# ARTICLE IN PRESS

Geoforum xxx (xxxx) xxx



Contents lists available at ScienceDirect

# Geoforum

journal homepage: www.elsevier.com/locate/geoforum



# Punching above their weight: Opposition to mining and Xinka politics in Guatemala

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#### ARTICLE INFO

Keywords:
Guatemala
Mining
Political ecology
Indigeneity
Indigenous movements
Xinka

#### ABSTRACT

This article investigates how Xinka indigeneity disrupts the dominant order in Guatemala. Our analysis below focus on Xinka politics in a Rancièrian sense. Our main objective is to understand how, and to what extent, the Xinka are becoming visible bodies, sayable names, and audible voices, thus, disrupting the status quo in Guatemala. This article contributes to a growing body of scholarship examining the complex and heterogeneous political positions of indigenous peoples in Latin America under processes of state decentralization, economic privatization, and market deregulation, which transform the relationships between states and indigenous peoples and influence indigenous forms of organizing. Using the case of the Xinka conflictual engagement with a mining project as a lens we argue that Xinka opposition to mining articulates indigeneity and political mobilization, thus disrrupting the current social order in Guatemala. The Xinka become political subjects by claiming and exercising capacities they allegedly lack and by enacting rights they are not entitled to claim. The Xinka act as if they already possess that which is denied to them to challenge the inegalitarian partition of the sensible: what can be named, what can be seen, what can be counted. Their activism and their various tactics render their position, as rights-holders, explicit and accessible to an audience. These tactics include their irreverence as expressed in monitoring and deciding who is allowed to transit through a national road, bringing their cases to domestic and foreign courts, as well as detaining policemen and employees of the mining company. As we will discuss, the Xinka identity is not fixed in some essentialized past, but rather, it is a process that conjoins a collective position and the political subjects who articulate the position.

# 1. Introduction

In June 2017, the Supreme Court of Guatemala ordered the Escobal silver mine, <sup>1</sup> then owned by the Canadian firm, Tahoe Resources Inc., to temporarily halt operations due to the firm's failure to consult indigenous people regarding the project prior to its installment. Later, in September 2018, the Constitutional Court upheld the Supreme Court's order and issued an unappealable ruling that suspended activities at the mine and ordering the firm to consult with surrounding Xinka indigenous communities before they could get the mining licenses reinstated. The mine, (acquired by Panamerican Silver in 2019), has lain dormant since 2017, with unprecedented economic consequences for the company and the Guatemalan government. <sup>2</sup>

This article investigates how Xinka indigeneity disrupts the dominant order in Guatemala. Most Xinka do not speak the Xinka language; they do not wear distinctive cultural markers, many of them live in Southeast of Guatemala or the "oriente", a region that, due to economic and political reasons, has been actively constructed as non-indigenous in the collective imaginary of the public and researchers alike (Dary, 2010; González-Izás, 2014; Sachse, 2014) but many Xinka also live in the USA. Yet, the Xinka are emerging as a powerful [indigenous] political actor in Guatemala. Critical scholarship understands indigeneity as an articulated identity (Li, 2000), and thus contested and negotiated (Hope, 2017). Analytically, indigeneity focuses on the processes through which the meaning of being indigenous in particular geographical and historical contexts is constructed (Radcliffe, 2015). This paper examines how

https://doi.org/10.1016/j.geoforum.2022.11.003

Received 29 October 2021; Received in revised form 3 November 2022; Accepted 8 November 2022 0016-7185/© 2022 The Author(s). Published by Elsevier Ltd. This is an open access article under the CC BY license (http://creativecommons.org/licenses/by/4.0/).

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<sup>&</sup>lt;sup>1</sup> The Escobal mine is located in the municipality of San Rafael Las Flores, 73 km east of Guatemala City, in the department of Santa Rosa.

<sup>&</sup>lt;sup>2</sup> The mining sectors contribution to the governments income decreased by 35% in 2017 mostly because of the closing of the Escobal mine. According to the media in Guatemala, the mining company loses close to one million USD each day it is not in operations: https://dca.gob.gt/noticias-guatemala-diario-centro-america/apor te-de-las-mineras-a-la-economia-nacional/.

indigeneity is articulated to "account for indigenous production through processual, multi-actor, multi-scalar networks and within specific grounded contexts" (Radcliffe, 2015:221). Our main objective is to understand how, and to what extent, the Xinka are *becoming* visible bodies, sayable names, and audible voices, thus, disrupting the status quo in Guatemala (see <u>Rancière</u>, 2004).

The Xinka have, since pre-colonial times, inhabited what today are the departments of Santa Rosa, Jalapa, and Jutiapa (Fig. 1). The first report about them during colonial times is found in a letter sent by the conquistador Pedro de Alvarado in 1524 (Brinton, 1885:90). Xinka toponyms are found further north, in Baja Verapaz and in the Motagua Valley suggesting the presence of speakers of the Xinka language in these areas as well (Sachse, 2014). The Xinka language is a linguistic isolate, part of the Mesoamerican language area, that shares traits and loan words from Maya languages, but the origin of the group is uncertain (Sachse, 2014). The *oriente* is a region plagued by poverty: 72 % of the population in Santa Rosa; 80 % in Jalapa and 79 % in Jutiapa live in poverty (PNUD 2016). Agricultural production of grains, coffee, and vegetables, as well as remittances from international migrants are key to the economy in the Xinka territory (Aguilar-Støen, 2020).

We find Rancière's (2004) notion of "distribution of the sensible" useful to analyze contemporary Xinka mobilization. The "distribution of the sensible" refers to a regime of what is possible and acknowledged: the felt, heard, seen, and perceived within the social world creating patterns of inclusions and exclusions. A particular social order is, according to Rancière, maintained by an established set of possible modes of perception that foreground any action. The sensibilities of the social

order discipline and determine the margins of what is visible and invisible, the sayable and unsayable, audible and inaudible, defining the parameters of what can be thought, made or done. The social order attempts to maintain existing patterns of inclusions and exclusion, through bodies, ideas, and feelings. Active politics essentially involves opposition to this "status quo", embodying a challenge to established order by the excluded, "the part which has no part", in the name of equality and the attempt to bring about a reconfiguration of the distribution of the sensible.

The Xinka become political subjects by claiming and exercising capacities they allegedly lack and by enacting rights they are not entitled to claim. To do so, Xinka political activism engages in influencing state initiatives, such as the population census through which they make themselves countable bodies. Their political activism also engages with transnational legal processes and actors. In doing so, they become audible voices in Canadian courts and therefore also in Guatemala. The violent response of the mining company and the government has resulted in numerous wounded Xinka bodies, and the attention that these violent acts against civilians has attracted in national and international media contributes to make the Xinka visible (Solano, 2015). Intentional actions, like legal battles, the increase in the number of individuals self-identifying as Xinka in the latest census, and the unintentional consequences of their activism, like the violence exerted against them, draws attention to the exclusion of the Xinka. In claiming their rights to decide about the mining project, the Xinka increase their visibility and make their voices audible to the public, the government and the mining company. In this way, they challenge the distribution of



Fig. 1. Map of the approximate location of the Xinka territory within Guatemala.

the sensible and reclaim the right to be part of society.

This article contributes to a growing body of scholarship examining the complex and heterogeneous political positions of indigenous peoples in Latin America under processes of state decentralization, economic privatization, and market deregulation, which transform the relationships between states and indigenous peoples and influence indigenous forms of organizing (Sieder, 2002; Van Cott, 2005; Stahler-Sholk, 2007; De Hart, 2008; Postero, 2017; McNeish, 2021). The main contribution of this paper is to highlight the tension between colonial structures of racism, oppression and exclusion, and multicultural recognition and the emergence and resurgence of indigenous politics.

Parallel to the peace negotiations that ended a bloody 36-year long civil war in Guatemala, policy changes launched in Latin America in the 1990 s emphasized, on the one hand, the market in the economic policy realm, and on the other hand, the strengthening of civil society and collective rights of disadvantaged populations in the social policy realm. This has resulted in the production, recognition, and protection of cultural difference in ways that defuse opposition (Hale, 2005). Hale (2006) calls this the regime of the permitted Indian or "el indio permitido" in reference to the mechanisms by way of which governments and international institutions use cultural rights to divide and pacify indigenous movements. McNeish (2008) suggests however, that despite the effectivity of "el indio permitido" as a tool of governance, the controls of the neoliberal cultural project are imperfect. McNeish interprets contemporary waves of indigenous protests as challenges to the permissible and as catalysts for the redefinition of society and government. Changes at the international level are also important (McNeish, 2021). By the end of the 1990 s, numerous Latin American countries had signed international human rights treaties, like the ILO Convention 169 on Indigenous and Tribal Peoples, and which Guatemala signed in 1996. The United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007 and the Organization of American States Declaration on the Rights of Indigenous Peoples in 2016. Indigenous politics in Latin America are also influenced by the active role of, and the jurisprudence emanating from, the Inter-American Court of Human Rights (IACHR). The process we examine in this paper happens in a particular historical moment in the context of international indigenous politics. These stateled and international frameworks which condition the emergence of indigeneity happened in tandem with and as a response to massive bottom-up mobilizations of indigenous people in Latin America and beyond (e.g., Martí i Puig, 2010, Gaski, 2008).

The article proceeds as follows; in the next section we present the methods used in our research. Section three presents our analysis of empirical findings and finally we present a conclusion.

# 2. Methods

Our research is grounded in qualitative and feminist research methodologies wherein we sought to allow meanings to emerge from the research communities themselves while acknowledging the nexus of power and knowledge in the politics of fieldwork in Latin Americanist scholarship, as well as being mindful of the need to disrupt the structural hierarchies that characterize the production of knowledge about indigenous peoples. The analysis presented in this article draws on ongoing work that started in September 2009 and builds on the authors combined years of engagement in Guatemala. The first author lived eight months in Santa Rosa between September 2009 and February 2011 and has visited the area regularly since then. The second author carried out fieldwork in Santa Rosa and Jalapa on a reoccurring basis between 2014 and 2017. Our analysis is based on 20 semi-structured individual or collective interviews and participant observation of seven anti-mining protests, two blockades, four assemblies, four press conferences, three court meetings, two festivals and three popular referendums. We also conducted interviews using video teleconferencing software over the years. We followed workshops and discussions organized online by Xinka organizations and analyzed documents and secondary literature including court transcripts and newspapers, public statements by the mining company or Xinka organizations, and we also had access to videos recorded by the Xinka organization in different occasions. Our interviews dealt with issues related to experiences with political organization, individuals', and organizations' responses to violence and repression, the goals of different resistance campaigns and legal actions and impacts of mining on local livelihoods.

It is important to acknowledge the complexities of fieldwork and research in Guatemala and our approach was not without limitations. Access to our research participants, for example, was challenging on at least two accounts. First, the Xinka contend that they have had unfortunate experiences with researchers. The Xinka refer to one anthropologist, who approached them as a researcher and then years later, allegedly because of the knowledge they acquired about the Xinka, was hired by the mining company to contribute to the surveillance of the Xinka organizations. The Xinka referred to this incident to justify their mistrust of researchers. This is a position that the Xinka share with many other indigenous peoples around the world, and which brings research into broader debates on power in academia, including ways of knowing, and doing research in postcolonial contexts (Tuck and Yang, 2014). Second, it was not always possible to record interviews because our interlocutors were often concerned with their own safety. Finally, the extended nature of our engagement with the Xinka, as well as the fact that we were on various occasions present when people were attacked or threatened by the police, the military or the private security of the mine, has inevitably influenced our interpretations. We do not claim to be neutral, but we do our best effort to make our position transparent (see Haraway, 1988) and to explain the empirical sources on which we base our interpretations in the analysis (Pachirat, 2017).

# 3. Punching above their weight: A conceptual approximation to analyze Xinka politics

Over the last thirty years, Indigenous politics have attracted ample academic attention as Indigenous groups across the world have challenged their exclusion by mobilizing to claim their rights. In Latin America, projects and demands on rights have been successful: many marginalized populations have gained rights and strengthened demands for autonomy and self-determination (Jackson and Warren, 2005). Some authors have examined how Indigenous people's claims of collective rights and grievances challenge liberal democracies' focus on citizenship as individual rights (Yashar, 2005). Others have investigated how the indigenous as political actors frame their claims to the state and how the state incorporate such claims under multiculturalism (Sieder, 2002; Postero, 2007; Eisenstad et al., 2013). Another focus has been the alliances indigenous peoples formed with non-indigenous actors and organizations, including the Catholic Church, environmental and human rights NGOs and how such alliances have provided the material, symbolic and institutional resources that form the basis of the indigenous movements as we know them today (Martí i Puig, 2010). Two arguments have been suggested to explain causality between ethnic consciousness and contemporary indigenous political mobilizations in Latin America. Some suggest that ethnic consciousness was the product of the organizational process leading to the formation of indigenous movements, while others argue that the ethnic consciousness already existed, either as a sense of collective purpose and loyalties or as a component of a synthesis of ethnic and class-consciousness (Huarcaya, 2015). Regarding indigenous identity in the context of conflict, Wright and Martí i Puig (2012) suggest three approaches to indigenous identity: identity as demand, identity as strategy and identity as consequence of collective action. Identity might be a cause of collective action when a group mobilizes because it feels that its very identity and way of life are under threat. Identity might be the result of mobilizations to announce the existence of new or previously hidden social groups. Identity can be a resource for collective action constructed by social leaders based on their political calculations. The activation of certain identities is also

contingent to the external context, which will include the international system, national institutions, and potential allies and/or enemies. Finally, people might desire to participate in protests because such movements offer a new identity (Wright and Martí i Puig, 2012).

In our analysis below, we focus on Xinka politics in a Rancièrian sense and offer a complementary account. We argue that the Xinka become political [indigenous] subjects by claiming and exercising capacities they allegedly lack and by trying to enact rights they are not entitled to claim (Gündoğdu, 2017). Institutional frameworks and norms, like for example the division of responsibilities between the Ministry of Environment and the Ministry of Mines and Hydrocarbons, limit the capacities and rights of indigenous peoples in Guatemala (Aguilar-Støen, 2016). Concrete policymaking regarding corporations and the rights of indigenous people are shaped by a particular racial hierarchy, for example, regarding the language used in Environmental Impact Assessments and the information published in official newspapers (Aguilar-Støen and Hirsch, 2017). Institutional arrangements contribute to maintaining every one in their place in Guatemala. One of the institutional frameworks that has been crucial to the exclusion of indigenous people are the enclosure of land and land tenure regimes that have, since colonial times, contributed to establishing the current material and social order in the country. Land tenure regimes shape places and therefore Xinka politics are politics of place. Massey (1994; 2005) invites us to think of place not so much as bounded areas but as open and porous networks of social relations. Place is constituted by institutional settings that organize social relations, a geographical area encompassing the settings for social interactions defined by social and economic processes operating at wider scales and a sense of place or the local "structure of feeling". Turning to Rancière, such structure of feeling is central for producing the space of public realm and for disciplining the status quo. Rancière (2009) suggests that we are bound together by a sensory fabric that shapes how we make sense of the world, or the "distribution of the sensible". Throughout history, the Xinka have been dispossessed of their land and, thus, land is central in their struggle for recognition. In claiming the rights to their lands and territory, the Xinka are disrupting normalized ways of making sense of "place" as the nonindigenous oriente.

Rancière defines politics as a process of emancipation brought about by disagreement. He distinguishes between two terms. Policing is institutional frameworks, norms and the material order that partitions out places and forms of participation and exclusion in the world. This partition creates moral geographies whereby some people have recognizable "parts" in society, while others are "parts with no part". Politics, on the other hand, call attention to the exclusion created by policing. The core of politics lies in acts that challenge the partition of society in the name of equality and in the process, reconfigure the existing order (Rancière, 2004; Chambers, 2014). Using Rancière's ideas we can think about Xinka organizing over the last two decades as emancipatory politics that challenge the current social order in Guatemala. Through these emancipatory politics, the Xinka draw attention to their, as well as others, exclusion from the nation. By making themselves visible, claiming their rights as citizens and demanding to be considered, the Xinka (a part without a part) demonstrate the wrongs inflicted upon them by a society characterized by deeply entrenched inequality. Rancière's idea of the "distribution of the sensible" helps us to think about the ways in which certain people and certain voices are neither seen nor heard. These people and voices are basically not perceived. It is through disagreement, through inserting their voices via polemics and contestation into what is supposed to be a common sphere that the order can be changed and the excluded be perceived (Rancière, 1999). But how can those who are invisible become visible? In her study of indigeneity in Bolivia, Nancy Postero (2017) uses a Rancièrian approach to argue that indigenous appearances on public spaces, both physically and through language, are powerful mechanisms to reclaim visibility and thus challenge the limits of established orders. She also reminds us that the question of who counts as indigenous in any society is fundamentally

a political question. Indigeneity is, like all forms of identity, relational and emerging from contested and co-constituting social fields of difference and sameness. To Postero (2017:184) indigeneity is "a shared but contestable notion around which actors can frame their disagreements about development, environmentalism, and sovereignty".

Povinelli (2011:50) suggest that multicultural recognition can be interpreted as "policing" insofar as institutional frameworks created to recognize cultural difference operate to "manage a given distribution of social places and roles, ways of being and saying such that some activities are visible and sayable". Considering the Xinka have not been recognized as indigenous by these institutional frameworks, their claims and activities are nothing but undecipherable noise. Because the conflict with the mine is ongoing and has not been resolved *definitively*, we cannot assert within the scope of this paper whether a pending consultation with the Xinka falls within the realm of policing, thus seeking *to prevent that the fundamental ordering of social roles is not disturbed* (Povinelli, 2011:51). Indigeneity as Postero (2017:184) suggests "acts as the site of both politics and policing, providing the cultural material for the blurry boundary between the two".

We pay attention to the multiple entanglements of the Xinka movement with institutional frameworks (see Gündoğdu, 2017), both national and international. We do so to argue that political subjectivation does not emerge from a void but, rather, is a process continuously shaped, constrained, and frustrated by the dominant frameworks, institutions and norms that reinforce inequality and that subjugate the Xinka in Guatemala. In what follows, we discuss the Peace negotiations, which sets the stage of current activism and Xinka politics. We then analyze strategies used by the Xinka in the context of the most recent national population census and to their engagement with transnational legal activism to explain how they became countable bodies and audible voices and thus visible political actors. The last part of this section examines how the politics of place are embedded in persistence of land and territory in Xinka politics.

# 3.1. After the Peace Accords: Xinka organizations and mining resistance

To explain the closing of the Escobal mine in 2018, whether it be permanent or not, it is necessary to mention the negotiations of the Peace Accords in Guatemala during which indigenous peoples demanded constitutional changes that recognized the multicultural reality of the country. The institutional changes that were supposed to be implemented after the Peace Accords, recognizing Guatemala as a multicultural State materialized only to a limited extent (Aguilar-Støen and Bull, 2017; Bull and Aguilar-Støen, 2019). The constitutional reforms fell short of what participants in the peace negotiations had envisioned and because the Maya, out of all the indigenous peoples of Guatemala, were the best organized and consequently had more political leverage following the signing of the peace accords, only the Maya are mentioned in the reformed constitution. The neoliberal peace process however, opened the doors to indigenous activism (see Brett, 2006) and to the emergence of indigenous actors like the Xinka.

The Xinka live in communities that retain, or are fighting to retain, common land rights<sup>3</sup> as well as in in communities that lost their rights to their communal land, in the departments of Santa Rosa, Jutiapa and Jalapa (Dary, 2016). Those who retain common property rights are governed by a community council who oversee all that which is related to land use and land tenure but are also inserted within a non-indigenous politico-administrative level (municipality/department) for all other matters

In the aftermath of the Peace Accords, Xinka political organization

<sup>&</sup>lt;sup>3</sup> Comunidad Agrícola de Jumaytepeque, Comunidad Indígena de Yupiltepeque; Comunidad Indígena de Jutiapa, Comunidad Indígena Xinca de las Lomas; Comunidad de Santa María Xalapán, Comunidad Indígena de San Carlos Alzatate.

has coalesced around two core issues: cultural revitalization and land rights. The "culturalist" branch is represented by the Council of the Xinka People of Guatemala (COPXIG), which was created following the Peace Accords in the late 1990 s (see Sachse, 2014 for a detailed account). The goal of COPXIG was research, systematization, and promotion of the cultural elements of the Xinka (Dary, 2010; 2016). The culturalist branch seeks a reconstruction of the Xinka's past and history as means to negotiate their survival. The culturalist branch had in its origin, close ties to the Maya Coordination organization (COPMAGUA) and the United Nations Verification Mission (MINUGUA) established after the signing of the Peace Accords. COPXIG has been characterized by some as a small "intellectual elite" within the indigenous movement (see Sachse, 2014).

The "land rights branch," on the other hand, is closer to Maya organizations that emerged in the aftermath of the mining conflicts in the Western Highlands in 2005 and to the traditional Maya indigenous municipalities, who have also experienced a revival after the Peace Accords, as well as to transnational mining activists (see Dougherty, 2011, Fox, 2015, Nolin & Grahame, 2021, Urkidi & Walter, 2011, Yagenova & Garcia, 2009; Granovsky-Larsen & Weisbart, 2021). This branch focuses on gaining legal recognition of communal land rights and solving numerous land conflicts between the Xinka communities and non-indigenous landowners or the State. The prioritization of land rights is also influenced by the affiliation of some Xinka individuals in a defunct national peasant organization that emerged after the signing of the Peace Accords (Letona Zuleta et al., 2003).

In 2002, Xinka belonging to the "land rights" branch organized in the "Parliament of the Xinka People of Guatemala" (PAPXIGUA) to gain legal recognition and to advance their struggle for the recognition of their communal land rights. With support from the Norwegian Agency of International Development (Norad) and MINUGUA, PAPXIGUA obtained legal recognition of the Parliament in 2004. PAPXIGUA is formed by thirteen Xinka organizations and twenty indigenous communities from Santa Rosa, Jalapa, and Jutiapa.

According to some of our interviewees, the defense of the territory, the right to organize according to indigenous forms of organization and to maintain certain autonomy, and the right to control and manage their natural resources were issues that appealed much more to the people in the different Xinka communities, than the effort to rescue the language, traditions and "the culture". There exist about seven other minor Xinka organizations in addition to PAPXIGUA and COPXIG that work with issues related to women's rights and agricultural production.

In 2010, PAPXIGUA formed, together with actors and organizations from the Catholic Church and some non-indigenous mayors, the resistance movement against the Escobal mine. It became evident to people in the area that the mining concession involved a much larger area than just the municipality of San Rafael las Flores, where the main site of the Escobal mine was then under construction, and that the concession would eventually include Xinka communal lands. In section 3.3 we will deal in more detail with the issue of struggles related to land rights and their connection to mining resistance.

# 3.2. Numbers, experts and becoming Xinka

The Xinka struggle against the current institutional framework

structuring the conditions for their recognition as indigenous peoples by the State in Guatemala. This order is, to borrow from Rancière (1999), "an order of bodies that defines the allocation of ways of doing, ways of being and ways of saying, and sees that those bodies are assigned by name to a particular place and task, it is an order of the visible and the sayable". The multicultural project in Guatemala does not recognize the Xinka as indigenous. The Xinka engagement seeking to be consulted in relation to the mining project aims at disrupting such an order.

A central dispute in the conflict with the mine is the lack of prior consultation with the indigenous people of the area. Tahoe Resources Inc., the then owner of mine, claimed that there was no need for prior consultation because there were no indigenous people registered in the census for San Rafael Las Flores. This argument was supported by the Guatemalan private sector and government officials, who, following the 2017 court rulings that suspended the Escobal licenses, made statements denying the existence of the Xinka, either outright or in the vicinity of the mine, thus negating the requirement for prior consultation and informed consent. The then president of CACIF - the umbrella organization of the Guatemalan private sector - was quoted saying that the Supreme Court's resolution was based on a "non-existent community" [referring to the Xinka people] and that, as such, the court's resolution was false (Sveinsdóttir et al., 2021:124). Prior to the ruling ordering consultation in 2018,8 the Constitutional Court asked two Guatemalan universities to determine whether the Xinka people really existed. The conclusion from the two universities was, unsurprisingly, that the Xinka people exist and inhabit the area around the mine (Nómada, 2018a, 2018b). The expert opinion from anthropologists from the two universities was central to the ruling of 2018, ordering the cessation of mining operations until consultation with indigenous peoples is carried out. The state's question to Guatemalan universities about the existence of the Xinka, after the failure to consult them, illustrates a tension between state racism and multicultural recognition that has defined Guatemala since the signing of the Peace Accords.

In the years following the signing of the Peace Accords, more and more indigenous communities and individuals have self-identified as Xinka (Adam and Bastos, 2003; Bastos, 2007; Dary, 2010). In 1996, only about 400 individuals identified as Xinka, while the census of 2002 registered 16,000 individuals, and the most recent population census from 2018, registered 268,223 Xinka individuals, <sup>9</sup> an increase of 1,600 % since 2002.

But how were the Xinka able to force the State to *see*, *name* and to *count* them? Leifsen et al. (2017) suggest that local groups and their allies' involvement in processes like claiming "Free, Prior and Informed Consent" can have unexpected outcomes. After the court rulings, we have observed the revitalization of a more politicized Xinka identity. When a new national census was scheduled for 2017, the Xinka parliament launched an information campaign aimed at increasing the visibility of people who self-identify as Xinka. If successful, more Xinka would be registered in national statistics and the obligation to consult indigenous people would be strengthened.

The process of becoming Xinka is in part related to the resistance to the mine and the tactics the Xinka have employed in their resistance reflect a dispute over who will be counted as a speaking being, what will be seen as the object of the conflict and finding a shared language (see Gündoğdu, 2017). Our interviews suggest that the Xinka considered the census as an opening to intervene in a shared language with which their bodies could be counted and become the subject of legal rights. We interpret this as an attempt to challenge the "structure of the sensible".

<sup>&</sup>lt;sup>4</sup> National Peasant Coordinating Organization (Coordinadora Nacional de Organizaciones Campesinas de Guatemala CNOC).

<sup>&</sup>lt;sup>5</sup> Group interview, PAPXIGUA, April 2013.

<sup>&</sup>lt;sup>6</sup> The Escobal mining concession extends into the municipalities of San Rafael las Flores and Casillas in the department of Santa Rosa, the municipalities of San Carlos Alzatate and Mataquescuintla in Jalapa, and San José Pinula in the department of Guatemala. In total, the mining concession includes over twenty-three licenses that expand into the departments of Guatemala, Santa Rosa, Jalapa, and Jutiapa.

 $<sup>^{7}</sup>$  Interview #117 Andrés Davila, Public Relations San Rafael Mine, 24 July 2017. Accessed September 28, 2020.

<sup>&</sup>lt;sup>8</sup> Guatemalan Constitutional Court, Expediente 4785–2017; Expediente 4785–2018. Court documents available at: https://cc.gob.gt/2018/09/04/res olucion-4785–2017-caso-minera-san-rafael.

<sup>&</sup>lt;sup>9</sup> https://www.censopoblacion.gt/mapas.



Fig. 2. Peaceful gathering in front of the Escobal mine in San Rafael las Flores organized by PAPXIGUA and allies in 2015. Photo by second author.

The mining conflict imprinted a new dynamism in the process of Xinka auto-identification, in the context of new census practices in Guatemala and an official campaign to stimulate self-identification. The presidential commission against racism and discrimination supported by the UN Population Fund launched a campaign promoting the right to self-identification to improve the quality of the data collected by the census. The project also supported the training of those who would collect the data. Ethnic identity in previous censuses was determined by those conducting the census and was based on markers such as clothing and language. In 2018, people were asked to state their ethnic identity, and neither language nor particular clothing were requisites to claim indigenous identity. The existence of the Xinka is no longer a matter of debate or doubt and the consultation with the Xinka people, as a prerequisite for approving mining activities, is currently under planning.

The self-identification as Xinka is contingent also to people gaining an awareness of this identity in quotidian life to which the conflict with the mine has contributed. To illustrate this, we use the three following

examples.

During one group interview with women in the area, when talking about the opposition to the mine, one of them expressed "nosotros cada día somos más" (we are more for each day that passes). There was certain ambiguity in their answer, the "we" implied both people opposing the mine and those who identify as Xinka. However, it can also be interpreted as signalizing a qualitative state of being: being worth more, to become a part that has a part. This goes to show how opposition to the mine has been instrumental in making a difference in how people perceive themselves and how others perceive them. <sup>10</sup>

While waiting in a room in the offices of the General Attorney of Guatemala, one of the men who was attacked outside of the mine in April 2013 remarked to us that the private security of the mine shot him and his son, but that they were still there "in resistance" together with the Xinka lawyers. He referred to the emotions that he was experiencing while being there, with a son who had been seriously injured, he himself wounded and scared, and the changes that the mine has brought to their

on our way back from a blockade in 2014 during the car ride with a group of women, the first author heard them talking about the president of PAPXIGUA referring to him with admiration as "un hombre alto y galan" (a tall and handsome man). "Galan" in the Guatemalan context means an attractive and good looking man who knows how to conduct himself and seduce a public. They refered to him also as a skilled leader who knew how to address people gathered in the blockade. This contrasts with experiences of many indigenous Xinka in the area who often tell stories of being called "indio shuco" (dirty indio) or "indio feo" (ugly indio) when they visit the municipal center in Jalapa.

quotidian life and the place they inhabit. The emotions were obviously overwhelming to him. The presence and support of the Xinka lawyers in that difficult moment, is one of elements that gave this man, and the others who were wounded in the attack, a sense of belonging to something that was larger than themselves. During our conversation, this man told us that he had not thought about himself as indigenous before but that he was reflecting on that more often after the attacks. Poor farmers in Guatemala rarely have access to legal assistance, however, their Xinkaness gave them access to such resources and spaces. Incidents like this have also contributed to strengthen their identification as indigenous.

From 2018, a group of Xinka youth started to monitor water sources in the territory with the support of national and international universities and the Catholic Church. These young people claim that the conflict with the mine, the risk of pollution that mining pose to water sources and the nascent awareness of their Xinka identity triggered their involvement in this "citizen science" project. <sup>11</sup> Their awareness of their indigenous identity was linked to the conflict with the mine as illustrated by what they told journalists in an interview in 2021. None of them speak the Xinka language but the mining conflict and the court ruling which, based on anthropological studies, recognized the presence of the Xinka people in the area awakened their interest for their past and to reconstruct their identity. They told the journalist "it is as if you did not know who your father was and it is only now that you find out not only who is your father but also that he left you land". <sup>12</sup>

#### 3.3. The persistence of land and territory in Xinka politics

Because land and water are crucial for mining, the political project of Xinkaness, that is, the defense of their land and water, gained considerable support in the anti-mining movement in the *oriente* as it was framed by Xinka activists as defense of the territory (see Halvorsen, 2019).

The Xinka had, after the Spanish invasion, organized around their "territory" including, but not limited to, their land and their collective land titles given to them by the Spanish crown during the colonial era. The administration of the land is organized through an indigenous council. The "indigenous communities" (Dary, 2016) created during the colonial era to manage the collective land ownership and the communal resources such as rivers, and other water bodies, forests etc., as well as to extract taxes from the indigenous, set the stage upon which the Xinka attempt to govern their resources and territories today.

The Xinka claim, on the one hand, the recognition of their *colonial* land titles and, on the other hand, reject the ongoing colonialization expressed in, for example, mining activities. This illustrates the pragmatic political strategy of the Xinka: a complete rejection of colonial and postcolonial institutions [such as the land titles granted by the Spanish crown during colonial times] would lead them nowhere. Rather they claim a sort of ambiguous attachment to the current state project within which they want a place of their own, to be a part that has a part.

To illustrate this, in a forum discussion<sup>13</sup> one Xinka lawyer and one Maya indigenous mayor from the Ixil territory, characterized the neglect to consult indigenous peoples as an expression of the State's racism. At

the same time, the court ruling ordering a halt the mining project until a consultation takes place, was interpreted by the Xinka lawyer as an advancement in the recognition of their rights. The Xinka place the mining conflict within a long history of land conflicts and dispossession and which is a threat of erasure, the very denial of their existence. The contemporary denial of the existence of the Xinka people by the government and the mine is interpreted by the Xinka as an expression of racism, but at the same time as an opportunity. Sometimes their indigenousness is confirmed by the current State project. For example, in 2017, the court ruled in favor of the Xinka community of Jumaytepeque, restituting land that was illegally taken from them over 100 years ago. In an interview after the ruling of the court one of the Xinka lawyers commented:

"This [the court ruling] recognizes the right to indigenous property but also our right to cultural [Xinka] identity... the court ordered the restitution of land that we have not enjoyed over 100 years because the State illegally registered it to benefit a municipality, limiting us from deciding over the land and our right to our property."

The territory is, as understood by the Xinka; nature, a particular cosmology, a shared history, and the social relations that articulate both in a specific physical space. Land on the other hand is as one interviewee put it: "land gives you your food, your drink, a place to live and enjoy and it's the place where you will return when you die". <sup>15</sup> The land to the Xinka is the start and the end, integrated in the wholeness of their collective existence. The territory is a physical, material space but also a social, cultural, and symbolic one that constitutes the source of life and survival -material and spiritual- of the Xinka. The territory not only reflects the materiality of the natural resources present in the geography of the oriente to which the Xinka lay claim, and in the multiple nonmaterial expressions of their culture. The Xinka struggle for the recognition of their communal land rights are politics of place within a context in which the tensions between entrenched colonial institutions, multiculturalism, and the emergence of the Xinka indigenous identity are simultaneously present (Langlois, 2016). Xinka claims to their land challenge normalized ways of making sense of the oriente as nonindigenous territory. The legal recognition of their land rights, in tandem with the recognition of their indigenous identity, also strengthen their right to be consulted about the mine (see Fulmer, 2011, Fulmer, Godoy & Neff, 2008, Pedersen, 2014, Walter & Urkidi, 2017).

The relevance of the politics of place (see Massey, 1994; 2005) can also be illustrated by tactics that exceed the legal realm, for example, by disrupting quotidian space. Some days prior to the ruling in 2017, the resistance to the mine established a road blockade (Granovsky-Larsen & Santos, 2021, Sveinsdóttir et al., 2021). No vehicle transporting inputs in or out of the mine was allowed to use the road. Every approaching truck was inspected by locals seeking to enforce the suspension of the mine. People maintained the blockade for over two years, it was suspended only because of the covid-19 pandemic. During these two years, people took 24-hour-long shifts to guard the road. This was a public display of the strong level of organization, discipline, and commitment by the inhabitants of the area against the mine. The blockade's rigorous organization is in part explained by the military background of some of the Xinka strategists. Men in many communities in oriente have a background in the military. Some of the younger Xinka attended the officers' academy and some of the older ones were forcefully recruited into the army and the counterinsurgency campaigns during the civil

<sup>11</sup> https://aguacero.plazapublica.com.gt/content/los-cientificos-del-agua-s on-jovenes-comunitarios.

<sup>&</sup>lt;sup>12</sup> Ninguno habla el idioma pero el conflicto minero y sobre todo la resolución de la CC que reconoció, basada en estudios antropológicos, la presencia de pueblo xinca en la zona, les despertó el interés por su pasado y por reconstruir su identidad. «Es como si a usted le hubieran ocultado quien es su verdadero papá y hasta ahora se entera no sólo de quién era sino que además le dejó terrenos», the quotation can be found here <a href="https://aguacero.plazapublica.com.gt/content/los-cientificos-del-agua-son-jovenes-comunitarios">https://aguacero.plazapublica.com.gt/content/los-cientificos-del-agua-son-jovenes-comunitarios.</a>

<sup>&</sup>lt;sup>13</sup> Digital forum "Advances, limitations and setbacks in the Community Consultation" September 22nd, 2020. Accessed via zoom.

<sup>&</sup>lt;sup>14</sup> #102 June 22, 2017.

 $<sup>^{15}</sup>$  Informal conversation on WhatsApp with interviewee #101, September 23. 2020. The first interview with #101 was conducted in April 2013, and we maintain regular contact with them since. Sometimes we communicate several times a week.

war. <sup>16</sup> They thus have the knowledge and experience necessary to organize and coordinate effectively across a large area in short time.

The blockade is useful to explain the politics of place on two accounts. First, it disrupted the organization of space as structured by the government and the mining company. For two years, the road was no longer part of the infrastructure that connects mining extraction with the rest of the world. We interpret the road blockade as challenges to "the structure of feeling" that have normalized the company's use of the road. Second, the advantages they take from their military background can be interpreted as efforts at disidentification. Rancière suggests that political subjectivation always involves disidentification, which requires breaking away from one's socially ascribed identity and forging ties between identities, roles and places considered to be separate and unconnected in an inegalitarian social order (Chambers, 2011; 2014). For the mining company, it was "unexpected" that mining opposition took place in oriente because the oriente has always been imagined and constructed in public discourse as a non-indigenous region. It was also equally unexpected that men with military (and officers) background would stand up and stand by those protesting and claiming the right to be treated as citizens in Guatemala, even more so that they would do so in a non-violent manner. The blockade disrupted not only quotidian life and the operations of the mine but also challenged normalized ways of making sense of oriente as a non-indigenous place.

### 4. Conclusion

In this article, we examined how, in the case of the Xinka, indigeneity is being articulated vis-à-vis resistance to mining. We argue that the Xinka, through their struggle against the Escobal mining project, are becoming visible bodies, sayable names, and audible voices, thus, disrupting the political status quo in Guatemala. Building from Rancière's notion of politics, we contend that politics is dissensus and dissent. That is, the disruption of the given order of domination by a political subject that only emerges through the act of politics. In other words, politics is the disruption of political order itself. Thinking analytically about indigeneity as relational, as something that is not fixed or innate, nor invented, adopted, or imposed, but rather as emerging through engagement and struggle (Li, 2000), allows us to understand current processes of indigeneity and neoliberal mineral extraction in Guatemala and other parts of Latin America, as co-constitutive (McDonell, 2015).

Since the end of the 20th century, resource extraction in Latin America has generated conflicts throughout the region (e.g., Urkidi and Walter, 2011; Bebbington and Bury, 2013; Arsel, Hogenboom and Pellegrini, 2016 Deonandan and Dougherty, 2016). Economic reforms in the 1990 s were designed to attract transnational investment in the primary sector which translated into a dramatic increase in mineral mining throughout Latin America. The diversification of the global mining industry, the high price of metals and new mining technologies made it profitable to mine very low-grade ore. Consequently, mining has expanded into areas never before used for mineral extraction, including areas formerly devoted to agriculture and farming (Li, 2019). The more recent cycle of land grabbing in Central America is connected to the advancement of mining, hydropower, and the agroindustry into new areas (Edelman and de Leon, 2013; Aguilar-Støen, 2016). Indigenous land dispossession in Central America has been contingent to the discursive construction of "empty" territories wherein investments and development projects can take place. Becoming Xinka means struggling against such invisibility and dispossession. Xinka resistance to the contemporary cycle of indigenous land dispossession builds on a laborious process of organizing a collective struggle, in which standing against mineral activities entailed mobilizing various forms of skills, knowledge and a broad range of alliances.

The Xinka are acting as if they already possess that which is denied to them to challenge the inegalitarian partition of the sensible: what can be named, what can be seen, what can be counted. Their activism and their various tactics render their position, as rights-holders, explicit and accessible to an audience. These tactics include their irreverence as expressed in monitoring and deciding who is allowed to transit through a national road. As we explain above, the Xinka identity is not fixed in some essentialized past rather it is a process that conjoins a collective position and the political subjects who articulate the position.

The institutional frameworks that keep every one in their place in Guatemala have been reconfigured over time, however imperfectly. The project of neoliberal multiculturalism, the Peace Process and the current historical moment in international indigenous politics means that the Xinka, and Indigenous peoples in Latin America in general, confront the dynamics and contradictions of neoliberal policies with increasing legal power, political authority, and legitimacy. However, the Xinka plea for recognition is trapped in a tension between multiculturalism and entrenched postcolonial institutional structures. The final word in the legal battle that shut down the Escobal mine has not yet been said, and while pre-consultation process is underway, the government and the economic elite in Guatemala seem to have forged new corrupt alliances that might have infiltrated the Constitutional Court in ways that may impact judicial independence in Guatemala (Fonseca, 2019). This can be interpreted as a re-accommodation of governmental policing that would seek forms to assault the rights that the Xinka are seemingly gaining.

# **Declaration of Competing Interest**

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

# Data availability

No data was used for the research described in the article.

# Acknowledgments

The authors want to thank all the people from Guatemala and in particular the Parliament of the Xinka people for their time and insights. Special thanks to the lawyers of PAPXIGUA for sharing their views and dreams with us. Thank you to our colleague Kristian Bjørkdahl for fruitful theoretical discussions and guidance. We want to express our gratitude to two anonymous reviewers for their time and dedication in providing constructive and encouraging comments. We would also like to thank the editors of this special issue for constructive feedback and comments. The Centre for Development and the Environment, University of Oslo funded in part the research that is the basis of this paper.

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<sup>&</sup>lt;sup>16</sup> The forceful recruitment into the army of indigenous from *oriente* is an aspect of the civil war that has been poorly studied and little problematized.

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