

Citizens' Rights and Environmental Genocide

Cecilia Carrizo Sineiro and Mauricio Berger

ABSTRACT

Within the framework of pragmatism and linguistic turn, the meaning of a word is embedded in the context where it is stated. The Mothers of Ituzaingó Neighborhood in the city of Córdoba, Argentina (Madres de Barrio Ituzaingó Anexo) is a case of citizens' practices in defense of human life, health, and the environment. Doing research on their actions from the aforementioned perspective, we have found that all parties involved in the situation use the word "genocide," for example, when the authorities, whose intervention are demanded and fail to act, deny the possibility of a genocide or when citizens claiming for their rights narrate their experience as "a genocide in disguise" ("genocidio encubierto"). The concept of genocide is brought up often by contamination victims throughout the world, even though this use does not match with the United Nations' official definition, which refers to States' actions and omissions that do not protect constitutional rights and laws. In this context, where there is a dispute over the situation's nomination, we aim at investigating the experience of those affected in their interaction with state institutions, the latter being the ones questioned. Is it reasonable for the victims of environmental injustice to use "genocide" as a concept? From this research question, we have resorted to qualitative methodologies to achieve a deeper understanding of the speeches and practices in this inter-subjective context. In this article we present the systematization of said practices in two different ways, so-called citizenship stripping ways.

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Our contribution aims at reconstructing the context in which the genocide concept becomes meaningful from the practices of those being affected. The use of environmental genocide does not refer to the officially instituted meaning of genocide; instead, in a wider sense, it denounces practices that deny Otherness. These practices blur the notions of responsibility, justice, and rights, indispensable to a grammar of defense of life, health, and the environment as rights.

OUR STARTING POINT: GENOCIDE AS A KEY WORD IN THE NARRATIVE OF THE AFFECTED

Based on the stories of the Mothers of Ituzaingó Anexo Neighborhood¹ on their interaction with different public officials of the intervening state agencies, we present those people who talk about their experience and thoughts. They remember the genocide which took place in Argentina during the 1976–1983 military dictatorship and mention the present situation in which the right to life, health, and the environment is denied by the development of agro business models, their contaminating practices, and the officials' approval.

"What is your problem?" (asked us Dr. J.M. De la Sota, Governor of the Province of Córdoba) "Because I know that you have a serious problem and I am fed up with seeing you coming out onto the street to fight, I am the governor of the Province and I'm going to give you a solution. Well, we are all getting cancer, and we don't know why, there are surveys that are telling us that there are traces of agrochemicals, endosulphan, malathion, the heavy metals survey is still missing. I didn't know that they already have it. Well, the governor says "I don't mind sending the bulldozers to wipe out that neighborhood. If the neighborhood is polluted, it has to be eradicated, I'm not going to countenance any genocide within my province because I run the province and I'm not going to allow that people die of cancer."

(Talking about the federal government) "See how things are: we arrived at the Federal Ministry for the Environment and there we are told: "Nirich (an official of Córdoba province) just called us and told us that you were coming here." Therefore they were already against us. Then he tried to get rid of us and I told him a lot of things. He got angry. (...) I told him: "I'll tell you what: The thing is that we, the Argentinians, are disposable people, and the only way to kill people is like this, massively. You are killing people." He answers: "You can't say we want to kill you." They go mad when we tell them so. "How can you think that I'm going to kill hu-

man beings because there is a surplus of people in Argentina." And I answer: "Because that's the way it is."

"When we had to send our paper to Ecuador (to participate in the Alternative Report on Health in Latin America), we spoke of a genocide in disguise, as it happened in the times of the military dictatorship, it's genocide, they are killing people and they keep acting exactly in the same way. They are all responsible, the ones that are in control are responsible for it, but they put the blame on the previous administration."

Considering that the meaning of words and the sense of sentences are given by their use, our position with regard to the Mothers' use of the word "genocide" is not to make an evaluation of its correctness or pertinence, but to comprehend and inquire on the grammar that such use involves. The performativity of language merges with the context of emission of words and sentences. The sense and the intention is not the one given as tag or "thing," but what is produced in the interaction, starting from what has happened before and after the emission of a word. Sense and intention are embedded in the inter-subjective context, therefore, the method to comprehend its meaning is oriented to a reconstruction of the context.²

In this way, our research aims at recovering the link between meaning and the world expressed in this experience, which we, as researchers, can share with those affected. This requires from us to go beyond the superficial knowledge provided by the name of the "thing," to some deeper knowledge of its grammar, for this is what explains what kind of object is any thing. Before the political-academic censure of the use of genocide in environmental fights, and from this perspective, the use of a word relies on the connections already made between words and the world, "It might be said that the grammar sets the place of a concept in our system of concepts, and therefore, in our world; it controls which other concepts, which other matters and observations are relevant for a particular concept."³

As researchers, the proof that we have acquired an appropriate comprehension of the situation does not imply that its distinctive characteristics can be indicated, but the recognition of our ability to use the concepts through which we comprehend the situation in its relationship with other concepts that turn out to be relevant to the situational context in question. Like Hilary Putnam, we conceive the research process as a way of social cooperation: "... there is no point of view of God's eye from which we can say that some of the so-considered correct statements and for which we offer reasonable arguments

¹Madres de Barrio Ituzaingó Anexo is a self-organized group of women affected by pollution. They began their fight for their right of life in the early 2002. Her words have here the value of the testimony from the affected ones.

²Hannah Pitkin, *Wittgenstein and Justice: On the Significance of Ludwig Wittgenstein for Social and Political Thought*. University of California Press (1972): 178. We consider that this anti-objectivist intention reconsideration is essential for the discussions on the use of the genocide concept by environmental fights.

³*Ibid.*, 180.

are not even in theory likely to have "universal validity," but likely to have some sort of reasonability in relation to the community."⁴

In situations of environmental injustice, where the voice of the affected is permanently disavowed by the experts, our research, focused on the specificity of conceptualization within an effective practical context, recovers the possibility of producing thought with practical relevance for citizen practices in defense of their rights. At the same time, it has strong implications of methodological order, as it focuses on the individuals' everyday actions as well on the concrete functioning of institutional procedures and their effects.⁵ Justice demands—the recognition of pollution, the determination of responsibilities, the study of affected people's health, the provision of medicine and treatments, instead from being a non-rational act, is a fight for the public authorities to become responsible, whose main mission is the warrants of rights.

PRACTICES OF ENVIRONMENTAL GENOCIDE

The Mothers began their actions with denunciations submitted to the various state jurisdictions and agencies and with criminal charges against the authorities responsible for the public provision of water, power, health, environment protection, and agriculture; they carry out democratic iterations,⁶ which evoke/revoke the public authorities and their responsibilities in the rights recognition and warrants.

In our case, human rights have been violated and what we are claiming for is our right to health, life and a healthy environment, that in practice, you know, is the right that we should all have but don't have it now. The right of life is something inalienable and to violate that right that is a human right turns everything wrong they have cheated on us regarding the most sacred thing for any person. They have fumigated us with planes, and they didn't care about people, no one was able to say: No, there is a neighborhood near here...no, if people hadn't come forward, if we hadn't come forward to fight back they would have kept doing it. They stopped thanks to our struggle. Our organization arose because we had to defend ourselves from something that was harming us...We began our fight as any citizen that knows that they have the right to demand things from the government ...

Testimonies accurately point out the corrupt practices of the authorities, their lack of compliance with their duty to look after people's health and the environment in spite of the existence of rights and principles related to the environment recognized by the Constitution as well as specific legislation and agencies. At the same time, in the situations of conflict over the environment in Argentina in recent years, the state has created favorable conditions for different kinds of exploitations: credits and tax exemptions are awarded, promotion campaigns are carried out, infrastructure facilities for the production and circulation of goods are built. The state has acted through omission with respect to the creation of adequate conditions for the fulfillment of citizens' legitimate aspirations.

Specifically regarding this case, we can give an idea of the magnitude of the situation from the following data. On their own initiative, in 2002 the Mothers surveyed over 200 cases of diverse illnesses among which cancer, lupus, hemolytic anemia, Hodgkin's lymphoma, tumors, and leukemia stood out.

In 2003, the Ministry of Health, in connection with the two epidemiological surveys that had been carried out by the authorities, reported 96 oncological cases, and, adding the hematological pathologies that were found, a total of 109 cases out of a population of 5,000. In 2006, another epidemiological report by Dr. Schinder done for the municipal authorities confirms that most of the cases of malignant illnesses detected in the neighborhood appear especially in the zones that are contiguous to the soy fields and above automotive industry waste (FIAT). Beyond some statistical discrepancies shown by several surveys, he asserts that the incidence and prevalence of serious illnesses, with their respective death rate, are above the rates recorded in other districts of the country. The investigation highlights the fact that the rate of death at birth in Ituizangó Anexo is 19.8 per thousand, whereas in the Instituto Provincial de la Vivienda (IPV) neighborhood, which is also under study, is only 8.9.

The public health service lacks adequate infrastructure. When the neighbors started protesting against this situation, an outpatients' clinic was only then set up. Up to the present date, there are no administrative procedures to implement a plan of intervention in cases of environmental pollution and protocols of medical intervention in cases of malformation or intoxication caused by pesticides. The state does not offer safeguards, that is, it does not establish actions aimed at permanently protecting people's rights recognized by the Constitution.⁷

On the other hand, the provincial laws and local norms regulating fumigations and specifically prohibiting them in said neighborhood are not abided by. This is evidenced by more than eight complaints filed in court by those neighbors affected since 2002 up to the present date and which have not been settled yet.

⁴Hilary Putnam and Jürgen Habermas. *Normas y valores*. Trans. Jesús Vega Encabo and Martín Gil. Madrid, Editorial Trotta, (2008): 121.

⁵Like Feierstein when using the concept of genocide social practices and working on their effects, what matters here is to place the problem within the routinary activities of our societies and in the notion of genocide as an exception to them. Daniel Feierstein, *El genocidio como práctica social. Entre el nazismo y la experiencia argentina*. FCE, Buenos Aires (2007).

⁶Seyla Benhabib. *The Rights of the Others*. Cambridge University Press (2004).

⁷Information coming from state agencies documents and interviews to public officials involved in the case.

With regard to this situation, we will proceed to present our analysis of a set of specific practices from state institutions, which we have identified as practices of environmental genocide. We don't use here a restricted concept of genocide. It produces the dispossession of the condition of citizenship⁸ in this case of environmental contamination. The struggles for human rights in Argentina have provided a wide frame and practices towards the determination of responsibilities of the military dictatorship. Within this frame, the contribution has been not only to think about the destruction of a social group but moreover, the destruction of social relations. The rights' grammar is suspended in a particular way in the environmental conflicts: polluters produce harm denying the citizens' right to health and the public officials do not apply the precautionary principle to avoid environmental risks; nor do they apply remediation or compensation politics for victims.

After studying documents and interviews of the public officials intervention in the case, we have analytically differentiated them by classifying them into two categories: forms of scorn and forms of bureaucracy. The first includes devices that have the effect of depriving victims of the right of being recognized as such,⁹ and of their right to public visibility. We have called them "scorn" in order to stress the symbolic and moral component that operates in the device. The second refers to devices that have to do with the functioning of state institutions, practices, and proceedings prevailing in the administration of justice and the actions of the executive.

Forms of scorn

Individual self-responsabilization. The devices of self-responsabilization shape the discourses and the institutions under the conservative assumption that individuals are always in a position to decide their own fate, since they can act as free subjects in the market.¹⁰ Thus, a number of actions for which the public authorities are responsible is transferred to individuals. This typically conservative discourse demands an extra burden of responsibilities for all people affected by problems that can only be solved through collective action. "(...) then I can assure you that nobody cleaned the water tanks (...) it is again the responsibility of each person to take care of things. They smoke, burn plastics...the water tanks are the responsibility of each individual."¹¹

Self-scorn. Self-scorn is activated in the presence of "expert knowledge" and "educated speech." The deteri-

oration of self-esteem has consequences when the time comes to express oneself politically,¹² given the scarce value attributed to one's ability to use speech. "They are big interests and we are just a small spot in a neighborhood, total nobodies for whom no one cares."¹³

Self-blaming. The Mothers blame themselves for the fate of their neighborhood because they think that "we all are the state," and in seeing themselves as a part of it. Responsibilities become diluted, there are not victims nor victimizers.¹⁴

Gender discrimination.¹⁵ Obedience as the destiny of the housewife: the Provincial Secretary of Agriculture (of the Province), Battiste, told me: "Look Ma'am, you don't have to know anything about certain matters because you are a housewife." Then I tell him: "Yes, I'm a housewife who knows that she has to defend herself from this: I, as a housewife, know that I can go out with my head up because I'm not shitting on anybody's life, I'm defending it."

The destabilization of women. "They told us that we were talking nonsense; that we felt persecuted, traumatized. There was even a moment at which they sent us to see a psychologist...So that we, at a certain moment, were wondering whether what we were doing was right. Because they made you doubt; they told us: no, that is not so, that is not so, what you say are lies. If you read the newspapers and see how they act, they treat you as if you were nuts."

The use of time as power. "One of the things that we discussed among ourselves was that time was for us a mad race. They played with that to tire you out. We had to go and see them every day for one thing or another. We said that there was going to be a time when we became sick and tired of all this. That they did it on purpose. I always said: we can't go on at this pace, it generates expenses, psychological costs, problems with our families."

Seduction strategies. "Sometimes the guys behaved as if they thought they were true lady killers; they used all possible ways."¹⁶

¹²Axel Honneth. *The Struggle for recognition*. Polity Press (1995).

¹³Eulalia Ayllon, Mother of Barrio Ituzaingó, in Cecilia Carrizo and Mauricio Berger, *Estado incivil y ciudadano sin estado. Paradojas del ejercicio de derechos en cuestiones ambientales*. Narvaja Editor (2009).

¹⁴Nancy Fraser, "Dependency demystified: Inscriptions of power in a keyword of the Welfare State," in Robert Goodin et al. *Contemporary Political Philosophy*. Blackwell Philosophy Anthologies (1997).

¹⁵Nancy Fraser, "Rethinking the public sphere: a contribution to the critique of actually existing democracy," *Á Social Text*, No. 25/26 (1990), 56-80.

¹⁶Cecilia Carrizo, Eulalia Aylon, Marcela Ferreira, Isabel Lindon. *La identidad de Madres en la lucha por los derechos. Las Madres de Barrio Ituzaingó Anexo de la ciudad de Córdoba*. VIII Jornadas Nacionales de Historia de las Mujeres y III Congreso Iberoamericano de Estudios de Género. Córdoba (2006).

⁸Giorgio Agamben. *Homo Sacer: Sovereign Power and Bare Life*. Stanford University Press (1998).

⁹José Mardones, et al. *La autoridad del sufrimiento. Silencio de Dios y preguntas el hombre*. Antrhopos (2004).

¹⁰Klaus Gunther, "Responsabilização na sociedade civil," *Novos Estudos*, CEBRAP 63 (julio 2002).

¹¹Interview with Dr. Alicia Bresan, Coordinator of the Special Programmes at the province Health Ministry.

Denial of reasonability. The citizens' calls for reasoning¹⁷ made from outside institutional mechanisms are systematically discredited as irrational by the political system and considered off the law. On many occasions, the Mothers' actions were questioned for supposedly opposing the "progress" of the neighborhood. "The political activists of the ruling party spread false rumors...they see something that is advantageous for the neighborhood and then say: 'the Mothers don't want it.'"

Threats and physical violence. The Minister of Public Health says, "here the solution must be provided by the municipality. I'm fed up! Don't come here to threaten me. If you continue like that I'm going to take out all the doctors working in your neighborhoods, if you go on threatening me." The access to some stores of the neighborhood has also been denied to some members of the group.

Forms of bureaucracy

Ritualism as incivism.¹⁸ From the reconstructive analysis of justice administration in the federal and provincial governments, the established principles of the legal ordering and those effectively performed in the official practices were identified. In March 2002, Raúl Montenegro, the president of Fundación para la Defensa del Medio Ambiente (Foundation for the Defense of the Environment), and the neighbors' advisor acting at that moment, formally submitted a request to the Federal Prosecutor to investigate if the exceptional number of leukemia cases and other diseases was related to the pesticides fumigation on the farms nearby; he relied upon Law Number 24051 on dangerous waste, and article 200 of the Criminal Code. The responsible persons, agencies, and officials in charge at that time—the Secretary of Agriculture of the Province, the Health Minister of the Province, the Chairman of the Environment Agency of the Province, the President of the Provincial Power Company, the Secretary of the Environment of the Municipality, and two private companies—were involved in the pollution practices.

In 2003, the Federal Administration of Justice in Córdoba declared that it had no jurisdiction over the matter and sent the cause forward to the provincial administration of justice. Neither of the judicial rulings mentioned any actions aimed at recomposing the environmental damage caused, a prior obligation according to the National Constitution in its article 41, nor did they mention the principles that must guide the execution of environ-

mental policies according to the General Law for the Environment 25675 in force since 2002.

In the case of the administration of justice in the provincial government, the Provincial Constitution establishes that the Public Ministry has, as its main function, to supervise the judicial proceedings in defense of the public interest and the rights of people. In this case, prosecutors have only acted moved by citizens' demands or as a consequence of cases being remitted to them by the Federal Administration of Justice but not *ex officio*, even though this case was submitted by neighbors to the public authorities, the Environment Agency of the Province and the Health Ministry, both in February 2002, with a remarkable media coverage, both at national and international levels.

We could obtain information from the judicial cases. In one of them, the prosecutor, in spite of having found agrochemicals forbidden by law, did not penalize the defendant, mentioning the difficulties he had in establishing a causal relation between the products and the neighbors' illnesses. In the other judicial case, the prosecutor ruled that what had happened constituted a violation of a municipal regulation, so the competent jurisdiction should be that of the Municipal Court.

Finally, concerning the citizens' specific demands in relation to the denunciation of diseases and deaths in the neighborhood, we found that neither of the judicial investigations moved forward on the matter (objective truth?), they just concentrate in determining the violation of the law; in this case, the illegal use of agrochemicals, but they don't consider the damage, the harm caused to human life and the environment. It's worth mentioning that in the judicial files there are no reports either from the Health Ministry or from any other public authority with respect to this issue or related to the cases of diseases and deaths, or reports that assert or deny the connection between the pollution factors and the health of the population. These reports are limited to information on the level of toxicity of the substances.

Reorganization of participation.¹⁹ Likewise in many citizenship practices, in our case there have been forms of "collective self-responsabilization." We use this term to refer to the practices developed by the state agencies in order to include autonomous practices of rights defense, in processes of training and formation of health care promoters, territorial leaders, participation nets located in the state health centers in each neighborhood. Group identity blurs, switches to a working group integrated by diverse actors of the neighborhood. Also, as another effect of reorganization, the objective of the Mothers' fight for truth and justice is lost as they now get involved in bureaucratic procedures.

The Mothers had a discussion about this reorganization without arriving at any agreement, so finally the group split up. "What happens here is that you can't see that what they want is to limit us, they don't want us to be

¹⁷Stanley Cavell, *Claims of reason: Wittgenstein, skepticism, morality, and tragedy*. Oxford University Press (1979).

¹⁸To build this concept, we have resorted to a legal term, "exceso ritual manifiesto" (manifest over-reliance on procedure), as it makes reference to abiding by the formalities rather than by the case substance, thus resulting in arbitrariness as the decree is only based on the fulfillment of procedural rules. This form of bureaucracy would be one of the modalities taken by the administration of justice in contamination cases.

¹⁹Daniel Feierstein (2007).

autonomous,” says one of the Mothers to another one, “Go and work like one of the Mothers and then see if you are able to claim anything from them, besides, they are going to get you slowly out of the neighborhood, first they take you to one of this training sessions, then they take you to a larger event, and slowly you are no longer here. These issues have to be discussed within the group.”

CONCLUSIONS

We started this article hoping to shed light on the concept of genocide in a context where life, health, and the environment are affected.

Throughout our work we were able to describe those practices and speeches made by state officials and agents and which citizens had to face when presenting claims for their rights. We have called them ways of citizenship deprivation and made differences between underestimation and bureaucracy ways.

To this end, we have resorted to critical social and political theories, the frame and concepts that allow us to visualize the particular domination ways in actually existing democracies. The narration and testimony assessments have also contributed to build a sense of justice/injustice which explains the experience of the ones affected.

The analysis of state agents and officials’ practices regarding citizenship deprivation ways has let us visualize that the use of the term genocide does not only refer to omission and/or mistaken intentional acts on the part of public bodies in relation to the acknowledgement of citizenship conditions. It also refers to the destruction of social and political relations. The fact that the institutions do not carry out their duties not only results in justice denial but in the blurring of the practices frame as well. The analyzed underestimation and bureaucracy ways contribute to the depolitization and reorganization of citizens’ practices leading towards injustice and subordi-

nation conditions. In this context, the use of the concept of genocide makes reference to a systematic destruction of equality and reciprocity relations on which rights are based.

In the concept of environmental justice we find potentialities for the regeneration and recreation of equality and solidarity relations. Several narratives, frames, experiences, and knowledge meet in this concept and they give way to another type of institutionality before the boundaries set by state institutions regarding the acknowledgement and guaranty of rights in contamination situations. Thus, our contribution is oriented to a new comprehension of the scene in which the concept of genocide is used in its political dimension. The sense and possibility of a common understanding with other affected people are at play here as well as the possibility of new alliances and ways of acting to meet the seriousness of the situation.

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