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Legitimacy of the Protest in Chile and Colombia: Between Political Repression and the Validity of the Mobilization

Legitimación de la protesta en Chile y Colombia: entre la represión política y la validez de la movilización

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Abstract

The legitimacy of protest in Latin America during the last years has created a new scenario in the region, regarding the lack of recognition from the governments of Chile and Colombia, in terms of validity and political participation. The core of social and political actions in the last mobilizations had the influence of social and syndical movements, rural workers, indigenous, afro population, and civil society, rejecting political decisions from authorities, resulting in the stigmatization of the protest and the systematic violation of human rights. This descriptive paper addresses how the political repression (with the influence of the media) distorts the social movement´s agenda into a violent repertoire, without considering the context, and reducing its validity. The analysis of case studies Chile and Colombia was conducted through a qualitative examination of variables repression-mobilization, considering a theoretical approach to the different characteristics of social movements, during the 2015-2021 period, stating that, despite the vast legislation and the extend characteristics of social movements in both countries on social protest, it is still a risk to protest legally on the streets.

KEYWORDS

Legitimation, protest, repression, mobilization, human rights, Latin America, social movements.

Resumen

Las movilizaciones en Latinoamérica durante los últimos años han creado un nuevo escenario en la región, en cuanto al poco reconocimiento de gobiernos como Chile, y Colombia, en términos de validez y participación política. El centro de las últimas acciones políticas y sociales de las últimas movilizaciones han tenido la influencia de movimientos sociales y sindicales, trabajadores del campo, los indígenas, comunidad afro y la población civil en general, rechazando las decisiones políticas de sus dirigentes, generando como resultado la estigmatización de la protesta y la violación sistemática de Derechos Humanos. Este artículo descriptivo aborda cómo la represión estatal y mediática tergiversa la agenda de los movimientos sociales en un repertorio de violencia, sin tener en cuenta los contextos y reduciendo su validez. El análisis de los casos de estudio Chile y Colombia tuvo un enfoque cualitativo de las variables represión -movilización, considerando las perspectivas teóricas de las diferentes características de los movimientos sociales, en el periodo 2015-2021, concluyendo que a pesar de la vasta legislación de la protesta y las diferentes características de los movimientos sociales, sigue siendo un riesgo protestar legalmente en las calles de estos países.

PALABRAS CLAVE

Legitimación, protesta, represión, movilización, derechos humanos, Latinoamérica, movimientos sociales.

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INTRODUCTION

In Latin America, social movements have been delineated as assemblies of agrarian workers, scholars, or laborers. The region's political and social agendas have historically been subservient to the moral and historical obligations owed to these groups, which have valiantly opposed governmental authorities in pursuit of Human and Labor Rights.

These groups have persistently voiced their demands, encompassing education, healthcare, transportation infrastructure, tax policies, and Human Rights, underscoring their significant numerical and social impact.

A social movement constitutes a coordinated and organized collective of individuals united by shared objectives aimed at effecting societal change. Oftentimes, these groups orchestrate their efforts over time, to effectuate meaningful action. Tarrow (1998) characterizes social movements as "cooperative disputes embraced by individuals with aligned objectives, mobilizing against elite or authoritative entities. Specifically, they employ collective action repertoires comprising a defined set of practices acquired, shared, and enacted through a deliberate process of selection", as noted by Tilly (1995, p. 26). These repertoires amplify protest effectiveness, utilizing strategies such as barricades, chants, attire, banners, graffiti, theatrical performances, or contemporary digital platforms.

During periods of dictatorship or authoritarian rule in Latin America, such social groups spearheaded movements to galvanize the masses toward social and agrarian rights advocacy, seeking to disrupt political and social norms entrenched by governing bodies (Lopez, 2017). Some of these groups evolved their strategies toward more forceful means, transitioning from ideological to confrontational tactics.

Colombia serves as a poignant example. Amidst the era of violence in the mid-20th century, historical occurrences like forced displacements or protests were systematically suppressed through repression. Legal frameworks such as the "Heroic Law", which curtailed the right to strike in the late 1920s, along with tragic events like the 1928 banana massacre, and targeted assassinations of activists such as Guadalupe Salcedo, also recognized politicians as Jorge Eliécer Gaitán, and Luis Carlos Galán, underscore a systemic intolerance toward dissent and opposition, as noted by Arana et al. (2013).

Conversely, Chile's experience during the Pinochet dictatorship illustrates the fragmentation of social movements due to governmental repression. This environment compelled certain organizations or civil society entities to shoulder the brunt of human rights advocacy in Chile. Iglesias (2005, p.228) delves into this subject, remarking on the military's rupture of societal cohesion,

a process achieved through political alienation and the imposition of a terror regime that aimed to subdue societal forces, dismantling traditional socio-political structures, and altering the established modes of political engagement.

Considering the aforementioned, Repression itself is a concept intensely explored from a psychological perspective, determining the emotional conditions, thoughts, and reasoning of individuals involved in an act typically driven by a hunt for justice. However, from a political viewpoint, repression constitutes a crucial aspect of this very significance and of what the State represents. This is more effectively explained by Demeritt (2016, p. 2), which reference authors such as Weber, who argued, in 1919, that "the defining concept of the State is its monopoly on the legitimate use of coercion or physical force, including repression." This argument posits, in one way or another, that the State, as conceived, has the democratic mandate to exercise its power and influence through the forces of its own institutional apparatus.

This implies that the population, even at its most basic level, is subject to this exercise of force, capable of acting violently to minimize political risks to the exercise of power that may arise from protests.

Another argument on repression was stated by Goldstein in 1978, who expresses that Repression, although a type of coercion, does not encompass all forms of coercion. Governments might employ coercion, such as to discourage societal violence like rape or murder. However, coercion transforms into repression under specific conditions: when it infringes upon rights parallel to the First Amendment in the United States, when it disregards due process in legal administration and adjudication, and when it jeopardizes the physical safety or security of citizens.

Contrasting repression from mobilization, the latter denotes a dynamic process characterized by widespread coordination and active engagement towards a shared goal or cause. SBC Unicef guidance (2024) defines a social mobilization as a "coordinated actions and processes designed to engage and involve all relevant segments of society to create an enabling environment and effect positive behavior and social change. It is an integrative process where stakeholders are stimulated to become active participants in social change, using diverse strategies to meet shared goals. Social mobilization seeks to involve many sectors of society, creating networks and coalitions. It considers community members as key change actors and not as beneficiaries, provides means to collectively advocate for social change and stimulates long term systemic change".

That implies the imperative of creating platforms for protests vis-à-vis those in positions of authority, fostering a collective impetus within society wherein individuals, irrespective of their cultural, social, economic, and occasionally political disparities, unite in their search for restoring rights through political institutions.

Considering all the historical and conceptual perspectives about the conditions of social protest in Chile and Colombia, the legitimization of the protest has been distorted by Latin American governments, turning them into manifestations of violence that have no place in the political system. For that reason, the present article aims to examine, from a descriptive outlook, how political repression has distended the social movement´s agenda in Latin America, and the process of legitimacy itself is analyzed with reference to the participation of social movements, organizations, social activist, student mobilizations, and civil society in the cases of study: Chile and Colombia, in the 2015 – 2021 time frame.

Following, we will examine the correlation between social movement and repression/mobilization, pointing further to the legislation in terms of social movements in Colombia and Chile, ending with the analysis of repertoires and collective actions, and the result of this analysis.

SOCIAL MOVEMENTS IN A PERSPECTIVE OF REPRESSION

Through history, there have been many authors who have synthesized the struggle of social movements for the achievement of rights, many of these linked to labor, social, civil, and political rights.

Foucault, in his work, Surveiller et Punir (1976), contends that social institutions function as apparatuses of disciplinary power, regulating the conduct and behaviors of individuals. Social movements, parallel to reactions against punitive measures, emerge as responses to liberate themselves from these mechanisms of regulatory power. This notably occurs within societies, such as those in Latin America, where governance structures connoted on power imposition repress the populace's aspirations to self-determine their future. Furthermore, political representatives, although ostensibly embodying societal interests, frequently fail to accurately discern the fundamental needs of the electorate they serve.

Following this author's line of thought, in his work, The Microphysics of Power (Tomei, Santis, 2022), that the idea that there are subtle expressions of power within society that do not solely emanate from state power is posited. In our societal framework, power is entwined with relations of oppression and subjugation, ingrained in societal behavioral norms. This suggests a dispersion of power across various social and political realms, impacting the social progression of the populace in diverse ways. From the perspective of social movements, it can be understood that repression by those in positions of power often engenders discontent among the marginalized, leading to the emergence of a protest repertoire aimed at demanding new forms of interaction that are less oppressive for the oppressed, particularly concerning government actions.

Hence, the numerous scholars who scrutinize the theme of repression through a spectrum of lenses, spanning from the psychological scrutiny of Foucault, to the socio-political analysis of Gloria Anzaldúa, renowned for her seminal work "Borderlands: The New Mestiza" (1987), delving into facets of identity, gender dynamics, and the nuanced experiences of borderland communities; Simone de Beauvoir's The Second Sex (1949) offers an intricate examination of gendered social relations, while Angela Davis, through works like Women, Race and Class (1981), significantly contributes to the discourse on intersectionality within social movements. Frantz Fanon's seminal works The Condemned of the Earth (1961) and Black Skin, White Masks (1952) delve deep into the intricacies of colonialism, racial dynamics, and resistance strategies; Howard Zinn's A People's History of the United States (1980) presents a critical vantage point on American historical narratives, focusing on the perspectives and contributions of social and populist movements; and Edward Said's Orientalism (1978) critically dissects the cultural and political representations of the "East" vis-à-vis Western hegemonic power structures, among myriad other scholars who substantively contribute to this discourse.

SOCIAL MOVEMENTS AND THE MOBILIZATION OF PROTESTS

Social movements exhibit a conceptual and expressive nexus with protest mobilization. Protest, often conflated with a singular social movement, does not invariably align with a distinct movement. In Latin America, social movements developed throughout the twentieth century in response to the infringement of social and political rights perpetuated by extremist establishments, which leveraged governmental machineries for personal gain and that of their allies. Many of these movements originated from grassroots initiatives, defending the rights of laborers, students, marginalized groups, including indigenous and African descendant communities, women, and the LGBTQIA+ populace, with contemporary movements increasingly focusing on environmental advocacy.

Some authors on mobilization of the protest established this link between social movement and mobilization:

Arturo Escobar is known for his criticism of the predominant Western development paradigm, which has been used in Latin America and other parts of the world for a long time. Escobar argues in his work "Encountering Development: The Making and Unmaking of the Third World" (1995) that this approach to development has contributed to inequality, environmental degradation, and the marginalization of local communities.

Applying a predominant Western model within a marked social culture such as Latin American is synonymous with repression, as suggested by the Colombian author in his conclusions. And

it can be inferred, within this logic, that this type of repression led to the emergence of various social movements in Twentieth Century Latin America, which led to significant mobilizations and protests, especially in countries like Chile and Colombia, where movements of students, of unionists and minorities have taken place in the last century and in the current one, in search of the recognition of rights.

Now, as Escobar mentioned, different types of social movements arose from different social experiences emanating from the exercise of governmental power in Latin America:

Cultural Traditions on Protest and Social Movements

In Latin America, protest and its main actors, social, student, indigenous, peasant, worker movements, and, lately, victims and women, have been rooted in the cultural values of the region, regarding the pursuit for rights, among which education, labor, and rural reforms stand out; the inclusion to the indigenous and LGBTIQ+ community and, ultimately, to women as it relates to their minority rights.

Being the region cradle of demands justified by the failure of local and national rulers (led by, among others, the corruption that absorbs the public coffers of these countries), it has become a cultural factor that these actors are the ones that demonstrate against this lack of national compliance. However, these main actors, in addition to having marked historical struggles, also present repertoires of collective action intrinsic to their struggle, which may be, as Tarrow (1997) explains, in structural and cultural forms.

Thereafter, we will demonstrate how these protest actors work in Latin America, taking as reference our case studies:

Student Movements

Student movements in Latin America have demonstrated resilience in protesting and mobilizing for their rights as a minority. Many times, these have been heard by national governments, others, they have been massacred by security forces, carried out by the already justified criminalization of the protest analyzed in the previous chapter. They have used several repertoires of collective action throughout history that have accompanied them in their resilient process.

Although, in the past, a repertoire of confrontation[1], and even violence[2], was usually used, what is seen today is that the repertoires are more contained[3], using social networks to carry them out (the modern repertoires will be analyzed in Chapter 4).

In the Chilean case, student movements have accompanied the dynamics of protests in the country's recent history. From the protests in 1968 for university reform[4], against the military dictatorship of Pinochet for its violation of Human Rights, to the most recent protests in 2011 and in 2019-2020 against the reforms of neoliberal governments.

In 1968, the collective action repertoires at the time focused on the search for an improvement in the quality of higher education, through worktables at the main universities in the country. However, given the impossibility of reaching stages of agreement, the university faculties, such as the philosophy of the Universidad de Chile, were taken by the students as a containment measure. "The student movement of the Faculty of Philosophy and Education responded to the University Council with the occupation of the academic premises and with a call to the rest of the faculties to show solidarity with the movement. From May 3rd, 1968, the rest of the faculties followed their example, occupying their teaching and research premises" (Cancino, 2012, p. 9).

Before the taking of the faculties by the reformist students, contention turned into confrontation. This was the case of the Universidad de Chile, where "the taking of faculties led to a violent confrontation as was the case of the Faculties of Sciences Legal and Engineering School, where the reform sector had to physically confront strong groups of students and teachers from

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[1] These are actions that carry a certain risk of disruption of public order or the use of violence (damage to property), and they involve organization, benefits, and costs. (Revilla, 2010) See: Sydney Tarrow: The Power in Movement: Social Movements, the Collective Action, and Politics. Cambridge University Press, 1994. ISBN: 84-206-2877-8.

[2] The use of violence against people as a means of collective action, which allows us to distinguish this action from the use of violence without political ends (that is, that associated with common or organized crime) (Revilla, 2010). See: Sydney Tarrow: The Power in Movement: Social Movements, the Collective Action, and Politics. Cambridge University Press, 1994. ISBN: 84-206-2877-8.

[3] It constitutes a generally known, understood, and accepted repertoire. It is based on routines that people know and that are accepted by the authorities, who can even facilitate them. For this reason, these actions predominate numerically, and their institutionalization is explained. (Revilla, 2010) See: Sydney Tarrow: repertoire Cambridge University Press 1994. ISBN: 84-206-2877-8.

[4] As, for example, its connection to workers and social struggles through the student-worker committee at the beginning of the 20th century. see: Frank Bonilla: "The Student Federation of Chile: 50 Years of Political Action" in Journal de Interamerican Studies, No.3, July 1960, pp. 311-334: Frank Bonilla & Myron González: Student Politics in Chile. Basic Books, Inc. Publisher, New York, 1971.

the extreme right and... Against taking, that is, takes organized by Christian Democrats and right-wing elements to defend the premises and facilities of attempts at occupation by left-wing students: this was the case of the Central House of the Universidad de Chile, taken by the Christian Democratic University Group" (Vasconi/Reca, 1970:366-368).

The student conflict concluded with a reform, and a referendum on the reform, and the election of the new dean of Universidad de Chile.

As for the Pinochet dictatorship in Chile, the student movements showed a broader repertoire than that already shown in their previous struggles. These, in addition to taking over the buildings of the universities, carried out marches, hunger strikes, barricades, and the use of resources such as propaganda and megaphones.

This was how several of its participants related it: "This is how we arrived at the famous day in November '80, which meant a three-week stoppage at the Pedagogical School. We took the Pedagogical together with other faculties, to reflect on what was happening, because the movement only went out on the street with a lot of strategy, "said Canales." The leaders were on a hunger strike for 7 days, "added Valdivieso," we were 1 Faculty leader. That caused national tension, we had a lot of press. We demonstrated that it was possible to associate. It was an important foundation that later led to the first mass protests in 1983. " Things were happening in Chilean society - adds the academic - "the social fabric was regenerating. NGOs also had an important role in raising awareness." One year they made an inn for September 18 called "El Chuncho Proletario". "With the money we earned we bought a mimeograph and a megaphone, to say what we thought strongly. We made statements permanently, there were permanent shots and barricades in the Pedagogical", said Valdivieso. (Villafañe, 2011, p. 1).

Many of them were detained, disappeared, or expatriated from the country by the dictatorship, as the interviewees say[5], but the objective of ending the dictatorship and reforming education as their way of fighting, would bear fruit years later. In addition, the importance of these new forms of collective action, innovative at that time in our region, had in that fight, since they served as tools for dissemination and call for attention and help in a society frightened by the atrocities of the dictatorship.

In the Colombian case, research on student movements have been rooted in university experiences, the context of the struggles of these masses in need of political and social reforms. As

[5] To see the entire interview of participants in 70-80' student movements, click on the link: http://www.facso.uchile.cl/noticias/74693/movimiento-estudiantil-del-70-80-otros-escenarios-y-una-misma-lucha

in the Chilean case, they took place over time, in the years of 1929, 1954, 1957, 1964, 1968, and 1971. However, the analysis of the student movement in Colombia has focused more on those of the sixties, as there is no historical memory to back up previous years (Acevedo; Samacá, 2011).

What little was known about the student movements in 1929 was their participation in demonstrations in Bogotá, against the departure of the mayor of Bogotá at the time, organizing themselves over the Departmental Student Center of Cundinamarca[6] and the National Student Association[7]. In addition to this, this discontent rested in getting rid of the Minister of War, Ignacio Rengifo, and the Director of the Police, General Carlos Cortés Vargas, involved in the massacre of the workers in the bananeras zone in December 1928, a situation that until today has been one of the most painful massacres for Colombians (Diaz, 2012).

By the middle of the 20th century, organized in the Colombian Student Federation[8], they participated in the overthrow of the Rojas Pinilla dictatorship, earning the admiration of traditional parties[9]. Later, several student organizations would be created, such as the National Union of Colombian Students[10], independent of any political party, and the Colombian Association of Private Universities[11]. During the Frente Nacional, student organizations had a more radical distancing from the traditional parties, going more to the left and communism, filled with ideals of the Cuban revolution. During the 1960s, the periodization of student protests worsened[12], using various repertoires of collective action:

"Their mobilizations would have a military treatment, such as disturbances of public order, especially after 1960 when the repertoire of action emerged based on the student strike or strike (Jiménez, 2001: 67), against the appointment of university authorities and demanding the departure of the rector Mario Laserna at Universidad Nacional (Le Bot, 1979: 88) [...] Although student protests grew significantly in the 1970s (Archila, 2003: p. 133), in the 1960s his actions

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6 Department near Bogotá.

7 First association of students in Colombia.

8 FEC for its initials in Spanish. Created by the radicalization of Colombian students by the murder of several of them in previous years, by the dictatorship.

9 Colombian Conservative Party and Liberal Party. These would then form a Bipartisan government called the National Front, in which they would take turns every four years.

10 UNEC por sus siglas en español.

11 ASCUN Por sus siglas en español.

12 To specifically know the student mobilizations of the time, see: Cruz, E. (2016). La izquierda se toma la universidad. La protesta universitaria en Colombia durante los años sesenta, Izquierdas, 29:205-232.

they had a notable role, [...] in such a way that university conflicts spread to the urban space and society no longer only knew students by university carnivals but also by their proposals and demands (Ruiz, 2002: 108-109) . In the mid-sixties, both the "crowd" and the repression and criminalization were typical repertoires in student struggles" (Cruz, 2016, p. 209).

Even still, several of the members of the Colombian student movement of 1964 were participants in the creation of the Colombian armed group ELN, thanks to their inclusion in more labor than student affairs (Vargas, 1996). The Colombian student movements, although they have been maintained over time, in modern times, do not have the same strength that the one they were admired for in the mid-20th century. This is due to the appearance of factors such as the Colombian internal armed conflict, drug trafficking, and the appearance of new social movements such as peasants, victims of the conflict, and teachers, analyzed in the following chapter on social movements.

Workers Movements

The labor movements in Latin America were one of the movements that have been the most in the struggle in search of equity and better social conditions. These have been supported for other social movements such as students and peasants. For this reason, this analysis will be focused not only on labor rights, but also on social and political rights.

The labor movements in Chile had as context the growth of the markets, the technification of industries, and the different labor regulations that these had, such as the entry of the middle class and the most intervening State in labor matters. In the period that goes from 1910 to 1940, unionism appears, autonomously, although it had its reforms leading to its institutionalization[13]. The mobilizations in that time were also due to the poor quality of life of the workers, the economic crisis of 1929, and deficient industrialization, resulting in the appearance of movements of workers complaining about this situation and the increase in strikes, reaching one hundred in a single year (Sato, 2018).

Faced with the great repression of the labor movements by the governments in office[14], they suffered a decrease in their operations, leaving the command of workers with communist intermediation to workers in the public sector, creating the Central Unitaria de Trabajadores in 1953.

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[13] The holding of the Union Unity Congress, which would later form the Chilean Confederation of Workers in 1936, in response to a government crackdown on a railway strike.

[14] As González Videla´s government and its "ley maldita".

In subsequent years, an increase in union activity was seen[15], through the achievement of union laws, and the increase of community strikes and command in the neighborhoods (Sato, 2018).

Before the arrival of the Pinochet dictatorship in the country, the union movements began to fade, given the conditions of protest that were imposed in this Chilean social period. However, it was the reorganizations of union movements such as the Confederación de Trabajadores del Cobre and the Comando Nacional de Trabajadores, which along with other social movements, underwent a transformation in their forms of struggle, as they were in search of democratic and political stability in the country. Thanks to this transformation, the forms of agreement with the dictatorship, in addition to its end, led to social movements, including trade unions, behaving more "democratic" when it came to their actions, including the repertoires of collective action (Nuñez, 2012).

Table 1. Strikes in Colombia during the mid-20th century

Year	Type of Strike	Struggle	Collective Action Repertoire
1912	Unemployment of the machinists and stokers of the Antioquia and Caldas railway	Better remuneration and medical assistance, given their precarious conditions, strenuous working hours and difficult conditions housing	Contained repertoire
1918	Strikes on the Atlantic coast, ocurred in Cartagena and Magdalena	Serious disagreements between the workers of the Santa marta Railway Company, together with the workers of the port and managers	Violent repertoire
1920 - 1925	Strikes against the Tropical Oil CO.	Claim better wages	Repertoire of confrontation
1928	Strikes against the United Fruit Company	Inhumane conditions in health services or the right of decent treatment	Repertoire of confrontation
1930-1950	Strikes against the persecution and assasination of Liberal and leftist leaders	Assasination of Jorge Eliecer Gaitan (Bogotazo)	Violent repertoire

Own elaboration besed on Gonzales, R. & Molinares, I. (2012). Movimiento obrero y protesta social en Colombia 1912-1950.

In the Colombian case, workers struggles were inherited from 19th century artisans. The following table shows the different strikes until the mid-20th century, their struggles, and the type of collective action repertoire:

[15] Reaching an increase of 6502 unions and 934355 membership number in 1973. For more information see Sato, A. (2018). El movimiento sindical en Chile, una perspectiva histórica y sistémica. Fundación sol. http://www.fundacionsol.cl/wp-content/uploads/2018/02/24-01-18-CONFUSAM.pdf

What the table shows us is: first, the struggles of workers during the middle of the 20th century in Colombia were in favor of better working conditions that foreign companies did not provide them, with the advent of national governments with conservative majorities. Second, the collective action repertoires started in a contained manner, but as the demands were not complied with by foreign companies, these repertoires became violent. Third, at that time, most governments were conservative, which had the support of the Catholic Church, which used its dogma to discredit the development of protests against these foreign companies (González, Molinares, 2012). Fourth, the Colombian left, and the most liberal line of the Liberal party, had more contact and support with the Colombian social movements at that time, which were persecuted by the Conservative party and a right-wing line of the Liberal party, which led the murder of leaders as Jorge Eliecer Gaitán and the extermination of organizations and movements in opposition.

Faced with the flare-up of protests over the murder of Gaitan, the government took measures against the collective action of company employees[16]. Subsequently, during the dictatorship of General Rojas Pinilla in Colombia, the government elected after the excesses of the "Bogotazo", the Central Nacional de Trabajadores was created to unite the workers at a national level in a single union. However, this had the dismemberment of a part of workers who in the sixties would create independent organizations such as the Confederacion Sindical de Trabajadores de Colombia (CSTC), and Sindicalismo Independiente y Clasista (SIC), guided by the Communist Party of Colombia (ADIDA, 2012).

The struggles that would take place in the seventies, given the government's measures of restriction to the people, where the workers' unions joined the Consejo Nacional Sindical, protesting in the country, confronting the public force, and leaving several dead. In the eighties, in view of the weakening of the CSTC, the solidarity and protests coordinator began, where all the workers' centrals were attached. This was not received by most unions, with the creation in Bogota, months later, of the Union Nacional de Sindicatos de Colombia (UNSC). Within this committee the Central Unitaria de Trabajadores will be created, in which its principles and organization will be agreed upon (ADIDA, 2012). This center has accompanied all the demonstrations and mobilizations against Colombian governments, which have been of liberal and neo-liberal ideology until then, and that, as in Chile after 1991, its repertoire has been more of contention or confrontation than violent.

[16] Decrees 2663 and 3743 of 1950 and the norms that were condensed in the book workers' struggles and politics in Colombia. Likewise decree 904 of 1951 specifies that there cannot be more than one collective agreement by company. To see more visit the Association of Institutions of Antioquia: http://adida.org.co/pdf/doc051012/filminas_chucho.pdf

What can be agreed regarding the labor movements in the case studies is that they were undoubtedly the first to speak out against the decisions, not only of labor, but also of the economic, political, and social decisions of the governments in power. For this reason, it should be noted that they did not transcend their culture of protest (Traditional, linked to violence) as well as the students, but they helped to forge that culture of protest to the students, who received their support for much of the 20th century.

Indigenous Movements

The indigenous movement in Latin America was born as the reconfiguration of the region occurred between the 1980s and 1990s, moment in which the world had as its characteristic, the end of communism and the arrival of neoliberalism in Latin America. Two events bring indigenous movements to the region: first, the indigenous uprising in Ecuador in 1994, and the indigenous uprising in Mexico against free trade with the United States (Davalos, 2005).

In Chile, the most important indigenous movement is that of the Mapuche, an indigenous group located in the Araucania region. With the advance of the development and industrialization of the country, they have maintained a fight to protect their lands for decades. There are currents of thought that do not consider this movement as legitimate (as to whether it is not a social movement). However, considering authors such as Mario Diani, who assures that a social movement is a "network of informal interaction between a plurality of individuals, groups or organizations, involved in a cultural or political conflict, on the basis of a clear shared collective identity "(Diani 1992: 1-25), the opposite could be assured (Klein, 2008).

Although the repertoire of collective action of the Mapuche in Chile has been known for its members and the search for political and social recognition, there are within the community more radical branches, such as CAM[17], which has been involved in violent actions against public forces and the society of this region of Chile, which they prophesy their dominion. They attack forest companies, especially through sabotage, attacks on their machinery, attacks on the trucks of these companies, in addition to dispossessing the lands of the Araucania region from people who are not part of their community. All this collective action process has been carried out since the nineties (Infobae, 2017).

In Colombia, the indigenous organization came from the Colombian national indigenous organization, backed by the United Nations, and with a broad agenda such as its autonomy, the re-

[17] Coordinadora Arauco-Malleco.

covery of land, the defense of its culture and history, and the control of its natural resources. (ONIC[18], 2020).

This activism had its most important moment during the eighties, when they were recognized as a political actor in search of their interests as a community. in the 1990s, they also achieved, through their repertoire of collective action (resistance and mobilization) their presence at the Constituent National Assembly of 1991, pressing for Colombia to be recognized as a multicultural country (Jimenez, 2017). Since the 1991 Constitution, indigenous movements had more activism in the political and social decisions of Colombia, even within the peace agreement reached by the Santos administration and FARC-EP in 2016, and in the current demonstrations against the Duque administration.

LEGISLATION ON SOCIAL MOVEMENTS IN LATIN AMÉRICA

To know how the process of mobilization and consolidation of social movements in Latin America have been made, we must understand, analytically, the development of the legislation regarding the subject in the region. As we know, Latin America differs on legislature from one country to another. For that reason, it is indispensable to analyze the cases of study according to its process of developing laws concerning protest and social movements.

Chile and its Legislation on Protest

The Chilean constitution establishes, within its normative framework, essential rights not implicit regarding protest, but rather, to meeting, to free expression, and dissemination:

Article 19: The Constitution assures Citizen (BCN[19], 2019):

[...]

13°. The right to assemble peacefully without prior permission and without weapons.

Meetings in squares, streets and other places of public use will be governed.

by general police provisions.

[18] Organización Nacional Indígena de Colombia.

[19] Biblioteca del Congreso Nacional de Chile.

This article had a supreme Decree n° 1086, September 16th of 1983 regulatory of public meetings in the following terms (Hernandez, 2014 p350):

No. 1.086. Considering: the provisions of article 32 N° 8 of the Political Constitution and what is established in Decree-Law number 575, of 1974 and in No. 22, of 1959, of Interior, and Considering:

1. That the Political Constitution of the State, in its article 19, No. 13, assures all people, the right to assemble peacefully without prior permission and weapons.

2. That the same Constitution establishes that in the streets, squares and other places for public use, meetings will be governed by general police regulations. 350 Parameters on the right to social protest and guarantees ... / Domingo Hernández Emparanza

3. That the exercise of these rights is limited by the protection of a third party and its use cannot go as far as to harm another person's freedom or the convenience of the society.

4. That it is a duty of the authority to exercise vigilance and take care of the integrity of people, and the conservation of squares, streets, promenades, and public goods and that they are respected in the use for which they are intended

Decree:

Article 1. People who wish to meet may do so peacefully, without prior permission from the authority, provided it is without weapons.

Article 2. For meetings in squares, streets, and other places of public use the following provisions shall govern.

a) The organizers of any meeting or public demonstration must give at least two business days, notice to the mayor or governor respective. The Public Order and Security Forces can prevent or dissolve any manifestation that has not been notified within the established period and with the requirements of letter b).

b) The indicated notice must be in writing and signed by the organizers of the meeting, indicating your address, profession, and your identity card number. You must express who is organizing the meeting, what is its purpose, where it will begin, what will be its route, where it will take the floor, what speakers they will do and where the demonstration will dissolve.

c) The mayor or governor, if applicable, may not authorize the meetings or parades on busy streets and on streets that disrupt the traffic public.

d) The same faculty will have concerned the meetings that are held in the squares and walks in the hours that they are usually used for leisure. or rest of the population and those that are held in parks, squares, gardens, and avenues with planted sectors.

e) If any meeting that violates the above provisions is held, it may be dissolved by the Public Order and Security Forces.

f) It is considered that the meetings are verified with weapons, when the attendees carry sticks, canes, iron, tools, metal bars, chains and, in general, any element of a similar nature. In such a case the Forces of Public Order and Security will order the carriers to deliver those utensils, and if factual situations are denied or occur, the meeting will be dissolved.

Article 3. The mayors or governors are empowered to designate, through a resolution, the streets, and places where meetings are not allowed public, following the provisions of letters c) and d) of article 2.

Regarding this regulatory framework, implicit rights are not established on the protest, but a right to meetings, where there are no clear rules that regulate the process of a protest, even more so, in a country where protests have been important in the search for civil liberties and human rights. In addition, a controversial law promoted in the Chilean Senate, and approved and ratified by the Presidency of the Republic, has caused a stir in Chile, after prohibiting any act of obstruction with violence, intimidation and looting of public and private property, seen by social movements, of protest and government opposition as a mechanism of repression of the protest (BCN, 2019):

Law no. 21,208

Changes the criminal code to type actions that attack against the freedom of movement of persons in the public route through violent and intimidatory media and sets the penalties applicable to punch in the circumstances that it indicates.

This implies that in Chile, there is no constitutional right on protest, and the anti-protest rights are extended, when civil society expresses itself by not finding a solution to the demands required from the national government.

Colombia and its Legislation on Protest

Contrasting Chile, the Colombian constitution emphasizes the social right to protest, free expression, association, and strike, but, as in Chile, it does not typify the forms or mechanisms in which the right to protest can be exercised (FIP[20], 2018):

Article 37: Any part of the people can meet and demonstrate publicly and peacefully. Only the law may expressly establish the cases in which may limit the exercise of this right.

Article 38: The right of free association for the development of the different activities that people carry out in society.

Article 56: The right of strike, except in essential public services defined by the legislator.

Article 107: It is guaranteed to all citizens the right to found, organize, and develop political parties and movements, and the freedom to join or withdraw from them. (...) Social organizations are also guaranteed the right to demonstrate and to participate in political events.

However, there is a legal normative to avoid and control protests: legal, police, and administrative scope. The above means a legal control of the protest, but a lack of organization of it at the constitutional level. At the same time, we must add that with the peace process carried by Santos government and FARC-EP leaders, one of the essential points of the agreement was the "Politic participation: open democracy to build peace", bringing participation of left or opposition groups, social and student movements or any association in political and social decision:

"Building peace is a society issue that requires the participation of all the citizens without distinction, and for that reason, is necessary to summon the participation and decision of the Colombian society as a whole in the achievement of that goal, which is right and duty of mandatory compliance, as a solid base to straighten the road of peace with social justice and reconciliation, attending to the clamor of peace population" (Acuerdo final, 2016, p. 49).

[20] Fundación Ideas para la Paz.

SOCIAL MOVEMENTS ELEMENTS IN LATIN-AMERICA: STRUCTURE OF MOBILIZATION – FRAMING PROCESS – POLITICAL OPPORTUNITY STRUCTURE – RESOURCE MOBILIZATION

Knowing how traditional movements act in our case studies, now, as an analytical exercise, we will collect information to classify these movements according to their structure of mobilization, framing process, political opportunity structure, and resource mobilization, in the context of the late twentieth Century.

Table 2. Social movement elements

Time frame+B3:G5	Case of Study	Structure of mobilization	Framing process	Resource of mobilization	Political opportunity structure
1970-1990	Chile	Social mobilization from below, based on a formal colective channel structure through the different social movements outlined common objectives as a form of struggle: cases of the students-workers and indigenous-peasants	Based on the claim of rights to the less favored classes through a revolutionary identity, influenced by the Marxist winds, unified in the social movements of the time as collective action	Attracting resources such as volunteers, students and workers cases to formal social movements; adaptation of emblematic places such as university buildings or headquarters of trade union organizations; use of propaganda through the mass media; support of social movements and organizations from other countries	Systemic: opening of the regime by having changed from a political system to a more democratic one; Rational: instability of the elite, which allowed new allies for social movements; International: greater repression in the face of weakening left-wing political ideals (end of communism) less facilitation which created the slowdown of traditional movements
1970-1990	Colombia	Social mobilization from below, based on a formal colective channel structure through the different social movements outlined common objectives as a form of struggle: cases of the students-workers and indigenous-peasants	Based on the claim of rights to the less favored classes through a revolutionary identity, influenced by the Marxist winds, unified in the social movements of the time as collective action	Attracting resources such as volunteers, students and workers cases to formal social movements; adaptation of emblematic places such as university buildings or headquarters of trade union organizations; use of propaganda through the mass media; support of social movements and organizations from other countries	Systemic: closure of the regime in the absence of a change in the political system; Rational: instability of the elite, which allowed new allies for social movements; International: Greater repression in the face of weakening left-wing political ideals (end of communism) less facilitation which created the slowdown of traditional movements

Own elaboration based on the information obtained from previous chapters of the article, organized in theories of social movements by Tilly (1978), McAdam (1982), Tarrow (1989-1994), McCarthy and Zarld (1973-1977), Snow (1988).

From this table we can get several statements:

First, social movements, from the 1970s to the 1990s, had a formal mobilization structure from below, that is, the intention or pressure to mobilize came from the local or national level, but not

from an international call that would be from above (Tilly, 2002). In Latin America, mobilization structures move in fervor for the local masses, in search of a common goal. This is the case of collective action between students and workers for a common good, or peasants and indigenous people alike.

Second, social struggles in the region were influenced by a Marxist and revolutionary identity, by demanding policies in favor of the collective, which led to the stigmatization of the protest with this type of left-wing ideology.

Third, the use of resources in the region occurred in a unified way, that is, social movements had an almost unison response when referring to the achievement of civil and human rights. It can be stated that the forms of struggle were similar, but the processes and results of these were largely different.

Fourth, the opportunities for action in each case were different. For example, in Chile and Ecuador (similar cases), there was an increasing opportunity to change the system, as the political regime weakened, the instability of the political elites, even though there was more repression and less facilitation. However, in Colombia and Venezuela, there was no opportunity to change the political system despite the instability of the political elites, with which there was more repression and less facilitation.

NEW REPERTOIRES OF COLLECTIVE ACTION AND SOCIAL MOVEMENTS

As a first statement, social movements since the 1990s have been transformed, in terms of the type of struggle they seek, and the repertoires of collective action. Although the struggles over labor, education, and minority rights, such as those of the indigenous peoples and peasants, have continued. Alongside the arrival of the new century, the struggles became those of women's social movements, the LGBTIQ+ community, and victims of conflict such as the case of Colombia.

Instead, the collective action repertoires have also undergone transformations as technology has been incorporated into social life.

Women have been immersed within social movements in general and have been participants in the processes of consolidation of civil and human rights (for example, the right to vote). There have been women's organizations, like Pro-emancipación in Chile in 1936, to achieve their political and social freedom. Later, the movements of mothers who fought for truth and justice were also important in times of dictatorships, such as in Argentina. We see how new forms of communication have led to the influences of feminist movements in Europe and the United Sta-

tes beginning to form affiliations of these in Latin America, such as the "Ni una menos" or "Me too" movement in Chile, or "Viejas Verdes", "Siete Polas", and "Estamos listas" in Colombia, who have participated in the recent mobilizations in these countries with the aim of ending sexual harassment.

As for the movements of the LBGTIq+ community, in Argentina and Brazil, the first homosexual movements emerged in the 1970s, seeking the establishment of a new ethical model of identity towards them, generating violent protests and accompanied by various student movements (Figali, 2010). For the 1990s, the gay, lesbian, transsexual, and transgender community, joining ILGALAC in Latin America and international coordinators such as the International Lesbian and Gay Association (ILGA). Their struggles currently focus on legal recognition of same-sex marriages, inheritance of same-sex couples' pensions, and tolerance towards this community.

These groups and others that have been created or reorganized in the 21st century have brought globalization to its field of struggle. The new dynamics of our society have incurred in having a more interconnected world. In the same way, social movements seek, within this new technologies, mobilization of resources and repertoires of collective action that, in one way or another, help them visualize their struggles to make them more striking before public opinion. The use of social networks such as Facebook, Instagram or Twitter have been effective tools in the mobilization or demonstration process. These new repertoires seem weak in the first instance, but in the end, they reach mass society, making a domino effect on traditional political structures, as was the case of the Arab Spring, where the use of these new repertoires of collective action achieved bring down several dictatorial governments in North Africa and the Middle East.

RESULTS

Considering the conceptual and political root of repression, it is indispensable to highlight the correlation that has existed in Latin America between repression and mobilization, specifically referred to social movements, which have been the most profoundly impacted by the coercive measures of state authority in response to the diverse protests they have staged from the twentieth century to the present day. In countries such as Chile and Colombia, social movements flourished in response to the systematic infringement upon social, civil, and political rights perpetrated by successive governments. Additionally, stigmatization, the excessive use of public force against the repertoires of collective action, often developed in a peaceful way, finishing in the repression of social mobilizations. This has often resulted throughout recent history in murders, massacres, irregular judicial processes, and minor attacks that undermine the identity of social movements.

Pondering the historical analysis of social movements in the case studies, and the new scenarios for the practice of protest given by new technologies, we perceive how, even though progress has been made in the rights of protest, in legislation and politics about mobilizations in Chile and Colombia, there is still a marked rejection and stereotyping of the social movements that take to the streets or use the media and social networks to show their disagreement with neoliberal policies. The protests that took place in Chile, Colombia, from 2015 to the present, have exposed the power that emanates from the presidential authority and the legislative branch are exclusive, outdated, and intolerant.

In the case of Chile, in this period, there were mobilizations of students from the Confederacion de Estudiantes de Chile (CONFECH), Communist Youth of Chile, and the Coordinadora Nacional de Estudiantes de Secundaria (CONES) in response to the Bachelet government's educational reform. Fishermen, students, and citizens in the lakes, Chiloé region, were also mobilized against the effects on their activities due to the phenomenon of red tides. There were feminist movement demonstrations such as "not one less", "me too", and feminist student movements against sexual harassment and the massive mobilization against the measures of the price of public transport by the Piñera government, which generated the convulsion of the country in general.

The above supposes a joint social outbreak in favor of the negligence of the policies of governments such as the Piñera administration, which use violence to return "the state of siege" to the country. By using repression, governments distort the forms of struggle of social movements, turning them before public opinion into violent movements.

In Colombia, protests started in rejection of the result of the plebiscite that vetoed the peace agreement between the government and the FARC-EP, a national strike in allusion to government reforms and assassinations of social leaders, agrarian strikes against the non-compliance of Duque´s government with the farmers and indigenous, student protests for an educative crisis (social movements as Acrees – Unees – FECODE), and a national strike against Duque´s political, economic, and social reforms[21], as well as, the assassination of social leaders, the enforced disappearance of protesters, and the non-compliance of government in terms of the peace agreement.

The rejection of social movements and their mobilizations goes from the national government, the political elites, and various sectors of civil society. The Colombian case is special, in the sense that the mobilizations have been linked to left-wing ideologies, and, in a more worrying sense, to illegal armed groups such as FARC and ELN. The general characteristic is that these groups infil-

[21] Such as tribute, health, and police reform.

trate the social movement marches to attack the government without showing their intentions. That is why, since the 1990s, the mobilizations in Colombia have been marked by this phenomenon. However, the government represses social protests even when they use restraints, and this was demonstrated in the latest mobilizations, with the murder of students and teenagers by the hands of public forces.

Consequently, notwithstanding the regulatory efforts in these nations aimed at integrating protests into the societal and political dynamics and fostering their inclusion as a form of political participation, there remains a moderate risk of social and personal movements among the populace experiencing stigmatization, violence, repression, physical mutilation, and even fatal sequels.

CONCLUSIONS

We see how state repression is historically linked to social mobilization in Latin America. National governments have sought to unorthodoxly silence the legitimate manifestations of Latin American societies. We have perceived the historical passing of social movements in the region, which has had episodes of massacres, violence, and repression, but that struggle, although it has cost many lives, has served to dignify the people.

Despite the legislative developments favoring protests and the emergence of organized social movements, the operational methods, processes, and modalities of these movements within the constitutional framework of Latin America are highly lamentable. Consequently, when collective action repertoires are manifested, and governments, via their law enforcement agencies, often resort solely to confrontation, and, in numerous instances, violence against demonstrators, thereby perpetuating a status quo that undermines the fragile state of our democracies.

Finally, we have realized how social movements have transformed and have initiated the use of new forms of mobilization with the help of technology, which have fostered more contained than confrontational repertoires, as they were used in past decades. However, what remains untransformed are the mechanisms and forms of treatment of these social demands by the national governments, which continue to use violent instruments to co-opt the right to protest, even if it has legal and constitutional support.

For this reason, it is necessary for national congresses or parliaments to legislate in favor of protest treatment mechanisms that are less vehement, and, furthermore, what ought to be the prescribed course of action for national governments in response to legitimate social demands.

The correlation repression-mobilization must be discarded from the context of the social movements in Latin America, and must start from the government, passing through the legislative chambers, and reaching civil society, which is the one that has benefited from the social, political, and economic achievements ofsocial movements.

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