always played a significant role in leading the development of new inquiries into the region.

It is true that since 1990s, with the worldwide flow and interaction of ideas, people and commodities, the decentralization of Latin American studies has gone into motion, however, thirty years on we are still observing a process generally marked by uncertainty and ambiguity. Under this background, how should Latin American Studies be positioned within East Asian academia? Elevating the importance of our scholarship is not meant to deliberately target the de-Westernisation or de-Americanization of Latin American Studies, or to challenge the traditional dominance of the North Atlantic approach. Instead, it only seeks to emphasize the importance of regional identity while exploring a research agenda of global importance, and there are three main steps we should take in this direction.

For starters, it is necessary to promote deeper research cooperation between East Asia and Latin America. The comparative advantage of East Asian scholars manifests itself in exploring issues concerning relations between the two regions, including economic, political and diplomatic exchanges as well as immigration. Furthermore, as noted by Professor Cynthia Sanborn of the Universidad del Pacífico (Peru), it is also crucial to ask more specific questions; for instance, how do non-government actors in East Asian countries engage with Latin America? If this type of research is conducted without the participation of East Asian scholars, it will self-evidently always remain partial, only offering an “outsider’s perspective”. In addition to the areas discussed above, there are also other ones where collaboration between scholars from East Asia and Latin America would yield productive results. Cooperation can lead to intellectual innovation by inspiring a division of labour where academics from both sides can combine their linguistic and inter-cultural competences with various theories and methods from different disciplines to produce novel ideas. As things stand, despite the increasing frequency of academic exchanges, there is still plenty of unexplored potential in terms of collaboration between scholars.

And next, it is important to rediscover and reposition established research topics within a new framework for framing Latin American Studies. In this regard, a starting point could simply be the adoption of a perspective from the Global South to serve as a framework for breaking with the normative aspects of an existing dominant research agenda which remains somewhat constrained by cultural bias. This move would channel a new

line of discourse to supplement the well-known findings of Northern scholars. It would also allow for posing a number of broader questions; for instance, what contributions can East Asian and Latin American scholars make to African Studies? How can Asian Studies scholars in Africa and Latin America increase the impact they have on their field? In what ways can African-based researchers of Latin America contribute to their discipline? Finding answers to these questions might be easier than one initially thinks. From a “Southern” perspective, East Asia and Latin America have many commonalities that can be discussed together and compared; they include growth and governance models, public policy, regional integration and geostrategic challenges as well as gender equality, environmental protection, sustainable development, innovation and social risks brought by the rapid development of social media, and so on and so forth. Building an intra-regional discourse is conducive not only to improving knowledge, but also to providing valuable comparisons and gaining insights from experiences produced within diverse regions and cultures. This move would also be particularly beneficial for the non-Western world (including East Asia and Latin America) which is rising within an outdated global system that it seeks to both exist within and improve; taking steps in this direction would yield both academic value and practical implications.

Then, and somewhat self-evident, it is crucial to shape a distinct East Asian perspective on Latin American Studies. Admittedly, I have some doubts about the likelihood that this development will materialise. It is well known that almost all sub-sections of Area Studies emphasize the integration of region-specific experiences and interdisciplinary contributions. Scholars from various fields of study may hold a different view on whether the East Asian perspective on Latin American Studies has intellectual value, or even exists in the first place. For instance, East Asian historians of Latin America would most likely be unable to claim any comparative advantages in terms of their research on the region. After all, their field of study emphasizes objectivity and does not attach particular importance to differences in one’s identity or perspective. In addition to history, this may also apply to other fields such as archaeology, but it is not the case, say in international studies. Especially, for example, in many global issues with the characteristics of chain interaction or some common issues with cross-regional comparison or reference, East Asian scholars can participate directly in the knowledge production and innovation process by bringing in their own views and experiences.

EAST ASIAN VISION OF LATIN AMERICAN STUDIES AND THE ROLE OF EANLAS

As mentioned above, despite the great physical distance separating East Asia and Latin America, they have a long history of interactions. Latin American studies in China, Japan and South Korea have a huge potential for conducting comparative studies. For a long time, although the three countries have had extensive exchanges in various fields, the contacts among Latin American scholars have been very limited, and each side has a relatively weak understanding of its counterparts' respective research agenda. There are many reasons for that, including the lack of an appropriate platform for exchanging ideas and the rather limited drive for establishing such initiatives. EANLAS was founded in 2014 in the hope that it will serve as a community and platform for organising research-related activities which promote the mutual recognition and deepening exchanges among the latinamericanists in East Asia. This move seeks to drive the development of internationalization and institutionalization of Latin American studies in the region. Through the joint efforts of Latin American Studies Association of Korea, Japan Society of Social Science on Latin America and Peking University throughout the past six years, we have achieved many tangible results in this regard. Looking into the future, with the further improvement of internal and external conditions, I believe that EANLAS has the potential to play a larger role in the following aspects.

First of all, it can further develop into a platform for exchange and cooperative research between East Asian and Latin American scholars on the existing basis. In fact, since the first annual workshop held at the Peking University, we have been paying attention to incorporating scholars, diplomats, journalists and business people from Latin America to participate in our discussion. It also may be possible to consider applying for greater institutional support from higher education institutions across East Asia and Latin America to jointly assist the development of researchers (especially from the younger generation), and further integrate the strengths of academic debates and arguments from both sides. I believe that this move would also help to inspire greater interest in Latin America among East Asian scholars. They could then join research groups on the region, while younger Latin Americans would develop greater curiosity about it as well. In addition, Tim Niblock, Honorary Professor at the University of Exeter, rightly reminded me that the material

basis and support for conducting research on Latin America is much stronger in China, South Korea and Japan than it is in other parts of Asia. In order to promote larger-scale academic exchanges or research collaborations between Latin America and Asia, it would be necessary to offer greater support to scholars from various parts of Asia.

Second, EANLAS can bridge the gap between Latin American Studies at the global, and at the regional level in East Asia. In addition to establishing direct links with scholars and universities, the Latin American Studies Association (LASA) also serves as a larger platform for academics from EANLAS and/or East Asia to establish a deeper dialogue with their counterparts from various regions. When Professor Aldo Panfichi Huamán from the Pontificia Universidad Católica del Perú (PUCP) served as LASA president (2017-2018), he took a profound interest in EANLAS, leading a working group to participate in our second annual workshop at Kobe University as well as a regional research seminar held at Kyoto University in Japan. In May 2018, LASA held its annual congress for the first time in Europe (Barcelona, Spain), and the theme of “Latin American Studies in Asia and Russia” featured on the agenda of the Presidential Sessions. Currently, LASA is discussing the possibility of jointly organising a regional conference with EANLAS. If this effort comes to fruition, it will contribute both to the globalisation of LASA and to the increase of EANLAS’ impact beyond the region as well as the participation of East Asian scholars in the international debates on Latin American issues.

Last but not least, it is crucial to establish mechanisms for contact and cooperation between Latin American and global research networks. In November 2016, I was honoured to be invited to participate in a workshop jointly organised by the International Institute for Asian Studies (IIAS), the International Convention of Asia Scholars (ICAS), the South-South Exchange Programme for Research on the History of Development (SEPHIS) as well as Universidade Federal do Rio de Janeiro (UFRJ). Through the engagement with these Asian studies communities, I deeply felt the far-reaching significance of the connectivity between research networks in the Global South. For East Asian scholars, the regional research network we build across Asia is particularly important. There are two routes we can take to pursue this goal: a) connect institutions, existing initiatives and scholars from Latin America that consistently work with Asia; and b) develop relationships with established research organisations across Asia such as IIAS and ICAS. This type of engagement

would benefit all involved as it can expand the existing space for research collaboration on many issues that transcend region-specific topics and cover areas of common concern and interest for all involved.

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Globalization of Latin American Studies: Perspectives from East Asia (Commentary)

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ABSTRACT

Globalization of Latin American Studies: Perspectives from East Asia (Commentary): This commentary is about new approaches, proposed by three scholars from East Asia, to address the globalization of Latin American Studies through networked-research and academic cooperation. Based on the institutionalization in the twenty-first century of Latin American Studies in East Asia and of Asian Studies in Latin America, there is a need to promote joint-research projects among academics on both sides of the Pacific with emphasis not only on economic and international relations but on broader studies that highlight the increasingly relevant global role of East Asia and Latin America. Initiatives like the East Asian Network of Latin American Studies and the Pacific Studies Research Center of the University of Guadalajara, which is presented here, can be exemplars of platforms to achieve such goals.

Keywords: Latin America, East Asia, Networked-research, Globalization

Given the dynamism of Asia-Pacific in the past decades, the 21st Century is considered to belong to Asia-Pacific. And in this context, relations of Latin American countries with Asia have become more relevant not only in economic terms, but in cultural, diplomatic, and academic exchanges. The three papers included in this issue by Nobuaki Hamaguchi, Yun-Joo Park, and Guo Jie, present an innovative perspective to address, from East Asian approach, the “globalization” of Latin American studies. Networked-research, as it is presented by Hamaguchi’s paper, is probably

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the best way to globalize the study of Latin American from an Asian perspective. Moreover, Hamaguchi and Guo coincide in their respective papers that to achieve globalization of Latin American Studies from East Asian perspective imply not only to broaden the scope of the studies but to strength academic cooperation with Latin American scholars by establishing networks of research.

In this regard, in the past few decades more academic institutions at both sides of the Pacific have established research-centers focused on Asia and Latin America and as a consequence, a great deal of academic research has been produced including a reevaluation, from a historical perspective, on the influence of Asia on the Americas from the 16th to the 18th centuries through the voyage of the Manila Galleon that not only was the mean of exchange of merchandise but also of persons and ideas between the two sides of the Pacific.

Academic events such as the 57th Annual Conference of the Japan Society of Social Science on Latin America (JSLA), at which was held the mini-symposium on “Globalization of Latin American Studies: Perspectives from East Asia” promoted by the East Asian Network of Latin American Studies (EANLAS), have proliferated also, with the participation of researchers from both sides of the Pacific. Moreover, we have witnessed an increased exchange of students and academics between institutions of North East Asia mainly and some of the Latin American countries, namely, Mexico, Chile, Brazil, and Argentina. And this tendency will be facilitated by the current boom, a side-effect of the Pandemic, of online work that is making easier the exchange of ideas as has been demonstrated by the wealth of academic-webinars all around the world in 2020.

The institutionalization of Latin American Studies in East Asia in the 21st Century has been very dynamic in China, as pointed out by Guo’s paper while in Japan there has been a slower pace on Latin American Studies as Hamaguchi brings under attention and in South Korea stands out the Latin American Studies Association of Korea (LASAK). In Latin America, as relations with East Asian countries have become more intertwined, more educational institutions are promoting Asian studies. Regional organizations such as the Latin American Association of Asian and African Studies (ALADAA in Spanish) have also promoted the spread of knowledge on Asia through the organization of congresses both at regional and at country level. In Mexico there are already at least 10 research centers specialized on Transpacific and Asian studies at various

universities.

As an example of the networked-research and cooperation that is getting its way in Mexico on Asian Studies let me introduce the case of the University of Guadalajara (UdeG), in which I had been working for the past three decades, and its relations with East Asian academic-institutions. At UdeG, the second largest university in the country, three out of fourteen University Centers that conform the University Network, have special programs dedicated to the studies of Asia-Pacific while at the same time UdeG has signed thirty academic agreements with Asian universities. This internationalization policy has promoted the exchange of students and academics, mainly with Japan, South Korea and China.

At the University Center of Social Sciences and Humanities (CUCSH) there are currently three programs related to Asia: a collaborative program with the Korean Foundation and the Autonomous University of Nuevo Leon, that give access to students of International Relations to online-courses on Korean studies; an agreement with the Government of Shanghai to exchange language professors to teach Mandarin at CUCSH and, since 1990, it was established the Pacific Studies Department (DEP) that has evolved to be recognized as an outstanding center on Asia-Pacific Studies in Mexico.

DEP hosts the first Japanese Studies Center (2016) in Mexico that focuses on teaching the language, research and diffusion of Japanese culture through academic events. Until now about 3000 Mexican-students have taken Japanese language courses and some of them attend Japanese-universities to improve their language skills and/or to do research. DEP further contributes to the formation of human resources as it established, in 2018, the Master Program on *Global Politics and Transpacific Studies* with three areas of specialization: China, Japan and North America.

Furthermore, to spread the knowledge about Asia-Pacific, DEP publishes, since 1998, the *Journal México y la Cuenca del Pacífico (MyCP)*, that aims to contribute to the research, from a multidisciplinary perspective, of society, culture, economy, environment and politics of the Asia-Pacific economies as well as the regional integration processes in the region. It is a quarterly journal, published in digital format since 2012, and a pioneer in its genre in Mexico and Latin America. Of the more than one-hundred articles from scholars from both sides of the Pacific published in the past eight years, 52% were concentrated on China, Japan and

South Korea (<http://www.mexicoylacuencadelpacifico.cucsh.udg.mx/index.php/mc>).

Hence, in Mexico as well in other Latin American countries, there is an increasing academic interest in Asian studies as the sprout of Asian studies research-center attest. This new tendency is an opportunity to develop networked-research with East-Asian academic counterparts.

In conclusion, to consolidate the globalization of Latin American Studies through a networked-research, there is a need to promote joint-research projects among academics of both sides of the Pacific with emphasis not only on economic and international relations but on broader studies that highlight the increasing relevant global role of East Asia and Latin America. As Hamaguchi and Guo point out, the current global issues of environment, growth and governance models, regional integration, geostrategic challenges, poverty, gender, Global Value Chains and the New Normal with the Pandemic are topics where scholars from both sides of the Pacific can contribute, by cooperating, to improve the knowledge about them. Furthermore, as Park states, “outsiders-within”, referring to East Asian scholars, can bring “creativity and novel perspectives to the Latin American Studies” that can be enhanced by cooperation and networked research. And initiatives like the East Asian Network of Latin American Studies and the Pacific Studies Department at UdeG can be platforms to achieve such goals.

『라틴아메리카연구』(AJLAS) 편집규정

제1장 총 칙

- 제1조 (명칭) 본 규정은 한국라틴아메리카학회(이하 본 학회라 칭함) 학술지 편집규정(이하 본 규정이라고 칭함) 이라고 한다.
- 제2조 (목적) 본 규정의 목적은 본 학회가 발행하는 학술지의 질적 향상과 공정한 심사를 도모하여 학술 발전에 기여하고 본 학회 회원들의 권익을 증진하는 것을 목적으로 한다.
- 제3조 (기능) 본 규정은 본 학회가 발행하는 국영문혼용학술지 『라틴아메리카연구』(*Asian Journal of Latin American Studies*)의 발행과 관련된 제반 규칙을 정한다.

제2장 편집위원회

- 제4조 (설치) 본 학회의 학술지의 발행과 관련된 제반업무를 관장하기 위해 편집위원회(이하 본 위원회라 칭함)를 둔다.
- 제5조 (구성) 본 위원회는 편집위원장 1인과 20인 내외의 위원으로 구성된다.
- 제6조 (임무) 본 위원회는 본 학회의 학술지에 게재할 논문의 모집, 심사, 발행 횟수 및 시기 등 제반업무를 관장한다.
- 제7조 (위원의 선정) 편집위원장 및 편집위원은 학문분야별 다양성과 지역적 형평성 그리고 국제적인 지명도를 고려하여 별도로 정한 자격요건에 따라 이사회의 승인을 얻어 학회장이 임명한다.
- 제8조 (위원의 임기) 편집위원장 및 편집위원의 임기는 2년으로 한다.
- 제9조 (개최) 편집위원회는 편집위원장 또는 편집위원 삼분의 일 이상의 요청에 의하여 소집된다. 사이버 편집위원회도 이에 준한다.

제3장 투 고

- 제10조 (투고자의 자격) 본 학회의 학술지에 투고하는 자의 자격은 다음과 같다.
- (1) 본 학회의 회원
 - (2) 본 학회의 회원과 공동의 저자
 - (3) 기타 본 편집위원회가 인정하는 자
- 제11조 (요령) 본 학회의 학회지에 게재되고자 투고하는 논문은 투고요령을 따라야 하며 이는 별도로 정한다.

제4장 심 사

- 제12조 (심사보고서) 본 학회의 학회지에 게재되고자 하는 논문은 소정의 심사를 거쳐야 한다. 심사결과는 별도로 정한 심사보고서를 이용한다.

제13조 (심사위원의 선정) 본 편집위원회는 본 회의 회원 중 박사학위 소지자로서 대학의 시간강사 이상의 자격을 갖춘 자 중에 해당분야의 학술적 업적이 탁월한 자를 고정심사위원으로 위촉할 수 있다. 또한 투고논문 주제에 따라 해당 전문분야의 심사위원을 위촉할 수 있다.

제14조 (심사위원의 임무) 심사위원은 심사를 위촉받은 논문에 대하여 본 편집위원회가 정한 양식에 따라 성실히 심사하고, 심사과정에 획득한 정보를 누설하거나 남용하여서는 안 된다.

제15조 (심사위원의 수) 한편의 논문에 심사위원의 수는 3명을 원칙으로 한다.

제16조 (익명성) 심사위원의 선정, 심사, 심사결과와 통보에 있어서 다음과 같이 익명으로 한다.

- (1) 심사위원을 선정하는 과정에서 편집 위원들에게 논문의 저자는 익명으로 하는 것을 원칙으로 한다.
- (2) 심사위원에게 논문의 작성자의 성명, 소속, 직위 등을 밝히지 않는 것을 원칙으로 한다.
- (3) 심사위원의 성명과 소속을 논문의 작성자에게 알리지 않는다.

제17조 (심사결과와 처리) 심사결과에 대하여 편집위원회는 별표 1에 정하는 바와 같이 결과를 처리한다.

제18조 (심사비의 납부) 논문의 투고자는 본 학회가 정하는 소정의 심사비를 납부하여야 한다.

제5장 발 행

제19조 (발행시기) 본 학회지는 2020년부터 연 3회 간행한다. 발간일은 2020년에는 2, 6, 10월의 말일에, 2021년부터는 4월 30일, 8월 31일, 12월 31일로 한다.

제20조 (게재료) 게재가 확정되면 투고자는 본 학회가 정하는 소정의 게재료를 납부하여야 한다.

제6장 기 타

제21조 (저작권) 투고된 논문은 반환하지 않으며, 『라틴아메리카연구』에 게재된 논문의 저작권은 본 학회에 귀속된다.

제7장 부 칙

제1조 (시행일) 이 규정은 2020년 5월 23일 개정, 발효되었다.

제2조 (개정) 이 규정은 편집위원회의 발의 또는 이사회 발의에 의하여 개정된다.

별표 1: 심사결과의 처리기준표

A(90-100): 편집상의 수정, 보완 후 게재

B(80-89) : 부분수정 후에 게재 가능

C(0-79) : 전면수정 후에 다음호 게재 가능

D : 게재불가(학술지 연구분야와 맞지 않는 논문, 유사한 논문이 있는 경우)

심 사 평			심사결과 처리기준
제1심사자	제2심사자	제3심사자	
A	A	A	(1) 편집상의 수정, 보완 후 게재
A, B	A, B	B	(2) 투고자 부분수정 → 편집위원회에서 수정보고서 심사 후 추가수정 및 게재여부 결정
A	A	C	(3) 투고자 전면수정 → 편집위원회에서 수정보고서 심사 후 추가수정 및 게재여부 결정
A, B	B	C	(4) 편집위원회 심의 → 수정보고서 심사 후 게재 혹은 추가수정 요구 or 다음호 재심 or 제4심사자 심사의뢰 ※ 제4심사자 심사의뢰시 판정이 A나 B이면 수정보고서 심사 후 게재 혹은 추가수정 요구
A, B, C	C	C	(5) 다음호 재심

※ 다음호 재심 판정을 두 번 받은 논문은 게재불가로 처리하여 추후 투고를 받지 않는다.

※ 다음호에 재투고된 논문 심사는 편집위원회에서 심사자 수를 1인·3인으로 정한다. 통과기준은 다음과 같다.

1인 심사의 경우: A or B

2인 심사의 경우: AA or AB or BB (AC or BC의 경우 편집위원회에서 게재 여부를 결정할 수 있다).

3인 심사의 경우: 위 표에 따라 심사 프로세스를 다시 진행한다.

※ 3인의 심사자 중 한 사람이라도 게재불가 판정을 내렸을 경우에는 편집위원회 심의를 거친 후 사안에 따라 (4)나 (5)에 준해 처리하든지 게재불가 판정을 내린다. 게재불가 판정을 받은 논문은 추후 투고를 받지 않는다.

『라틴아메리카연구』(AJLAS) 연구윤리 규정

제1조 (목적) 본 규정은 한국라틴아메리카학회가 발간하는 학술지 『라틴아메리카연구』와 관련하여 모든 연구자가 지켜야 할 연구윤리로, 연구윤리 위반 행위에 대해 정의하고 그 해당 유형을 제시함으로써 투고자들이 준수해야 할 연구윤리 의무를 명시하여 투고자들의 책임과 의무에 관하여 기본적인 원칙과 방향을 제시하는 것을 목적으로 한다.

제2조 (적용대상) 본 학회에서 발간하는 학술지 『라틴아메리카연구』에 투고, 게재되는 논문과 정기학술대회를 포함한 학회 주관의 모든 학술행사와 출판물에 제출되는 원고들을 대상으로 한다.

제3조 (연구윤리 개요)

- (1) 연구자는 각자 연구윤리를 준수할 의무가 있다.
- (2) 연구윤리의 범위는 연구활동, 연구비 집행, 연구결과 출판 등을 포괄한다.

제4조 (연구윤리 위반행위) 본 학술지에서 규정하는 연구윤리 위반행위는 다음과 같다.

- (1) 학문적 독창성 침해: 타인의 연구업적(아이디어, 연구내용, 연구결과)을 무단으로 도용하거나 표절 혹은 침삭하여 위조 및 변조하는 경우
- (2) 학문적 객관성 침해: 연구에 직·간접적으로 인용 혹은 사용되는 각종 문헌의 출처 및 데이터를 의도적으로 가공, 변조함으로써 학문적 객관성을 침해하는 경우
- (3) 부당한 저자 표시: 연구자 소속과 직위의 허위 기재, 연구에 기여하지 않은 연구자에 대한 저자 자격 부여, 정당한 이유 없이 공동연구자에게 저자 자격을 부여하지 않는 행위
- (4) 중복투고 및 자기표절: 동일 연구자가 타 학술지 혹은 단행본 등의 연구물 혹은 논문의 일부를 본 연구소의 학술지에 중복투고하는 행위
- (5) 기타 연구윤리 위반행위에 대한 제보가 있을 시, 본 연구소의 편집위원회에서 해당 제보가 타당성이 있다고 판단하는 경우

제5조 (연구윤리위원회 구성) 표절 행위가 드러날 경우 『라틴아메리카연구』 편집위원회는 사안의 경중에 따라 투고자에 대해 다음과 같은 제재를 가할 수 있다.

- (1) 편집위원회가 연구윤리위원회 기능을 겸하는 것을 원칙으로 한다.
- (2) 편집위원이 연구윤리 위반행위 의혹 당사자인 경우 연구윤리위원회에서 배제한다.

- (3) 편집위원회는 사안의 경중이나 전문성 제고 필요성을 감안하여 학회 임원이나 외부 전문가를 연구윤리위원회에 추가 위촉할 수 있다.

제6조 (연구윤리 위반행위의 제보) 연구윤리 위반행위에 대한 제보는 다음 각 호와 같이 이루어질 수 있다.

- (1) 누구든지 구두, 서면, 전화, 우편 및 전자우편, 연구소 홈페이지 제보 등 가능한 모든 방법으로 『라틴아메리카연구』 편집위원회에 위반행위 제보를 할 수 있으며, 대리인을 통해서도 가능하다.
- (2) 제보 접수는 실명 제보인 경우에 한하는 것을 원칙으로 한다. 단, 익명의 경우에도 구체적인 부정행위의 내용과 증거가 제출될 경우에는 그 제보를 접수한다.

제7조 (연구윤리 위반행위 심의 및 소명)

- (1) 연구윤리 위반 의혹이 제기될 경우 연구윤리위원회는 2주일 안에 위원회를 소집하는 것을 원칙으로 한다.
- (2) 연구윤리위원회는 제기된 위반행위의 내용에 대해 심의하고 객관적 증거확보에 주력한다.
- (3) 제보자가 있을 경우 위원회는 신원을 노출시켜서는 안 되며, 제보자가 부당한 압력이나 불이익을 받지 않도록 충분한 조치를 취해야 한다.
- (4) 연구위반 행위 의혹 당사자에게 서면을 통해서 또는 연구윤리위원회 출석을 통해서 1차 소명기회를 부여한다.
- (5) 위원회는 부정행위 여부에 대한 검증이 끝날 때까지 피조사자의 명예나 권리가 침해되지 않도록 주의해야 한다.
- (6) 제보, 조사, 심의, 의결 등 조사와 관련된 모든 사항은 비밀로 하며, 조사 참여자 모두는 조사 과정에서 취득한 정보를 비밀에 부쳐야 한다.
- (7) 위원회는 본조사 결과를 피조사자에게 알리고, 판정을 내리기 전에 피조사자에게 충분한 소명기회를 최종 부여한다.
- (8) 위원회는 재적위원 3분의 2 이상의 출석과 출석위원 과반수의 찬성으로 결과를 확정된 후, 이를 제보자 및 피조사자에게 통보한다.
- (9) 연구위반 행위에 대한 조사결과는 학회 상임이사회에 보고되어야 하며, 해당 사안에 대한 연구윤리위원회의 모든 활동 및 증거, 소명자료, 참석자 현황은 기록으로 남긴다.

제8조 (연구윤리 위반행위에 대한 조치) 연구위반 행위가 드러날 경우 연구윤리 위원회는 사안의 경중에 따라 투고자에 대해 다음과 같은 조치를 취할 수 있다.

- (1) 연구위반 당사자의 소속기관에 위반 사실을 통보한다.

- (2) 학술지 투고논문과 관련된 연구위반 사례에 대해서는 당사자의 논문 투고를 향후 최소 3년에서 최대 5년간 제한한다.
- (3) 논문게재 이후에 연구위반 사실이 드러날 경우, 홈페이지와 회원 공지를 통해 이 사실을 알리고 『라틴아메리카연구』 디지털 아카이브에서 해당 논문을 삭제한다.
- (4) 한국연구재단의 학술지 관리 지침에 따라 재단에 조사결과를 통보할 수 있다.

부 칙

- (1) 『라틴아메리카연구』의 연구윤리 규정은 2008년 10월 1일 최초 제정, 발효되었다.
- (2) 현 연구윤리 규정은 2020년 10월 10일 개정되었다.
- (3) 본 개정안에 명시되지 않은 사항은 편집위원회에서 논의 후 결정한다.

『라틴아메리카연구』(AJLAS) 투고요령

1. 한국라틴아메리카학회에서 발간하는 『라틴아메리카연구』는 라틴아메리카 지역에 관한 지역 연구의 성과를 공유하는 전문학술지이며 2011년부터 한국연구재단의 등재지입니다.
2. 본 학회는 회원과 이 분야에 관심을 가진 전문 연구자들의 기고를 환영합니다. 보내 주실 원고는 언어에 상관없이 다른 곳에 게재되었거나 게재될 계획이 없는 순수 학술논문이어야 합니다.
3. 게재 신청을 하실 논문의 연구 분야나 제목은 제한이 없으나 게재 여부는 편집위원회의 심사에 따라 결정됩니다.
4. 논문을 보내실 때는 원고작성 요령을 참조하시어 반드시 워드프로세서로 작성하셔서 e-mail(lasak@naver.com)로 보내 주시기 바랍니다. 원고를 보내실 때에는 소정양식의 논문투고신청서를 반드시 첨부하여 제출하여야 합니다.
5. 『라틴아메리카연구』는 연 3회 발간(4월 30일, 8월 31일, 12월 31일)되며 원고마감일자 없이 수시로 논문을 접수합니다. 논문게재는 원칙적으로 투고일자 순서로 되며, 늦게 투고되는 논문은 학술지 발간계획에 따라 다음호로 게재를 미룰 수 있습니다.
6. 논문게재가 확정되었을 경우 학회는 소정의 게재료를 징수합니다.
7. 학회지 기고에 관한 제반 문의사항은 한국라틴아메리카학회로 보내시기 바랍니다. 원고송달의 경우 궤봉투에 반드시 학회지 원고게재 신청이라고 명기해 주시기 바랍니다.

※ 원고 접수 이메일: lasak@naver.com

『라틴아메리카연구』(AJLAS) 원고작성요령

『라틴아메리카연구』에는 라틴아메리카와 관련된 모든 주제의 논문을 투고할 수 있습니다. 단, 이미 다른 학술지나 단행본을 통해 출판된 논문은 접수하지 않습니다. 논문작성언어는 한국어, 스페인어, 영어, 포르투갈어 모두 가능합니다. 논문 길이는 10,000 단어 이내와 원고지 기준 150매 이내로 제한합니다. 기준 분량 초과시 편집위원회는 분량 축소를 요구하거나 게재를 다음호로 미룰 수 있습니다. 논문 작성은 아래한글 혹은 마이크로소프트 워드를 사용해주시고, 그림, 표, 지도, 그래프 등은 투고자의 의도를 존중하되 출판시의 제 문제를 고려하여 조정되는 경우도 있을 수 있습니다.

『라틴아메리카연구』는 또한 최근의 학술적 동향을 신속하게 소개하기 위하여 노트(Note)와 리뷰 에세이(Review Essay) 섹션을 마련해 놓고 있습니다. 이 두 섹션에 투고된 글은 심사를 거치지 않고 게재됩니다. 분량은 원고지 기준 40매 이상으로 최근 주요 이슈, 연구동향, 주목할 만한 연구서를 소개하시면 됩니다. 단, 주제나 게재 가능 여부는 편집위원회와 사전에 상의하시기 바랍니다.

<원고작성 요령>

투고원고는 이전 학술지를 참고하여 제목, 성명 및 소속, Abstract, Keywords, 본문, (부록), 참고문헌의 순으로 작성하시기 바랍니다. 이를 준수하지 않은 투고논문은 반려합니다.

1. 제 목

학술경비를 지원받은 논문의 경우 제목 맨 뒤에 *표를 하시고 각주에 경비지원 내용과 과제번호를 밝힌다.

예) 이 논문은 2001년 한국학술진흥재단의 지원에 의하여 연구되었음
(KRF-2001-002-A00255).

2. 성명 및 소속

성명 및 소속은 한국어로 작성한 논문은 한국어로, 외국어로 작성한 논문은 외국어로 표기한다. 소속 앞에는 단독 혹은 공동저작 사항을 표시한다. 맨 뒤에 *표를 하고 (학술비 지원논문의 경우 **) 각주에 저자의 영문 소개를 덧붙인다. 외국어 이름을 표기할 때 이름을 먼저 쓰고 성을 나중에 쓰며, 이름 사이에는 하이픈('-')을 사용하고, 첫 글자는 대문자로 쓴다. 투고자의 e-mail 주소는 각주 저자소개 뒤에 쓴다. 공동저작의 경우 주 저자를 앞에 기타 저자를 주 저자 뒤에 쓴다.

예) 홍길동

단독/서울대학교*

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3. Abstract

초록은 200단어로 영어로 작성한다.

4. 키워드

키워드는 5개 내외로 영어와 국문으로 작성한다.

예) Keywords: Political chaos, Ladino, Mayan aborigines, Obvention and contribution, Speaking cross / 정치적 혼돈, 라디노, 마야원주민, 종교적 세금과 부역, 말하는 십자가

5. 본문 주석: 약주 사용

- 1) 저자의 이름이 본문에 언급될 경우 괄호 안에 연도만 표시. 저자의 이름이 한글일 경우 저자의 성을 영문으로 함께 표기.

예) 홍길동은(Hong 1999) 세계화의 당위성을 강력히 지지한다.

Drake(1966)는 이 조약이 헌법정신에 위배된다고 말한 바 있다.

- 2) 저자의 이름을 본문에 언급하지 않고 인용한 경우는 성과 연도 표시

예) 세계화의 폐해를 주장하는 목소리가 커지고 있다(Fuentes 1979).

- 3) 인용 페이지를 밝힐 경우에는 ‘;’ 뒤에 페이지 표시

예) 리오 회의에서도 세계화의 폐해를 지적한 바 있다(Hong 1983, 22-25).

- 4) 인용 책 혹은 논문의 저자가 둘일 경우에는 가운데 ‘and’로 구분.

예) 리오 회의에서도 세계화의 폐해를 지적한 바 있다(Lagos and Fuentes 1983, 22).

- 5) 저자가 세 명 이상일 때는 ‘et al.’을 사용.

예) (Alessandri et al. 1971, 217-221)

- 6) 인용문이 2인 이상인 경우에는 ‘;’로 구분

예) (Lacan 1974, 45; Derrida 1977, 22-23)

- 7) 참고문헌에 동일인이 같은 해에 쓴 저작이 다수 포함되어 인용을 할 때 연도 표기만으로 구별이 되지 않을 경우 알파벳 소문자 사용.

예) (Lacan 1974a, 45; Lacan 1974b, 22-23)

- 8) 재인용 방법

예) Lacan의 말을 Derrida 책에서 재인용할 경우: (Derrida 1974, 45, 재인용)

6. 표와 그림

- 1) 각각 표 1., 표 2., 그림 1., 그림 2.로 표기하며 표 1.은 내용의 위에 그림 1.은 내용의 아래에 위치시킨다.

- 2) 표와 그림이 여러 부분으로 구성되어 있을 경우 각 부분을 a, b 등으로 표기한다.

7. 참고문헌

- 1) 참고문헌은 지면의 제약을 고려하여 가급적 본문에 인용된 것만 적는다.
- 2) 저자는 알파벳 순서에 따라 정리한다.
- 3) 동일 저자의 출판물은 오래된 것부터 연대순으로 배열한다. 같은 연도에 여러 편의 저술이 있을 경우 1999a, 1999b, 1999c 등으로 분류한다. 이때도 먼저 나온 것을 1999a로 삼는다. 동일저자의 출판물 중 단일저작과 공동저작이 있을 경우 전자를 후자에 앞서 배열한다.
- 4) 한국어 참고문헌과 논문 및 인터넷 자료도 영어로 표기하여 외국어 자료와 함께 정리한다.
 예) Hong, Kil-Dong(2010), "Value of National Holidays in Mexico," *Latin American Affairs*, Vol. 1, No. 2, pp. 1-33.
 영문 참고문헌 정보가 제공되지 않을 경우 한국어의 발음을 알파벳으로 표기하고 괄호 속에 영문 번역을 병기한다.
 예) Hong, Kil-Dong(2010), "Mexico Kukkeongilui Gachi(Value of National Holidays in Mexico)," *Jungnammi Yéongu(Latin American Affairs)*, Vol. 1, No. 2, pp. 1-33.
- 5) 단행본 - 저자(연도), 제목, 출판 장소: 출판사 명
 예) Von Mises, L.(1983), *Nation-State and Economy: Contributions to the Politics and History of Our Time*, Leland B. Yeager(trans.), New York: New York University Press.
 Strunck, W. Jr., and E. B. White(1979), *The Elements of Time*, 3rd ed., New York: Macmillan.
- 6) 저널 논문 - 저자(연도), 제목, 저널 이름, 권(Vol.), 호(No.), 페이지
 예) Lipset, S. Ni(1983), "Radicalism or Reformism: The Sources of Argentine Working-Class Politics," *Journal of Latin American Studies*, Vol. 77, No. 2, pp. 1-18.
- * '권'과 '호' 표기법에 유의: 첫 글자는 대문자, 철자에 유의, 로마자 사용하지 않고 아라비아 숫자로.
- ** 계절, 달, 날짜 등을 명기할 필요가 있을 때는 No.와 페이지 사이에 쓴다.
 예) Lipset, S. Ni(1983), "Radicalism or Reformism: The Sources of Argentine Working-Class Politics," *Journal of Latin American Studies*, Vol. 77, No. 2, March, pp. 1-18.
- 7) 단행본에 삽입된 논문 - 저자(연도), 제목, 편자, 제목, 출판 장소: 출판사, 페이지
 예) Weber, M.(1984), "Legitimacy, Politics, and the State," in William Connolly(ed.), *Legitimacy and the State*, New York: New York University Press, pp. 32-62.

- 8) 인터넷 사이트를 참고문헌으로 올릴 경우에는 인터넷 주소를 가장 뒤에 쓰고 마침표는 찍지 않는다. 인터넷 논문이라도 발간 연도를 아는 경우에는 저자 뒤에 연도를 밝힌다.

예) Ortega, Daniel(2001), “La histoira inconclusa,” <http://www.danielortega.cl>

* 기타 여러 가지 사항은 주석을 염두에 둘 것.

8. 외국어 표기

외래어표기법에 따라 표기하는 것을 원칙으로 하되 이미 우리말에 널리 사용되고 있는 것은 그에 준할 수 있다.

Asian Journal of Latin American Studies

Submissions and Review Process

Contributions to AJLAS are invited from all parts of the world. Articles may be written in English, Spanish, Portuguese, or Korean and they will be published in the original language. Each contributor will receive, free of charge, ten off-prints of the article and a copy of the issue of the Journal in which it appears. Manuscripts must be original research; AJLAS will not consider papers currently under review at other journals or that duplicate or overlap with parts of a book or larger works that have been submitted or published elsewhere. If there is doubt about whether the manuscript is acceptable, authors should discuss this issue in a cover letter to the managing editor. Review essays are also considered. Submissions are accepted on a rolling basis. Publication dates are April 30, August 31, and December 31.

Instructions for Contributors

1. All contributions and editorial correspondence should be submitted to the journal:

Asian Journal of Latin American Studies
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Attn: Dr. Kyeong-Eun Park
Seoul National University, South Korea
E-mail: lasak@naver.com

2. Formatting of Manuscripts:

- Length: Manuscripts should not be longer than 10,000 words, including text, tables, figures, title page, and references.
- Style and Layout: Font size should be 'Garamond' throughout the work: text 10.5 point, footnotes 8.5 point.

- The entire paper should be double-spaced; please do not submit double-sided copies. All pages should be numbered sequentially.
 - Manuscripts should be ordered as follows: title page, text, abstract, keywords, appendices, references, tables, figure captions, figure pages.
 - Titles, subtitles, and text subheadings should be chosen for succinctness and interest. The title page should also contain the name, academic rank, institutional affiliation, and contact information (address, telephone, e-mail) for all authors. In the case of multiple authors, the title page should indicate which author will receive correspondence.
 - Submission Form: All submissions should include this manuscript submission form, available in Word or PDF format. An abstract (200 words) should be included with the submission form.
3. The electronic version of the manuscript should be submitted directly to the managing editor. Please submit properly-formatted electronic manuscripts (a single file containing all parts of the paper) in Microsoft Word.
4. References and Citations:
- In text, quotations must correspond exactly with the original in wording, spelling, and punctuation. Short quotations within the text should be noted by quotation marks; longer quotations or extracts should be indented from the left margin and require no quotations marks. Changes and additions to quotations should be identified by bracketing; ellipses [...] should be used to identify omissions; emphasis added should also be indicated. Embedded citations should be used, hence please do not use footnotes for simple citations. All citations should be specified in the text in the following manner:
- (a) If the author is named in the text, cite by year of publication:
 ... Drake (1966) has suggested ...
 - (b) If the author is not named in the text, cite by last name, and year of publication:
 ... it has been noted (Fuentes 1979) that ...
 - (c) If necessary, pagination should follow the years of publication separated by a comma
 ... it is argued (Lagos 1983, 22) that by ...

- (d) Dual authors should be joined by 'and' multiple authors should be indicated by 'et al':
 ... other approaches (Snyder and Diesing 1977, 392) may assume (Alessandri et al. 1971, 217-221).
- (e) If an author has multiple references for any single publications year, indicate specific words by the use of lower case letters and separated by semicolons
 ... the one hand (Lacan 1974a, 45; Lacan 1974b, 22) ...
- (f) Series of references should be enclosed within parentheses and separated by semicolons; items should be ordered chronologically, by year of publication, and alphabetically within any year:
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- (b) References to journal articles should list author(s), year, title of article, journal name, volume, number(s) and inclusive pages:
 ... Lipset, S. Ni(1983), "Radicalism or Reformism: The Sources of Argentine Working-class Politics," *Journal of Latin American Studies*, Vol. 77, No. 2, pp. 1-18.
- (c) References to works in edited volumes should list author(s), year, essay title, volume editor(s), volume title, place of publication, publisher and inclusive pages:
 ... Weber, M.(1984), "Legitimacy, Politics and the State," in William Connolly(ed.), *Legitimacy and the State*, New York: New York University Press, pp. 32-62.

- (d) References to monographs in a series should list author(s), year, title, series title, place of publication, and publisher:

... Fromkin, M.(1986), *The Limits of Recognition*, *Sanger Series on Law and International Society*, New Haven: Sanger Publishers.

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Review Process

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2. Full Review: After the initial review is completed, an electronic version of the manuscript will be sent out to three reviewers. The authors will receive the reviewer's comments and have an opportunity to make corrections and resubmit.
3. Final Review and Publication: After authors revise and resubmit, the manuscript will undergo a final review prior to publication. The time from submission to final review and publication may be as little as two-three months to as long as a year. Publication dates are April 30, August 31 and December 31. Authors will receive ten off-prints and a copy of the journal in which the article appears.
4. Rejection: This may occur during either the full review or after the final review and publication. Authors will be notified as quickly as possible if their manuscript is rejected so that they may seek publication elsewhere.

Code of Research Ethics

Article 1 (Purpose) The purpose of the Code of Research Ethics is to establish ethical standards to be adopted by all contributors and required for publication in the *Asian Journal of Latin American Studies* (hereinafter “AJLAS”), published by the Latin American Studies Association of Korea (hereinafter “the Association”). The Code of Research Ethics defines what constitutes a case of misconduct and specifies by category different types of research ethics violations. In doing so, the Code of Research Ethics seeks to provide ethical principles and guidance regarding the duties and responsibilities of all authors, contributors, and members of our Association.

Article 2 (Scope of Application) The Code of Research Ethics applies to all articles submitted to and published in AJLAS, as well as all manuscripts submitted for academic events and conferences organized by the Association.

Article 3 (General Guidelines for the Code of Research Ethics)

- (1) All authors, researchers, and contributors are expected to follow the Code of Research Ethics.
- (2) The Code of Research Ethics applies to all research activities at all stages, including the publication process and the distribution of funding for members of AJLAS and the Association.

Article 4 (Violations of the Code of Research Ethics)

AJLAS regards the following activities as violations of the Code of Research Ethics:

- (1) Plagiarism: Misappropriation of an original author’s ideas, intrinsic content, or research results without the acknowledgment or pre-arranged permission.
- (2) Fabrication and Fraud: Falsification, invention, or manipulation of qualifications, data, sources, results, or citations directly or indirectly used in research.
- (3) Authorship Disputes: Providing false information about a researcher’s affiliation or academic position, granting authorship to individuals who did not contribute to the content or results of the research, or

the failure to grant authorship of a manuscript to individuals who contributed to the content or results of the research, or who made relevant contributions, without justifiable reason.

- (4) Duplicate Submission and Self-plagiarism: Submission of manuscripts describing research results or elements that are essentially the same as those described in another journal or primary publication.
- (5) Other Violations: Any other reports of misconduct judged by the Research Ethics Committee of AJLAS as noticeable misconduct.

Article 5 (Composition of the Research Ethics Committee)

- (1) The members of the editorial board of AJLAS shall serve on the journal's Research Ethics Committee.
- (2) Individuals with conflicts of interest related to any investigation shall be excluded from the Research Ethics Committee.
- (3) The Research Ethics Committee may consult or involve a Latin American Studies Association executive or an external expert in its decision making, dependent on the severity or nature of any violation.

Article 6 (Reporting Violations)

Research ethics violations may be reported in the following ways:

- (1) The Research Ethics Committee may receive reports of misconduct by any available means, such as in writing, by phone, by mail, by email, or through the LASA website. It is acceptable for a proxy to submit a report of ethics violations.
- (2) Reports of misconduct should be made by an informant using his/her real name. Anonymous allegations of misconduct may not be considered. However, if specific information and substantiated evidence related to a claim of misconduct are submitted, anonymous reports will be accepted.

Article 7 (Investigative Process and Vindication)

Research ethics violations may be reported in the following ways:

1. The Research Ethics Committee will convene and initiate an investigation within two weeks of any report of violations being filed.
2. The Research Ethics Committee is obligated to gather sufficient evidence of specific misconduct in order to verify the validity of the report.

3. Under no circumstances shall any personal information regarding the person(s) who report violations be published. The committee should take all necessary measures to protect the informant from negative repercussions or possible external pressures.
4. The person(s) concerned will be informed of the allegation in writing or by meeting with the Research Ethics Committee in person. The committee shall ensure that the person(s) concerned are given an opportunity to express their opinions, objections, and arguments.
5. The Research Ethics Committee will keep confidential the identity/ies of the person(s) concerned and ensure that the person(s) concerned experience no infringement of their rights until the suspected misconduct has been verified.
6. All details of the investigation, including reports, deliberations, decisions, and suggested measures, shall be kept confidential. Individuals who take part directly or indirectly in the investigation shall not disclose any information during the execution of the investigation or related tasks.
7. The Research Ethics Committee shall notify the person(s) concerned of both the content and results of the investigation before the final decision is made. All parties and persons related to the allegation will be given sufficient opportunity to respond.
8. The committee shall notify the informant and the person(s) concerned after a decision regarding the investigation has been made by vote. For a vote to be executed successfully, more than two-thirds of the currently registered members and a majority vote of the members in attendance are required.
9. The results of the ethics violation investigation must be reported to the board of the Association, and all records, including relevant documentation, evidence, and lists of individuals involved, shall be provided.

Article 8 (Measures after Verification) If it is determined by the Research Ethics Committee that there is an actual violation of the Code of Research Ethics, disciplinary measures will be taken based on the severity of violation. These are as the following:

- (1) The authors' institutions and sponsors will be notified of the violation of the Code of Research Ethics.

- (2) The authors will be prohibited from submitting manuscripts to any publication related to the Association and to AJLAS for three to five years.
- (3) Published papers will be removed from AJLAS and from the Association's digital archive and members will be informed of the reasons for this decision.
- (4) The results of the investigation will be reported to the National Research Foundation of Korea, according to that foundation's management guidelines for scholarly journals.

Addendum

- 1. This Code of Research Ethics took effect on October 1, 2008, when it was first established.
- 2. This Code of Research Ethics was revised on October 10, 2020.
- 3. Matters not specified in this Code of Research Ethics may be discussed and decided by the editorial board.

Asian Journal of Latin American Studies

Information regarding the Submission of Manuscript

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The Asian Journal of Latin American Studies (AJLAS)

The Asian Journal of Latin American Studies (AJLAS) is an academic journal for discussion and debate on the subjects of Latin American affairs and comparative perspectives between Asian and Latin American Societies. The AJLAS has been published by the Latin American Studies Association of Korea (LASAK) since 1988. Published four times a year in February, May, August and November, AJLAS seeks to stimulate and disseminate research and scholarship in a broad sense of Latin American Studies. The scope of the AJLAS covers all areas in humanities and social sciences, including economics, political science, international relations, philosophy, history, sociology, geography, anthropology and literature. Articles with an interdisciplinary approach are especially welcome.

1986년 창립된 이후 한국라틴아메리카학회(Latin American Studies Association of Korea)는 국내 및 국제학술대회 개최와 학회지 발간을 비롯한 학술활동을 활발히 전개하여 왔다. 본 학회의 설립 목적과 그에 따른 실천사항은 다음과 같다.

첫째, 라틴아메리카 지역연구의 현안과제를 수행하며 학문의 사회성을 제고하기 위하여 현실문제의 접근을 꾸준히 시도한다.(예, 2000년도 국제학술대회 개최 “21st century challenge to Latin America and new perspectives”)

둘째, 라틴아메리카연구의 학제적 연구 풍토 조성 및 강화에 힘쓴다. 특히 현 단계 학문 특성에 맞는 학제적 연구 풍토를 진작시키는 한편 지역연구의 핵심과제인 비교연구를 촉진한다.(2004-2006년 학술진흥재단 프로젝트 “문화적 저항과 새로운 연대: 민주화이후 라틴아메리카의 인권”)

셋째, 세계화 추세에 부응하여 한국 라틴아메리카연구의 국제적 활동을 도모하고 학회의 세계적 위상을 진작시킨다.(예, 2007년 ‘범아시아오세아니아 라틴아메리카학회(CELAO)’ 행사 주관)

넷째, 라틴아메리카 지역 연구의 다양화 및 다변화를 추구한다. 연구인력의 분업화와 연구주제에 대한 심층적인 접근을 위해 각종 연구분과 위원회를 활성화하여 공동연구의 기반을 조성한다.(예, “인문사회분과”, “정치외교분과”, “경제경영분과”의 전공분야별 분과 세미나 운영)

이와 같이 한국라틴아메리카학회는 국내에서 라틴아메리카 지역연구를 체계적, 지속적으로 수행해온 유일한 전국적 학술단체이자, 라틴아메리카의 역사, 문화, 문학, 사회, 정치, 경제 등 모든 인문사회 학문분야에 있어 국내 최고의 학자들이 모인 전문가집단이다.

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『라틴아메리카연구』 (Asian Journal of Latin American Studies)

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