

DEEP DECOLONIZATION: LATIN AMERICA AND CONNECTED HISTORIES OF THE POSTCOLONIAL WORLD

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1 INTRODUCTION

This paper examines how colonization was formed in Latin America with the arrival of Portuguese, Spanish, French and Dutch colonizers in the 16th century. I take as a starting point a number of recent studies in history and in political science on Portuguese-Spanish economic, diplomatic and cultural relationships and how these issues helped to forge the discovering of the New World by Columbus in 1492.

The Spanish settlers met the indigenous peoples and took possession of the land, starting a historical colonization in the Americas. Historical details can be found at Columbus' journal of his first voyage to America (OLSON, 1926).

Conceptualizing the logics of colonization, the colonial world, and the postcolonial world infers a sociology of these logics, with showing how these process of racial formation in the New World was structured is the main objective of this paper.

2 LATIN AMERICA ETHNICITIES

Latin America has many ethnicities and races, including indigenous peoples, colonizers predominantly from the Iberian Peninsula, entrepreneurs from Britain in the nineteenth century, slaves from Africa, and, latterly, immigrants from southern Europe (particularly Italians in Argentina and South of Brazil). All these peoples brought with them social, cultural and ethnic formations which included dominant forms set up by the colonizers and reinforced by the Catholic Church.

At the beginning of the Portuguese colonization in 1500 there was no labor force in Brazil to take care of manual works. To solve this problem, colonizers and priests tried to subdue the native indigenous people to work in the coffee plantations, but they could not adapt themselves to slavery, being subsequently defended by the religious missionaries. The solution was to subdue the black African people as slaves, bringing them along to Brazil from several African countries in merchant ships.

Upon arriving in Brazil, the slaves were brought by the farmers and the sugar plantation mills masters, who used to treat them with cruelty, torturing and killing those who decided to disobey the master's orders.

After 300 years of slavery practices, some abolitionists impelled a political movement to free the suffered black people, although economically they were necessary to the economy. In 1870 the Southern region of Brazil received the first immigrants from Italy, Poland, Ukraine, Japan, and in the Northern region, the sugar mills were replaced by modern engines to decrease the manpower black contingent of slaves. As the world and the century changed, the intricate dance of power used new steps, especially pressed by Great Britain to eliminate the slavery traffic, what really happened in 1850. Twenty years later in September 28, 1871, an official decree

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declared free those who were born in that date and afterwards (*Lei do Ventre Livre*). In 1885 the Law Saraiva-Cotegipe benefitted the black slaves aged 65 years old or more, and in May 13, 1888 through the *Lei Aurea*, all slaves were declared free by Princess Isabel Cristina Leopoldina Augusta Miguela Gabriela Rafaela Gonzaga de Bragança e Bourbon.²

At the end of it all, slavery was abolished, but no proper policies were launched to insert the black community in a dynamic context of development, specifically through a further commitment to integrating education, employment opportunities and social security.

The transformations of the Brazilian political and economic landscape that occurred at the beginning of the XX century had a positive world impact, but thousands of black slaves were not affected by the efforts to achieve democratization in the country, this sad summation of how little was done, kept the free slaves in poverty, without access to financial resources, political power and social mobility.

As a free country and a community, Brazilian people have been wrestling with many of the same racial issues their parents once did. Still, it is a topic the media rarely touches. But now, there are compelling reasons to raise the bar and begin reporting on race from all perspectives. Never before has Brazil been so culturally and racially diverse. It is an opportunity for the citizens to recognize their divisions and embrace diversity. “Of all the questions of discrimination and prejudice that still exist in our society, the most perplexing one is the oldest, and in some ways today, the newest: the problem of race.”³

As Brazil moves into the 21st century, racial and ethnic mix of the population grows more complex, to find the answer to that question becomes a matter of increasing urgency. Focusing on the economic arena (salary and status), we may say that after centuries of colonization the most majority of African-Brazilians continue to live below the poverty-line. Thus, we consider the question of poverty as a determinant of race and absence of economic and social participation. We do not foresee any future changes as poverty remains in most of Brazilian provinces. During the last two decades the Brazilian people have already made significant progress in the battle to forge a true racial and ethnic melting pot. But we are a long way from declaring victory.

By analysing the fundamental problems of the most impoverished members of society in Brazil, specially black people, their rights and individual values into collective decisions, and the conditions that permit them to enhance their chances of survival and insertion in a capitalist system, we may refer to displacement, as most of native indigenous and black African descendants have been taken out of their original lands by oligopolies groups.

Likewise, living in urban areas they are affected by the process of globalization and its corollary, leading to displacement of traditional rites and festivities which are important tools for the transfer of knowledge. Loss of indigenous language, culture pride, and identity are other key factors in this lamentable trend⁴.

² Princess Isabel Cristina Leopoldina Augusta Miguela Gabriela Rafaela Gonzaga de Bragança e Bourbon was the daughter of Emperor Pedro II and the first woman to take charge of power in the American Continent during the XIXth century.

³ Former President Bill Clinton’s commencement address at the University of California in San Diego (UCSD), June 14, 1997. He completed his lecture by asking: “Can we fulfill the promise of America by embracing all our citizens of all races within the daily life of every American community? In short, can we become one America in the 21st century?” In: Diversity & Division - Race and Ethnic Relations in San Diego, San Diego Magazine, 2001.

⁴ For further information, see Brahy and Tobin (2005, p. 19-21).

3 BACKGROUND CONTEXT: COLONIALISM, GENOCIDE AND USURPATION

The concept of oppression, of dominance and violence may be entangled between the ineffective ways poor people analyze the context of their lives, as in the Northeast of Brazil. History has shown us a lasting three centuries of colonialism, genocide and usurpation, followed by the desire of independence and development. Though getting independence from Portugal in 1822, the Brazilian people were faced by a relevant political and economic turmoil, until the abolishing of slavery in 1888. Freedom has not meant prosperity for African black descendant slaves; most of them were deprived of their houses, plantations and primary economic sources. They had no financial resources to buy a piece of land, were not skilled enough to get a formal job, and were rejected by society for their colour and habits. Women faced particular demands to provide the safety net of last resort for their families, managing a dwindling family budget to feed and clothe their children; coping with the depression, ill-health and often destructive behaviour of men whose whole sense of self-worth was bound up in the work they lost in the plantations, even without an income, they were able to survive.

At that time, a large amount of families left the Northeast of Brazil to move to the South, especially to the industrial and big metropolis of São Paulo, but faced a hard reality; they were not socially organized as the Italian immigrants who arrived in the city, and lacked education and training to cope with the market requirements. The Italian immigrants had the same history as the African slaves, coming to Brazil in merchant ships, enduring a long trip, without any comfort or health assistance. Most of them got sick and died during the journey, but they had a firm purpose of succeeding, through an endless day and night shift work, through family association, personal savings and hard endurance to face problems. The African slaves were different from them, showing not such organization, demonstrating laziness and no ability for personal savings. The first jobs offered by the industrial companies in São Paulo were given to the European immigrants, relegating the black people to subaltern duties, as cooks, cleaners, maids and helpers in the farms.

Due to the Brazilian Constitution, they only were allowed to get a formal job after 1888, it was a time of the masters and the slaves; and the slaves as in ancient Greek were not considered as citizens of the nation, but belonging to the master (ARISTOTELES, 1988, p. 18). Even after the abolition of slavery in Brazil, the free black slaves were quoted as secondary actors, being nominated in a generic and indefinite racial category as “free poor people” (SILVA; HASENBALG, 1992, p. 101). Consequently, their chances of success were minimal; the negative effects on their lives were carried out through their whole life, beginning at the moment of conception and continuing through all their existence.

In Brazil there is a structural gap between poor and non-poor. Women in poor rural areas of the Northeast of the country are the most disadvantaged ones regarding illiteracy, education and employment. Poverty is a long-standing structural reality in the country, especially in the State of Bahia. Due to the dry season and extended lack of credit or financial resources to stay in the rural areas, the excluded ones migrate to the urban areas to escape from famine and associated diseases. When they arrive in the cities they rumble about building paper or can houses until they can find a place to live. Generally the families are big, most of the family members are illiterate, with no practical and useful tools to find a formal job in the urban centers. Poor households have more family members and they show less education than the non-poor do. Many children go

to public schools when they are settled, but they have difficulties in concentration and learning, perpetuating their inequalities.

The Northeast is the most problematic region of Brazil, where only 79% of each cohort is successful in entering into the elementary school level. Due to this, the Northeast that counts on with 33% of the national population in school age, concentrates 70% of the ones who do not have any access to schooling (SILVA; HASENBALG, 1992, p. 4). There is a racial gap against blacks and 'pardos',⁵ less pronounced for women. Regional differences are important too. With the Southeast as a reference, being born in the Northeast has a strong and significantly negative effect for both men and women. As seventy percent of the population of Bahia is of black people, they are exposed to high mortality rates, to racial prejudice and face less opportunity in the job market. They are historically members of African tribes from Angola, Benin, Côte D'Ivoire, Congo and Guinea and came to Brazil as slaves in the past, brought by the Portuguese colonizers.

Eventually, even when poor people get a job it is a temporary one, which does not ensure household food security. Many poor households face the risk of transitory food insecurity, even if, on average and over several years, their incomes are sufficient to provide a sustainable standard of living.

Meanwhile, they try to survive, to implement a micro business and to save the less they can get. When this occurs, there is a potential demand for savings, for building a house, for consumption self-employment.

Presently, Salvador is one of the most prosperous capitals of the Northeast of Brazil, with a population of three million people, even though it shows high rates of poverty.⁶

Where population growth and high level of consumption coincide, as they do in some industrial cities, the impact of growth is significant. In Salvador, for instance, the fast-growing populations in the poorest, least-developed districts often show high and environmental degradation already widespread. In these suburbia good health facilities, schools and basic infrastructure are frequently absent, most of the citizens have not other options but to exploit their local environment to meet subsistence needs for food and fuel.

In these settings, traditional practices that may have been ecologically viable when the population was small are becoming increasingly less viable for species and ecosystem as population grows and demands rise (UNITED NATIONS POPULATION FUND, 2004, p. 19). In some cases, the supply of services to these shantytowns and poor neighborhoods has become a problem for poor people. The inhabitants are unable to pay for fixed charges such as electricity, water, sewage and cleaning, which are essential for the wellbeing of the families. Obligatory service may become a universal service by imposing a specific tariff reduction for all or some users (CHISARI; ESTACHE; PRICE, 2001, p. 10).

Greater attention should be given as well as to the needs of the urban poor, whose access to health and other services is far worse than that of richer city dwellers and often not much

⁵ 'Pardo' is meant to refer to people of mixed-race, generally involving some Afro-Brazilian component.

⁶ "In a global context of Brazil, of the 20 million persons who have migrated to urban areas, 15 million of them are of urban origin and the remaining 5 million are of rural origin; this makes migration from urban origin to urban destination the most significant within the context of over-all Brazilian internal migration. Of the total number, almost 11 million went to Brazilian metropolitan regions, more than half between 1960 and 1970, which automatically transforms the problem of migration into one where the destination is largely metropolitan, not only in terms of volume, but mainly because of the correlated problems of a social, economic and institutional nature which it brings in its wake"; see: Speridião (1973).

better than rural conditions. This context shows clearly that this segment of the population has not received any special grants or governmental aid, as past and present governments have not implemented innovative programs involving the most active institutions of our society; as a consequence, they continue to be poor. Military leaders, who ruled for 23 years in Brazil during the 60s and 70s, had no proper ability or energy to action.

Regretfully, Latin American citizens have to look back at their background when previous governments deprived them from basic needs as health, education and housing. These policies led to a high exclusion from sanitation services, which had an impact on the economy's productivity and on hospital costs, apart from ethnical aspects. As a consequence, the excluded poor increased its vulnerability in terms of dangers from accidental fires from candles or off network heat sources.

In Brazil, for years and years, the governments limited the poor people to have access to formal culture, they denied them even basic literacy skills, and this was a policy adopted systematically by the long-established power-yielding families of the Northeast who controlled both the politics and the economy in the region. Some important Brazilian researchers have dealt with these issues, among them Josué de Castro, with his *Geopolitics of Hunger* (CASTRO, 1983), Celso Furtado, one of the renowned creators of development economy, and others whose concern was directed at the harsh reality of poverty and exclusion. Even Gilberto Freire, whose focus may lie in other areas, certainly contributed with *Casa Grande e Senzala (The Masters and the Slaves)* to bringing the question of social division to the fore.

4 THE IMPACT OF CONTEMPORARY IMMIGRATION

Ethnic minorities may be arbitrarily excluded from citizenship since states were formed, and this discrimination is enshrined in law. This includes minorities brought to the country during the colonial period to perform specific types of work, such as the African slaves in Brazil. Another example is the Hill Tamils in Sri Lanka, whose situation had to be resolved through an innovative law reform and citizenship campaign in 2003.

Similarly, in the Caribbean, statelessness mostly affects children of Haitian migrants born outside of Haiti, who may face legal and practical obstacles to obtain birth registration or to be recognized as a national, either in the country they were born or in Haiti (THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 104).

Haiti and the Dominican Republic has a long history resulted from a substantial population of persons of Haitian descent living in the country. Historically, Haiti and the Dominican Republic share the Caribbean island of Hispaniola, where Christopher Columbus landed in 1492. Subsequently, in 1804 Haiti became the first independent state in Latin America, and occupies the western third of the island. On the other hand, the Dominican Republic whose independence dates from 1821, occupies the eastern part (THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 104).

After the First World War, the sugar industry bloomed in the Dominican Republic, and hundreds of thousands of enslaved Africans were imported to work the sugar cane plantations of Haiti, by the French colonizers. Notwithstanding the decline in the sugar industry activities in the late 1980s, the Dominican Republic remained a consistent draw for people from Haiti. Dominican law prohibited citizenship for foreigners, except for children of diplomats and parents who were 'in transit', through the *jus soli* principle. The 'in transit' exception applied to children of parents

who remained in the country for a period of 10 days or less. Present-day relations between the neighboring countries are fraught with tension, the culmination of volatile incidents, comparative economic disparity and opposing perspectives on European influences. The independent Hispanic website *Voxxi News* reports that Haitian and Dominican relations are currently the worst they have been in 75 years (ABEL, 2015). In 1937, Dominican dictator Rafael Leonidas Trujillo Molina, who was of mixed race, commanded his army to kill all Haitians living in the northwestern Dominican Republic that borders Haiti.

According to “*Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History*” published by historian Richard Lee Turits (2003), Stanford University Press, from Oct. 2 to Oct 8, 1822, hundreds of Dominican soldiers and local militia groups confined and slaughtered an estimated 15,000 Haitian people living in the area. Most of the victims were small farmers born in the Dominican Republic into families settled in the area for several generations. According to the Dominican Republic’s own constitution, most of the victims would have been considered citizens.

Over the past decade, a great controversy has arisen in the Dominican Republic concerning the countries’ law and its interpretation, by denationalizing many Dominican citizens of Haitian descent.

In this context, the Inter American Human Rights Court has received dozens of complaints of families, of Dominican citizens of Haitian descent, who have been rendered statelessness or at risk of statelessness, being prohibited to have access to their personal documents and have been expelled from the country.

In 2014, five families’ descendants of Haitians and Dominicans presented their official complaints to the Inter American Human Rights Court showing that they were taken from their houses and thrown out in the street, and compulsorily extradited. The Court found that the State violated the American Convention on Human Rights, Article 22 - freedom of Movement and Residence, Article 22 (5) Prohibition of Expulsion from, or Denial of Return to, State of Nationality.

The Court noted that the facts of this case occurred in a context in which, in the Dominican Republic, the Haitian population and those born in Dominican territory of Haitian descent usually lived in poverty and frequently suffered derogatory or discriminatory treatment, even from the authorities, which increased their situation of vulnerability. This situation was related to the difficulty encountered by the members of this population to obtain personal identity documents. The Court also verified that in the Dominican Republic, at least at the time of the events of this case and throughout almost all the 1990s, there was a systematic pattern of expulsions of Haitians and persons of Haitian descent based on discriminatory concepts, including collective expulsions or proceedings that did not include an individualized examination. The members of each of the families that were victims in this case have received compensation for their loss. The Dominican Republic was notified to reimburse the amount established to the Victims’ Legal Assistance Fund. In addition, the State received a notification that it has to provide the Court with a report on the measures adopted to comply with the Judgment. The Court would monitor full compliance with the Judgment, in exercise of its attributes and in fulfillment of its obligations under the American Convention on Human Rights, and also would consider the case concluded when the State and complied fully with its provisions.

Notwithstanding, this is not an isolated case, approximately 500,000 Dominicans of Haitian descent are living in the Dominican Republic (OPEN SOCIETY JUSTICE INITIATIVE, 2013).⁷ Access to education for Dominicans of Haitian descent has been curtailed by discriminatory school policies and the arbitrary application of laws guaranteeing equal access to education (GEORGETOWN LAW, 2015, p. 1). The government of the Dominican Republic has denied Dominicans of Haitian descent born on Dominican soil birth certificates, identity cards (ARENDR, 1958), and also the right to education.⁸ Official allegations are based on the presumptions that parents or ancestors of these individuals entered the country without legal authorization. In September 2013, the Constitutional Court of the Dominican Republic judicially mandated the retroactive revocation of the citizenship of hundreds of Dominicans descent from undocumented immigrants, creating a multi-generational problem, as entire families lack official documentation; children are prohibited to attend classes, aggravating their situation of poverty and exclusion. Many families continue to occupy the isolated and impoverished bateyes built to house labourers during the heyday of the sugarcane industry.

The situation of persons of Haitian descent is not unique to the Dominican Republic. While each country in the Caribbean has its own laws and regulations regarding nationality, a similar situation exists in both the Bahamas and the UK Overseas Territory of the Turks and Caicos Islands,⁹ as well as in other countries in Latin America (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 104).

Wealthier countries are usually far removed from countries in crisis, and have put in place, with varying degrees of success, an array of measures to deter and prevent the arrival of asylum seekers and refugees.

5 CONFLICT AND DISPLACEMENT: ARMED GROUPS AND TERRORISTS

On thinking about the international legal framework it comes to the fore the 1951 Convention conceived as a human rights instrument, non-discriminatory in its application and global in scope, especially concerning the present conflicts.

In Latin America, the last decades have shown serious bloody conflict in Colombia due to drug cartels. The Government of Colombia asked for international aid, and is constantly struggling to find durable solutions for people uprooted in conflicts that had long ended. In Peru and Guatemala, the return and reintegration of the displaced was agreed in the mid-1990s, but these agreements have never been fully implemented (BRUN, 2014, p. 5).

⁷ See also Fondo de Población de las Naciones Unidas, Unión Europea and Oficina Nacional de Estadística (2013) and Georgetown Law (2015).

⁸ *Universal Declaration of Human Rights*, G.A. res. 217A (III), art. 1, U.N. Doc A/810 at 71 (1948) (hereinafter UDHR).

⁹ From time-to-time, debate emerges in Canada's political circles about the prospect of the Turks and Caicos Islands' joining Confederation as a province or territory. Canada has long been involved in promoting security in the Caribbean region. Operation Caribbe, established in 2005, sees vessels of the Royal Canadian Navy (RCN) patrolling the Caribbean to intercept narcotics shipments. Canada participates each year in Exercise Unitas, a large-scale multilateral exercise held off the Central American coast. Perhaps more importantly, Haiti is the largest beneficiary of Canadian development assistance and the Canadian Forces have played an integral role in various humanitarian missions in the country, such as the United Nations Stabilization Mission in Haiti (MINUSTAH) and the Stabilization and Reconstruction Task Force (START). Also, there is an agreement between the Government of Australia and the Government of the Turks and the Caicos Islands on the Exchange of Information with Respect to Taxes (ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT'S, 2002). See also: Nato Association of Canada (2014).

It is important to compare the past, in a context of military regimes in Latin America and political and individual persecution.

6 SOLUTIONS TO EXCLUDED MINORITIES

Internally displaced persons and refugees should have the chance of repatriation, since most crises either political or environmental ones are protracted ones. Unfortunately, as the case of Haitians the government has not taken effective measures to rebuild the country and offer a safe return to the citizens, as well as employment.

Vulnerability and marginalised communities bear the brunt of displacement in Haiti and Colombia. On 17 of August 2015, a group of Colombian smugglers allegedly ambushed members of the Venezuelan military, injuring three of them. What began as a simple security situation in the socialist country then quickly escalated. Following the incident, President Nicolás Maduro decided to take increasingly disproportionate measures, including unilaterally shutting down the border for 72 hours and deporting Colombian citizens from Venezuela. He ordered soldiers to mark the homes of those Colombians living near the border, destroy vacant houses, and take the belongings of those who have been deported, as a unilateral measure (GARAY, 2015). In Colombia people migrate due to guerrillas or conflict-induced displacement. It is estimated that 87 percent of the displaced people in Colombia who owned land have had to abandon it.

In Haiti the three-minute earthquake on 12 January 2010 deteriorated the citizens' poverty conditions, as up to now they suffer from the lack of infrastructure, no houses, no shelters, no jobs. More than 220,000 persons died, countless disappeared, and 1 million were homeless according to UN agencies (CENTRO DE INFORMAÇÕES DAS NAÇÕES UNIDAS, 2011), Non-Governmental Organizations and religious groups are unable to offer all the aid the population needs, so famine and excluded people decide to leave the country labelled as environmental displaced migrants.

Political conflicts lead to persecution, assassinations, murders, and also, involuntary disappearances, which turn female headed households, with restrictions on women's ability to own, acquire, manage or dispose of property an impediment to their reintegration. Women cannot officially prove that their husbands have been murdered and are unable to get the death certificate.

The same happens in Asia and Africa. In Burundi and Rwanda, according to Cohen (1998 apud BRUN, 2014 p. 16) "women are unable to inherit land or other immovable property from either their husbands or parents (unless they have sons) and therefore often lose the property to their deceased husband's relatives."

Social differences can be seen in camps where the lower classes/castes belong, while people with wider networks and/or access to more resources tend to move out of the camps and stay in rented houses, acquire good jobs, or even move abroad (SCHRIJVERS apud BRUN, 2014, p. 16). It is crucial to understand the trajectories of migrants in Somalia, Sudan, and Eritrea, who face stressed situations living in camps both for men and women, which results in physical violence, discrimination, exhortation from local gangues, and other forms of abuse (MERTUS, 2003, p. 250-273).

Displacement causes marginalisation, suffering and distress, humanitarian actors respond slowly and they are tied to international mechanisms to solve problems. Several different contexts occur in each camp, each country, thus contributing to an understanding of the variables in

displacement situations and shedding light on how the international community could respond in specific contexts, as they rely on governmental solidarity, financial resources, authoritative regimes that limit involvement in decision-making preventing displaced persons from obtaining official documents, obstructing information concerning vacant posts, and livelihood activities which are essential for planning their own future.

7 INTERNALLY DISPLACED AND INTERNATIONAL MIGRATION

Internal displacement is often thought of as a highly localised phenomenon, linkages between the internally displaced and international migration must be taken into account (VAN HEAR, 2002, p. 202-223). As no solid framework exists for the Eastern Mediterranean/Eastern Africa migration route, as well as migratory flows in Latin America, the durable solutions should take as its starting point the assumption that people belong to one place, or at least that they only relate to one place at a time (BRUN, 2014, p. 18).

The international strategies to solve these problems should rely on integration, resettlement or return as the desirable solutions to displacement. Van Hear says that “the extensive use of translocal strategies among some displaced populations indicates that these may at least be considered as ‘enduring’ if not ‘durable’ solutions to displacement.” (BRUN, 2014, p. 18).

Vulnerable groups are categorised as ‘internally displaced persons’, ‘forced migrants’, ‘refugees’, and who fall within these categories are ‘out of place’, once they belong somewhere else. When they receive such labels, as ‘out of place’, even as temporarily, as of excluding refugees and internally displaced persons, they will be excluded from exercising some citizenship rights because they are not formally registered as local citizens in their place of refuge (SHACKNOVE apud BRUN, 2014, p. 19). Political and security challenges in the above mentioned regions will continue to figure high on the agenda for the years to come.

8 HAITIANS IN BRAZIL

Haitians in Brazil, for example, when crossing the border, are identified by members of the Federal Police, and receive a previous entrance identification which will be used by Ministry of Justice and Ministry of Labour to provide them with a Professional Employment Card, entitling them to travel to other provinces and to look for a job.¹⁰

Despite the bilateral cooperation between Brazil and Haiti, the impact of the continuous flux of Haitians migrants in the country is causing a lot of local and regional impact. Most of the migrants cross the north frontier of Acre and enter into the city of Brasiléia and in Tabatinga (BIJOS, 2015, p. 111-135). The Governor of State of Acre receives a monthly governmental subsidy from the Federal Government amounting to R\$ 1 million reais, for sheltering and feeding the immigrants, processing the identification documents and sending them by bus to São Paulo, where the Governor will provide support, identify the vacant posts and insert them in temporary jobs or send them to other States in the South of Brazil where agricultural projects need manpower.

¹⁰ Brazilian Refugee Law No. 9.474/97.

Presently, Brazil has more than 50,000 immigrants from Haiti in several provinces, demanding official documents, shelter, jobs, school for their children, health assistance, besides Portuguese classes, as they speak Haitian Creole and do not speak Portuguese.

As Brazil is facing economic problems with lack of employment for its own citizens, the Brazilians question the special protection offered to the immigrants.

As a result of the bilateral agreement signed between the President of Brazil and the President of Haiti, a donation of US\$ 55 million was offered by Brazil for rebuilding the country. A Military Force (MINUSTAH) was also sent to Haiti to help in the recovery of infrastructure, provide security, health assistance with vaccines and medication,¹¹ as well as voluntary aid from Brazilian NGOs, religious groups¹² and team-forces as the one commanded by Dr. Zilda Arns, in charge of leading a group of doctors and nurses. She was one of the victims of the earthquake in 2010, which lasted only three minutes and devastated the country.

9 ETHNIC DISCRIMINATION

Common citizens stigmatise immigrants and refugees in the country, since they are treated differently, ethnicity differences, identity attributes to foreigners.

Haitians know they are different from Brazilians and they have a race consciousness, although being brought from Africa by Spanish colonizers. Brazil is a multicultural nation with a mixed population of African descendants, Portuguese and indigenous citizens.

When European explorers arrived in Brazil they “discovered” people who looked different than themselves, these “natives” challenged then existing conceptions of the origins of the human species, and raised disturbing questions as to whether all could be considered in the same “family of man”.

Thomas F. Gossett (1965, p. 16 apud OMI; WINANT, 1986, p. 10) notes:

Race theory ... had up until fairly modern times no firm hold on European thought. On the other hand, race theory and race prejudice were by no means unknown at the time when the English colonists came to North America. Undoubtedly, the age of exploration led many to speculate on race differences at a period when neither Europeans nor Englishmen were prepared to make allowances for vast cultural diversities. Even though race theories had not then secured wide acceptance or even sophisticated formulation, the first contacts of the Spanish with the Indians in the Americas can now be recognized as the beginning of a struggle between conceptions of the nature of primitive peoples which has not yet been wholly settled.

Haitians are clearly identified as they are not mixed up as the Brazilians, although they have been enslaved, in Central America. They are identified as a “lower” cultural group, and are considered as “pure” black and do not have a one little teeny white drop blood, as specified in the movie *Raintree County*. In the movie, Elizabeth Taylor describes the worst of fates to befall

¹¹ MINUSTAH - United Nations Peace Mission for the Establishment of Haiti. The Brazilian Army has already sent more than 14 thousand military to Haiti.

¹² Special emphasis is put to the Migration Institute and Human Rights (IMDH), under the Direction of Sister Rosita Milesi, and Center of Migratory Studies in the city of Glicerio, Sao Paulo, under the Director of Priest Paolo Parisi.

whites as “havin’ a little Negra blood in ya’ - just one little teeny drop and a person’s all Negra.” (OMI; WINANT, 1986, p. 11).

Brazilians are suspicious of Haitians, and the migrants have not been really accepted in the neighbourhood. This is what Marvin Harris has characterized as the principle of *hypo-descent*:

By what ingenious computation is the genetic tracery of a million years of evolution unravelled and each man [sic] assigned his proper social box? In the United States, the mechanism employed is the rule of hypo-descent. This descent rule requires Americans to believe that anyone who is known to have had a Negro ancestor is a Negro. We admit nothing in between ...

“Hypo-descent” means affiliation with the subordinate rather than the superordinate group in order to avoid the ambiguity of intermediate identity [...] The rule of hypo-descent is, therefore, an invention, which we in the United States have made in order to keep biological facts from intruding into our collective racist fantasies. (OMI; WINANT, 1986, p. 11).

Some Haitians on arriving in São Paulo are interviewed by members of the Government, Minister of Justice, or NGOs priests to be taken to vacant posts in the urban or rural areas. Haitians are refusing posts in the rural areas of the State of São Paulo, or Paraná or Santa Catarina, because they dream of having a better life than in Port au Prince. Most of the vacant posts in the Southern rural areas pay more than in the big cities, and offer very good living conditions. This is the Haitians contemporary expression of this racial logic, although a striking feature of race relations in the lowland areas of Latin America, since the abolition of slavery has been the absence of sharply defined racial groupings. Brazil has historically had less rigid conceptions of race and thus a variety of “intermediate” racial categories exist. Indeed, as Harris notes, “One of the most striking consequences of the Brazilian system of racial identification is that parents and children and even brothers and sisters are frequently accepted as representatives of quite opposite racial types.” (OMI; WINANT, 1986, p. 12). Such a possibility is incomprehensible within the logic of racial categories in the US.

Labels determine the rules of and access to particular resources and privileges. In order to secure these entitlements and be successful in their dealings with the institutions involved, individuals often have to accept and adjust to categorisation and conform to existing humanitarian labels (STEPPUTAT; SØRENSEN, 2001, p. 769-791). Highlighting such negative effects might make it difficult to see the usefulness of the internally displaced persons category, as well as immigrants, and refugees. A non-labelled solution cannot exist: there is no escape from terms like ‘refugee’, environmentally displaced persons, immigrant, if we are going to assist people forced to migrate from their homes, protect and accept them in our country, as members of our society.

10 CONCLUSIONS

The political reality is collapsing under the weight of the large, countless mass of internally displaced persons around the world. The European countries are curbing the entrance of immigrants, training and organizing forces to detain persons who show their babies and elderly relatives in a desperate act, trying psychologically to touch the security policemen at the frontier. Management the complexity of social life is the main objective of all contemporary states. Legal

orders and normative orders presuppose a world where everyone belongs to a state, is recognized as a citizen and forms a bond with the society.

Humanitarian action is predicted and defined by respect of its principle: humanity, impartially, and, neutrally; also independence characterizes the standing of the action, meaning that it is not subordinate to or subject to control by others (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 36). Although international agencies work hard contacting the governments, delivering standard protection and assistance to civilians caught up in conflicts, they cannot solve the daily problems in each country. In situations of conflict only the countries can take main decisions to stop or detain it.

The 1951 Convention relation to the Status of Refugees and its 1967 Protocol as the cornerstone of this effort have just contributed to building a world in which human beings could find safety from persecution and enjoy freedom from fear. The authors of the 1951 Convention believed in the fundamental rights that in fact helped to anchor the concept of refugee protection in the international legal system.

The Convention certainly can be applied to mass influx situations as well as individual arrivals, it does not set out an explicit framework for responsibility-sharing and is limited in the extent to which it addresses solutions to refugee problems. It is also important to note that the Convention is not an instrument to manage migration (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 36).

States have a sovereign right to manage immigration and to control the entry, stay and removal of foreigners, especially after the terrorists' attacks on September 9, 2001 in the United States.

Although reaffirming that the 1951 Convention and its 1967 Protocol are the foundation of the international refugee protection regime' and have 'enduring value and relevance' the UN member states are concerned about their obligations, the costs of accepting the refugees, being apprehensive about multilateral engagement, loss of flexibility, and besides that the potential for abuse when displaced people are harassed by totalitarian governments.

The accession to the universal legal instruments reflects the countries generous tradition, strengthens the international refugee legal status and desires, but this is not sufficient. The contracting states must also establish national laws and procedures reflecting the Convention obligations; which means adopting an appropriate asylum legislation.¹³

The historical event shows Italy returning migrants and asylum seekers to Libya in 2009 (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 37), and presently being unable to offer effective protection to thousands of African migrants arriving in the country. In 2014, more than 3,000 people with different profiles and needs, including asylum-seekers and refugees, lost their lives in the Mediterranean Sea. These individuals took to the sea to escape violence and persecution in their homeland, hoping to find sanctuary and a better life in Europe, but vessels were too often unseaworthy and distress calls too distant. Asylum-seekers and refugees use the term "boat of death" to describe the dangerous sea journey to cross the Mediterranean Sea. Many are beaten, raped, tortured or tossed overboard simply for having tried to move in a crowded vessel.

¹³ In 2000, Mexico ratified the Convention, and the High Commissioner Sadako Ogata noted: "Mexico has had a long tradition of asylum [...] Its accession to these universal instruments reflects this generous tradition and further strengthens the international protection regime", 'UNHCR Hails Mexico's Accession to International Refugee Instruments', UNHCR Press Release, 20 April 2000. See also: UN High Commissioner for Refugees (2000, endnote 48).

Of the 160,000 who disembarked in Italy in 2014, the majority were rescued at sea by the Italian Navy operation Mare Nostrum (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2014, p. 111).

The 1951 Convention has been complemented by regional instruments in Africa, Latin America, and the European Union (EU), presenting also a proposed agreement between Australia (a signatory to the 1951 Convention) and Malaysia (a non-signatory) for the transfer to Malaysia of 800 non-Malaysian asylum seekers.

The 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Convention) translated the 1951 Convention into the African context at the time, especially concerning the large-scale refugee flows which have resulted from Africa's wars of independence, and implies a wide spectrum of solutions involving temporary residence, voluntary repatriation, employment and social assistance.

In Latin America the 1984 Cartagena Declaration on Refugees encouraged all countries to enlarge the concept of a refugee beyond the definition contained in the 1951 Convention, including persons who have fled because of 'generalized violence' or other circumstances which have 'seriously disturbed public order'.¹⁴ By 2001, 148 countries had ratified the 1951 Convention and/or its 1967 Protocol, yet more than 40 per cent of refugees under UNCHR's mandate were hosted by states which had not acceded to either of these instruments. Most refugees hosted in Europe, North America and Australia offered individual asylum, but today 1 million individual asylum applications are being filled in around the world. Statistical data show the top ten destinations of asylum seekers being: Turkey, 1,5 million; Pakistan, 1,2 million; Lebanon, 1,3 million; the Islamic Republic of Iran, 0.8; Ethiopia, 0.60; Jordan, 0.60; Kenya, 0.50; Chad, 0.40; Uganda, 0.30; China, 0.26 (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2014, p. 108).

Nonetheless, it is clear that to grant protection to a person either seeking for refugee, asylum or as an internally displaced individual, has turned to be a thorny issue. Another difficult issue is analyzing children seeking asylum alone. They leave their countries for various reasons, including war, persecution, and lack of opportunity, family pressure and other factors. Of course the child rarely make the decision to leave; parents or extended family usually are involved. Children who seek asylum alone are often described as 'unaccompanied or separated', since some are in fact accompanied, for instance by older youth or family members. Unaccompanied or separated children often lack accurate information about asylum procedures, but most wait until arriving in a particular destination to be assisted by authorities (UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 2012, p. 46).

Law exists to have an effect on the world, in theory, the social contract model reigns. Notwithstanding, the law system is losing touch with human experience sacrificing people and throwing them to unsolvable destinies. The reality shows that the cessation of refugee status is not temporary, it is much more complex to dig out someone from a difficult situation. The main

¹⁴ Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, OAS/Serv.L/V/II.66, doc. 10, rev. I, pp. 190-193. Part III paragraph 3 of the Declaration states: 'Hence, the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.' See: United Nations High Commissioner for Refugees (2012, p. 40).

objective of creating a boundary around Article 3 of the European Convention on Human Rights is reasonable, but there will be cases where this legal order produces harsh results (PHUONG, 2004).

The malaise resulted from the internally displaced persons is affecting everyone that see the human suffering from its sitting room every night during the breaking of the news. Political facts, as reflected in legal categories, show the sovereignty of the nations, and determine the nature of responses. There must be an attempt to manage this phenomenon more effectively by creating a framework for addressing the reality of internal displacement, focusing on innovation, determining an international solution. Exploring the importance of international humanitarian law should be important, especially considering that internal displacement is often the result of armed conflict.

Protection strategies should be revised assessing effectively measures to protect the internally displaced, avoiding human rights violations, abuses and focusing on 'preventive protection' and 'safe areas'. The state should protect the internally displaced persons, even when it is the state that is the cause of the displacement. If the state breaks the social contract in a sustained and serious way, the other countries cannot just watch from the sidelines, but act to solve the internal problem. Passivity is not acceptable in the international sphere as it deals with human lives.

The international community should be sensitive concerning new means to assure long-term answer in the promotion of peace and stability.

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