

Alerta de Artículos Recientes y Sitios en Internet en Política, Democracia y Derechos Humanos

02/04
Julio 8, 2004

Estimado(a) señor(a):

Tenemos el agrado de presentarle una bibliografía en POLÍTICA, DEMOCRACIA Y DERECHOS HUMANOS como parte de nuestro Servicio de Alertas, que esperamos sea de su interés. Asimismo, una relación de sitios en Internet sobre estos temas.

ADMINISTRACIÓN DE JUSTICIA:

1. **LA IMPORTANCIA DE LA INDEPENDENCIA JUCIAL.** Palabras de Sandra Day O’connor, Juez del Tribunal Supremo de Estados Unidos, ante el Foro Judicial. Obtenido de Internet:
<http://usinfo.state.gov/journals/itdhr/0304/ijds/oconnor.htm>

Una judicatura independiente requiere la independencia de cada juez en el ejercicio de sus facultades y del pleno de la judicatura para que su esfera de autoridad esté protegida de influencias, evidentes o solapadas, de otros actores del gobierno, dice la autora.

2. **LOS ELEMENTOS BÁSICOS DE UNA CONSTITUCIÓN.** Herman Schwartz. Obtenido de Internet:
<http://usinfo.state.gov/journals/itdhr/0304/ijds/schwartz.htm>

Herman Schwartz, destacado autor y perito en derecho constitucional, examina la tarea difícil de los redactores de las constituciones más nuevas del mundo y explica los elementos claves que deben considerarse, tales como la estructura gubernamental, la protección de los derechos humanos y los procedimientos para las enmiendas.

3. **LA REDACCIÓN DE UNA CONSTITUCIÓN DEMOCRÁTICA – LA EXPERIENCIA SUDAFRICANA.** Vivien Hart. Obtenido de Internet:
<http://usinfo.state.gov/journals/itdhr/0304/ijds/hart.htm>

El proceso constitucional de Sudáfrica fue una de sus primeras iniciativas nacionales, que estimuló la participación de todos los sectores de la en un tiempo dividida sociedad del país. La autora presta atención especial a los métodos y procedimientos mediante los cuales se alentó esa participación, y el tiempo que requirió llegar a un acuerdo en torno a una nueva constitución. Este artículo ha sido extraído de “Special Report: Democratic Constitution Making,” publicación del Instituto Estadounidense de la Paz.

4. **COURTING THE WORLD.** Anne-Marie Slaughter. “Foreign Policy” – March/April 2004
A U.S. Supreme Court ruling last year that a Texas anti-sodomy law was unconstitutional, citing a majority opinion of a

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foreign court in a similar case, was a rare victory for the court's internationalist members. The author notes that this case highlights the growing process of judicial globalization, in which national court systems around the world are studying each others' opinions and sharing expertise, which the U.S. "ignores at its peril." Economic globalization is a driving force in this process, as are heavy caseload and the impact of new international rules. Many countries around the world are posting their caselaw on the Internet and are comparing each other's decisions. Slaughter notes that conservatives in the U.S. charge that American judges who look to foreign legal decisions are violating their oath to uphold the U.S. constitution, but she counters that we "push courts in fledgling democracies to learn from (our) example.. why must such learning flow only one way?" Asks the author.

AMÉRICA LATINA:

5. THE HISPANIC CHALLENGE. Samuel P. Huntington. "Foreign Policy" – March /April 2004.

The persistent inflow of Hispanic immigrants threatens to divide the United States into two peoples, two cultures, and two languages. Unlike past immigrant groups, Mexicans and other Latinos have not assimilated into mainstream U.S. culture, forming instead their own political and linguistic enclaves—from Los Angeles to Miami—and rejecting the Anglo-Protestant values that built the American dream, says the author.

6. TAMING THE TIGER: VOTING RIGHTS AND POLITICAL INSTABILITY IN LATIN AMERICA. Josep M. Colomer. "Latin American Politics and Society" – Summer 2004

This article discusses the relationship between certain institutional regulations of voting rights and elections, different levels of electoral participation, and the degree of political instability in several Latin American political experiences. A formal model specifies the hypotheses that sudden enlargements of the electorate may provoke high levels of political instability, especially under plurality and other restrictive electoral rules, while gradual enlargements of the electorate may prevent

much electoral and political innovation and help stability. Empirical data illustrate these hypotheses. A historical survey identifies different patterns of political instability and stability in different countries and periods, which can be compared with the adoption of different voting rights regulations and electoral rules either encouraging or depressing turnout, explains the author.

7. NEO-LIBERAL DISCIPLINING, VIOLENCE AND TRANSNATIONAL ORGANIZING: THE STRUGGLE FOR WOMEN'S RIGHTS IN CIUDAD JUAREZ. Marianne H. Marchand. "Development" – March 2004

Marianne H. Marchand looks at the recent political and economic transformations in Mexican state-society relations in the context of neoliberal economic reforms and a process of democratization. She argues that these transformations involve multiple forms of violence but also engender resistance and political organizing. She takes the violence in Ciudad Juarez as an example of the struggle over democratization, accountability and human/women's rights.

8. FOX'S MEXICO AT MIDTERM. Chappel Lawson. "Journal of Democracy" – January 2004

Mexico's 2003 congressional elections confirmed both the country's transition to fully competitive politics and the persistence of structural deficiencies associated with its multiparty presidential system, explains the author.

DEMOCRACIA:

9. THE LATINO FACTOR - THE HISPANIC VOTE MAY HOLD THE KEY. Ana Radelat. "Hispanic" – May 2004.

The author contends that the Hispanic vote has become more important with every election and that since this year's election will be very close, swing votes become even more crucial. Hispanic voters are one of the fastest-growing segments of the electorate and could make the difference in several states. Both campaigns are very

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engaged in courting these voters and have broadcast advertisements in Spanish in numerous states. Adam Siegel, director of the Hispanic Voter Project at Johns

Hopkins University, predicts record spending by both campaigns in states with large Hispanic populations. The author outlines the strategies the two campaigns are using and also looks at other races in which Hispanics are running.

10. THE IMPERATIVE OF STATE-BUILDING. Francis Fukuyama. “Journal of Democracy” – April 2004

Weak or failed states are the root of many serious global problems, from poverty and AIDS to drug trafficking and terrorism, to the failure of democratic government itself, explains Mr. Fukuyama. State-building must become a priority for the world community, says the author.

11. NATIONAL INCOME AND LIBERTY. Adrian Karatnycky. “Journal of Democracy” – January 2004

Despite the threats posed by terrorism, 2003 saw a second consecutive year of significant momentum for freedom, and showed encouraging evidence that political rights and civil liberties can endure despite economic privation, says the author.

DERECHOS HUMANOS:

12. COMERCIO DE INFANTES. Ethan B. Kapstein. “Foreign Affairs” (en español) – Vol. 4, No. 2, 2004.

El tráfico internacional de adopciones está en expansión, dado que más familias de occidente adoptan más infantes de los países en desarrollo. Pero también ha engendrado un sórdido mercado negro, en el cual se compra o secuestra a los menores para venderlos. La mejor manera de detener este tráfico no consiste en prohibir adoptar niños de países que toleran círculos de corrupción, sino fortalecer el aún poco desarrollado sistema legal multilateral que rige en las adopciones en todo el planeta.

13. THE PAYOFF FROM WOMEN’S RIGHTS. Isabel Coleman. “Foreign Affairs” – May/June 2004

Backing women’s rights in developing countries isn’t just good ethics; it’s also sound economics. Growth and living standards get a dramatic boost when women are given just a bit more education, political clout, and economic opportunity. So the United States should aggressively promote women’s rights abroad. And by couching its case in economic terms, it might even overcome the resistance of conservative Muslim countries that have long balked at gender equality, says the author.

14. GLOBALIZATION, POVERTY AND WOMEN’S RIGHTS: MAKING THE LINKAGES. L. Muthoni Wanyeki. “Development” – March 2004

In examining the links among globalization, reproductive right and health issues, L. Muthoni Wanyeki argues that Africans need to find new ways of taking about reproductive and sexual rights, from within the cultural and religious contexts within which most African women live and struggle to defend those rights. She proposes that information and services on reproductive and sexual rights need to be high on all African development agendas as a priority in economic and political planning—nationally and internationally.

15. ENVIRONMENT AND HUMAN RIGHTS. Wolfgang Sachs. “Development” – March 2004

The author argues for environmental human rights as a fundamental prerequisite to end the violence of development. He outlines the numerous conflicts over natural resources in the struggle for livelihoods and argues for a transition to sustainability in the more affluent economies, in both the North and South, as a necessary condition for the safeguarding of the subsistence rights of those whose livelihood depends on direct access to nature.

PAZ Y SEGURIDAD:

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16. ESTRATEGIA DE ASOCIACIONES. Colin L. Powell. “Foreign Affairs” (en español) – Vol. 4, No. 2, 2004.

Hay expertos que afirman que la política exterior estadounidense se enfoca demasiado en la acción preventiva unilateral. Pero la visión de George W. Bush—contenida en su Estrategia de Seguridad Nacional de 2002—es mucho más amplia y profunda. El presidente ha promovido políticas audaces y efectivas para combatir el terrorismo, ha intervenido con decisión para prevenir conflictos regionales y se ha acercado a otras grandes potencias como Rusia, China e India. Sobre todo, ha comprometido a Estados Unidos en una estrategia de asociaciones, la cual reafirma el papel vital de las alianzas internacionales a la vez que impulsa los intereses y principios estadounidenses, dice el señor Powell.

17. NATO’S ROLE IN BRINGING SECURITY TO THE GREATER MIDDLE EAST. Chuck Hagel.

Obtenido de Internet:

<http://usinfo.state.gov/journals/itps/0604/ijpe/hagel.htm>

The threat to NATO today does not come from great powers, but from weak ones. The world does not have the luxury of choosing the challenges that it faces. Terrorism, poverty, endemic disease, proliferation of weapons of mass destruction, failing status, and protracted conflicts are complex and interrelated. The future success of NATO will be determined by its ability to deepen and expand cooperation in intelligence, law enforcement, economic, diplomatic, and humanitarian action, especially in the Greater Middle East, says the author.

18. WESTERN SECURITY EFFORTS AND THE GREATER MIDDLE EAST. Anthony H. Cordesman.

Obtenido de Internet:

<http://usinfo.state.gov/journals/itps/0604/ijpe/cordesman.htm>

There are strong, practical reasons for all Alliance members to cooperate on bringing security to the Greater Middle East, but doing so requires a realistic assessment of domestic politics, a true understanding of the long-term political and socio-economic problems in the region, and a commitment to deal with the root causes beneath the resultant instability, violence, and terrorism, says the autor.

TERRORISMO:

19. LA OBLIGACIÓN DE PREVENIR. Lee Feinstein y Anne-Marie Slaughter. “Foreign Affairs” (en español) – Vol. 4, No. 2, 2004.

La amenaza sin precedentes planteada por los terroristas y los estados villanos poseedores de armas de destrucción masiva ya no puede manejarse con el mal aplicado sistema de la no proliferación. La comunidad internacional tiene la obligación de prevenir desastres contra la seguridad, al igual que las catástrofes humanas, incluso al costo de violar la soberanía, dicen los autores.

20. REASSESSING THE CAUSE OF NONGOVERNMENTAL TERRORISM IN LATIN AMERICA. Andres E. Feldmann and Maiju Perala. “Latin American Politics and Society” – Summer 2004

For years, nongovernmental terrorism in Latin America was considered an epiphenomenon of the Cold War. The persistence of this type of political violence in the 1990s, however, not only belied many assumptions about its causes but also led scholars to reexamine the phenomenon, say the authors. This article investigates the validity of a number of hypotheses by applying a pooled time-series cross-section regression analysis to data from 17 Latin American countries between 1980 and 1995. Findings indicate that nongovernmental terrorist acts in Latin America are more likely to occur in poorly institutionalized regimes characterized by varying degrees of political and electoral liberties, a deficient rule of law, and widespread human rights violations. The analysis also shows that nongovernmental terrorism in the region tends to surface in cyclical waves, but it finds no association between economic performance or structural economic conditions and the incidence of nongovernmental terrorism.

VARIOS:

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21. RANKING THE RICH 2004. “Foreign Policy” – May/June 2004.

The second annual CGD/FP Commitment to Development Index ranks 21 rich nations on how their policies—from aid and trade to environment and security—help or hinder progress among the world’s poor countries. Find out why Denmark and the Netherlands earn the top spot, how Australia and the United States each climbed 13 positions, and why Japan (once again) finishes last, explains the magazine.

22. THE GLOBAL BABY BUST. Phillip Longman. “ Foreign Affairs” – May/June 2004

Most people think overpopulation is one of the worst dangers facing the globe. In fact, the opposite is true. As countries get richer, their population age and their birthrates plummet. And this is not just a problem of rich countries: the developing world is also getting older fast. Falling birthrates might seem beneficial, but the economic and social price is too steep to pay. The right policies could help turn the tide, but only if enacted before it’s too late, explains Mr. Longman.

SITIOS EN INTERNET PARA ENCONTRAR INFORMACIÓN SOBRE TEMAS DE POLÍTICA, DEMOCRACIA Y DERECHOS HUMANOS:

Charters of Freedom

http://www.archives.gov/national_archives_experience/constitution.html

The Constitution Finder

<http://confinder.richmond.edu>

Constitution & Legal Policy Institute (COLPI)

<http://www.osi.hu/colpi/indexe.htm>

International Journal of Constitutional Law

<http://www3.oup.co.uk/jnls/list/ijclaw/default.html>

Portal for U.S. Government Events & Information

<http://www.earthday.gov>

Natural Resources Defense Council

<http://www.nrdc.org>

Guide to Foreign and International Legal Databases

http://www.law.nyu.edu/library/foreign_intl

Federal Judicial Center

<http://www.fjc.gov>

The Federalist Society

<http://www.fed=soc.org>

Death Penalty Information Center

<http://www.deathpenaltyinfo.org>

Judicial Conference of the United States

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<http://www.uscourts.gov/judconf.html>

American Bar Association

<http://www.abanet.org>

National Bar Association

<http://www.nationalbar.org>

Women's Bar Association of the District of Columbia

<http://www.wbadc.org>

American Arbitration Association

<http://www.adr.org>

Association For Conflict Resolution

<http://www.spidr.org>

National Legal Center for the Public Interest

<http://www.nlcp.org>

Alliance for Justice

<http://www.afj.org>

International Court of Justice

<http://www.icj-cij.org>

Human Rights Internet

<http://www.hri.ca/welcome.asp>

Human Rights Watch

<http://www.hrw.org>

The Universal Declaration of Human Rights 1948

<http://www.un.org/Overview/rights.html>

Commission on Civil Rights

<http://www.usccr.gov>

Amnesty International

<http://www.amnesty.org>

Center for Individual Rights

<http://www.cir-usa.org>

National Rights to Life

<http://www.nrlc.org>

The Atlantic Council of the U.S.

<http://www.acus.org>

The Brookings Institution: Center on the United States and Europe

http://www.brookings.edu/fp/cuse/center_hp.htm

Rand Corporation

<http://www.rand.org>

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The Heritage Foundation: NATO and European Defense

<http://www.heritage.org/research/europe/issues2004.cfm>

U.S. Mission to NATO

<http://nato.usmission.gov>

Selected U.S. Law Schools:

Columbia University

<http://www.law.columbia.edu>

Cornell University

<http://www.lawschool.cornell.edu>

Harvard University

<http://www.law.harvard.edu>

New York University

<http://www.law.nyu.edu>

Yale University

<http://www.law.yale.edu>

University of Chicago

<http://www.law.uchicago.edu>