

# PEOPLES' PERMANENT TRIBUNAL

## INTERVIEW

### 1. Andrés Barreda

**Marcial Godoy (MG):** Andrés Barreda, welcome to New York, welcome to the Hemispheric Institute. Please introduce yourself, tell us a little about who you are and why you are here? And briefly tell us about the Peoples' Permanent Tribunal in which you are participating.

**Andrés Barreda (AB):** My name is Andrés Barreda, and my profession, from which I live, I've been a professor at UNAM in the department of Economics for almost 40 years now. I'm also a sociologist, specializing in issues of geography, the environment. But beyond my academic work, in Mexico we promote the creation of the National Assembly of Environmentally Affected, for those affected by fatal deterioration or very serious diseases of the population, which have been exacerbating all the time, and in the face of the fact that it was impossible to visibilize and to stop these problems, we saw ourselves in the task of seeking more complicated tools, more powerful, to help us intensify the defense of those environmentally affected and that's why we got into the issue of the Peoples' Permanent Tribunal.

I am part of the Guarantors' Committee of eight people, who have taken on the commitment to ensure that this Tribunal, which started in 2011, end on November 2014; that it meet its commitment, consisting of convening some of the country's 500 social organizations, as a great social platform that reveals countless key issues of structural violence prevailing in Mexico as a result of the Free Trade Agreement; and well, I have dedicated myself to that for the last four years.

**MG:** Why are you holding this pre-hearing on migration and why in New York?

**AB:** Well, we chose various issues, initially seven topics, which are like Olympic gold medals that are at the heart of NAFTA: one, the social war against the population, with the *Calderonato* there were 100,000 murdered and 30,000 disappeared that were officially recognized at the time, then because Mexico is the country with most violence against migrants in the planet, another gold medal; third, Mexico is the country where more women are murdered in the world, according to the most recent Amnesty International Report; fourth, Mexico has the lowest wages in the whole world, the destruction of workers' rights is brutal; fifth, Mexico has one of the richest biodiversity, agricultural, and one of the oldest peasantries the world, of the planet, and is the center of this agricultural destruction via the Free Trade Agreement and of a brutal attack on corn; sixth, Mexico is one of the countries with the most environmental devastation in the world, which is practically already at the levels of China; and the seventh medal we chose for the Tribunal is that Mexico is the country where most journalists are murdered in the world. So what is happening in Mexico for this to happen? So the issue of migration is that many clandestine graves with hundreds of murdered migrants are appearing, we don't know if they are thousands, in all the migration routes that go through Tamaulipas, through the border with Texas, through Nuevo León, and the issue has much concerned us. We began working on this with the Migrants' Houses and the problem we are discussing now is how

can we develop pre-hearings that would lead to a great hearing on the issue of migration, the great difficulty that we encountered is that migrants stay at the Migrants' Houses for 3 or 4 days. For example, with all the Central American transmigrants, who are victims of brutal violence, it is really impossible to organize workshops to discuss what the rights of migrants are. So, the idea that emerged from that was that we had to come to the U.S. because they are already settled there and we can reconstruct the complete history. What happened at the place of expulsion? What happened at the place of transmigration? And what happened in the different places they have been arriving in the U. S., until getting to where they arrive? Probably influenced by Occupy Wall Street or Occupy Sandy, we were told that there was a core of very interesting activism in New York and we attempted to see if they were interested in starting to work on this issue, we also proposed the same with colleagues in Seattle coming from the 1999 protests. We got a good reception in both places. After this we go to Seattle.

**MG:** How do you understand the lessons that are being made visible now around the migration issue? There are the enormous violences in Central America--the expulsion of persons, children and women. There is the central role of the *narcos*, of the *maras* [gangs], of armed para-statal groups; there is the complicity of the federal government, of local police and all that. Until a few weeks ago, they came by train to the northern border, until it exploded into a media frenzy in the U.S. political scene with this crisis of migrant children being detained in the country's Southwest and border areas. What are the most burning issues? What parts of this process are showing us the realities and perhaps future processes of contemporary capitalism in the wake of the Free Trade Agreement (NAFTA) and of Neoliberalism?

**AB:** Well, I think that the first is: **Why do we have 35 million Mexicans in the U.S.? How is it that 35 million came here? What happened? Throughout NAFTA, of these 35 million, 20 have moved. So, why have 20 million moved? NAFTA is a very peculiar treaty, unlike the European, for its legal asymmetry; from the start, in the U.S. it is an agreement, and in Mexico it is a treaty. There is a legal asymmetry because in Mexico, the Treaty is above the Constitution and in the U.S. the agreement is under the laws of the states; so there is no symmetry. On the one hand, there is free circulation of capital and merchandise, and on the other there is criminalization of labor mobility.** So it isn't free trade, only for capital and merchandise. Well then, under these circumstances, how did the U.S. become full of Mexicans and Central Americans, 15 million more? **Evidently, this has to do with the necessity to lower wages in the U.S.; introducing 45 million is an extraordinary tool knock down the price of Black labor, first, and then that of whites.** Then the U.S. has used this tool for centuries and now it is used more brutally because the competition generated by China in international and Asian markets is brutal. So, immigrants have great meaning because they facilitate the over exploitation of labor: paying under the value of the labor force. So we were euphorically involved, when the 2008 crisis exploded and the economy contracted. How do you regulate the phenomenon when you were introducing, in peak periods, half a million workers per year, and suddenly you cannot because you are in crisis? That is the general context, which is that when there is a peak, you use workers, over exploit them, you pit some against others; and when the crisis explodes, you lock the door, cut back, begin to expel, begin to pit some groups against others. And it is very good to be able to expel migrants because it allows you to favor xenophobia and xenophobia strengthens parties of the extreme right. **They gain economic advantage when there is euphoria and gain political advantage when there is crisis.** It is a movement of this nature. Now, the crisis itself, which is brutal in the U.S. economy because it is a crisis of the dollar, a crisis of devaluation, dollars have much less value than what the international markets say. And

there is a problem of lack of industrial support and lack of gold support, real cash, of a real dollar economy, it has to do with the fact that the U.S. is indiscriminately extracting oil, Shell Gas, energy, minerals everywhere. And with the South American rebellion in Brazil, Argentina, Venezuela, Ecuador, Bolivia, UNASUR from ALBA, so the area that is left is Colombia to Mexico, because they are even losing the Caribbean, and Central America is not so consistent. So there are some regions very much at hand, very well dominated, and in these regions—Colombia, Honduras, Mexico—they are implementing a regime of dispossession to take minerals such as gold, so important now at the moment of crisis. So you see, on the one hand the crisis expels workers, but on the other hand it involves the necessity to take land where mines are in these countries, so they detonate processes of expulsion in these places to extract strategic natural resources. When you expel from these places, you have to dispossess, move the people, and terrorize them. And curiously, in all the places where displacement is necessary, in these places needing terrorization and forced movement of population, that is where all the criminal groups prosper, articulated in the Central American and Mexican armed groups that have been formed with the financing of the previous Contras. It is all rooted very deeply and complexly, that has to do with the Guatemalan *Kaibiles*, with the Mexican ranches, where the CIA was developing all the drug trafficking networks that financed Central America and that became drug trafficking cartels, that do the dirty work of pressuring and terrorizing in all places that need expulsion, dispossession, or control of flows. It is an ominous mechanism to treat the population because it causes spirals of violence, practically like the holocaust. On the one hand, before you gave employment and now you have to expel them and can no longer have them; and for that you have to foment xenophobia. And so you have to expel them, you have to put shackles on the Hondurans here in New York. Or rather you have to generate a very violent process of expulsion and at the same time you cannot receive them because you have to generate, on the other hand, a process of dispossession of land, and mining. And this is happening very harshly in Honduras, it's this type of brutal, senseless violent siege that is increasingly gaining strength in Mexico. Sorry about the complicated response.

**MG:** Can you explain the example of Honduras more in depth, in the sense and how you perhaps see this as an example of what's to come, but on a larger scale, in Mexico, as in other regions?

**AB:** Well, Honduras is a frightening place. If you visit the Migrant Houses in Mexico, of which there are 32 houses, through which all those that are trying to get work in Mexico travel, from what I have seen---I'm not an expert on the topic—but visiting you realize that 80 to 90% of the migrants in the houses are Honduran, which means that the crisis in Honduras is particularly brutal. What Hondurans staying at the houses readily tell you is that they are fleeing. Most of them are young, you don't see 40 or 50 year olds, you see a minor percentage of older people. They flee because of the *maras*, groups of delinquents, who invite, or rather force youths to distribute drugs, to become involved in the criminal economy, directly in murder and the people who do not want to participate in that, children, youths, practically have to flee from their communities. I was speaking about this a week ago in the Migrants' House in Saltillo with some Hondurans, who we talked with, but everyone is talking about that, the testimony I raised is being talked about everywhere. Now, in addition to the *maras*, which seem to be something that escapes the control of the Honduran government, and the control of the Mexican government, which is, let's say, a nice alibi. In addition, there is really an enormous interest on the part of the transnational corporations for the control of territories, for what is open pit mining. You declare that you're going to get gold, but you actually get more metal by milling

rock, if you extract minerals in very low proportions you can make very complex poly-metallic extractions; so open pit mining is a fundamental interest. In the case of Mexico, open pit mining is already covering 16% of Mexican territory, which is a phenomenal amount. But if you see in Mexico—I don't know how it is in Central America, I don't know Central American maps—the strip of Shell Gas that is extracted by fracking practically runs from Tamaulipas to Chiapas; it is a strip that crosses half the national territory, diagonally from north to south.

**MG:** That is the route of migration, of displacement, of narco...

**AB:** It is the migration route. And it overlaps with conventional gas fields in the Burgos basin, and all the oilfields; we are talking about 50 billion barrels of oil that are on land, in shallow waters, and in deep waters; it's a bit complicated. But, well, all of Mexican territory has just been handed over to transnational corporations. Honduras shares oilfields with Nicaragua at the maritime border, but I don't know if also on land because Shell gas is appearing everywhere and then comes the next cohort, which is deep coal gasification. No one is talking about that now. They are asking: where are the energy resources? Where are the mining resources? Where are the biological water resources? As a result of this, capital requires the control of territories and it is time for dispossession. It is as if the entire world had returned to the England of the 16<sup>th</sup> C. and it means dispossession of land, an accumulation—as David Harvey says here in New York—for dispossession leading to extractivism because industries do not generate jobs. Mexico has many industries and that is very important to understand Mexico, but they all function with robots, which is the automobile industry. So sure, the dispossession generates migration flows. Honduras is perhaps the place where dispossession is most crudely evident, the democratic experiment begun by Manuel Celaya was halted and a government of de facto military character was imposed; it is widely known that Honduras is the place where the U.S. established military bases, for the control not only of Central America, but the Caribbean. And that region, for geopolitical reasons, or for reasons of raw materials, requires a high level of control and the control is territorial; control is taking people out of places to make space not only for United Fruit's production of bananas, if not for the production of new raw materials, of which the tip of the iceberg appears in gold, we will have to see if there's more metals and fuels. The fact is that the expulsion there is atrocious. And it is important to realize that because of all the Central Americans in Mexico, Mexicans are most enraged by Hondurans, because they are also black, "how horrible!" For the racism reigning in Mexico, because much is said about racism in the U.S., but racism is phenomenal in Mexico; it is part of the culture, as in Colombia, they are countries with atrocious racism, frightening. Then the people of those places say "We are a little racist," the racist hypocrisy there is very efficient. That brutal racism in Mexico is being reinforced, taking Central Americans as its victims. All the security groups have invented a term, "*cachugear*," which means we are going to trap them, we will use them for extortion, we will rape the women, we will imprison them, get all the money they have, station by station, roadblock by roadblock. We capture them, present them as false positives of organized crime, while we torture them in prison, rape them, especially if they are black; the authorities in Mexico are doing all this. And when they arrive in Tamaulipas, massacre them by the dozens or hundreds. And it is not the police, nor the army, it is the drug traffickers, who inexplicably kill throughout the migration route, and kill exactly when the U.S. government is trying to stop the incursion of Mexican or Central American cockroaches that now, well since we are in crisis, well what do we want them for?

**MG:** And how do you see the “humanitarian crisis” within this scenario, that erupts here with the case of migrant children in detention centers in the U.S. How does this complete the narrative you have just told me?

**AB:** Well, the problem of the children is very old, it is not a new problem; what is new is that it was turned into a televised spectacle as a blow to Obama—Obama that has done nothing, or that has done many negative things, they foil everything, they block him... I mean, Obama was not invited to dinner; he got to the presidency by way of a democratic uprising of the people of the U.S. that got him in without an invitation. But well, once in the presidency he has been practically fenced in and what better after that siege of inefficiency to now take advantage of the crisis to pull him to the far right; as they have done in Europe by favoring groups of Nazis in all the Baltic countries, in Poland, in the Ukraine. They are trying to pull the crisis toward the extreme right, and also in the U.S. So what better way to use the migration problem and the problem of the children for yellow journalism? When there is actually no will to solve the problem, when the entire southern zone is full of migrant hunting, precisely applying that violence against children. It is a double discourse, the discourse of the U.S. media is not a discourse committed to solve the real suffering of migrants and children, it is simply a manipulation because with the little or nothing that Obama does, it would be better to leave it to the extreme right. That is my perception.

**MG:** I want to change the subject a little and ask you to say a little about the history of the Peoples’ Permanent Tribunal (TPP) and the tools it provides from its development in the context of the Vietnam War and afterwards, for civil society, the citizenry, the peoples, can confront a situation such as the one currently being experienced in migration issues in Mexico, Central America, and the U.S.

**AB:** The TPP as such, with that name, emerged in 1979 after having developed the legal platform of the work known as the Argel Declaration in 1977. But this tribunal and that declaration have a previous trajectory. The Peoples’ Permanent Tribunal’s proposal is that of Lelio Basso, the Italian senator, who carried out a hearing known as the Basso Tribunal, which visibilizes the crimes committed by the South American dictatorships, hand in hand with U.S. transnational corporations, to halt the democratic or socialist wave of protest of South American workers, and that unleashed a holocaust, a genocide, a mass extermination that has taken the lives of 100,000 persons in Chile, Argentina, Uruguay, Paraguay, Bolivia and Brazil. It has been a brutal extermination. That was the Basso Tribunal, but the Russell Tribunal preceded it, because Lelio Basso had participated with Russell and Sartre; and it was launched in the tribunal that tried the crimes the U.S. State committed against the people of Vietnam in the context of the 1960s war. The first, original tribunal, from which everything came, is the tribunal that tried the Vietnam War in 1965, held in the city of Paris. Bertrand Russell convened it, which is why it’s known as the Russell Tribunal, in collaboration with that unforgettable French writer and philosopher, Jean Paul Sartre, who is the only one that rejected the Nobel Prize until today; Sartre is so loved. So together they focused on bringing together a nucleus of highly prestigious intellectuals, with highly valued ethics internationally, of different countries to form a panel of judges that tried the crimes of the Vietnam War, in which witnesses of violence testified. They brought Vietnamese who told of the horrors of Napalm, who told of the horrors of extermination applied by the U.S. Well, I should tell you something: Who was representing the voice of the people of the U.S.? Stokely Carmichael, the U.S. playwright so tied to the Black Panthers. For Mexico it was no less than Lázaro Cárdenas. For Germany it was Wolfgang Abendroth, who is a marvelous

lawyer, teacher of Habermas, who supported the entire student group that unleashed Rudi Dutschke's German movement of 1967; he is the ethical voice of German socialism who was not bribed by the Marshall Plan. Well, they brought together personalities of every country in the world, they formed a panel of very interesting judges, and what was proposed was to visibilize and make people aware of the crimes of the Vietnam War. Everyone today knows and recognizes that. This tribunal, for example, conducted a chapter in Colombia, and helped to visibilize that there are 4 million displaced by transnational corporations that are extracting emeralds, gold, metals, carbon and oil. Before, Colombia seemed nothing more than a country of violent drug traffickers, and these are the stories the media reports. Why are Mexicans so violent? Well, because they have big mustaches and are very macho, and so they shoot... This trivialization of the process of destruction of people is terrible, because they are alibis for genocidal actions. The Colombia chapter helped visibilize that it is the country where most union leaders are murdered in the world—5,000 leaders! What a way to discipline the working class of Colombia! "Oh, you are a democratic leader that has the interest of defending the interests of a group of workers, Bang." Five thousand leaders murdered, that has not happened in any place in the world; the Colombia chapter visibilized that. And today when you say Colombia, many peoples of the world are clearly aware of what happened. And, well, this is what we want in Mexico, because the view of Mexico is perhaps one of the most trivial, even in the U.S. that has 35 million Mexicans, and then they don't understand why. In a workshop in a Mexican neighborhood in Chicago some five years ago, we discussed the problem that the Mexican community had with Chicago's Black community, and they told us that "it's because Blacks complain about why we come here, that we have a very rich country, full of resources, so why do we come to the U.S.?" That is, the Black community does not understand the genocide that is being carried out against the Mexican and Central American community. And sure, how they use Mexicans against Blacks, Blacks instinctively react and it is war of poor against poor, instead of establishing solidarity. What the TPP is seeking is that the Black community understand the Mexican community, and that the Mexican people understand the Central American people, and the white people in the U.S. that is being equally punished, or the white Canadian people, that people understand each other and be inclined to what is most needed, class solidarity, solidarity among those who work, who suffer; That those who suffer discover that they have common interests. Well, that is my interpretation of the Tribunal. I am not part of the Tribunal; I am part of the Mexico chapter. But, the Tribunal's focus is the rights of the people.

**MG:** And the Tribunal itself is not binding, in some way that makes it very interesting because it does not appeal or intend for its decisions to have validity within legal frameworks in which they are generated, but they somehow do have a more utopian vision, perhaps more performative, of stretching and expanding notions of what is thinkable, of the speakable, and of the law in ways that go far beyond the constitutive powers of the State. So could you speak a little about that non-binding quality, but somewhat theatrical form, if we put that way?

**AB:** Well, we could see it that way, but let's see, it's not that it doesn't want to be binding, it would be extraordinary if it were binding; that the decisions of the Tribunal were enacted by the States. Rather, what it intends is to implement, feed, an awareness in the most universal way possible, about the greatest and most concerning problems of structural violence that are going on in the world. For this to serve to generate ethical pressures that even lead to courts that are binding to adopt their principles, and this has been achieved. There are initiatives of the International Criminal Court of The Hague that have been born from the action, pressure and practice of the TPP. Then, let's say it's a little more...

**MG:** I understand, perhaps the point is that if you do not manage to be binding in a legal sense, it doesn't mean that it fails, does not mean that it is a wasted exercise.

**AB:** No, no because it appeals to the conscience. And in that sense, in it being directed to conscience, well it takes on all its performative value. It has to do with Piscador, with Bertolt Brecht, with the old ideas of how you use staging, and the stage, to transmit—and now with all the new media—awareness and diffuse points of view. Now, the Tribunal not only wants to visibilize, it is also understood as a process; a process in which people get together to clearly think things that then they did not think. That is, people in situations of oppression tend to believe that it is useless to think about the law because the law is monopolized, because laws are structured to impede access to justice. So they make the mistake of thinking that the issue of the law is an issue of power, when in reality the issue of the law is an issue of the people because the people are those that produce the law. **So the TPP works on the idea that there is a collective and social production of the law that can be detonated when communities unite to discuss their grievances and reflect on what their rights are.** First, it is very useful to identify according to existing laws, to be able to carry out real and effective legal actions according to national and international laws. But then they can, also in the Tribunal, continue to discuss according to collective rights that have been discussed for decades in the communities but that fail to materialize legally; so it opens space for this type of discussion, such as women's rights, indigenous rights, of urban residents, of youth, of children. These are rights that are being violated, or strangled, blocked, and that is very much worth discussing. You can also discuss general rights: How to characterize the great economic crimes? Free trade generated crimes on all sides and there is no court for economic crimes. Crimes against nature, the rights of nature have now been much discussed in Ecuador; there is no court against environmental destruction. We could first say that there is no tribunal to try crimes of States for diversion of power and their absolute subordination to transnational corporations. That is, the law is crippled, and the Tribunal is a great laboratory to think about those rights against the barbarism of globalization that we lack today.

**MG:** To conclude, can you talk a little about how the results of this experience of the Tribunal in Mexico are projected, of this pre-hearing about migration in New York? In terms of objectives and ways to stop this machinery of death, this holocaust, as some in Mexico have called it.

**AB:** Well, the first objective is that we are documenting, in multiple environments, what could be called the museum of horror. We are documenting, it's not as if we're talking about how what I'm now telling you is horrible; no, it is being documented, in communities, with very extensive groundwork carried out by 500 organizations. What does it consist of? In disappearances, murders, imprisonment, repression, genocide, massacres, expulsions, migration flows, femicides.

**MG:** Some months ago the colleagues from Nuestra Aparente Rendición [Our Apparent Surrender] were here at the Institute, who precisely take part in this work of counting the disappeared: The count itself as the first exercise.

**AB:** Well then, an integral archive is being formed. Then what also happens is that NGO's that are doing very important indispensable work, the problem is that they don't collaborate with each other, because since they live under the logic of financing, something counterproductive

occurs, which is the fragmentation of information. Then, the Tribunal is intending, by not having established itself as an NGO, nor as a social movement, nor as a political party, nor as a social organization, but as a moment, a parenthesis in which all of us can collaborate with each other to help form an integral archive; but the archive detonates a general reflection, of: Where do we stand? What does the current moment mean? And that reflection is one that emerges from processes of elaboration of the accusations and that are being presented according to the panels of adjudicators in the pre-hearings, or the panels of judges in the thematic hearings, or the final panel of judges issue a general reflection about the accusations. Or according to the lawyers that take on cases on behalf of social movements, they make general allegations that are also reiterated by judges. So it is a laboratory of new reflection, general, with which we aim to enrich the level of national discussion about the problems. In addition, we aim for this to be diffused internationally, to break the siege of silence that conventional media, that lobbying activities, generate; the governments of Colombia and Mexico break records in artificial construction of image and generate a brutal silence that borders on genocide in our countries. What do we aspire to? To break these sieges. So with that material comes a new period that will be an end to the condemnation of all of those who worked on the configuration of the puzzles going to different places to explain what is happening, but now with the integrated and organized archives, with the documents that go to European parliaments, with members of Congress here in the U. S., with social organizations, with South American brothers; because the trend everywhere is a naïve idea about Mexico. **We hope that when “Mexico” is said, after the Tribunal, the response will be the same as when “Vietnam” is said.** That is, that people simply and immediately understand that what is occurring there is a holocaust—that is the point.

**MG:** Thank you very much, Andres, we'll end it there.