

## What are the Demands of the Latin-American people? To Become Something

At the moment of writing this editorial, Latin America is convulsed. Social movements have started their mobilization in Peru, Ecuador, Chile and Colombia for expressing their unconformity with right-wing and left-wing governments. A lot has been written in the last years about the crisis of democracy (Levittsky and Ziblatt, 2018; Mendieta, 2019). But are Latin American democracies in crisis or we have not even consolidated them because of how these are democracies just for some few? We have democratically elected leaders but also unsatisfied basic needs, inequality and lack of opportunities.

According to the Gini index, that measures the global levels of richness (World Bank, 2017) our countries are deeply unequal: Brazil (0,53), Colombia (0,49), Venezuela (0,46), Chile (0,46), Ecuador (0,44), Bolivia (0,44), Peru (0,43) y Argentina (0,41). For the United Nations, the concentration of richness superior to 0,4 is alarming because it means that richness is accumulated by some few, which may lead to the discontent of the majorities. We have gone from 30,1% of the population in poverty and 10,7% of the population in extreme poverty in 2015 to 30.8% and 11,5% respectively in 2019, according to data from the Cepal (2019). This means that while the number of poor people is increasing in the region, the richness is concentrating on just a few and, thus, resulting in greater inequality.

There could be many reasons for demonstrating: reclaiming the comeback of institutionalality in Peru, keeping the gas prices in Ecuador, asking for a new constitution in Chile or manifesting disagreement against economic measures in Colombia. Whatever the case there is a common element: a people claiming to be heard. About this it is worth remembering Sieyès (1789) and the beginning of his oeuvre *what is the third State?*:

The plan for this piece of writing is certainly simple. We must answer three questions:

1. What is the third State? *Everything*.
2. What has it been hitherto in the political order? *Nothing*.
3. What does it want to be? *To become something...* (p. 3)

In every constitution of the region, the people are sovereign, but only in paper, because in practice there has been a historical pursuit of favoring the elites. After hundreds of years of exclusion, colonial at first and social nowadays, Latin American people want to be heard, they want *to become something*.

*Opinión Jurídica* joins the clamor of a region and reiterates the importance of science as an instrument for social change. In this sense, the journal puts into consideration of the scientific and academic community the 38th issue, which counts with researches about criminal law, criminology, and criminalistics such as: "Thoughts and observations of punishment in contemporary criminal law" (EEUU), "Segurança e justiça: o acordo de não persecução penal e sua compatibilidade com o sistema acusatório" (Security and justice: the non-prosecution agreement and its compatibility with the accusatory system) (Brazil), "Criminalistic computer science: a developing specialty" (Cuba) and "Colonialidade e feminicídio: superação do "Ego Conquiro" como desafio ao Direito" (Coloniality and femicide: overcoming of the "I conquer" as a challenge for Law) (Brazil). For this issue, some of these authors tackled problems regarding Human Rights in National and International contexts, this being the case of articles such as "Human Rights for the development of a truly globalized society" (Brazil), "Consequences of the legal sex change in the Colombian health system" (Colombia), "O licenciamento ambiental como política pública e o poder das empresas" (Environmental Licensing as a public policy and the power of companies" (Brazil), "Barriers for the access to work accidents compensations in the Colombian Work-Related Risks General System for an informal worker" (Colombia) and "Enforcement and limits of diplomatic immunity in the light of the *ius cogens* norms" (Colombia). In this issue, matters related to the Peace Agreement celebrated three years ago between the Colombian State and FARC-EP group are also tackled. This is the case of articles such as "Challenges of the post-conflict regarding the humanitarian response: between the persistence of the humanitarian consequences and the limitations to the mandate of humanitarian actors" (Colombia) and "The ethnically differentiated approach and the duty of the prior consultation in the peace agreement" (Colombia and Brazil). We are pleased with providing elements for the discussions in the philosophy of law with the article "Language and law. A theological-political approach based on Walter Benjamin" (Colombia) and in procedural law with the article "Administrative Procedural Law and the postal monopoly" (Chile). There are thirteen articles written by authors from Brazil, Chile, Colombia, Cuba, and the United States; written in English, Spanish and Portuguese. We want to be part of the construction of a Latin America united by science, with fairer and more inclusive societies where knowledge allows the people to be free.

David Mendieta  
Editor

## REFERENCIAS

- Banco Mundial. (2017). *Índice de Gini*. Consultado el 11 de febrero de 2011. <https://datos.bancomundial.org/indicador/SI.POV.GINI?view=map&year=2017>
- Cepal. (2019). *Panorama Social en América Latina, 2019*. Consultado el 11 de febrero de 2020. [https://repositorio.cepal.org/bitstream/handle/11362/44969/4/S1900908\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44969/4/S1900908_es.pdf)
- Levittsky, S. y Ziblatt, D. (2018). *Cómo mueren las democracias*. Ariel
- Mendieta, David (2019). *A Crise da Democracia e do Sistema de Freios e Contrapesos nos Estados Unidos*. En L. G. Arcaro, R. Dias (Coords.), *Crise das democracias liberais: perspectivas para os direitos fundamentais e separacao de poderes/ organizadores* (pp. 220-232). Lumen Juris.
- Sieyès, E. (1789). *¿Qué es el Tercer Estado?* Consultado el 11 de febrero de 2020. <http://www.elblogdederecho.com/wp-content/uploads/2013/12/sieyes-que-es-el-tercer-estado.pdf>