ECONOMIES OF REPRESENTATION: COMMUNICATION, CONFLICT, AND MINING IN GUATEMALA

by

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DEDICATION

For Emxe, an inquiring mind from day one.

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Abstract

This dissertation examines the ways that people engage in environmental and political debates, including how people make themselves and their positions visible at multiple scales. I focus on recent debates between indigenous communities, non-governmental organizations, government institutions, and transnational corporations over large-scale mining projects in Guatemala. Actors in these debates are engaged in an economy of representation that puts competing discourses about development, environment, and indigenous rights into contention with each other, creating disjunctures that allow for the creative reimagining of political subjectivities. Economies of representation operate at different scales—they are a set of linked practices through which actors produce, circulate, consume, and reinterpret media objects, contexts, discourses, and subjectivities. Debates over mining in Guatemala can be understood as a single economy of representation that pro- and anti-mining blocs each use to promote their own goals; these competing discourses are therefore intertwined, shaping and shaped by one another.

Chapter 1 examines how anti-mining activists in Guatemala frame present-day mining conflicts as linked to the legacies of Guatemala's colonial and national histories. They see the dispossession of indigenous lands, the 36-year long civil war, and the economic, social, and political reforms as shaping the current sociopolitical environment, and thus identify mining investment as the "third colonial invasion" of Guatemala. This framework highlights the ways that indigenous rights discourses and state structures are intertwined, even as they come into conflict. Chapter 2 expands on this argument through an exploration of the ways anti-mining

activists create disjunctures in the view of the "*indio permitido*" (permitted Indian) implicitly promoted through national government policies. They draw on discourses about indigenous rights and citizenship to organize grassroots, non-state sanctioned community referenda on mining, and question the view that international accords protecting human rights are an extension of state power. In this way, they ultimately seek to redefine the relationship of indigenous culture to the state and transform Guatemalan indigenous political subjectivities.

Chapter 3 examines how activists put discourses on indigenous rights and democracy into practice through the performance, observation, and documentation of grassroots *consultas comunitarias* (referenda) on mining. The records produced in *consultas*—which so closely resemble those used in national elections—create a disjuncture highlighting the national government's simultaneous espousal of democratic ideals and denial of community governance, through which anti-mining activists are able to challenge the state's moral authority. Participation in the *consultas* furthermore puts political subjects into circulation and expands the existing networks of anti-mining activists in the highlands. Referenda on mining have become prevalent and preemptive to the extent that they no longer oppose a specific mining project, but rather mining—and megaproject development—in general.

Official regimes of truth promoted by the government and mining company cast doubt on community members' experiences, creating an environment of ambiguity and distrust. The disjunctures that arise in the juxtaposition of conflicting narratives about mining create an environment of fear and distrust in which it is often difficult to tell what information is trustworthy and what is not, even—perhaps especially—for community members living at the center of the conflict. Chapter 4 examines the important role collective narratives play in opposition to mining projects in Guatemala, not only building networks of sympathetic

international supporters, but also serving as a way for community members to sort through and reconcile themselves with a disturbing social context. Through the collaborative production of narratives, however, community members are able to contest this doubt and produce their own certainty based on a bricolage of rumor, first-hand experience, and shared testimony.

Although the groups opposing Marlin mine have not been successful in achieving their end goals—the mine is still in operation as of 2016—the social movement against mining has reshaped the discussion of mining in Guatemala. Chapter 6 examines how, through circulation at a global scale, the image of a baby suffering from a severe skin rash came to represent what "mining in Guatemala" signifies to a wide and varied audience. It ultimately forced the mining company and government officials to respond when they otherwise would have preferred to ignore claims about negative mining impacts, consequently changing the terms of debate over mining projects.

Finally, mining companies carefully delimit the discursive boundaries of discussions about transnational mining through their publicity campaigns and responses to community members, framing mining projects as social and economic development issues rather than environmental ones. Through these campaigns, they erase many of the complexities and ambiguities of the Guatemalan social context, favoring a nationalist discourse about development that reconfigures the image of the Guatemalan state.

Introduction

Figure 1: A stage and ceremonial circle of offerings set up in front of the *Palacio de la Cultura* in the Central Park of Guatemala City during an anti-mining protest march commemorating the Day of Indigenous Dignity and Resistance. October 12, 2010. Credit: K. Fultz.

On October 12, 2010 more than one thousand protesters entered Guatemala City from the south, beginning their march past a massive new shopping complex where the city's wealthy elites spend their free time. The mostly indigenous-Maya gathering paused next to an unmarked brick office building in the *Zona Viva*, the posh nightclub-and-hotel district, where the Canadian embassy is located. They had stopped to paint graffiti on the sidewalk: "*Fuera mina Marlin*" (Out with Marlin mine), referring to Vancouver-based Goldcorp's flagship Central American gold and silver mine that was the first to begin operations in Guatemala. From there, the march continued up to the *Plaza del Obelisco* and headed northeast on *Avenida la Reforma,* one of the

city's main transportation arteries, lined with banks and condominium complexes. Protesters paused again in front of the United States embassy, a much more imposing building featuring multiple layers of security fences and armed guards. They spent several minutes chanting "*No a la minería! Sí a la vida!*" (No to mining! Yes to life!) before again making their way toward the Guatemalan congress building, in the historical center of the city.

The protest march contrasted sharply with official recognition of October twelfth. In Guatemala, as in most parts of the United States, the day is set aside to celebrate the landing of Christopher Columbus on an island off the coasts of what would become called North and South America. It has long been in vogue among the non-indigenous *ladino* and *criollo* elites in Guatemala to emphasize one's European ancestry and downplay any "mixed" indigenous heritage. Guatemalan government celebrations on October twelfth continue to glorify the influence of Spanish colonialism on Guatemala and refer to the date as the "*Día de la Hispanidad*" (Day of Hispanic Culture), in spite of shifts toward acknowledgement of multiculturalism in recent years.[1] In 1992, however, to mark the 500th anniversary of Columbus's landing, indigenous peoples throughout the Americas gathered in protest of these celebrations, which they see as honoring over half a millennium of colonial oppression of indigenous communities.

In the intervening years, October twelfth has become a day of protest in support of indigenous rights throughout the Americas.[2] The participants in the 2010 march in Guatemala City, for example, referred to the day as the "Day of Indigenous Dignity and Resistance." That the focus of the march was indigenous communities' ongoing opposition to transnational mining projects highlights that this issue is one of the most significant challenges facing Maya communities in Guatemala today. The purpose of the march was two-fold: while protesters drew

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attention in the streets, community representatives submitted petitions to their congressmen, calling on them to recognize the results of the community referenda and take a stand against mining nationally. Protesters parked pickup trucks with speakers perched in the beds on the street in front of the Guatemalan congress building and stood with megaphones, calling out the results of their community referenda on mining. Representatives from each town introduced themselves in their native Mayan language—K'iche', Kaqchikel, Mam, Jacaltek, Chuj, Q'anjob'al—before announcing the statistics of their votes in Spanish so that all of the spectators could understand. One speaker proclaimed that, even more importantly than any international laws that grant communities the right to hold referenda—like International Labor Organization Convention 169 on the Rights of Indigenous Peoples—these votes are part of Mayan legal tradition, and are a cultural practice that existed previous to the Spanish invasion in the sixteenth century.

When the business of the day was accomplished, the mood of the march became more festive and protesters made their way several blocks west to the central plaza. A large stage was set up in front of the *Palacio de la Cultura*, where later in the day a popular K'iche'-language rock group and Kaqchikel-language rap group performed, interspersed with more subdued acts of flute and guitar. The stage was adorned with cypress branches and flowers, and the box speakers were draped with four-color Maya flags. Someone had assembled a circle of offerings for a Maya religious ceremony consisting of candles representing the four cardinal directions, mother earth, and father sky; incense burners of copal; flowers; and cypress needles. Vendors circulated through the crowd selling noisemakers and brightly-colored pinwheels. The music continued into the evening, with the protesters gradually dispersing for long bus rides back to outlying villages.

People had traveled hours for an event that was simultaneously a political protest and a celebration of indigenous culture, encompassing the same spirit—and indeed the heart of the argument—of the Guatemalan anti-mining movement more broadly. In this dissertation, I explore the various strategies that actors in debates over mining projects in Guatemala use to make themselves and their opinions visible at different scales. These strategies were first developed in the opposition to Marlin mine, which served as inspiration and catalyst for national social movements against mining. When Goldcorp began operations at Marlin mine in 2005, opposition to the project was limited primarily to the neighboring municipality of Sipacapa, a community of 13,000 known for organizing a grassroots referendum that resulted in the rejection of mining on their land.[3] Since then, however, opposition to mining projects has expanded throughout the highlands, spilled into the lowland regions adjacent to the capital city, and now stretches from the Pacific to Caribbean coasts. Well over half a million people from a variety of communities and backgrounds have participated in dozens of grassroots community referenda on mining. Hundreds of thousands more have seen, heard, and discussed the myriad protest marches, photographs, newspaper articles, documentary videos, blog posts, and radio announcements through which information about mining in Guatemala circulates in the public sphere. Opposition to mining in Guatemala is no longer focused on one specific project; rather, it has grown into a movement that questions the economic, political, environmental, and even cultural bases on which transnational mining investment is justified, and thus seeks to fundamentally alter the Guatemalan *status quo*.

While it would be disingenuous to argue that Guatemalan opposition to mining has been a resounding success—the highly contested Marlin mine is, as of 2015, still operational and reportedly planning to expand, and the government continues to issue mining licenses to

transnational corporations—the discrete actions that mining opposition groups have taken and the multifarious practices they have put into play have had wide-ranging effects on the Guatemalan democratic and communicative spheres. The social movements in question have not only fundamentally shaped the debate over mining in Guatemala, but made significant contributions to dialogues about mining internationally. While anti-mining movements have had somewhat limited impact on mining policy in Guatemala, they have compelled the government to rethink the structure of participatory governance on a regional level. Furthermore, beyond the context of mining opposition, the ways that anti-mining social movements in Guatemala have shaped discussions about the environment, indigenous rights, and participatory governance speak to the challenges and possibilities inherent in the nature of modern communicative practices and political organization.

The Guatemalan Gold Rush

Mining has become such a pressing issue in Guatemala in large part because of the rapid expansion of mining investment in the 1990s and early 2000s: the number of licenses granted for mining projects grew by more than 1000 percent between 1998 and 2010, thanks largely to changes to the Mining Law that increased the ease with which companies could obtain a license. At the time the law was written there were three active licenses for metal exploration; by 2008 the number had grown to 64 (Dougherty 2011b). By 2012 there were 125 authorized licenses for metal mining, including 28 for extraction and 97 for exploration. A moratorium imposed by former President Alvaro Colom (2008-2011) in June 2008, in response to allegations of environmental and human rights abuses at the Marlin mine, led to a backlog of requested licenses

waiting to be processed. President Otto Perez Molina (2012-2015) lifted the moratorium shortly

after his inauguration in early 2012. As of late 2012 there were an additional 362 metal mining

licenses in the pipeline, including 10 for reconnaissance, 336 for exploration, and 16 for

extraction (MEM 2012). The majority of metals mining in Guatemala is conducted by foreign

companies and, among those, the majority are Canadian firms.
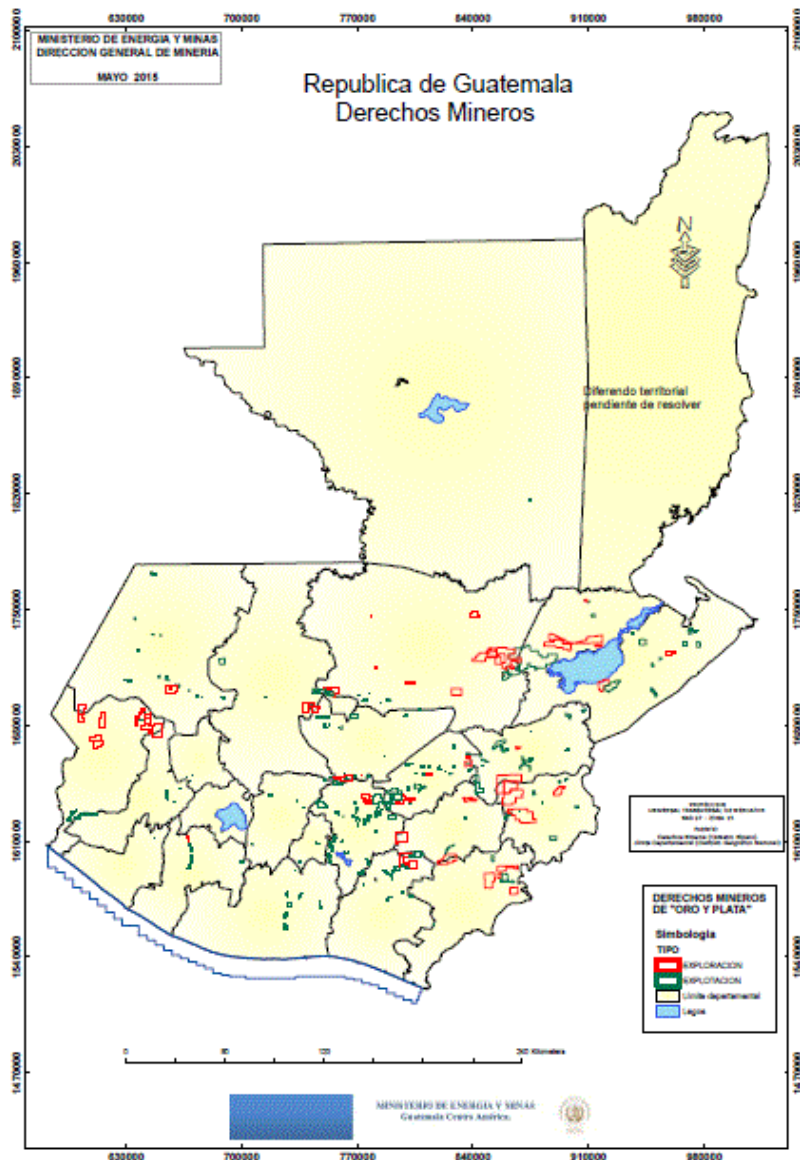
Figure 2 Map of licenses for mining granted in Guatemala. Licenses for exploration are shown in red, while exploitation is shown in green. Belize is labeled as "territory in dispute." Credit: MEM 2015.

The promotional materials provided by the Ministry of Energy and Mining (MEM) emphasize the amount of exploration and potential for metals investment; on maps showing the locations of current licenses, those for exploration are plotted in bright red, while the more modest number of extraction licenses that are plotted in dark green. The MEM officials I spoke with were optimistic about the future of the industry in Guatemala, believing that the current opposition to mining is a combination of misunderstanding by undereducated rural people, and mishandling of bureaucratic and legal matters by politicians. They see future growth of the sector as both promising and likely.

Technological advances in the past several decades have allowed mining companies to expand into areas where it was previously inefficient to mine metals. This new technology, coupled with enthusiastic government support for mining investment, has brought companies into contact and sometimes conflict with people living in these areas (Bebbington et al. 2008; Kirsch 2006, 2014; Sawyer 2004; see also Smith and Helfgott 2010). It is often the case that the sites of new mining projects are in "out-of-the-way places" (Tsing 1993) whose inhabitants are impoverished or otherwise socially marginalized. In the case of Guatemala, the rapid expansion of mining projects has exacerbated an already tense sociocultural environment in which the indigenous Maya majority has long been marginalized by a non-indigenous *ladino* minority who hold political and economic power. These social and political tensions, coupled with increasing concerns over natural resource issues such as lack of access to potable water, extreme seasonal flooding, declining crop yields, and the specter of *cambio climáctico* (climate change), have helped generate opposition to mining in nearly all of the 22 departments in the country.[4]

While the wide-spread opposition and the large number of licenses for mining might lead one to assume that there must be metals mines in every department in Guatemala, there are actually

only a handful of viable metals mining projects currently under development.[5] Marlin mine, located in the municipality of San Miguel Ixtahuacán in the western highland department of San Marcos, is the only operational metals mine as of 2015, and produces primarily gold and silver. This is not to say that Marlin is the only mining project protesters are worried about—indeed, as is evident by the number of licenses granted for exploration (as well as exploitation) in recent years, the number of operational projects is likely to increase in the near future. However, it is remarkable that the widespread opposition to these projects is preemptive, to the extent that the projects in question are barely in the development stage before community members begin to protest (see also Kirsch 2014). Greater and earlier education about the potential negative impacts related to mining projects is one factor in facilitating this opposition (Kirsch 2014), however in Guatemala the motivation also stems from transnational mining projects' ties to enduring social and economic inequalities impacting the majority of the population. These inequalities are the topic of much debate, and are the subject of the Guatemalan government's long-standing "will to improve" both the economic and social context of the country (Li 2007). To that end, the government presents mining projects as essential development opportunities for indigenous communities. On the other hand, indigenous anti-mining activists frame mining projects as antithetical to their way of life, invoking a cosmopolitical conception of the world in their deployment of international indigenous rights discourses (De la Cadena 2010).

Activists, Organizations, and Communities

Before examining the discourses people engage in debates about mining projects, it is first necessary to identify the people involved. The side in favor of mining development primarily

consists of the mining company, Montana Exploradora (the wholly-owned Guatemalan subsidiary of Canada-based Goldcorp, Inc.) and the Guatemalan government.[6] Within the government, the two main ministries involved in mining are the *Ministerio de Energía y Minas* (Ministry of Energy and Mines, MEM) which does most of the work of both promoting and regulating mining in the country, and the *Ministerio de Ambiente y Recursos Naturales* (Ministry of Environment and Natural Resources, MARN), tasked with environmental regulation of all industries, including mining.[7] MEM is unsurprisingly the biggest champion of mining in Guatemala, and many of its employees have at one time worked for mining companies. MARN, while not explicitly in favor of mining, does not in any way support anti-mining activists (see chapter 6 for further discussion). However, the Guatemalan government is not a uniform entity, and some of its numerous different ministries and other sub-domains are more sympathetic to the people opposing mining. It seems that the central government increasingly brings divergent sectors into line with the official pro-mining policy (or at least curtails any overtly anti-mining actions on their parts). For example, the *Academia de Lenguas Mayas de Guatemala* (Mayan Language Academy of Guatemala, ALMG) is an autonomous organization fully-funded by the Guatemalan government. In 2008, the Sipakapense-language branch of the ALMG was active in organizing against mining in Sipacapa, displaying banners and participating in protests. The next year, however, they had removed any indication of support for anti-mining groups from their offices, explaining somewhat brusquely to me that they didn't participate in those activities any more. In another instance, the *Defensoría de Derechos Indígenas* (Indigenous Rights Ombudsman), a subset of the *Procuraduría de Derechos Humanos* (Human Rights Ombudsman, PDH) organized a conference on mining and indigenous rights in Guatemala City in 2012.[8] When I arrived for the conference, however, it had been cancelled, citing a lack of balance in

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political views of the presenters that had been scheduled. The representative I spoke to was quite defensive, demonstrating a strong desire not to be grouped in with the dominant government discourses. He told me, "People think we're on the side of mining now, but we're not. We didn't cancel the conference, we just rescheduled it, so we can get more presenters. But we're not on the side of the companies." As far as I know, the conference was never rescheduled.

While pro-mining actors can usually be identified by a professional institutional affiliation, anti-mining actors form a social movement whose component organizations and individuals are more fluid in their degrees of involvement and dedication. As discussed above, anti-mining efforts are a social movement because the scope of their protest is no longer focused on a single mining project, but rather is a preemptive effort to curtail mining investment in Guatemala as well as shift the logics that have given rise to the mining boom in recent years. The anti-mining movement in Guatemala is a type of imagined community (Anderson 2006) that coalesces around shared discursive regimes—primarily regarding development and indigenous rights (discussed below). People connected to the movement have varying degrees of commitment, ranging from participants in protests and referenda to professional activists who work for organizations dedicated to the issue. The anti-mining movement is one of a myriad different social movements focused on various interrelated social, political, and cultural issues in Guatemala, including, for example, indigenous rights or civil war reparations. As I will argue below, the anti-mining movement is most closely related to the post-civil war Pan-Maya movements, but can be distinguished by the particular ways it employs discourses about indigenous rights (see also Billingsley 2014, Warren 1998).

In Guatemala, people differentiate between "non-governmental organizations" (NGOs) and "social movement organizations" (SMOs). NGOs are usually hierarchical in structure, often

affiliated with a foreign government or other larger (and better-funded) foreign organization such as the Catholic Church, and are ostensibly apolitical, at least to the extent that they are not dedicated to a single cause or political issue.[9] Examples include *Solidaridad Holandesa*, a Dutch organization focused on establishing fair trade supply chains, or *Intervida*, a Spanish organization focused on education. SMOs on the other hand, are always locally- or regionally-based, have a more fluid organizational structure, and often receive their funding from NGOs (and thus, indirectly from foreign organizations), although the NGOs have varying levels of influence over how those funds are used (see also Billingsley 2014). Depending on the movement, SMOs and NGOs often collaborate closely and sometimes share personnel and resources. It is frequently difficult to distinguish between the two—especially when attempting to discern an individual's affiliation.

A third distinction might be made for an "activist organization" (AO), or "solidarity organization" terms which I use to refer to international organizations with explicit political goals, who often engage in protest or "awareness-raising" projects in their countries of interest (see chapter 4 for a discussion of how these organizations have functioned in Guatemala). For example, Rights Action, a Toronto-based organization, has long been involved in anti-mining campaigns focused on Honduras and Guatemala. Their activities primarily revolve around raising awareness of Central American mining issues in Canada, both through the production of various kinds of media (see chapter 5), as well as through educational "delegations" of Canadian visitors to Guatemala and Honduras organized in collaboration with local activists and SMOs.

While casual members of the movement—such as my friend Helena, who we will meet in chapter 1—may attend protests and skillfully discuss the political histories that have led to the existing socioeconomic context that promotes mining, the activists affiliated with SMOs are the

ones that drive the movement. They are the organizers of community referenda, the people giving testimonies and participating in documentary films, the ones mobilizing connections with international activists and parlaying these relationships into social and economic resources. Members of these organizations are the spokespeople of the movement, and the ones most often referenced in media objects about mining. When I use the term "anti-mining activist" throughout this text, these are the people I am referring to.

Development and Indigenous Rights Discourses

While anti-mining movements are disparate in terms of their membership, organizational affiliation, and even the level of participants' commitment, what distinguishes them from the broader population is their ability to deploy particular discourses about development and indigenous rights (see also Escobar 2008; Peltonen 2006). This is not to say that proponents of mining do not employ these discourses as well; indeed, they make conflicting arguments through a shared discursive framework (see discussion below). Participants in mining conflicts strategically employ two central discursive regimes in order to promote their positions, those of "development" and "indigenous rights." Both sides of the conflict employ or respond to these discourses in different ways, yet they become intertwined in relation to the ways people think and talk about the concept of "the environment."

The Guatemalan government justifies its support of the expansion of mining by drawing on international discourses about economic development. There is broad agreement among scholars that the international development programs created after World War II have served as a way to expand and deepen capitalist relations in non-Western countries, effectively maintaining and even depoliticizing the unequal power relationships first put into place through colonialism

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(Escobar 1994; Ferguson 1994; Goldman 2005; Li 2007; Wainwright 2008). The developmentalist logic defines "less-developed" countries as being stuck in the economic past, arguing that any problems they face are due to a lack of economic success or complexity as compared to developed nations–a discursive move that ultimately separates issues like poverty from their political context (Ferguson 1994; see also Wainwright 2008). The goal of development projects is thus to close this gap and bring underdeveloped nations out of the economic past and into the present, ostensibly eliminating the concomitant sociopolitical problems in the process (Goldman 2005; see also Latour 1993). In so doing, the human and natural resources previously "trapped" by underdevelopment are made available to capitalist economic expansion and exploitation, primarily by the actors implementing the development programs (Escobar 1994; Goldman 2005; Li 2007; Wainwright 2008). The Guatemalan government—along with the World Bank and mining corporations—suggests that mining is an ideal method of bringing Guatemala into the economic present, specifically by using trapped mineral—and, importantly, human—resources to create economic wealth.

The use of development discourses to frame mining projects has historical parallels in how concepts such as "progress" and "modernity" have been used in relation to Maya people. In the late 19th and early 20th centuries, the creation of Guatemalan modernity depended on breaking with the traditional past, represented by the indigenous population of the highlands (see also Latour 1991). Modernity and progress in this sense meant not only economic and technological advancement, but also cultural "advancement." This attitude is exemplified by the National Summer Fairs held by Dictator Jorge Ubico in the 1930s. As in the World's Fairs in Chicago, Paris, and New York, the purpose of the Guatemalan National Fairs was to showcase the country's modern advances in a rational, orderly manner, "even if it did not really exist in the

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daily, material life" of people living in Guatemala (Little 2008:638). In these fairs, examples of

Guatemala's industrial and agricultural products—symbols of the country's economic

progress—were juxtaposed with model indigenous villages, or *pueblos indígenas*, in which

indigenous people reenacted their everyday lives and created handicrafts. Walter Little (2008)

argues that the *pueblo indígena* in these fairs simultaneously symbolized Guatemala's past,

challenges to future advancement, and an "underutilized economic resource"—one that was ripe

for exploitation.

These attitudes persisted throughout the 20th century and continue to be found in present-day

Guatemala. Nationalist sentiments, particularly following the civil war, emphasized economic

growth and development as essential to the formation of the Guatemalan nation. Many of the

reforms established in the civil war peace accords reinforced the political participation of non-

indigenous *ladinos* while relegating Maya people to bounded or folkloric spaces (see also Hale

2011a, 2011b). Yet there is not only the sense that indigenous people are stuck in backwater

communities and are somehow less "developed"—both culturally and economically—than

ladinos, but that they must be brought into the metropolitan center.[10] When I mentioned to

people in Guatemala that I was studying Mayan languages, for example, I often received

bewildered responses. One woman told me, "The people here [in Quetzaltenango] are still really

stuck on their *lenguas*" (tongues, meaning a spoken language, with the implication that "real"

languages, *idiomas*, are written).[11] Another person sarcastically replied, "Why? Because there

are so many stock markets that depend on K'iche'?" (the most widely-spoken of the Mayan

languages in Guatemala), revealing twin biases that not only are the only languages worth

learning ones associated with economic power, but that Mayan-language speakers are somehow

lacking in economic ability.[12] Evidently, not much has changed since the 1930s, although these

attitudes have perhaps become more insidious. As it becomes less-accepted to voice such views

publically, their proponents instead couch them in the vocabulary of international development

programs, often making it more difficult to critique them at face-value.

In Guatemalan discourses about development, both the environment and indigenous peoples

are framed as resources to be exploited—one in terms of material wealth and the other in terms

of labor. Exploring how development discourses define material and human resources offers

insight into the ways that they simultaneously create environmental spaces. Official discourses

about development in Guatemala align with a rigid distinction between "natural" and "social"

spaces, which corresponds to enduring over-differentiation between sectors like economic

development and environmental conservation. These distinctions are evident in media

representations of natural resource exploitation, especially as compared to conservation efforts.

At the time when opposition to Marlin mine was beginning, Guatemala's widest-circulating daily

paper often featured articles with titles such as "*Oro negro en la selva verde*" (Black gold in the

green jungle), and exalted the possibilities for oil exploitation in the largest protected biosphere

in the country, located in the Petén region. The article in question featured splashy, attention-

grabbing graphics that included images of oil drills superimposed on top of bright green jungle,

and provided graphs indicating the estimated benefit the Guatemalan economy would receive

from such a venture. The potential environmental impacts were not discussed; the message the

article unequivocally sends is that the jungle is commensurate with economic wealth.

In contrast to the aforementioned article, which equates natural spaces with the potential for

economic growth, discussions about conservation of natural spaces position them as separate

from major societal issues such as poor waste management infrastructure or lenient regulation of

the forest industry. For example, classrooms around the country feature students' drawings of

ways to conserve the environment, including admonitions to not throw trash in the river, to not burn garbage, and to plant more trees. This focus suggests that conservation is the responsibility of individuals, rather than a political issue that would motivate social movements and reforms. A newspaper article published within weeks of the one mentioned above discussed squatter settlements in the Petén region, the same region in which it was proposed to drill for oil. The article criticized the landless peasants who occupied the settlements for destroying the forest, considered part of Guatemalan national patrimony. The newspaper displayed a series of photographs showing the settlers and the homes from which they were evicted, alongside a discussion of ways the park could improve boundary management. In this case, the people in question were literally dragged out of the picture of the national park, suggesting that they must be removed from "nature" in order to be socially (and economically) worthwhile and, at the same time, for nature to retain any inherent value it may have apart from its natural resources. Thus oil exploration—a boon primarily for the elite classes—is glorified while the struggle for subsistence among the landless poor is vilified in the national media.

These two articles are an example of how what "counts" as nature, and when, is delineated in Guatemala. When there is economic wealth at stake, a preserved area is recast as being filled with "natural resources" to be exploited. Meanwhile, the unaddressed long-standing crisis of land reform remains politically untouchable. The way that the Guatemalan government employs particular discourses about development, environment, and indigenous subjects is an attempt to produce political subjects who cooperate with their desire to expand the mining industry; anti-mining activists' responses push back against this process and ultimately create their own political subjects based on alternative ways of framing development, environment, and indigenous identity.

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When I began long-term field research in Guatemala in 2010, government-sponsored discourses aimed at growing the economy and reinforcing nationalist sentiment dominated the ways mining projects were framed in the wider public sphere. It was a foregone conclusion that minerals and metals were meant to be exploited, that subsistence farming—and the indigenous people who practiced it—were stuck in the economic past, and that mining would be the engine to move Guatemala and its indigenous peoples into the economic present. Anti-mining groups were fighting an uphill battle to promote their alternative frames—namely that mining posed serious social and environmental risks, and was, in their formulation, an *anti*-development endeavor. Over the course of my field research, however, I began to see public attitudes shift. Anti-mining discourses challenge the ways that Guatemalan political structures privilege the participation of non-indigenous *ladinos* over indigenous Mayas and limit the spaces of citizenship in which indigenous people are allowed to fully participate. Through the efforts of anti-mining activists, public discourse subtly changed from unquestioned support of World Bank-style industrial development to a more nuanced questioning of the goals of such projects, particularly whether or not they truly benefit the common good.

This shift has occurred in in tandem with the efforts of anti-mining activists to promote an alternative approach to development that draws on international indigenous rights discourses. Indigenous rights emerged as a principle for international political organizing relatively recently; International Labor Organization Convention 169 on the Rights of Indigenous Peoples, ratified in 1989, established the first comprehensive set of standards for indigenous cultural, territorial, economic, and political rights, in particular self-determination and the right of free, prior, and informed consent (Niezen 2003; ILO 1989; see chapter 2). In Latin America, indigenous groups have cited these rights in making claims against states for territory, language education, civil

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liberties, and self-determination (Maybury-Lewis 2002; Ramos 1998; Sawyer 2004; Sieder 2002; Speed 2006; Warren 1998; Warren and Jackson 2002).

Guatemala signed ILO 169 in 1996, which coincided with both the signing of the Peace Accords that ended the civil war, as well as the politicization of Maya identity fomented during Guatemala's experiment with democracy (1944-1954) and accelerated by pan-Maya solidarity built up among refugees living in Mexico during the civil war (Montejo 2005). Pan-Maya movements emphasize the continuity of Maya culture from the pre-Columbian civilization to the present day, intending to unite distinct ethnolinguistic groups under one cultural identity (Fischer 2001, Warren 1998). Diane Nelson (1999) and Charles Hale (2006) emphasize that Maya identity is relational, and is constructed through interactions with colonial histories, non-indigenous *ladinos*, and other Mayas. Constructivist analyses by Edward Fischer (2001) and Kay Warren (1998) show how historically-grounded symbols of indigenous identity, such as language and dress, are put to new political uses by Maya actors in order to redefine their roles in such social relations. On the whole, Pan-Maya movements have focused on cultural rights rather than seeking political office, inciting changes in the structure of governance, or making claims for ancestral territories. These movements have enjoyed success in their goals, for example, creating bilingual school curricula and normalizing the use of Mayan languages in certain regional businesses and government services. They have also spearheaded generational changes in the language ideologies of native Mayan speakers, leading to a reevaluation of the values associated with indigenous languages vis-à-vis Spanish (French 2010), and setting the stage for new political subjectivities as young Maya professionals gain higher status (Billingsley 2014).

Anti-mining activists build on these successes, and have deployed international indigenous rights discourses in a way that explicitly challenges the governmentality of the Guatemalan state.

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They reference ILO Convention 169, as well as the UN Declaration on the Rights of Indigenous Peoples (2008) and the provisions for indigenous rights in the Guatemalan constitution to criticize national development policy; they seek to increase Maya participation in representative politics; most radically, they argue for autonomous control over land that was historically held by indigenous *pueblos*. Their goals are somewhat sweeping, and are broadly related to other leftist projects such as the push for civil war reparations. Moreover, anti-mining social movements draw on indigenous forms of conceptualizing political life in an effort to make what Marisol de la Cadena (2010) calls "excesses" visible at the national level. This excess includes the belief systems that do not conform to the national narrative about development and indigenous rights. De la Cadena argues that "This appearance of indigeneities may inaugurate a different politics, plural not because they are enacted by [marked] bodies… but because they… force into visibility the antagonism that proscribed their worlds," that is, the forced division and subsequent tension between the "natural" and "socioeconomic" realms created through nationalist development discourses (2010:346). In Guatemala, anti-mining activists argue that their demands—for sustainable development, for the closure of mines, for the control of their territories—are all based in the K'iche' concept of *utz k'aslemal* (in Spanish: *buen vivir*; in English: "good living") which has its roots in the Maya cosmovision.[13] In recent years, Pan-Maya activism and related indigenos rights movements have framed the Maya cosmovision as emphasizing that the spiritual world—the cosmos—imbues all material things, including (perhaps especially) the natural world (see also Rigoberta Menchú's account in Burgos-Debray 1983).

Economies of Representation

The actors involved in debates over mining put their discourses into practice in a variety of ways: they create communicative objects such as newspaper articles, blog posts, or photo essays; they organize grassroots *consultas comunitarias* (community referenda) on mining; they enter courtrooms to challenge or defend the Guatemalan government's attempts to regulate such votes; they hold marches in defense of their views. These practices both depend on and (re)produce the ideas about the Guatemalan state and population as political actors. Juxtaposing the practices of the government and mining company, on the one hand, and anti-mining activists, on the other, is not meant to underestimate the totalizing power of government-corporate discourses about development and indigenous peoples. Rather, as I discuss below, my intention is to highlight the creative potential that anti-mining activists exploit in the contradictions, disjunctures, and ambiguities that arise through such juxtaposition. Indeed, anti-mining activists are the ones that first created these points of conflict and possibility. The changes in how mining is discussed in Guatemala in the past several years have been the result.

The promotion of mining projects by the Guatemalan state and mining companies employs a logic of governmentality that seeks to produce a certain kind of developing (or develop-able) political and environmental subject—one who values the material world for the ability to exploit natural resources; one who positions Guatemala in the economic past, and sees the necessity of bringing it into the economic present; and one who sees mining development as a desirable method of doing so (Foucault 1991, see also Agrawal 2005). This results in an over-simplification of the complexities of the Maya sociopolitical context, rendering indigenous people in Guatemala invisible in many ways. Charles Briggs (2004) examines the social and political processes that produce such an "economy of erasure," outlining three discursive

practices that erase the indigenous residents of the Orinoco delta in Colombia, each bearing

striking resemblance to the ways the Guatemalan government and mining companies employ

discourses about development and indigeneity. The first practice emphasizes the distinction

between natural and social spaces, erasing the people "who do not seem to know the difference";

the second distinguishes between people with a "global vision," and those limited to a local

outlook; and the third involves the self-contradictory and circular nature of producing public

discourses, and how subjects are identified within them (2004:167, see also Warner 2002).

Against these powerful discursive forces, Briggs argues that conspiracy theories are the

"exuberant and sometimes even outlandish attempts to disrupt" this economy of erasure and

make its subjects visible. Likewise, many of the practices engaged in by anti-mining activists

serve to combat the economies of erasure perpetuated by government and mining companies.

Some are indeed outlandish—such as satirical radio announcements or vandalized billboards—

but others are more mundane—such as voting or producing testimony. Yet these practices do

more than react to or critique the dominant economy of erasure; they also produce unique

political subjectivities in their own right.

Visual media play a powerful role in the creation of political subjects, and the production of

visual media—both by the mining company and by anti-mining activists—is central to debates

about mining in Guatemala. Deborah Poole (1994) examines the ways that images have mediated

the political, economic, and social links Andeans formed in the 19th century, creating what she

dubs the "Andean image world." She describes the "visual economy" of this world as the

production, circulation, and consumption of images of Andean subjects, in which viewers are

ultimately guided to one understanding of the subjects' identities—and most significantly, their

place in the racial hierarchies of the region—over others (see also Foucault 1991). Walter Little

(2008) describes the ways that the circulation of touristic images of Maya people in the early 20th century ultimately contributed to the creation of some of the dominant subject-images in wide circulation today. For example, he explains that photographs of artisan weavers were originally circulated with no preference for gender, yet the greater consumption of photographs of female weavers eventually led to the greater circulation of those photographs and, subsequently, contributed to the emergence of the "female Maya weaver" as an iconic subject in images of Maya people today. These images, in turn, have shaped some of the most persistent ways of viewing Guatemala as a nation.

Danny Hoffman builds on this framework in his study of conflict in Liberia, which he argues was structured by an "economy of attention." Success in the war depended on combatants' and non-combatants' ability to maintain the attention of an audience that "they knew was there, but often could only sense or apprehend in the most abstract way" (2011:952). While the conflict over mining in Guatemala certainly cannot be compared to the war in Liberia in terms of the extent or intensity of violence involved, the two do share in their fundamental digitization. The Mano River war, according to Hoffman, was one of the first "digital wars," while the conflict over mining in Guatemala has depended largely on anti-mining activists' ability to access digital tools that allow them to both quickly produce communicative media as well as circulate the resulting media objects outside of the country. It is this digitization that allows activists to contend for audience attention—even when that audience is largely unknown, and even when that audience is pulled in many other directions by the ever-present 24-hour news cycle. The ability to make oneself visible over this onslaught of images requires a skillful deployment of appropriate discourses as well as aesthetic conventions and technological tools.

The debate over mining in Guatemala can be understood as an "economy of representation": a series of linked practices—namely, production, circulation, consumption, and reinterpretation—through which these actors seek to make particular people and objects visible as political subjects at various social and governmental scales. Like Hoffman, Little, and Poole, I emphasize the centrality of visuality—seeing, being seen, and erasing—in the creation of (human and non-human) subjects. However, my approach differs from theirs first in that I am interested in visuality in the broadest sense, seeing subjects not only through the circulation of images such as photo essays, but also through the performative aspects of events such as protest marches, the accounting that occurs through *consultas comunitarias*, or the simple affirmation of their lived experiences. Second, I am not interested in anti-mining subjects' critique of the economy of erasure as much as I am interested in their production of perpendicular discourses that seek to undermine the very foundations on which such an economy is constituted.[14] While the discourses employed by anti-mining activists contradict those put forth by the government and mining companies, they are not seeking reform. Rather, anti-mining activists are part of a broader struggle to entirely replace the current system with a new type of governmentality, and new kinds of political subjects. Finally, and perhaps most importantly, I highlight the ways that the practices engaged in both blocs—the government and mining company, on the one hand, and anti-mining activists, on the other—are mutually constitutive. They depend on and build off of one another, subtly (and sometimes not so subtly) reinventing each other's message as they do so (see also Roseberry 1996).

In this way, to borrow William Roseberry's (1996) terms, economies of representation are a "field of force" in which actors connected by unequal power relations employ various "languages of community and contention" to vie for discursive dominance. Roseberry reads

Antonio Gramsci's (1971) discussion of hegemony as a way to understand such a struggle, arguing that the production of subaltern subjectivities must be seen as a process through which "…active or passive affiliation and the preservation of mentalities are placed within a dynamic range of actions, positions, and possibilities, a range that includes the formation of new organizations and institutions, the pressing of claims, the assertion of autonomy" (1996: 80). Hegemony is not the construction of a universal ideology, therefore, but "a common material and meaningful framework for living through, talking about, and acting upon social orders characterized by domination" (Roseberry 1996: 80). As such, the economy of representation is not an argument against the economy of erasure, but rather a way of engaging a shared framework that consists of practices that both erase subjects and make them visible; these practices are mutually constitutive, offering the possibility for actors to create multiple points of contention, disjuncture, and creative potential.

Disjuncture characterizes globalized social relationships, producing "fundamental problems of livelihood, equity, suffering, justice, and governance," (Appadurai 2000:5). Although disjunctures can be problematic, they also provide creative potential. These disjunctures— otherness, ambiguity, doubt, or uncertainty—give rise to new and varied meanings of familiar terms and ideas. Anna Tsing (2005) describes disjuncture in terms of "friction" that both makes worlds move, and is a result of that movement. Such is the case in Guatemalan mining debates, in which actors exploit disjunctures that occur in three broad areas in order to create new political subjects (and subjectivities) associated with each.

The first area in which actors play with disjuncture is identity formation, which is the question of what it means to be indigenous in Guatemala today. Marisol de la Cadena's (2015:33) application of Marilyn Strathern's (2004) concept of "partial connections" to

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understanding the emergence of Latin American indigeneity is particularly helpful for parsing

the convoluted and often contentious relationship between the Guatemalan state and Maya

identity. She emphasizes that indigenous identity has emerged in part from its inclusion in—one

might say appropriation by—institutions and practices that are explicitly not-indigenous. It

incorporates those practices without being subsumed by them, and is therefore similar to and

different from, included in and excluded from, nation-state institutions. She elaborates, "Borders

between indigenous things and nation-state things are complex; they historically exist as

relations among the fields they separate, and therefore they also enact a connection from which

both—things indigenous and non-indigenous, emerge, even as they maintain differences vis-à-

vis each other" (2015:33). I discuss this relationship as it exists in Guatemala in chapters 1 and 2,

through an examination of the production, circulation, and consumption of indigenous rights

discourses in relation to state governance structures such as voting.

The second area in which actors creatively play with disjuncture concerns the creation of

communities. At one level, the development of a national community depends on the creation

and subsequent erasure of "otherness" in order to be able to imagine a unified whole (Anderson

2006; see also Roseberry 1996). The national-democratic project is thus ongoing and requires a

certain amount of "incompleteness" in order to maintain it. Following Ernesto Laclau, the

seeming certainty with which communities come to recognize signs as meaning one thing over

another is a result of political competition (1996:57). In Roseberry's Gramscian terms, this is the

social disunity that paradoxically binds society together, leaving open the possibility for

alternative beliefs that exist within (and despite) a social order characterized by domination

(1996:80). True universality can never be achieved, and yet the actors involved continually seek

agreement among themselves. This struggle is enshrined in democratic interaction (Laclau

1996:57-58). I discuss the ways anti-mining activists create and exploit uncertainty in their organization of *consultas comunitarias* (community referenda) on mining in chapters 2 and 3. They take advantage of the partial connectedness of indigenous and state institutions in order to create an intertextual gap between the state's political frame and their own, challenging the Guatemalan state's moral authority and monopoly over participatory governance (Strathern 2004, see also Briggs and Bauman 1992).

At a different level, international communities of solidarity also depend on the exploitation of otherness, although in this case it becomes emphasized almost to the point of celebration. In chapter 4, I examine how Guatemalan and international anti-mining activists strategically engage their real and perceived differences to create international solidarity networks (see also Nelson 1999). Through these networks, activists are able to share their testimonies about mining with much wider audiences than would otherwise be possible.

Third and finally, actors in debates over mining strategically exploit disjunctures in the determination of causality—the cause of a skin rash, the cause of cracked houses, or the cause of random violence, for example. In spite of numerous efforts to verify that the issues that community members report have been caused by mining, it remains in the mining company's best interest to maintain a level of doubt. In chapters 4 and 5, I analyze the ways anti-mining activists produce certainty in their verbal and visual testimonies about mining, how these narratives circulate at various scales, and how they ultimately have forced the mining company and Guatemalan government to respond when they otherwise would have preferred to remain silent. As a result, these testimonies have come to dominate discussions about mining in Guatemala, at times usurping even the official discourse of development.

Anti-mining strategies play with the incomplete and partially connected aspects of each of these relationships—the ongoing processes of creating identities, forming communities, and determining causality—to exploit disjunctures in the creation of new subjectivities (see also Briggs and Bauman 1992). However, their efforts to manipulate the representational economy exist in constant tension with the mining company's own set of representative practices. The mining company attempts to erase the complexities and ambiguities of the Guatemalan social context, promoting mining projects as "sustainable development" in the best interest of a particular imagined Guatemalan nation, through the production and circulation of techno-scientific and publicity-oriented documents. In their responses to such documents, anti-mining activists are compelled to frame their opposition in the same techno-scientific terms the company uses, which not only limits the kind of critique they can make, but allows the government and mining company to exploit disjunctures between their own and activists' use of this genre to accuse activists of inaccuracy and illegitimacy. In chapter 6, I examine the ways that pro-mining frameworks contribute to shaping anti-mining frames, and vice-versa.

Reflections on Fieldwork

This dissertation is based on eighteen months of ethnographic field work in the Guatemalan highlands and capital city. Studying a political movement, as one might expect, entails a certain amount of mobility. Reflecting the increasingly dispersed character of global social and political interactions, my research was "inherently multisited" before I even set foot in Guatemala thanks to the transnational practices of advocacy and awareness-raising I experienced via the Internet (Marcus 1995:103; see also Juris 2008). I first learned of Sipacapa (and later San Miguel Ixtahuacán) and Marlin mine through the documentary film "Sipakapa no se vende" (Sipakapa is

not for sale), distributed via activist networks in the United States and eventually acquired by my university's library (Revenga 2005). My first forays into the activist blogosphere to discover more about Marlin mine—initially from the comfort of my desk in the United States—yielded webpage upon webpage of testimony, video clips, photo essays, courtroom transcripts, and "solidarity science" (Li 2015) that would eventually become the foundation and central focus of this dissertation. As an avid photographer, and having recently returned from an extended stay in Guatemala, I was especially struck by the proliferation of images of this particular mine, both professionally-produced and seemingly spur-of-the-moment amateur photographs.

The sheer volume of information published online about this mining project was striking enough to pique my interest, but it was a brief encounter in Guatemala in 2008 that pulled me in and convinced me that such a study would be intellectually and politically worthwhile. While I was traveling by bus from Huehuetenango to Quetzaltenango, the non-indigenous *ladina* woman seated next to me struck up a conversation, as frequently happened in such situations. In the middle of telling me about her studies in biology, she paused and pointed out the window as we passed an intersection on the highway. "There's a mine out that way, you know. A gold mine. You can take tours of it… they say it's very beautiful, but of course none of the gold is for people here in Guatemala." This short statement raised many questions for me, foremost among them "who would tour a gold mine?" Having already seen the aforementioned documentary about Sipacapa, I had some idea of the sociopolitical context of the mine in question. However, the woman's explanations that the mine was "very beautiful" but that "none of the gold is for people in Guatemala" gave me pause. Her statements hinted at both the complex understandings of the environment, as well as the transnational ties that gave rise to the project in the first place.

Suddenly, I saw the mine—or reports of it—everywhere I went in Guatemala. Marlin filled the newspapers, appeared on billboards and bus stop advertisements, and jingled in annoyingly catchy announcements on the radio. People raised the issue of mining unprompted—but, tellingly, almost never in connection with environmental issues. This would change over the course of my research. On the one hand, as I traveled in the communities most closely impacted by the mine, and as mining occupied an increasingly politicized position in the Guatemalan public sphere, people became more cautious with what they were willing to share. Reflecting the impact of years of clandestine violence in the highlands, there was a sense that you never really knew the ideological leanings or political connections of the people you were talking to; offending the wrong person could have deadly consequences, as was already beginning to be seen in the communities nearest to the mine (Hill 2014). On the other hand, as anti-mining activists were able to promote their position to a wider audience, and gain political traction in doing so, discussions shifted from the beauty of the gold and the possibility of taking a tour of the mine to the damage the operation caused to people and the environment living nearby.

By the time I returned to Guatemala in 2010 to conduct long-term fieldwork, many of the landmark accomplishments of the activist efforts surrounding Marlin mine were old news: the petition and hearing at the Inter-American Commission on Human Rights, the subsequent precautionary measures ordering the closure of the mine, the Colom administration's temporary suspension of granting new mining licenses, independent health and environmental assessments showing various degrees of pollution and negative health impacts in communities near the mine. People in Sipacapa, once the center of anti-mining activism, were beginning to show signs of "activist-fatigue"—that is, they were tired of people coming to help them protest against mining. One man, who had been integral in planning the *consulta* in his community, misunderstood me

when I asked him what changes he had seen since the arrival of the mine (meaning environmental or health impacts), and replied, "If there had been any changes, we'd be happy with that," (meaning economic changes), "the problem is, everything is still the same." He told me he was tired of protesting. "What we need here is real development," he said. It became clear that the anti-mining movement was not only about closing a mine, but about rethinking the logic of mining—and similar kinds of political projects—more broadly.

Anti-mining activism had begun to shift focus, with one activist going so far as to tell me that he considered the opposition to Marlin a "failed case"—"we've lost that community," he told me—and that now it was time to focus efforts on preventing new mining projects in other areas of the country. The wave of *consultas comunitarias* (community referenda on mining) was gaining momentum in the highlands and beginning to spread to non-indigenous communities as well. Anti-mining activists—both Maya people from highland communities as well as *ladinos* from Guatemala City and foreigners—were increasingly mobile, traveling to conferences around the country. Anti-mining activity had shifted away from the communities that up until that point were most closely impacted by mining, and began to concentrate in urban centers.

I spent six months in Guatemala City studying this new focus; I attended activist conferences, court hearings, and protests, as well as interviewed officials in a variety of government ministries, employees in non-governmental organizations, members of activist organizations and self-proclaimed social movements, and representatives of Montana Exploradora. Contrasting these perspectives with the ones I had heard in my short-term, preliminary fieldwork highlighted the self-consciousness that many capital-based activists and professionals felt about the divide between the metropolitan center and the "interior" of the country—that is, the peasant and indigenous communities located in the western highlands,

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where Marlin mine is located. In spite of the growing number of activist activities in the capital and other large cities, I constantly heard *ladino* and foreign activists (but rarely the Maya activists who had traveled to the city from highland communities) say during meetings in the capital "*hay que ir a las comunidades*" – we've got to go to the communities, ostensibly to see how things "really" were. At Montana Exploradora they told me repeatedly, "Just go to the communities, and see how things are." There was clearly a divide between the capital and other parts of the country, which was shaped by the persistent dominant view of the divide between the city and rural areas.

In the highlands, I was based in Quetzaltenango, the cultural capital of the region. Quetzaltenango has long been a center of indigenous political and economic power in Guatemala, including a stint as the capital of an independent country at the end of the colonial period (Grandin 2000). Today, it is the cultural center and transportation hub of the highlands, as well as the location of several NGOs focused on issues related to democracy, indigenous rights, or mining. From there it was straightforward, if not easy, to make frequent trips to smaller surrounding communities to attend referenda, informational meetings, referendum anniversary celebrations, and other public events related to mining. I attended and worked as an election observer in ten *consultas comunitarias* on mining in indigenous and peasant communities in the highlands (see discussion in chapter 3). The highway outside of Quetzaltenango was also the site of roadblocks and mass demonstrations about mining, and several activist conferences took place at a convention center in the city. Although my research focus was on the networks of activists and mobilizations around the highlands, I also spent substantial time in San Miguel Ixtahuacán and Sipacapa, where groups of community members and regional organizations continued to express their opposition to Marlin mine. I attended community meetings organized by

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FREDEMI (the Front in Defense of Territory of San Miguel) and COPAE (Pastoral Peace and Ecology Commission) and spoke with members of the local communities. My study is further grounded in the participant-observation I conducted with several families in different highland communities (Sipacapa, Nahualá, and San Juan Ostuncalco), as well as earlier participatory research I conducted while working as a teacher at a high school in San Mateo Ixtatán, Huehuetenango (Fultz 2010).

Not all indigenous communities in the Guatemalan highlands are located in rural areas. While it is true that many families practice subsistence agriculture, and that towns are often quite remote due to inadequate transportation infrastructure and rugged terrain, the population density of Guatemala is 144 people per square kilometer, and half of the population is classified as living in an urban area. Fifteen percent of the population lives in the capital city, which is more than twenty times larger than the next largest urban center (World Bank 2015). In other words, although Guatemala has only one large city, it also has a number of relatively densely populated but smaller urban centers, rather than only a scattered rural population. The communities where I spent most of my time had paved roads, regular bus service, local cable television and radio stations, daily national newspaper service, and their choice of three different cell phone carriers, which also provided wireless data connectivity. People living in these communities were mobile, and traveled to neighboring towns or cities for work and school. Thus the "closed corporate" characteristics of these communities, as described by Eric Wolf and Sol Tax, are fading, and they are quickly becoming enmeshed in a variety of transnational social, economic, and cultural processes which both make them vulnerable to international projects such as mining development, as well as provide access to the tools to challenge them (Wolf 1957; see also Fischer and Benson 2006).

Engaged anthropology and collaborative research

In the research for this dissertation, I experimented with ways to make my project politically relevant for the people often referred to as "informants"—those individuals who were generous enough to donate their time and energy to answering my questions, to allow me to accompany them at various events, and to open up their homes and private lives to my outsider's inquiring eyes. In conducting ethnographic research, anthropologists are well-positioned to speak out on behalf of the "people who provide us with our livelihood" (Taussig 1978:105; see also Green 1994) and, I would argue, are morally obligated to do so. This inclination aligns with that of other contemporary anthropologists who believe that such an effort is imperative not only if anthropologists are to move away from a colonialist gaze and fully address the objections raised by the "crisis" of representation of the last century (Hale 2006; see also Marcus 1995), but also if we are to maintain and expand the relevance of our field for wider public audiences (Lassiter 2005; Hymes 1974).

The first tiny spark of this dissertation occurred well before I considered attending graduate school, and was inspired by a desire to do something that would have wider public benefits. On my first visit to Guatemala in 2005, I worked as a research assistant at the environmental organization ProPetén for one week.[15] While stationed in Laguna del Tigre National Park in the northern lowlands bordering Belize, I helped a field biologist catalog the reproductive stages of fish caught by people living illegally along the river, and assisted a sociologist in interviewing residents of a squatter village about local wildlife, forest fires, and their community demographics. The goals of each of these projects were to better inform institutional responses to illegal settlements. Rather than evicting the communities living in the national park, who already

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faced myriad challenges associated with extreme poverty, was there a way to encourage them to live more lightly on the land they occupied?[16] The researchers at ProPetén believed that paying closer attention to the reproductive cycles of the local fish could promote more effective conservation, while still allowing community members access to a staple food. Tracking wildlife habits and forest fires could reveal detrimental practices and lead to education for behavior reform. This brief stint in the tropics was my first introduction to research firmly rooted in community engagement, for the benefit of communities. At night, as we ate the fish whose innards we had recently sliced apart and analyzed, park rangers talked about the environmental and social challenges facing Guatemala today, and my interest was piqued.[17]

I returned to Guatemala in 2007 with the goal of conducting collaborative field work for an undergraduate thesis. I spent three months facilitating a "collaborative photography" project with high school students in San Mateo Ixtatán. The people of the town are frequently represented in materials produced and circulated outside of their community, partly because of the distinctive, brightly-colored embroidered cloaks local women wear (in contrast to the woven blouses of the same name worn in more temperate climates) that are a source of local pride. Until recently, community members rarely had the opportunity to produce photographic images themselves.[18] Thinking about the modes artists from outside of the community use to represent San Mateo, I wanted to learn how my students would choose to represent themselves, while also empowering them to create local spaces for such representations. The project was popular among students, and as it progressed, I found that their images complemented and expanded upon the already-existing spaces of representation in San Mateo. I encouraged students to think about the kinds of information conveyed through images and what information they wished to convey about themselves. This type of critical thinking helped students become more engaged in local

representational economies, including in the production of images circulating outside of their community (Fultz 2010).

In developing my methodology for my dissertation fieldwork, I looked to the long history that anthropologists have of political engagement through their research, both explicit and implicit. By "political engagement," I am referring to research done for the benefit of, or in association with, non-academic members of the public, or to further political goals. Within the particular historical context of the early twentieth century, for example, many anthropologists saw themselves as working for increased understanding and empathy between people of different cultures (e.g. Boas 1940); at the same time, anthropology was often put to use by colonial governments in their endeavors to expand political control (e.g. Evans-Pritchard 1940).

Within the tradition of the anthropology of Latin America, the tendency toward politically-oriented research is even more pronounced. For example, Shannon Speed (2008) explains that she came to her research in Chiapas with a desire to participate in the Zapatista struggle for human rights, and to allow her academic insights to emerge from that participation (4). Speed refers to herself as working in reflexive solidarity with human rights workers in Chiapas, seeking points of overlap between her own "feminist, antiracist, and anticapitalist politics and those of indigenous people waging a social struggle that forefronted many of these same goals" (2008:7).

Nancy Scheper-Hughes (1993, 1995) proposes what she variously calls "militant ethnography," "anthropology-with-one's-feet-on-the-ground," and "barefoot anthropology," all of which refer to engaging with one's research subjects based on one's personal ethics. Militant ethnography foregrounds the position of the anthropologist vis-à-vis his or her research subjects, rather than attempting to elide the privilege of the non-engaged observer. Scheper-Hughes's research was shaped by the two years she spent working as a Peace Corps volunteer in a

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Brazilian community, where she became considered a *companheira*, or comrade. Yet more than two decades later, when she returned to the community to conduct anthropological research, Scheper-Hughes explains that she felt a tension between her new position as a "distanced researcher," and the previously held public health position with which the community members still identified her. On her last day in the field, community members confronted her and asked why she no longer participated in community organizing activities the way she used to. They gave her an ultimatum: either she "accompanied them" in community organizing, or she would not be welcomed back to the community (1993:18).

Her political engagements in Brazil led Scheper-Hughes to reconsider questions of moral and ethical relativism in her work. Scheper-Hughes fears that anthropologists "suspend the ethical" through culturally relativist engagements with "the Other," (1995:409).[19] In other words, in anthropologists' efforts to understand their research subjects within the subjects' own sociocultural contexts, anthropologists become desensitized to practices that would be horrifying in more familiar contexts (1993:16). However, even as Scheper-Hughes argues against the scientific, objective authority of the non-engaged observer (much in-line with cultural critics), she champions the authority of the morally grounded witness. "Witnessing, the anthropologist as *companheira*, is in the active voice, and it positions the anthropologist inside human events as a responsive, reflexive, and morally committed being, one who will 'take sides' and make judgments, though this flies in the face of the anthropological non-engagement with either ethics or politics" (1995:419).

In Guatemala, there is a well-established practice of engaged social science research, institutionalized through AVANCSO and FLACSO. In the 1980s, anthropologist Myrna Mack became known for her advocacy for the indigenous communities she studied, speaking out about

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both the extreme poverty and the state-sponsored violence that they faced; she was murdered by military assassins in 1990. Doing such work usually has much less dire results today, although Guatemalan researchers continue to face risks. Recent examples include the case of Emilia Quan Stackmaann, a sociologist who was kidnapped and killed while conducting research for the Research and Documentation Center of the Western Border of Guatemala (Maritimes-Guatemala Breaking the Silence Network 2010; NISGUA 2011) and the myriad threats fielded by the Guatemalan Forensic Anthropology Foundation (FAFG) for their work exhuming the mass graves of civil war victims (Billingsley 2014).

In spite of these risks, Guatemalan scholars continue to pursue political engagements. Ricardo Falla, a Jesuit priest and one of Guatemala's most respected anthropologists, describes his own research relationship as *antropología comprometida*. The word *comprometido/a* is most often translated into English as "committed," and can refer to political commitments. Falla uses it in this sense to describe his academic and pastoral engagement with internal refugees during the Guatemalan civil war (Manz 1995:261). Within these traditions, activist, engaged, committed, or "barefoot" anthropologists allow their dual commitments to transform their research agendas to varying degrees, from the design of the study to the publication of results (Hale 2006:104).

Hale's activist anthropology and Falla's *antropología comprometida* are the models I initially imagined my project following. When I first began my research, it was easy to be certain about what I was seeing and what I thought about it. I felt certain that a formal affiliation with a non-governmental organization that supported various regional social movement organizations would yield both valuable insights into the working of social movements, as well as contribute something back to their political project. However, as naturally happens in both research and

social relationships, as I became closer to the people and the issues, they became more complex and my own certainty became more difficult.

It became clear that internal conflicts within one of the social movement organizations supported by the NGO with which I hoped to affiliate would complicate both my research as well as my political commitments. At the time I began my research, one of the principle regional group involved in anti-mining organizing had gone through a complete reorganization of their leadership structure owing to circumstances beyond their control. This resulted in something of a power vacuum in which one or two members of a smaller local organization sought to control resources and information between the regional group and foreign activists. I became increasingly wary of aligning myself with individuals in this group, both for fear of alienating their opposition as well as out of a growing sense of discomfort that they were manipulating the movement for their own political and economic goals.[20] As a result—both of my hesitations and the internal manipulations—I had very limited access to this regional group at the beginning of my research, and shifted my focus to other organizations. I have chosen not to discuss the details of these internal conflicts in this dissertation. This is partly out of fear that exposing them could harm the organization in question, both politically as well as in terms of physical violence. It is also out of the hope that these organizations might resolve their internal conflicts themselves, and my fear that airing such "dirty laundry" might hinder those efforts.[21] Ultimately, my political alignment with conflicts over mining was to focus less on the micropolitics of interpersonal interactions, and more on the macro (or perhaps "midlevel") politics of representation and circulation. Reflecting this shift, I also reformulated the type of engagement my research would have with communities in Guatemala, deciding to experiment with collaborative methods.

While the kinds of activist anthropology discussed above include explicitly collaborative elements, its commitment to a particular group's political struggle differs from a broader "collaborative ethnography," such as that proposed by Lassiter (2005). Lassiter instead bases his conception of collaborative research in the call made by a variety of scholars to focus on relevance to wider publics, rather than political interest groups (e.g. Peacock 1997; see also Hymes 1974). He specifically locates his collaborative methodology within historical trends in anthropology, including collaboration and co-authorship between anthropologists and informants in the early twentieth century (e.g. Boas and Hunt 1895), and reconsiderations of anthropological goals in the mid-twentieth century (e.g. Hymes 1974, Clifford and Marcus 1986).

As Lassiter emphasizes, anthropologists already have a history of employing various collaborative techniques in different combinations. For example, Turner's (2002) work with the Kayapo in the Brazilian Amazon is based on video-production workshops and the eventual co-production of videos with Kayapo filmmakers. Paley (2001) taught workshops in ethnographic methods in Chile, which eventually led her research subjects to produce their own short ethnographic report on the conditions of waste disposal in their community. Many Native American tribes in the United States require anthropologists to collaborate to some extent, at the very least mandating pre-approval of the kinds of research they can conduct, which includes the power to restrict or reject research proposals (Fayard 2015, see also Cattelino 2008).

Given the focus of this dissertation on communicative media about mining, and the success of my previous collaborative photography project, it seemed like a logical choice to repeat a similar project with community members in San Miguel Ixtahuacán and Sipacapa. However, over the course of my dissertation field research, it became abundantly clear that what I had thought would be useful and interesting for people in these communities was instead seen as just

another short-term *proyecto* in an area that was quickly becoming saturated with well-meaning

foreign volunteers, interns, and journalists. Ultimately, I concluded that such a project would

serve more of my purposes than benefitted theirs.[22]

I began to pay closer attention to where people were telling me I might be most useful. Calls

for volunteer observers at *consultas comunitarias* frequently filled my email inbox, and these

seemed like the perfect opportunity to put collaborative goals into practice. Participating in the

votes in this way yielded key insights about the inner workings of the community referendum

process, patterns of exchange of information about mining, and relationships between

community members and outsiders (see chapter 3 for further discussion on the role of election

observers).

Losing the certainty of my political affiliation, however, changed the way I saw myself, as

well as the way I presented myself to others, in Guatemala. I was far from alone as a foreigner

interested in mining conflicts, and was sometimes uncomfortable to find that I was one of a

crowd of *gringo* journalists, activists, Spanish school student-volunteers, educational delegation

members, missionaries, solidarity volunteers, or NGO employees.[23] Clarifying my position as an

anthropologist and as a researcher presented some challenges. In most cases, it was bewildering

to people how what I was doing could possibly be of any use—and therefore, earn me any

money to survive. During my third attempt to explain the availability of research funding, one

friend finally exclaimed with exasperation, "Yeah, yeah, fine, Kati, but what do you do for

cash?"[24] I stammered somewhat lamely that when I was at home, I taught, no doubt conjuring up

images of schoolchildren and math drills.[25] Most challenging, however, was the realization that

telling people I was conducting an "*investigación*"—investigation, or research—almost always

carried the connotation that I was working for a mining company. My institutional affiliation

with a private university in the capital further supported this assumption.[26] Several members of one of the science departments had, in fact, collaborated with the mining company in various studies. I became more cautious with how I explained myself, most often glossing my position as "writing a book" or "learning, so that I can go teach others," both of which were legible roles that had the benefit of being attached to some kind of livelihood that could explain my ability to travel for an extended period of time in Guatemala.

On the other hand, I was often "pegged" by social movement activists as one of the other myriad kinds of *gringos* attached to anti-mining events, usually a journalist (perhaps because it was obvious I was taking notes), but sometimes as a solidarity volunteer (see also Nelson 1999:53). This confusion occasionally presented its own challenges and uncomfortable situations. For instance, in a community meeting in San Juan Ostuncalco, it was abruptly announced that all journalists were required to leave the premises so that the attendees could discuss community organizing strategies. Looking around for a familiar face, I found a man that I had met while observing the *consulta comunitaria* in that town, and again at a later date with my friend Helena. When I asked him if he thought I should leave, he replied, "No, no, you were at the *consulta*. You're one of us. You should stay." Relieved, I stepped to the edge of the room to make a phone call. I remember my embarrassment when, several minutes later, the leader of the NGO organizing the gathering pointedly asked me to leave and firmly closed the door in my face, locking me out in the rain.

In another case, the two solidarity volunteers with whom I had been travelling between *consultas* invited me to a meeting with a social movement organization with which I was growing familiar. It was a chance to meet community members and to hear their testimonies about mining, and ideally to make connections in that community. I called ahead to the leaders of

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the SMO, and received their enthusiastic permission to participate. The facilitator of the meeting was a young woman from the neighboring town who worked for a human rights NGO in the capital. She suggested that I interview her boss about the mining conflict, so I reached out via email several days later. I was shocked to receive an angry reply to the effect that she thought I was a spy for the mining companies, having weaseled my way in to the meeting to gather intelligence on community organizing. My best guess as to what happened was that I had misunderstood who was actually in charge of the meeting—the NGO facilitating had the final say in who attended, rather than the SMO leaders I had spoken to. This was compounded by the SMO leaders' possible assumption that since I was travelling with solidarity volunteers, I served the same role. It may be needless to say, but I was not welcome at any later meetings in that community.[27]

In most other cases, in fact, social movement activists enthusiastically welcomed my presence at events precisely because of my *gringo*-ness. They identified me with the other *gringos*, with the assumption that I would write (in solidarity) about anti-mining events for an international audience. This being essentially true, I usually let such assumptions slide. On a personal level, I identified most closely with the solidarity volunteers. They were mostly around my age and we shared a general affect and interests that come from a shared cultural and political milieu—even (or perhaps especially) one that is international. One of the solidarity volunteers I came to know best had a graduate degree in anthropology, and many of our conversations contributed to moving my research forward. She framed the difference between her solidarity work and my research succinctly: anthropology is a way of seeing and interpreting the world, whereas her role as a solidarity volunteer was to observe at the behest of community members. Diane Nelson (1999:41-73) provides a thoughtful analysis of her own solidarity work

and research in Guatemala, which often overlapped. She frames her *gringa* positionality as one that is always partial and fluid, shifting between multiple identifications depending on her context. My own positionality in Guatemala shifted over the course of my project, both as I saw my own goals change and as other people assigned me different identities. I recognize it as an ongoing project, one that will continue to transform as I develop new relationships in Guatemala and experiment with ways to become better *comprometida* in my goals.

Chapter 1 The Third Colonial Invasion: Legacies of Violence, Social Movements, and Mining in Guatemala

Introduction

 "First, the Spanish came, and they took all the fertile land and pushed us into the mountains. Now, the gringos want the rocks they left us with." This is how my friend Helena summed up the conflict between indigenous groups, the national government, and transnational mining corporations in Guatemala. Helena does not consider herself an anti-mining activist. Although she is interested in those issues and participates in many anti-mining events, she is a busy single mother of five and the principal of a bilingual Mam-Spanish elementary school; on weekends and holidays, she makes a little extra money to help pay the mortgage on her new house by selling grilled meats and plastic knickknacks at the market in San Juan Ostuncalco. She does not work for an NGO or other anti-mining organization, but through her political interests can be considered part of the anti-mining social movement in the highlands.

Helena first became interested in cultural revitalization and indigenous rights through her work in bilingual education, and participates in workshops and certificate programs focused on language pedagogy and multicultural education. Although her Evangelical Christian church warned her that Maya spiritual practices are the work of the devil, she attended a ceremony to see for herself. "They're not evil," she assured me, "they only ask for good things," like protecting the earth. Helena, like many anti-mining activists, frames current mining conflicts as part of a historical pattern of abuses against indigenous people in Guatemala.

Anti-mining activists in the Guatemalan highlands often draw a direct line from the initial confrontations between Spanish and indigenous forces during the sixteenth century and present-day confrontations between mining companies and indigenous communities. Their framing of mining conflicts traces complex legacies of violence—both physical and systemic—against indigenous people in the highlands, beginning with colonialism and continuing into the twentieth century with civil war violence and economic repression, culminating in present-day conflicts over mining. Contemporary indigenous activists refer to what is conventionally called the Spanish "conquest" of Guatemala as the Spanish "invasion." This semantic shift highlights their perspective that, because they are descendants of the indigenous inhabitants at the time, they have not been conquered by the oligarchs who identify with and celebrate their European ancestry. In the terms used by anti-mining activists, violence against indigenous peoples in Guatemala has come in three waves: first, the Spanish invasion and colonial governance from the 16th to the 19th centuries, followed by the 20th century internal armed conflict, and finally the boom in transnational investment in extractive industries that began at the turn of the 21st century.

In the following two sections of this chapter, I trace how anti-mining activists produce particular discourses of historical identity by linking land dispossession during the colonial period and immediately after, the internal armed conflict, and continuation of persistent violent crime following the Peace Accords. The history of land possession and dispossession has been particularly influential in natural resource conflicts, with patterns of land holding favoring a shift from collective rights to individual ownership. I then explore how diverse activists involved with social and political movements that draw on discourses of international indigenous rights differentiate their identities from nationalist discourses of assimilation or—more recently—

neoliberal multiculturalism. These two frameworks—the (re)creation of historicized identities, and its differentiation from the nationalist project—point to the "partial connectedness" of indigeneity with the Guatemalan state, a characteristic that allows activists to creatively reinvent their subjectivities vis-à-vis the state and mining companies.

Finally, I will provide an overview of the growth of the mining industry in Guatemala, briefly describing the related conflicts over mining projects in various regions of the country. Many of these conflicts have led to instances of prolonged violence, while others exhibit tensions that simmer just under the surface. Although each is influenced by a distinct regional and local context, all of these conflicts grow out of the economic changes that promoted international mining investment during the late twentieth century. This chapter provides background information essential for understanding how mining conflicts relate to the wider sociopolitical context of Guatemala, and the ways that indigenous identities are "partially connected" to the Guatemalan nationalist project (De la Cadena 2015; see also Strathern 2004).

Legacies of Violence

Land Possession and Dispossession

Spanish colonial policies that restructured indigenous communities and forced inhabitants into slave-like working conditions established a precedent of unequal resource distribution, which was further intensified during the nineteenth-century nationalist period of "modernization." Helena mentioned the loss of fertile farming lands, part of a series of historical events that reshaped indigenous communities and expropriated more than half of indigenous lands in Guatemala, as the key to present-day inequalities that manifest in natural resource conflicts.

Much of the present-day debate about mining revolves around different notions of land—specific tracts of land, in some cases, but also broader notions of territory, control, and stewardship of resources. These discourses have their roots in the aggressive restructuring and subsequent economic exploitation of indigenous communities by Spanish colonial forces.

In the late 1540s, Bishop Francisco Marroquín (for whom a major private university in Guatemala City is named) led the process of "*reducción*" or "*congregación*", a way of forcibly resettling the indigenous population. At the time of invasion, indigenous peoples lived in dispersed mountain communities which the Spanish found difficult to control. To support their twin goals of economic exploitation and Catholic evangelism, Spanish authorities imposed their ideal of order on indigenous communities, relocating them from isolated settlements in the mountains to more centralized towns in open valleys, often threatening them with eviction if they did not move willingly.

The establishment of *congregaciones* created a dichotomy in patterns of indigenous landholding: once resettled, the indigenous population planted the surrounding land with *milpa* (integrated plots of corn, beans, squash, and often tomatoes and peppers) and maintained communal grazing land for sheep and cattle called *ejidos*. However, Spanish law also permitted them to maintain their land in the mountains, and many families continued to farm in their previous communities. Some indigenous people were also able to flee the *congregaciones*, finding refuge instead in their former homes in the mountains. The escape to the mountains ultimately modified the pattern of imposed settlement in many parts of the highlands, and served as one form of persistent resistance to Spanish rule (Lovell 2005:78). The resulting dichotomous landholding pattern is evident today, even among families who are not subsistence farmers.

Families in many highland communities maintain a shop, teach, or pursue another profession in the municipal center, and farm a *milpa* at their family home in a more remote mountain hamlet.

According to George Lovell, this persistent resistance made it possible for "the Maya of Guatemala [to shape] for themselves a culture of refuge in which Hispanic traits and institutions were absorbed and mixed with indigenous ones, often in elaborate ways that baffled, mocked, and in the end eroded imperial authority" (2005:120). Thus, indigenous people who had fled the *congregaciones* were able to maintain their language, practices of land cultivation, and elements of their religion, in addition to a degree of collective control over their lands, particularly in the less-fertile mountain areas. However, following independence in 1821, the national government instituted a series of reforms that ultimately served to remove indigenous people from their land and systematically force them into labor for large landholders.

Beginning in the 1860s, elites in Quetzaltenango and San Marcos—the present-day loci of anti-mining social movements—began planting coffee along the Pacific coast as an alternative to cacao, which was declining in profitability (McCreery 1994). Coffee growers played a key role in the Liberal revolution of 1871, at which point coffee also accounted for half of Guatemalan exports (McCreery 1994). The Liberal vision for Guatemala emphasized progress and "development" in the form of large-scale agriculture, which included the decline of subsistence farming and growth of the *latifundia*, or large-scale landholders. The Liberal version of "development" was not unlike similar drives toward economic advancement in more recent years, focusing as it did on the consolidation of land in the hands of a few, for the purposes of generating economic exports, which were often controlled by foreign interests. Much like efforts at economic development today, including the promotion of the mining industry, proponents of the coffee industry assumed that such development was politically neutral. According to David

McCreery, "they expected to import technology and the products of technology without in any way threatening their hold on political, social, or economic power" (1994:174). Coffee industrialization thus served as an early "anti-politics machine" in Guatemala, not unlike the corporate antipolitics of employed by mining companies in the 21st century (Ferguson 1994; Sawyer 2004:120; see chapter 6).

As part of the Liberal vision of progress for Guatemala in the 1870s, president and general Justo Rufino Barrios declared that the government would no longer recognize municipal titles to land (Lovell 2005). He divided the *municipios* into parcels that individual owners then had to claim through a formal bureaucratic process. Many of these parcels went officially "unclaimed" by their indigenous inhabitants, either because the occupants were not made aware of the necessity of seeking a title, or because they were unable to navigate the legal system for linguistic, economic, or geographical reasons. These parcels were subsequently snatched up by *ladinos* more literate in legal proceedings (Lovell 2005:32; McCreery 1994).

In practice, many indigenous communities were not made aware of the changes to land titles at all and continued to hold land collectively (Lovell 2005:33). According to McCreery (1988), "Because the process of conversion to private property rested on a number of individual, positive acts, [land redistribution] progressed at very different rates from village to village, depending on external conditions and on the dictates of community traditions and circumstances" (in Lovell 2000:128). Carol Smith (1984) estimates that indigenous people lost about half of their traditional lands during Barrios's period of reform. Indigenous tradition favored inheritance, rather than purchase or sale land, to maintain continuity of cultivation practices; yet the reforms instituted by Barrios shifted overall attitudes toward land from a cultural resource to an economic one, which persists today in governmental policies for granting mining licenses (see below).

Internal Armed Conflict

In October of 1944 a group of military officers staged a coup against General Juan Federico Ponce Vaides, the latest in a long line of military dictators that began in the 19th century (Forster 2001). This coup came to be called the October Revolution because of the sweeping reforms it eventually enabled. The resulting military junta organized Guatemala's first democratic elections, in which Juan José Arévalo was chosen as president. During his presidency, Arévalo instituted reforms in the areas of agriculture, education, labor organizing, and consolidation of democracy. Colonel Jacobo Arbenz, one of the former rulers of the junta, was elected in 1950. In 1952, the Guatemalan congress approved a decree that allowed the Arbenz government to expropriate uncultivated plantation land and give it to landless peasants. Government leaders set an example by giving up their own land first (Lovell 2000:139). United Fruit Company, which for years had underreported the value of its land to avoid paying taxes, was forced to give up 400,000 acres for much less than its actual worth (Lovell 2000:140). The company's influence in the US Congress and CIA helped foment paranoia that Guatemala would soon become a Soviet and Cuban outpost to spread communism throughout the Americas. In 1954, the CIA planned and executed a *coup d'etat* against Arbenz, and installed military puppet Carlos Castillo Armas as the first in a long line of dictators over the next 30 years. In response, a group of military officers attempted to recreate the October Revolution in 1960. Though they ultimately failed, insurgencies by left-wing and Marxist guerilla groups continued for 36 years, organizing clandestinely in both the countryside and capital city. The ten year period of the Arévalo and Arbenz administrations, from 1944 to 1954, is referred to as the "Democratic Spring."

The war resulted in the deaths of 200,000 civilians; truth commissions conducted after the violence recorded that as much as 83 percent of the victims were Maya (CEH 1999, ODHAG

1998). Military campaigns had targeted Maya villages in an attempt to "take the water from the fish"—that is, eliminate the population from which guerrillas recruited members, burning down crops and houses and burying executed villagers in mass graves (Nelson 1999, 2009). The two truth commissions, organized by the United Nations and Catholic Church, agreed that 93 percent of the violence could be attributed to the Guatemalan army rather than guerilla insurgents; the highest concentration of military violence occurred from 1980 to 1983, during Efraín Ríos Montt's presidency (CEH 1999, ODHAG 1998). Perhaps most importantly, the UN-sponsored *Comisión de Esclarecimiento Histórico* (CEH) found that the actions of the Guatemalan state and military during the 1980s constituted genocide of the Maya people. Nevertheless, this finding is still contested by powerful members of the Guatemalan elite, including the most recent former president Otto Pérez Molina.[28]

One view of the internal armed conflict frames it as an essential action to save the country from the threat of communism and enable industrial development. In his analysis of the ways contemporary narratives of the conflict are constructed, Doc Billingsley (2014) recounts one middle-class *ladina* woman's comparison of Ríos Montt's "scorched earth" campaign in the Ixil region with Abraham Lincoln's campaign against Southern secession in the United States: She contends that, like Lincoln's armies burning Southern cities, Rios Montt did "what was necessary to save the country" and continue on the path to economic advancement (38). Other interpretations of the internal armed conflict place varying emphasis on the economic and cultural impacts. Linda Green (1994) describes how villagers in Chimaltenango department liken the violence of the civil war to the violence of colonial invasion, in which the fear and tension associated with violence become a "way of life." More recently, Billingsley (2014) found through historical memory interviews that young Maya professionals tend to interpret historical

events as following recurring patterns of violence that reflect racism and cultural oppression against indigenous communities. Anti-mining and other human rights activists emphasize the connection between violence and capitalist economic investment, identifying colonial dispossession of land, the civil war against leftist guerillas, and transnational mining as part of a pervasive pattern privileging economic growth over human lives.

The guerilla insurgents were, for all intents and purposes, defeated in 1985, and peace negotiations were finalized in 1996. The Guatemalan constitution was revised in 1985, and officially redefined the country as a multicultural nation (see discussion below). Over the past two decades, however, the rate of violent crime in Guatemala has remained among the highest in the world, owing in part to a corrupt justice system and growing incidence of drug trafficking (Bird 2012b). Everyday security concerns have been outsourced to private firms, a trend that began with the Guatemalan army hiring private security consultants during the civil war (see also Argueta 2012). Most large businesses—from Walmart to banks and locally-owned appliance stores—have armed guards standing by the entryway, even in places far removed from the chaos of Guatemala City. Mining companies, in addition to requesting periodic help from the National Civil Police or the Guatemalan military, retain their own private security forces. Employees of such firms have been held responsible for much of the violence related to mining conflicts in recent years (see discussion of mining-related violence below). The wealthy elite travel with contingents of bodyguards, and it often seems that half of the patrons of Guatemala City malls are in fact security guards or private bodyguards accompanying shoppers (see also Benson et al. 2008:50, Fischer and Benson 2006).

Private security firms do not usually work in tandem with the police, however. In one notable incident during the 2011 presidential campaign, front-runner Otto Perez Molina's daughter made

headlines when she left her car idling in halted traffic in an upper-class neighborhood of the capital in order to move ahead on foot. When an unarmed traffic officer approached the car to ticket it, her private bodyguard—who had stayed with the vehicle—shot the officer in the stomach (Casasola 2011). Although it received coverage in the national newspapers and generated some amount of outraged conversation among Perez Molina's detractors, the news quickly faded into the background of an onslaught of articles detailing everyday political violence.

During the national elections held in September 2011, the incident with Perez Molina's daughter was not the only controversy he faced. For nearly a year prior to the main event, Perez Molina plastered the capital city with bright orange billboards and posters promising a *mano dura* (firm hand) against growing rates of violent crime. The publicity campaign preceded the legally established start date by nearly six months, as had the campaigns of the previous three victorious presidents (Mack 2015). Perez Molina is a former general in the Guatemalan army, and is widely believed to be the mastermind of some of the most violent massacres during the civil war period, although the immunity granted to high-ranking officers following the conflict makes it unlikely that he will ever be formally prosecuted.[29] People working in anti-mining and other human rights or justice-oriented social movements feared that his victory in 2011 would mean a return to the military rule of the 1980s. Indeed, his campaign was built on the image of toughness: his unsmiling portrait stared sternly out of nearly every campaign poster, and his party's logo is a closed fist raised as if about to smash down on something. One satirical image shows Perez's scowling face spliced onto the head the Marvel comic book character the Hulk.[30] Rather than toughness however, for many Guatemalans Perez's political image epitomizes the violence and corruption plaguing the country.

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Voters chose among nine different presidential candidates, ranging from conservative populists like Perez Molina to the political descendants of leftist guerillas, including Nobel Peace Prize laureate Rigoberta Menchú and the Partido Winaq (People's Party). Many voters expressed ambivalence or cynicism about the elections, although both voter registration and overall turnout had increased from the previous election (IDEA 2015).[31] As predicted, the first round went to a runoff between two conservative candidates, with voter turnout considerably lower the second time around. Although the ballot counting was televised in many municipalities, voters I spoke to frequently expressed their belief that the election judges had been paid off by the eventual victor. Reports of voter intimidation and electrical outages at voting centers in some municipalities added to the rumors of corruption. Despite this pessimism, some voters retained a sense of hopefullness. When I asked Helena why she continued to vote, even when she was sure her candidate of choice (Rigoberta Menchú) would lose, Helena told me that she believed things would eventually change. "Look what happened in Bolivia. They elected an indigenous president there. Someday the indigenous people will triumph here, too."

The legacy of the Guatemalan internal armed conflict is one of ongoing violence and political apathy on the parts of many. Rather than lasting peace, the end of the conflict instead gave rise to pervasive impunity, both for crimes committed during the conflict, as well as after. Yet, in spite of these challenges, people like Helena remain hopeful that their progressive political dreams will someday be realized. It is this paradoxical sense of optimism in the face of continual social, economic, and political oppression that has allowed anti-mining movements to flouresce since 2005.

Contemporary Cultural Politics

Like social movements for civil war reparations and cultural rights, anti-mining struggles have their roots in the persistent resistance of indigenous populations throughout the highlands during the colonial period and internal armed conflict. Although there have been recent advances made toward prosecuting civil war crimes, including briefly convicting former dictator Efraín Ríos Montt of genocide and crimes against humanity committed during the 1980s, much of the effort remains mired in a poorly-functioning and corrupt judicial system, known for its 98 percent impunity rate for all violent crime cases in the country (OAS 2012). Following the 1996 Peace Accords, a mandate to create a more inclusive governance structure resulted in a state-sanctioned discourse of "multiculturalism" which largely favored a sanitized, ahistorical national narrative (Billingsley 2014). Simultaneously, the Guatemalan government ratified a number of international accords that form the basis of the indigenous political struggles that challenge the national state. In the following two sections, I examine the tensions present in the neoliberal multicultural citizenship project, in order to contrast it with the political aspirations of indigenous rights movements. Indigenous-driven anti-mining movements primarily base their arguments in a discourse of international indigenous rights that challenges, but also grows out of, the Guatemalan nationalist project.

Mestizaje *versus (Neoliberal) Multicultural Citizenship*

The dominant image of the national Guatemalan citizen during the mid- to late-twentieth century was a mix of European, indigenous, and black culture. In theory, everyone could be an equal citizen regardless of racial or ethnic identity— as long as they conformed to a homogeneous

mestizo (literally: mixed, used to mean a person of mixed European and indigenous heritage) cultural ideal (Hale 2004). While European culture formed the foundation of cultural citizenship, providing the framework for state government, religion, and national language, the image of the national citizen also drew on aspects of indigenous culture to give the *mestizo* a sense of authenticity (Hale 2004). The ideal of the *mestizo* citizen depended on the careful maintenance of the "Indian other"— either at a distance, such as in tourism brochures or enshrined in the Classic Maya past, or safely contained in folkloric spaces and beauty pageants. When the *mestizo* and indigenous spaces merged, as was more often the case, it created a racial hierarchy against which the *mestizo* ideal was contrasted and celebrated at the expense of indigenous people (Hale 2004).

The *mestizo* project became one of the first targets of modern indigenous cultural resistance in the late twentieth century. The rise of neoliberal economic reforms and the opening of democratic spaces of expression, with a focus on civil society and identity politics, put pressure on state governments and led to a shift in state governance strategies away from policies of cultural assimilation and towards a multicultural conception of citizenship (Hale 2004, Speed 2006). Charles Hale explains:

> The core of neoliberalism's cultural project is not radical individualism, but the creation of subjects who govern themselves in accordance with the logic of globalized capitalism. The pluralism implicit in this principle— subjects can be individuals, communities, or ethnic groups— cuts against the grain of *mestizo* nationalism, and defuses the once-powerful distinction between the forward-looking *mestizo* and the backward Indian (2004:17).

Far from creating more equitable ethnic and race relations, Hale argues that neoliberal multicultural governance actually recreates racist state structures in more entrenched forms

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(2004:16). In Guatemala, it was suddenly in vogue for upper class *ladino* men and women to claim indigenous ancestry; left-of-center President Alvaro Colom, blue-eyed and light-skinned as he is, was "ordained" as a Maya *ajq'ij* (daycounter, spiritual guide) and could frequently be seen wearing a *perraje* (shawl used by *ajq'ij*) and a *moral* (woven shoulder bag, often used in agricultural activities) during official state events. Even the then-candidates from right-wing populist Partido Patriota, Otto Perez Molina and Roxanna Baldetti, hit the campaign trail in indigenous clothing. This attitude is certainly a change in attitude from unwritten civil war-era policies that led to the arrest and disappearance of indigenous men and women traveling on buses while wearing traditional clothing (Velásquez Nimatuj 2005). It might be tempting to see this public visibility of indigenous dress as an example of an epistemic shift in the position of indigenous people in Guatemala (de la Cadena 2010), yet the use of indigenous dress by non-indigenous people remains strictly framed by non-indigenous political and cultural aspirations. Analogously, Barbra Meek and Jacqueline Messing (2007) discuss the ways that language learning materials meant to promote the revitalization of indigenous languages (and "interrupt" the dominance of non-indigenous languages) actually reinforce hierarchies that place non-indigenous "matrix" languages in a dominant position in the first place. The use of indigenous dress by non-indigenous politicians in Guatemala is not likely intended to interrupt non-indigenous dominance, yet it could be interpreted as indicating growing acceptance of indigenous culture. Instead, its use in political performances has the effect of reinforcing the idea that indigenous dress is not—and should not—be used in everyday life, and that doing so indexes wearers as different from the non-indigenous and thus unmarked population.

Public celebration of indigenous culture largely does not extend to actual indigenous people, at least, not in spaces of *ladino* and white control. A case in point is that of anthropologist,

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activist, and newspaper columnist Irma Alicia Velásquez Nimatuj (2011), a K'iche' woman from Quetzaltenango, who describes her experience of being refused entry to a restaurant chain in an affluent area of Guatemala City in 2002, where she planned to dine with academic colleagues, because she was wearing *huipile* and *corte*. When she attempted to enter the restaurant with four other female colleagues, a private security guard stopped her and announced that the owners of the restaurant do not allow women wearing *traje típico* (traditional or folkloric dress) entry to the restaurant. Challenged by Velásquez Nimatuj and her colleagues (two of whom were lawyers), the guard repeated the statement several times. Velásquez Nimatuj explains, "I interpreted this act of racial aggression as a violation of my human rights committed firstly by the restaurant owners, who form part of the small oligarchy that has controlled our country economically, politically, and culturally for centuries" (2011:525).

The ideals espoused in multicultural governance depend on nurturing "good ethnicity"—which builds social capital and cohesiveness—and preventing the rise of "dysfunctional ethnicity"—which leads to inter-group conflicts (Hale 2011b:519). When indigenous dress is worn by members of the oligarchy, it becomes a symbolic reference to Guatemala's indigenous heritage, something that unites the Guatemalan nation and therefore falls under the category of "good ethnicity". When Velásquez Nimatuj— who is fluent in Spanish and English as well as K'iche', was educated at the national Universidad de San Carlos and the University of Texas at Austin, and otherwise could "pass" for *ladina* with her light skin and trendy nose piercing— wears *traje* in the white-dominated space of the restaurant, it becomes a sign of rebellion against the ruling oligarchy and their cultural ideals, a refusal to assimilate to *mestizo* culture and relegate her indigenous identity to folkloric spaces. Thus, wearing *traje típico* becomes an action of protest and is viewed as a potential threat by non-indigenous people.

One way of nurturing "good ethnicity" is through the celebration of the "*indio permitido*", a term Hale (2011a, 2011b), Rosamel Millamen, and Silvia Rivera Cusicanqui coined to describe the ways that states "divide and domesticate" indigenous movements that might otherwise give rise to ethnic conflicts that threaten state power.[32] Hale contrasts the *indio permitido*— who proposes rather than protests, and is both "authentically" indigenous and fluent in the dominant *ladino* discourse— with the "Indian other," a political figure prone to protest. Those who qualify as *indios permitidos*, political or cultural figures sanctioned by the state government, must prove that they "have risen above the racialized traits of their brethren" by reinforcing this divide (2011a:19). Indigenous movements become problematic when they fall outside the accepted protocols of cultural difference. "The rights that have accrued to indigenous peoples do not correspond to those of peoples who are culturally distinct but constitutionally equal" (Neizen 2006:188).

While pre-multicultural reform demands by indigenous groups were simply met with "no", now the response is "*si, pero*"—yes, but. As long as indigenous groups comply with state-established parameters and limits, the government will provide certain concessions. These concessions primarily fall into the category of cultural rights, rather than meaningful political power. Neizen (2006) points out that multicultural governance seldom goes beyond "recreational diversity"—sporting events, arts, festivals, and tourism. For example, the first round of reforms implemented by the new multicultural state included establishing the *Academia de Lenguas Mayas* (Mayan Language Academy), and shortly thereafter the Minister of Culture and Sports became known as the "Indian" cabinet post in the Guatemalan government (Hale 2011b:519). At the same time, however, the Guatemalan government continued the violent eviction of indigenous peasants from farms in the Alta Verapaz region, demonstrating a hypocritical two-

facedness that simultaneously celebrates indigenous culture while persecuting indigenous politics (520).

Neoliberal multiculturalism allows for indigenous organization (and organizations), but only as long as it doesn't question the state as the guarantor of social and political order. As Ronald Neizen (2003) explains, "The subtext of state-sponsored celebrations of difference is usually a variation of the idea that, despite a variety of human appearances, language, and cultures, all citizens are in one important sense the same: all are subject to the same law, the same constitution, the same rights, loyalty to the same state" (187). Hale elaborates, "As a first principle, indigenous rights cannot violate the integrity of the productive regime, especially those sectors most closely linked with the global economy" (2011a:18). He continues, "At issue, then, is not the struggle between individual and collective rights, nor the dichotomy between the cultural and the material, but rather the built-in limits to these spaces of indigenous empowerment" (2011a:18).

Neoliberal multiculturalism—and reactions to it—also colors attitudes towards national electoral politics, including who counts as a citizen and who is allowed to vote. Velásquez Nimatuj again became the target of racist sentiments in 2011 when she participated in the national "*Votando Ahora Vamos por Guate*" (Voting Now Let's Go for Guatemala) voter participation campaign. Guatemala historically has very low turn-out rates in national elections, particularly in run-off elections (with ten candidates in the first round of voting, it is virtually impossible for any one candidate to gain a clear majority of the votes). The *Tribunal Electoral Supremo* (TSE, Supreme Electoral Tribunal) launched a print, radio, and television campaign to galvanize voters and explain essential information for voting day, such as what documents to bring with. The campaign included newspaper ads and posters at bus stops around Guatemala

city with different personalities— members of the arch rival Guatemala City and Quetzaltenango soccer teams, two female reporters from rival stations Guatevision and Noti7, two musicians from rival ska bands, and Velásquez Nimatuj— wearing soccer jerseys in the colors of the national flag over their everyday clothing. Notably, Velásquez Nimatuj was the only indigenous person included in the ad, and was shown wearing *traje tipico* and a large "*Vamos por Guate*" pin rather than the jersey. In one of the campaign's 30-second television ads, the featured personalities announced that they were no longer with their respective teams as they pulled off their old team uniforms (or, in the case of the female reporters, tossed aside their microphones).[33] Now, they said as they pulled on the blue and white jersey, they're going for Guatemala, because when you vote you're all on the same team. Velásquez Nimatuj was shown at the end of the ad putting on her pin and reminding viewers that voting is everyone's responsibility. She also featured prominently in several informative announcements made before the second round of elections, in which she instructed viewers to go to the same polling place as in the first round of elections, and to bring their personal identification documents or *cédulas.* In each instance, she wore the *traje típico* of Quetzaltenango, where she was born. The campaign, in its final forms, featured assimilationist overtones with a minor concession made to multicultural ideals.

A letter to the editor of the newspaper where Velásquez Nimatuj works as a columnist criticized her for refusing to put on the jersey, claiming that in so doing she was asserting herself as separate from the rest of the country. The letter is short, and I translate it in its entirety here:

> What sense does it make to pretend that we all form part of this country, when
>
> people exist that with their attitude express that I'm not part of the team? Clearly,
>
> even recognizing and respecting the individuality of each person, it's feasible to

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be part of a society and strive to all walk in the same direction. Wouldn't it be that with attitudes of this type we provoke something that we could call self-discrimination; I think that such a message is ill-posed. If we say that we're going to use an outfit that identifies us as Guatemalans, we should all use it. I can't imagine a girl, for example, who has skill in soccer and can't be part of the National Selection because she can't use a uniform, because theoretically she has to use *traje tipico*. Please let's not fall on these errors! I'm not a student of any discipline related to this theme, my opinion is based on common sense and the acceptance of all human beings as equal, which I practice. (Manuel Antonio Quiñónez Roca*, elPeriodico,* August 26, 2011). [34]

While relatively subdued as far as racist remarks go, the comments section largely reaffirmed the writer's sentiments and in some cases elaborated on them. Most comments expressed the sentiment people identifying as indigenous—expressed in the use of *traje típico*—had no place in the image of a Guatemalan nation, and that an indigenous identity must be set aside in order to identify as part of the nation: [35]

Your comment is right. The lady demonstrates that she is NOT part of Guatemala. What NATION can be had with that attitude? (Pablo Palma, *elPeriodico*, August 26, 2011). [36]

It seems to me that Madam Ana Espada [another commentator] is as resentful as Irma Alicia that they're insisting on dividing Guatemala into ethnicities, races, etc… it seems to me SO RIDICULOUS. all of us are Guatemala, those that use "*traje Tipico*" are those that look to make themselves different, they self-

discriminate because they even have their high schools where only indigenous people go, why can't they use normal clothing? Why are they less if they use a country's jersey, it seems to me stupid and more stupid are the people from TSE that allowed her to confuse the population in that way…RIDICULOUS *In_ia!* (Juan Garcia, *elPeriodico,* August 26, 2011). [37]

These comments suggest that many readers felt that Velásquez Nimatuj had exceeded the bounds of the *indio permitido* in her use of folkloric dress in a national campaign. Several readers attacked not just Velásquez Nimatuj as an indigenous person out of place, but also the multicultural governance project more generally:

Totally in agreement with majority of the comments. I also commented with my family and friends that it backfired on TSE to include this woman in the announcements, because she clearly refused to put on the jersey and wants to continue being different. It's too bad that some elements of the indigenous population have fallen into a species of self-discrimination or inverse discrimination. It seems that some believe that when the hoax of "multiculturalism" or "pluriculturalism" or whatever the hell they call it is over, they'll lose their privileges and right to ask for money from international bodies. It's really painful because as a country we'll never rise above this divisionism.[38]

Irmalicia [*sic*] isn't going for Guate… she didn't put on the national jersey. Her case clearly typifies what the author of this comment says… Self-discrimination… Or is it complex? Who knows, the truth is that these concepts: plurilingualism, multicultural, etc., only divide us as a society… We are all

Guatemalans, although some want to seem different like the case of Irmalicia [*sic*]

Velasquez (Juan Rosales, *elPeriodico*, August 26, 2011). [39]

Of interest here is not simply Velásquez Nimatuj's reception as an indigenous person (in

traditional clothing) on the national stage, but the campaign's connection with voting and what it

means as a rite of citizenship. Historically, indigenous people have been severely

underrepresented both in the polls and on the ballots of national elections. [40] This, combined

with the reactions to Velásquez Nimatuj's participation in the TSE campaign, suggest that

electoral politics is consciously or unconsciously seen as a *ladino* space in which indigenous

participation is not welcome. David Nugent (2008) examines how democratic practices become

"vernacularized," and concepts such as "participation" take on different meanings in different

contexts. Participation in national elections is closely tied to Guatemalan nationalism, and thus

colored by dominant perceptions of what a Guatemalan citizen looks or speaks like, which in

turn is defined by the discourses of neoliberal multiculturalism and the apolitical *indio permitido*.

These perceptions and discourses, however, are challenged by recent cultural and political

struggles for indigenous rights, which partly manifest in anti-mining movements.

Peace Accords and Pan Maya Movements

In relatively recent years "the Maya" have become a salient contemporary cultural and

sociopolitical category in Guatemala, owing in part to social movements' emphasis on the shared

experiences of the colonial era and the internal armed conflict (Warren 1998, Montejo 1999,

Bastos and Brett 2010). Although "the Maya" are often grouped together in a seemingly-

homogeneous ethnic category, it is important to recognize that the nearly thirty ethnolinguistic

groups—spread across Mexico, Guatemala, and Belize—have distinct cultural and political

histories (Lovell 2005, McCreery 1988). Guatemala is home to 23 ethnolinguistic groups of varying degrees of mutual intelligibility; four other groups are found in Yucatán and Chiapas, Mexico, Belize, and El Salvador. While anti-mining organizations often use regional identifications that encompass more than one ethnolinguistic group, such as the Council of Peoples of the West (*Consejo de Pueblos del Occidente*), many also reference particular ethnolinguistic groups, such as the Council of Mam People, or the Council of K'iche' People, and individuals invariably identify with their ethnolinguistic group of birth. These divisions far pre-date the Spanish invasion, and when Spanish forces arrived the highlands were politically and linguistically fragmented.

Ladinos claimed pre-Columbian Maya culture as part of Guatemalan national patrimony, denying its association with modern indigenous groups (Montejo 1999, Hale 2006). These circumstances led organizing around Maya culture during the war initially to be deemed non-threatening, and allowed for nascent Maya cultural movements to form, centered on language education. Foreign linguists established education programs in the 1970s and 80s, aimed at training native Mayan language speakers in technical linguistics (England 2003). At the same time, Victor Montejo (1999) describes how individuals displaced by civil war violence into Mexican refugee camps began to think of themselves as Guatemalan Maya, rather than in terms of linguistic affiliation, in opposition to the Mexican peasants with whom they interacted.[41]

The 1996 peace accords that ended the conflict made provisions for the recognition of indigenous culture, and a shift toward a multiculturalist national discourse (Gere and MacNeill 2008, Bastos and Brett 2010). Article 66 of the 1985 Guatemalan constitution recognizes that the country is made up of multiple and diverse ethnic groups, and that "the state must recognize, respect and promote the ways of life, customs, traditions, forms of social organization, the use of

Indigenous traditional dress, languages and dialects." The Peace Accords reinforced this article

by creating a number of institutions to implement indigenous rights. Key among these

institutions was the Mayan Language Academy of Guatemala (ALMG), the only government

organization run entirely by and for Mayas. The Academy's goals include: multilingual

education programs, the production of Mayan literature and school textbooks, a recognition of

Maya leadership norms (such as day-keepers and midwives), and the dissemination of

internationally recognized discourses on indigenous rights (Cojtí Cuxil 1997, Warren 1998,

Billingsley 2014). However, it is important to note that the primary goals of the Academy are

limited to cultural revitalization and education; they are not affiliated with any political party,

and tend to avoid involving themselves in contentious political issues (see also Warren 1998,

2002). Because of their ostensibly apolitical stance, certain foreign intellectuals have critiqued

the Academy as a "sanctioned" space for Maya cultural politics, ultimately limiting its influence

in Guatemalan society and perpetuating the position of the *indio permitido* (Hale 2006, Speed

2008, see also Schirmer 2002).[42] More radical Maya intellectuals advocate a separate Maya

state, but have very little political influence to initiate one (Warren 1998).

Foreign anthropologists describe Pan-Maya movements as examples of revitalization—

that is, a self-conscious re-signification of cultural symbols and forms for social or political

purposes (Warren 1998, Nelson 1999, Fischer 2001, Fischer and Brown 2001, Gere and

MacNeill 2008).[43] Maya intellectual activists, on the other hand, emphasize the timeless and

essentialist aspects of Maya culture, the elements that connect current Maya peoples to their pre-

Columbian ancestors (Cojtí Cuxil 1997, see also Warren 1998, England 2003). Of particular

focus are Mayan languages, which hold a special association with perceived "authenticity," first

because they are a direct link to pre-conquest society, and second because *ladinos* cannot

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appropriate them as easily as they can adopt indigenous dress or other cultural elements.

Notably, anti-mining activists use Mayan languages in a symbolic way, despite frequently

identifying with groups whose languages are not mutually intelligible. Anti-mining events nearly

always begin with an opening ceremony in a Mayan language, and individual activists introduce

themselves and conclude their speeches with statements in their respective languages, while the

content is spoken in Spanish, which serves as the *lingua franca*.

Diane Nelson (1999) has critiqued Maya intellectuals for implying that Maya women

embody this essentialized culture, namely in language and manner of dress. Activists use Maya

women as a symbolic connection to timelessness and cultural continuity, allowing (mostly male)

intellectuals to access the educational, economic, and technological opportunities offered by the

dominant culture without risking "culture loss" (Nelson 1999:273-81). The "constructivist"

critiques offered by anthropologists are sometimes misinterpreted as equal to the criticism by

some non-Maya in Guatemala that Maya movement supporters are "fakes" because all culture is

hybrid and thus, there is no "pure" Maya culture (Warren 1998). Non-Maya critics also accuse

Maya movement supporters of trying to incite a race war in Guatemala, or for taking attention

away from the "real" issue of class struggle in favor of the lesser issue of cultural rights (Warren

1998, Gere and MacNeill 2008). Pan-Maya activists, however, are insistent that they seek

national unity rather than division (Warren 1998). Such critiques further establish a false

dichotomy between activists focused on economic and political issues, and those focused on

"less important" cultural issues, a division which breaks down upon closer scrutiny.

Pan-Maya movements are generally classified as "new social movements," which are

reformist rather than radical in nature because they do not try to seize political control from the

state government, but rather to re-define political control in pluriethnic terms (Gere and

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MacNeill 2008). However, Evelyn Gere and Tim MacNeill argue that the Pan-Maya movements are "powerful, fluid, historically-rooted and future-oriented discursive interpellation[s] which [promise] to continue in [their] contribution to the radical change of both Guatemalan and international politics around the idea of Indigeneity" (2008:97). Anti-mining movements build on and extend the aspirations of Pan-Mayanists, making explicitly political arguments based on international discourses of indigenous rights.

International Indigenous Rights Discourses in Guatemala

While the Pan-Maya movements that began after the civil war have been almost universally focused on cultural rights—rather than seeking political office, for example—the Guatemalan state undertook a series of parallel reforms that could potentially lead to greater political autonomy on the parts of indigenous peoples. The anti-mining movements in the Guatemalan highlands make reference to the symbols of indigenous identity celebrated in pan-Maya movements, but they also express their Maya identity through political claims for indigenous territorial rights and practices of citizenship, which they often levy against the Guatemalan state based on post-civil war reforms. Noting the influences of both the cultural reforms established by the Guatemalan Peace Accords, as well as international indigenous rights law is essential to understanding the politicization of indigenous identities and their representations in anti-mining movements in the western highlands of Guatemala.

"Indigeneity," as a transnational legal categorization, is relatively new. While the concept has its roots in colonial relations as early as the 1500s, it was not codified in transnational legal literature until the 1920s. The International Labor Organization (ILO) was one of the first transnational governance organizations to regulate the rights of "native workers," mainly out of a

concern for efficient colonial practices (Neizen 2003:37). The first comprehensive transnational document addressing indigenous rights was ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent States, ratified in 1989 (ibid:38-9). This document seeks to remove "the assimilationist orientation of the earlier standards" and recognizes "the aspirations of [indigenous groups] to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live…" (ILO 1989). To those ends, ILO Convention 169 recognizes collective rights of self-identified indigenous groups to territory, cultural practice, and some degree of autonomy.

Guatemala became a signatory of ILO Convention 169 in 1996, shortly before the signing of the civil war Peace Accords. Victor Montejo (2007) notes that, although ratification of the Convention was considerably delayed by internal debates over whether or not it was really necessary, given the provisions made in the 1985 constitution, it was ultimately agreed upon in order to reinforce the reforms established in the Peace Accords. Montejo explains, "It is not sufficient simply to recognize that Indigenous people have been marginalized and limited in their access to resources, or that they have been denied the full expression of their individual and collective rights as traditional communities with a millennial history and culture. Nor is it enough to say that Guatemala is a multilingual and a pluricultural nation-state, if we are not making the constitutional laws functional" (Montejo n.d.). Thus indigenous rights activists hoped that the ratification of Convention 169, because it carried the weight of an international legal instrument, would pressure on the Guatemalan government to put into practice the ideals it had enshrined in the constitution.

Defining "indigenous identity" remains vague in legal terms. It is usually based on a combination of characteristics, including: a marginal social, political, or cultural position within a nation-state; cultural or social continuity with a pre-colonial society; language distinction from dominant society; cultural distinction from dominant society (such as clothing, religious, or livelihood practices); a distinctive social order; and being in opposition to or receiving protections (i.e. treaty rights) from the nation-state (Neizen 2003). Often, indigenous status is left up to the state to determine, with the burden of proof on indigenous peoples to demonstrate "cultural continuity" or to perform cultural "authenticity" (Clifford 1988). Ramos (1998) describes the ways Amazonian tribes in Brazil perform, and monitor within their membership, authentic indigenous culture in order to maintain their claims to land and cultural autonomy. In practice, however, there are no absolute standards of "authentic" identity; the Guatemalan legal category primarily relies on self-identification, and there are very few challenges to the authenticity of self-identified indigenous peoples by outsiders. This is perhaps because, until very recently, identifying as an indigenous person was potentially dangerous, nearly always synonymous with choosing a lower social status, and yielded very few (if any) legal benefits. For many people in Guatemala today, it remains unfathomable why someone would voluntarily choose to identify themselves with Maya culture outside the bounds of neoliberal multicultural performances.

Indigenous rights are often discussed in opposition to the concept of universal human rights. Universal rights are based in the liberal Enlightenment concept of individuality; each individual human is equal, and may not infringe upon the rights of others (Neizen 2003:127). Indigenous rights, on the other hand, recognize groups' collective rights to cultural difference. The two regimes come in to conflict when collectively-held cultural norms infringe on individual rights

(ibid.). Such cases may include debates over proper gender roles, or over children's education. Povinelli (2002) provides one example of such a conflict in her analysis of women's rights in Aboriginal Australia, where tribal autonomy and cultural norms are challenged by accusations of gender discrimination and sexual abuse. However, universal human rights and indigenous rights discourses are not necessarily mutually exclusive. Human rights, while universal in name, are enacted according to local interpretations, and take on distinct meanings in different contexts (see also Speed 2008, Pitarch 2008). The relationship between universal rights and indigenous rights becomes a paradox; groups sometimes find that they must give up certain "traditional" aspects of their culture in order to abide by individual rights, before they can gain collective rights (Neizen 2003:140). This paradox is most pronounced in the situation of land rights in Guatemala: while the government ostensibly recognizes indigenous communities' right to collectively hold and manage land, they must secure those rights through a governance system that privileges individual ownership.

Licensing Subsurface Land

The right to territory is part of the set of collective rights that indigenous communities have pushed for throughout the twentieth century. Richard Falk (1988) argues that indigenous rights such as that of territory are a challenge to the view that international law (such as ILO Convention 169) is an extension of state legitimacy and practice. He explains, "Indigenous peoples, to the extent that they center their grievances around the encroachments upon their collective identity, represent a competing nationalism within the boundaries of the state. Such claims, posited in a variety of forms, challenge two fundamental statist notions—that of

territorial sovereignty, and that of a unified 'nationality' juridically administered by governmental organs" (18). This is particularly relevant in the case of Guatemalan anti-mining movements, which base many of their arguments on the Guatemalan state's ratification of ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, in addition to national municipal laws (see chapter 3).

Susana Sawyer (2004) explains the distinction Quichua indigenous intellectuals in Ecuador made between land and territory, as they fought against an oil company extracting resources without their consent. *Tierra*, or land, she says, "was the commodification, normalization, and homogenization of life support and land-based resources that transformed the landscape and effectively mandated that *colonos* [settlers] convert rain forest to pasture should they like to maintain legal title," (2004:48). In other words, land is a fungible resource meant for subsistence, sale, or purchase. In order to have a legitimate claim to land, one must convert it into a productive resource. *Territorio*, or territory, on the other hand, "referred to an ancestral space of indigenous sociality," (ibid.). Territory cannot be bought or sold, thus its value is not dependent on its productive capabilities.

The invocation of territorial rights is particularly notable in the highlands of Guatemala, where signs along the Panamerican Highway declare that communities are "territory free of mining." The motto of mining opposition in Sipacapa, San Marcos is "Sipakapa is not for sale" (see also Producciones Caracol 2005, for a documentary on Sipacapa's referendum by the same name). Historical narratives about the origin of the Sipakapense community reinforce this view of territory. They describe a long-ago conflict over land between the Sipakapenses and the Sakapultekos (a related linguistic community east of Sipakapa). After losing their land to the Sakapultekos, the Sipakapenses wandered west, where they were able to stake out space

surrounded by Mam territory. There, they were able to maintain a distinct culture and language while resisting the encroachment of the Mames and non-indigenous *ladinos* on their territory.[44] In contrast, Montana Exploradora's *Land Acquisition Procedures* document (2004) emphasizes what they interpret as patterns of private land ownership. They say that there was a preference on the parts of the company and community members for private buyouts of property rather than collective resettlement. This contrast is a notable theme in mining conflicts across the country, when the territorial rights enshrined in international indigenous law clash with the mining company and national government's framework of private land ownership.

Today, the legal rights to access more than half of the land in Guatemala are portioned out in an obscure office building near the airport in Guatemala City. The *Ministerio de Energía y Minas* (Ministry of Energy and Mines, or MEM) has a fortress-like exterior that belied an open and modern interior. The walls are adorned with aerial photos of various mining sites around the country and display cases featuring samples of different rock types. In Guatemala, unlike in the United States, the national government retains ownership of subsurface rights to minerals and gas. Thus, the national government—through the MEM—can issue licenses for access to the subsurface without the express permission of the owners of the surface land, and with no guarantee of benefit—financial or otherwise—to the owner of the surface land. The current mining law was established in 1997 as part of a package of reforms meant to decentralize governance and privatize Guatemala's economy, and allows for three kinds of licenses: reconnaissance, exploration, and exploitation. The Sub-Director of Mines described the process to me: All an applicant needs is some form of official, government-issued identification. Anyone can easily download the necessary paperwork from the MEM website, fill it out, and turn it in for processing. MEM keeps maps of all of the licenses granted, and any individual can visit the

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offices to see where land is available. Depending on the kind of license sought, for example, if it is for intensive exploration or exploitation, as opposed to simple reconnaissance, the applicant may also have to submit an Environmental Impact Assessment (EIA). This document is evaluated separately by the *Ministerio de Ambiente y Recursos Naturales* (Ministry of Environment and Natural Resources, MARN). In some countries, such as Peru, obtaining a mining license also requires a statement of financial resources, something to prove that the applicant has the financial means to carry out their intended project. In Guatemala such a document is not required; this is one explanation for the large number of junior mining firms operating there as compared to other countries, which can lead to complications related to follow-through and maintenance down the line (Dougherty 2011b). The Sub-Director of Mines cheerfully informed me that, with my passport and an idea of where I would like to mine, I could request a license for reconnaissance that same day. This also means that, at least in theory, any community member in Guatemala could also request a mining license.

The Director of Social Communications brimmed with pride as we toured the building following my conversation with the Sub-Director of Mines. He paused in front of a picture of a limestone mine. Most of the mining in Guatemala is for construction materials, he explained, not metal. The stone on the front of the United Nations building in New York came from the mine in the picture. We turned to another image of a woman wearing a *corte* with a reflective yellow vest and hard hat, standing in front of a massive dump truck at Marlin mine. "Those wheels are twice your height," he said, and the woman in the picture drives that truck "all by herself!"

He pointed out the in-house laboratory where they test soil samples, set in a pleasant green courtyard at the back of the building. The main problem with conflicts over mining in Guatemala, he told me sadly, was that people didn't understand how it works. They don't know

that they could become associates in the project, if they took out licenses themselves. The mayors of the towns where they've held *consultas comunitarias* control all sorts of municipal land, he said. They could bring a soil sample in to see if they have gold, and they could take out their own license for the municipal land and have a much better way to negotiate with companies. His attitude was one of confusion and frustration—community members had opportunities available to them, opportunities to participate in an industry that put Guatemala on the map as the contributor of limestone to famous buildings in New York, among other things. If only they could be made to understand, the conflicts would be resolved.

In reality, differences in social capital, education, and economic resources place indigenous landowners in rural Guatemala in a vulnerable position relative to both transnational corporations and the government bureaucracy they would have to navigate in order to apply for such a license. Although negotiations for access to the subsurface are ostensibly up to the company holding the license to the subsurface and the individual owners of the surface land, this places landowners in an awkward position because of the fact that the government has already granted permission to use the (subterranean) land. The history of land tenure in Guatemala, coupled with the recent state-sponsored violence of the internal armed conflict, make it highly unlikely that an individual land owner would challenge a license granted by the state government, regardless of their rights to the surface. The extreme power differentials between transnational corporations and peasant farmers only exacerbate the situation. Tension between the company and community members has led to reports that, when the company is unable to secure direct surface access, they simply tunnel under land belonging to uncooperative owners to access their subsurface allotment.[45]

Furthermore, the Director of Communications' lament assumes that community leaders would find such a licensing system acceptable in the first place, were community members able

to access it. Such an assumption neglects the complex history of land possession and dispossession in Guatemala, which is one of several motivating factors behind present-day efforts to promote indigenous rights. While the government maintains unequivocally that they own the subsurface and may do with it as they please, they nominally recognize the rights of indigenous peoples to collectively manage their land in accordance with ancestral traditions and practices—both through a government-espoused rights discourse, and as enshrined in national and international legal agreements dating to the early twentieth century (Van de Sandt 2008). Yet ongoing— and often violent—conflicts exist around the country over land rights in relation to development projects. Examples include the Chixoy hydroelectric dam on the border between Baja Verapaz, Alta Verapaz, and el Quiché departments (Johnson 2005); large scale sugarcane and African (oil) palm production in the Polochic valley in Alta Verapaz department (Bird 2012a and Alonso-Fradejas 2009 and 2012); and the highly controversial Eximbal nickel mine in el Estor, Izabal department, which has changed ownership between at least three different transnational corporations in the last five years (Nolin and Stephens 2010). Several of these cases have led to military deployment and declarations of states of siege (*estado de sitio*) in two departments (see below).

In the case of Marlin mine, anti-mining activists claim that the land for the mine was not acquired in accordance with the local collective ownership system (van de Sandt 2009:24-25). According to Joris van de Sandt, a Dutch researcher and activist, there is archival evidence that the land in both San Miguel Ixtahuacán and Sipacapa is held in collective titles, called *ejidos* or *tierras comunales* that date to 1908 and 1918, respectively. Originally managed by community leaders at the municipal level, over time the use rights of individual families became inheritable and were passed from generation to generation, influenced by changing attitudes toward land in

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the late nineteenth and early twentieth centuries. Van de Sandt reasons that use rights may have become confused with ownership—and thus the right to buy and sell land—which in fact pertains only to the municipal authority and not individual farmers. When the mining company acquired land in San Miguel Ixtahuacán and Sipacapa, they did so without a complete understanding of this collective holdings system, and negotiated only with the individual land-users rather than the municipal authorities. This, according to van de Sandt and other activists, is not only a violation of property rights under Guatemalan law (given that the guarantor of the titles is the Guatemalan state), but also a violation of the collective right to territory to which indigenous communities are entitled as a result of the international accords to which the Guatemalan government is a signatory.

Growth of the Guatemalan mining industry

Mining investment boomed in the 1990s and early 2000s, growing by more than 1000 percent since 1998, following changes to the Guatemalan Mining Law that increased the ease with which companies could obtain a license. At the time the law was written there were three active licenses for metal exploration; by 2008 the number had grown to 64 licenses for metal exploration (Dougherty 2011b). There are currently 125 authorized licenses for metal mining, 28 for extraction, and 97 for exploration. This is after a moratorium on all new mining licenses imposed by former President Alvaro Colom (2008-2011) in June 2008, in response to allegations of environmental and human rights abuses at the Marlin mine. The moratorium led to a buildup of requested licenses waiting to be processed. President Otto Perez Molina (2012-2015) lifted the moratorium shortly after his inauguration in early 2012. As of late 2012 there were an additional

362 metal mining licenses in the pipeline, 10 for reconnaissance, 16 for extraction, and 336 for exploration (MEM 2012).

The promotional materials provided by the Ministry of Energy and Mining (MEM) emphasize the amount of exploration and potential for metals investment; on maps showing the locations of current licenses, those for exploration are plotted in bright red, while the more modest number of extraction licenses that are plotted in dark green. The MEM officials I spoke with were optimistic about the future of mining in Guatemala, giving the impression that current opposition is a combination of misunderstanding by undereducated rural people, and mishandling of bureaucratic and legal matters by politicians. They see future growth of the sector as both promising and likely.

Technological advances in the past several decades have allowed mining companies to expand into areas where it was previously inefficient to mine metals. This new technology, coupled with enthusiastic government support for mining investment, has brought companies into contact and sometimes conflict with people living in these areas (Bebbington et al. 2008, Kirsch 2006, Sawyer 2004, see also Smith and Helfgott 2010). It is often the case that the sites of new mining projects are in "out-of-the-way places" (Tsing 1993) whose inhabitants are impoverished or otherwise socially marginalized. In the case of Guatemala, the national government and mining companies have taken advantage of an already conflictual land tenure arrangement to purchase land that would otherwise be of low economic value—that is, land owned by indigenous and *campesino* subsistence farmers (Van de Sandt 2008). The resulting tensions, as well as increasing concerns over natural resource issues such as access to potable water, extreme seasonal flooding, low crop yields, and the specter of *cambio climáctico* (climate change), have helped generate opposition to mining in nearly all of the 22 departments in the

country. While wide-spread opposition may make it seem that there is a hardly a region of Guatemala untouched by mining, there are actually only a handful of viable metals mining projects currently under development. Only one of those, Marlin mine in the department of San Marcos, is operational. Below I discuss several of the most notable (and perhaps notorious) mining sites in Guatemala that have been the subjects of public discussion and protest in recent years.

Mining conflicts across the country

Marlin Mine, San Miguel Ixtahuacán and Sipacapa, San Marcos

Although it was not the first conflict over mining in Guatemala, anti-mining movements focused intensely on the Marlin mine between 2007 and 2012 (the time period over which I conducted my preliminary and long-term field research). The initial opposition to the mine played a catalytic role in a wave of preemptive mining protests across the highlands (see chapters 3 and 4); because of this, I focus on the debates surrounding Marlin mine, and their related communicative media, in this dissertation. The remaining chapters will examine in detail the material and ephemeral components of this conflict, and the ways it has influenced attitudes about mining in Guatemala and internationally. Chapters will discuss various environmental, public health, and human rights reports that seek to define the environmental and social parameters of the mine; the ways that indigenous activists have drawn on international law in arguing for territorial rights; how community referenda have contributed to the spread of anti-mining networks around the highlands; the ways that rumors and testimonies blend in individuals' narration of experiences with mining; and the impacts digital media has on the shape

of debates in Guatemala and internationally. What follows is a timeline of background events, as they relate to the broader Guatemalan social and historical context.

Marlin mine is the largest and so far only productive mine in Guatemala, operated by Montana Exploradora, a wholly-owned subsidiary of Vancouver-based Goldcorp, Inc. Marlin is a gold and silver mine with estimated reserves of 650,000 and 30,090,000 proven and probable ounces, respectively. Marlin is Goldcorp's flagship mine in Central America and generated $447 million in revenue during 2013 alone. It began both open-pit and underground operations in 2005; in early 2012 it ceased open-pit operations, but continues to operate and plans to expand the underground operation in the Marlin II and III sites.

Roughly eighty percent of the Marlin operation is located in the municipality of San Miguel Ixtahuacán, a Mam-speaking community in San Marcos department. The remaining twenty percent of the operation is located in neighboring Sipacapa, a Sipakapense-speaking community also in San Marcos department. Sipacapa is the only place where Sipakapense is spoken, and the language is unrelated to the Mam spoken in neighboring municipalities. However, the mine is located between two rivers—the Tzalalá and the Cuilco—upon which both communities rely for water. The rivers continue a path through Mexico, eventually emptying into the Caribbean Sea. Some reports claim that mining operations require 250,000 liters of water per hour (contrasted with 60 liters for a family's daily use); this is in addition to the use of a massive dam on the rivers to contain waste rock and the water used in the process of extraction (GHRC n.d.). Aside from the obvious impacts that extracting thousands of tons of rock from the side of a mountain entails, the effect of mining on the local water supply is one of the greatest concerns of activists.

As the first operational mine in Guatemala, and representing a significant investment of transnational capital in the country, Marlin generated a large amount of initial publicity. It was

the national government's pet investment project in the mining sector, for good reason—in addition to the one percent in royalties Goldcorp pays, they are also responsible for import and export taxes, are likely to make purchases within the country, and contribute to the national economy through payroll (Zarsky and Stanley 2011:27). In all, Marlin mine is the largest single taxpayer in Guatemala, contributing $51.93 million between 2003 and 2006, excluding the wages paid to the 1,905 Guatemalan citizens it claimed to employ in 2009 (Zarsky and Stanley 2011).[46] Lyuba Zarsky and Leonardo Stanley estimate that the total contribution of Marlin mine to the Guatemalan economy, including equipment procurement and employee wages, was $375 million over the first four years of its life; 90 percent of this value goes to the national government, with local communities receiving five percent of the total revenue generated by the mine (2011:27). In short, the mine is a significant source of income for the national government, which runs into severe budget shortages on a nearly annual basis.[47] Furthermore, the success of a high-profile mine such as Marlin would herald Guatemala's arrival as a "mining country" and potentially attract many more investors who could make comparable contributions.

However, the government's enthusiastic support for the project did not smooth the investment process in the local communities. If anything, it may have raised suspicions. Several community members in San Miguel and Sipacapa told me that they were initially misled about the purpose of the construction at the Marlin site, and were told it would be a commercial orchid farm. Mateo, a catechist with the Catholic Church in Sipacapa, began doing his own investigation in 2005. He and the acting local priest went walking in the village nearest the mine site, asking people if they knew what was going on. It was only then that people in the wider community began to be concerned. When they discovered that the project was not, in fact, a commercial orchid farm, but instead an enormous gold mine, the acting priest contacted national

environmental NGO Madre Selva for more information. Madre Selva came to the community and conducted a series of educational workshops, which they have since repeated in communities around the country. With the support of these NGOs and international anti-mining networks, Sipacapa became the site of the first community referendum on mining in Guatemala (see chapters 2 and 3). This event attracted further attention of national and international NGOs, press, and governments, raising awareness about the conflict over Marlin mine at the international level. Further involvement by NGOs led to numerous anti-mining publicity campaigns about the project (see chapters 4 and 5). In 2010, concerns over the environmental and health impacts of Marlin gained community members in Sipacapa and San Miguel an audience with the International Commission on Human Rights, which ordered the Guatemalan government to suspend operations at the mine until it could be confirmed to be operating safely (see chapter 5). Nevertheless, Marlin mine remained and continues to remain in operation, partly owing to the vigorous pro-mining campaigns conducted by the company (see chapter 6).

Marlin mine has remained the most high-profile case of mining conflict in the country, gaining attention from both the national and international media and from international governance bodies. In spite of the negative attention the project has received, and the growing concern over mining, mining investment has continued to grow since 2010, expanding to nearly every region of Guatemala.

Fénix Mine, El Estor, Izabal

The second best-known mining project in Guatemala is the Fénix nickel mine, currently owned by the Russian company Solway Investment Group and not under operation. Fénix provides perhaps the clearest link between conflicts over current mining investment and the Guatemalan civil war. The project was originally established in 1956, two years after the CIA-orchestrated

coup d'etat, by Cleveland-based firm Hanna Mining (Paley 2007, MiningWatch 2006). In 1960

Canadian mining company International Nickel Company, Ltd. (INCO) purchased a majority

share in Hanna Mining's project through its subsidiary Exploraciones y Explotaciones Mineras

de Izabal (EXMIBAL). Under a previous iteration of the mining law, in 1965 INCO was able to

negotiate a 40-year mining lease directly with the Guatemalan government. While the law

normally stipulated a rent payment of 53 percent of profits, EXMIBAL was able to circumvent

this by aligning itself with a USAID-funded geological survey project and thereby attaining

classification as an "industry of transformation" (Solano 2005). As a result, the company paid

roughly $23 thousand dollars in annual royalties, regardless of profits (Jonas and Tobias 1974).

The area of land covered by the lease coincided with the regional base of operations of a

contingent of leftist guerrillas, a growing concern for the military dictatorship. Part of INCO's

lease agreement with the national government promised to provide "stability" in the region. The

government provided additional security in the area with an extensive military campaign in 1966

which is estimated to have killed between 3,000 and 6,000 people, more than half of them non-

combatant peasant farmers (Bradbury 1985, CEH 1999). Two years later, the Guatemalan

government began to evict Q'eqchi' Maya farmers from the area under lease, in an effort to clear

the way for mining operations to begin.

In 1969, a group of law professors associated with the national public university Universidad

de San Carlos de Guatemala formed a commission to investigate the terms of the government's

concession to EXMIBAL. In 1970, two of the four members of the commission were

assassinated, the third was wounded in an assassination attempt, and the fourth was forced into

exile (Solano 2005). Alfonso Bauer Paiz, who survived the assassination attempt, remained a

vocal opponent to mining exploitation, including participating in the ongoing process of drafting a new mining law until his death in 2011.[48]

In 1971, the Guatemalan government purchased 30 percent of EXMIBAL's stock (Driever 1985). In 1982, however, after failing to renegotiate the terms of royalty payments with the government, INCO suspended operations at the mine. The company maintained control of the property and, in 2004, shortly before its original lease was set to expire, sold the majority of its subsidiary EXMIBAL (now called Companía Guatemalteca de Níquel [CGN]) to Canadian-owned Skye Resources. INCO (now owned by Brazilian company Vale) and Skye remained closely linked, however, with INCO owning nine percent of Skye's shares and retaining rights to a share of the profits from future production at Fénix (Cuffe 2007). The Guatemalan government, furthermore, retained seven percent ownership in CGN. Skye was able to secure a new exploration license from MEM, good for three years with the option of renewal. As part of the agreement, Skye promised to pay $636 thousand to the Guatemalan ministry of finance and $127 thousand to the municipality of El Estor to cover the royalties that EXMIBAL failed to pay between 1978 and 1980 (Solano 2005).

In 2008, the mine changed hands yet again when it was acquired by HudBay Minerals, Inc, another Canadian company. Maya-Q'eqchi community members continue to protest the mine, asserting that it occupies their traditional lands that were illegally titled to the military government during the internal armed conflict. This protest has led to several serious human rights violations, including the execution of unarmed community leader Adolfo Ich Chamán by CGN's private security forces in 2009. The incident is currently the basis of a lawsuit brought by community members against HudBay in a Canadian court.

In 2011, HudBay divested itself of the Fenix project and ceased all operations in Guatemala when the Solway Investment Group purchased the project. Community members have since brought three lawsuits against HudBay and its subsidiaries in a Canadian court for negligently authorizing the use of excessive force by CGN's private security forces against community members. The first, brought by Adolfo Ich Chamán's widow Angelica Choc, alleges that HudBay is responsible for her husband's death and seeks $2 million in damages ("The Lawsuits" nd). The second suit is brought by German Chub Choc, a young man who was shot and paralyzed during the same confrontation in which Adolfo Ich Chamán was killed. The third suit is brought by eleven women who say that they were gang-raped by private mine security in 2007, as they were being evicted from their land. These evictions were requested by Skye Resources, then-owner of CGN.

HudBay maintains that community members have been illegally occupying CGN land since 2006 and causing damage to natural resources in addition to CGN property (HudBay 2014). They argue that the 2007 evictions were legally initiated and carried out by the Guatemalan prosecutor's office, with the collaboration of CGN security and national police. Furthermore, HudBay says that on the date that the plaintiffs claim they were assaulted, there were no community members present at the site. In regards to the death of Adolfo Ich Chamán and the paralyzation of German Chub Choc in 2009, HudBay argues that their security forces acted only in self-defense. Some news reports claim that protesters, including Adolfo Ich Chamán, were armed with guns and machetes. HudBay says that Ich Chamán was killed by other protesters, not its security forces. The company brought a Motion to Strike in response to the lawsuits, arguing that the cases should be dismissed because the parent company could not be held responsible for

the actions of a subsidiary. The Motion was dismissed, and as of 2014 the lawsuits are being heard in an Ontario court (Amnesty International 2014).

Cerro Blanco Mine, Acunción Mita, Jutiapa

Cerro Blanco is an open pit and underground gold and silver mine owned by Entre Mares, another subsidiary of Goldcorp, Inc. It is unclear whether or not the mine is currently in operation due to conflicting information from GoldCorp, Entre Mares, the Guatemalan Ministry of Environment and Natural Resources, and the Guatemalan press. Cerro Blanco mine is located near the border with El Salvador, and has nevertheless raised concerns over environmental degradation in both countries. Primary concerns surround the potential pollution of Lake Guija, located downriver from the mine in El Salvador, and out of which flows the Lempa river, the largest river basin in El Salvador (Valladares 2010). Residents near Lake Guija reported an increase in the level of contamination of the water they use to irrigate when the mine began construction, and fear that more serious illnesses are soon to follow (Prensa Libre 2013). More recently, there have been reports that medicinal hot springs neighboring the mine have dried up. Salvadoran NGOs have been most active in their opposition, and have received the support of the Salvadoran government, which fears that the Guatemalan government has not adequately addressed the risks of contamination for their neighbor, who relies on a river near the mine for 37 percent of their drinking water (Jamasmie 2013, Siglo21 2012a).

The general manager of MARN dismissed activists' concerns in an interview, saying that it was impossible that the mine could have caused any damage so far—it wasn't operational and wouldn't be for quite some time, because the temperature inside was too high. The nearby thermal springs regularly flooded the tunnels with water in excess of 85 degrees Celsius, which the company cools and discharges into a nearby river (Prensa Libre 2013). In 2010, the company

issued a *campo pagado* (paid announcement in a newspaper) explaining that they had the necessary licenses and that the mine was under construction in order to comply with the international standards for development of this kind of project. However, a 2013 press release on the company's Spanish-language website specifically for Guatemala says that production at the mine will be temporarily halted while the company reevaluates the financial feasibility of the project, in light of changing international gold prices. The press release goes on to explicitly state that the reason for the shutdown has nothing to do with environmental concerns, and that the mine exceeds all international environmental safety standards (GoldCorp 2013). Yet a statement by the director of mining at Cerro Blanco, Hugo Castellanos, assured the public that the mine was operating normally less than a week later (Prensa Libre 2013). Goldcorp's 2013 Annual Financial Information Form published in March 2014 lists Cerro Blanco among its wholly-owned projects, and states that there are 62 full-time salaried employees at the mine (as compared with more than 1,400 at Marlin mine). As of 2014, however, the project is included on a map of GoldCorp's investments in the Americas on their corporate website, but no other information is available.

Escobal Mine, San Rafael las Flores, Santa Rosa

The Escobal silver mine, currently under construction in San Rafael las Flores, Santa Rosa department, is owned by Canadian and US-based firm Tahoe Resources, Inc. and operated by its subsidiary Minera San Rafael. The project was initiated by Goldcorp in 2007, who then sold the project to Tahoe Resources in 2010 (Goldcorp 2010). Tahoe Resources is managed by the former Goldcorp CEO and Goldcorp retains a 40 percent stake in the company (The Globe and Mail 2010). The Guatemalan government granted Tahoe Resources a license for metal exploitation in 2013 (MEM 2014). Escobal is one case in which the tensions surrounding the project have

escalated to the point of violence in recent years, and several people have been killed as a result. The first incident involved a protest on April 27, 2013 in which a group of community members armed with sticks and machetes blocked the entrance to the mine during a shift change. Private mine security used tear gas and rubber bullets in response to protesters, six of whom were injured (Siglo21 2013, Tahoe 2013). There was no indication that the protesters used force to block the mine entrance, nor does the company's statement suggest there was any imminent threat posed by the protesters (Amnesty International 2014). As a result of the incident, the company's head of security was arrested at the Guatemala City airport as he tried to leave the country, and was charged by the Ministerio Público with causing injuries, obstruction of justice, attempted murder, and attempting to influence government officials. The final two charges were later dropped, and his trial for the remaining charges is still pending as of 2014 (García 2013, Amnesty International 2014). Subsequent protests resulted in the kidnapping of several police officers for 24 hours, and the deaths of one police officer and one protester during unrelated violence. Reports of clandestine armed groups in the area further exacerbated tensions, and the government reported that mining opposition in the area was a pretext for expanding organized crime (NISGUA 2013).

In May 2013, the Guatemalan government declared a state of emergency (*estado de sitio*) in San Rafael las Flores and several surrounding municipalities. This was the second state of emergency declared in recent history, although there had also been a series of "states of prevention" throughout the Colom administration (2007-2011). In 2010, the government declared a state of emergency in Alta Verapaz department in reaction violence related to organized crime and drug trafficking. In 2012 there was much discussion of declaring a state of emergency in San Marcos department, particularly when the national police were withdrawn

from eight municipalities due to threats of violence by a clandestine armed group and the governor of the department requested military intervention (Siglo21 2012b). Although ostensibly out of concern for organized crime and general delinquency, many people saw these actions as part of a generalized trend in the militarization of rural areas, particularly where there is ongoing conflict over natural resource management.

El Tambor Mine, San Pedro Ayampuc and San José del Golfo, Guatemala

The el Tambor gold mine is currently under construction near San Pedro Ayampuc and San José del Golfo, Guatemala department, and was founded by Canadian firm Radius Gold, Inc's subsidiary Exploraciones Mineras de Guatemala (EXMINGUA) in 2000. The mine is intended to include both open pit and underground operations, and the company secured a license for exploitation in 2011 (MEM 2011:4). US-based firm Kappes, Cassiday and Associates (KCA) bought EXMINGUA in 2012.

San Pedro Ayampuc is predominantly Maya-Kaqchikel, while San José del Golfo is predominantly non-Maya *ladino*. Community concerns focus on environmental degradation and the loss of small-scale gold extraction already practiced locally. Community members pan for gold in the river and sell their finds to jewelry dealers in the local market advertising "*Se compra oro*" ("We buy gold"), who then sell the gold to refineries. The environmental concerns stem primarily from an analysis of the environmental impact assessment (EIA), conducted by US-based environmental engineer Robert Robinson in collaboration with environmental NGO MadreSelva. Robinson previously conducted an analysis of the plan of closure for Marlin mine, concluding that the company severely underestimated the financial cost of environmental mitigation. His findings echo critiques of the EIAs completed by Goldcorp for their projects Marlin and Cerro Blanco: entirely inadequate. In his report, Robinson concludes that the existing

EIA is incapable of protecting the environment or public health because it contains only vague

requirements for monitoring and no description of plans for reclamation (NISGUA 2013).

Protest efforts included a semi-permanent encampment in front of the mine entrance,

established on March 2, 2012 (Prensa Libre 2012, NISGUA 2013). In May of that year, police

accompanied mine employees and equipment as it attempted to enter the mining site; however,

protesters blocked their entrance and demanded an audience with government and mine officials

to discuss the communities' position. After a standoff, eventually the police left. Protesters are

quoted as saying that it could have turned into a "true massacre" (*una verdadera masacre*)

(Prensa Libre 2012). The members of the blockade began referring to themselves as *la*

Comunidad en Resistencia Pacífica La Puya—the Community of la Puya in Peaceful

Resistance—or simply "la Puya" after the nearest village.

In May 2012, four men and one woman—protest leader Yolanda Oquelí—were arrested for

the illegal detention of three employees of the mine. Oquelí was later released for lack of

evidence. In June of the same year, Oquelí was shot by two men as she left la Puya. She was

seriously injured but survived the attack. After spending two months in hiding with her family,

the Inter-American Commission on Human Rights ordered the Guatemalan government to

provide her with protection against possible future attacks (Amnesty International 2014).

The blockade remained in place for more than two years, until yet another standoff between

nearly 300 protesters and riot police sent by the government to accompany heavy mining

machinery and KCA officials on May 23, 2014. The standoff continued for several hours, until

the police announced that they would forcibly evict the protest encampment. Police used tear gas

and flash bombs to disperse the crowd; 15 protesters and 13 police officers were injured in the

clash, and several were hospitalized (GHRC 2014, Prensa Libre 2014a). The UN High

Commission for Human Rights in Guatemala, who had representatives present to observe the eviction, stated that although the police did not use lethal force against protesters, the number of people wounded demonstrated a failure in the adequate implementation of protocols for the use of force in accordance with human rights (Prensa Libre 2014a). Two human rights accompaniers from Spain and Chile were deported as a result of their presence at the protest (Prensa Libre 2014b). The protesters regrouped after the confrontation, and continue to stage a blockade outside the mine entrance. Subsequent confrontations have not become violent, however protesters have allowed police and mining equipment to pass.

San Gabriel Cement Plant, San Juan Sacatepéquez, Guatemala

Not every mining conflict in Guatemala concerns transnational investment. *Cementera* San Gabriel, located in the municipality of San Juan Sacatepéquez near Guatemala City, is owned and operated by Guatemalan firm Cementos Progreso. The plant entered the planning stages in 2006, and is projected to come online in 2017. Indeed, the majority of the mining industry in the country, according to an official at the Ministry of Energy and Mines, is focused on construction materials such as cement, although most transnational firms are invested in the more lucrative exploitation of metals. While these smaller construction material mines do not often gain the kind of attention that the exponentially larger transnational operations do, San Gabriel cement plant has raised concerns in recent years. [49]

The population of San Juan Sacatepéquez primarily identifies as Kaqchikel-Maya. The community opposes the cement plant on the grounds of environmental destruction as well as the company's failure to consult with the communities prior to beginning construction. As part of the work plan, Cementos Progreso will build a major highway between San Juan and the capital, providing needed improvements to local transportation that the state is unable to accomplish on

its own. However, this highway will pass through several Kaqchikel villages, and community members fear it will destroy the local agricultural industry. The community held a *consulta comunitaria* in 2007, but the government does not recognize the results as valid. The government began a series of roundtables with community members in 2008, but they have failed to come to an agreement (Gamazo 2014, Illescas 2014).

Violence and mining

The atmosphere of insecurity and distrust that already exists in Guatemala is amplified in situations involving specific points of contention, such as the conflicts over transnational mining projects discussed in the cases above. Mining conflicts began as primarily political affairs, playing out in news media, court cases, community referenda, blog posts, international forums, public protests, and road blocks. Direct confrontations between indigenous people and mining company representatives, or violent reprisals by government forces, were somewhat rarer, but have increased along with the number of communities in conflict with mining. Activists report that skirmishes between the (armed) private security employed by Montana Exploradora and (unarmed) local residents first occurred shortly after construction began on Marlin mine in 2005. Anti- and pro-mining activists go back and forth accusing each other of threats, attempted attacks, and kidnappings, and both parties agree that there is a palpable air of tension surrounding the project (CAO 2005). A 2008 incident led the mining company to take out a full-page advertisement in several of the national daily papers, accusing anti-mining "outsiders" of inciting fear and violence in Sipakapa and San Miguel Ixtahuacán (see chapter 6).[50] The accusations arose over the kidnapping of several mine employees, who were later released unharmed.

The tension in San Miguel Ixtahuacán more often simmers under the surface; possibly

random incidents such as a swerving car, or shots fired at a distance, are rendered (Nelson 2009:93) by those that witness them as having violent intent. Rumors of gruesome deaths at the hands of opposing community members, or foul-play by the mining company itself abound, but are difficult to verify and are seldom reported to police or other authorities for fear of reprisals. Occasionally this tension bubbles over and generates direct confrontations, as happened in a peaceful anti-mining protest that turned violent when pro-mining community members took several dozen protesters hostage (see chapter 4). In one notable incident, a vocal opponent of the mine in San Miguel Ixtahuacán, Diodora Hernández, was shot in the face at her home by two local men known to be associated with the mining company (Pedersen 2014). Hernández survived the attack thanks to emergency medical care provided in the capital, but lost her left eye.

The granting of new licenses for exploitation, however, has caused previously low-level conflicts to intensify. President Otto Perez Molina promised a "*mano dura*" (strong-hand) approach to governance, which has resulted in the deaths of dozens of unarmed protesters at the hands of Guatemalan military, police forces, and private security firms in recent years. In October 2012, a peaceful protest of rising energy costs and transnational development by community members in the department of Totonicapán, known especially for its independence and autonomy in natural resource governance, were apprehended by police and military forces. Twenty protesters were shot, and seven were killed in the confrontation, which many people refer to as the first massacre to take place against indigenous people after the Peace Accords (Arguto 2012, Falla 2012). No military or police forces were injured, and protesters reportedly fought back with sticks and stones.

Conclusion

Far from an isolated incident, the conflict over Marlin mine is part of a pattern of investments through which the Guatemalan government furthers their project of nationalist economic development, which has the added impact of drawing indigenous and peasant communities into a particular political and economic relationship with the state. This relationship with the state is "partially connected" such that it both shapes and is shaped by indigenous political subjectivities. The gaps in these connections allow for anti-mining activists to create links between historical processes and their present political situation.

Anti-mining activists trace a historical trajectory of injustices and violence perpetrated against indigenous peoples, of which the current context of industrial development is the most recent. Most significantly, they identify the history of land possession and dispossession in Guatemala as a process that has steadily shifted perceptions of land away from the collective ownership that was in line with *utz k'aslemal* and the Maya cosmovision, and toward commodification that has facilitated mining investment. Thus, anti-mining activists locate the roots of their struggle in the persistent resistance of indigenous populations to such changes during the colonial period.

Following the Guatemalan civil war, a mandate to create a more inclusive governance structure resulted in a state-sanctioned discourse of "multiculturalism" that favored a sanitized, ahistorical national narrative that incorporated indigenous culture in very limited ways. However, the Guatemalan government also ratified a number of international accords that form the basis of indigenous political struggles that challenge the national state, furthering its partial connections with indigenous cultural activism. As I will demonstrate in the following chapter, anti-mining movements driven by indigenous people in the highlands primarily base their

arguments in a discourse of international indigenous rights that challenges, but also grows out of, the Guatemalan nationalist project. By emphasizing and exploiting the opposing political frameworks established by the nationalist project and the state's ratification of indigenous rights accords, anti-mining movements have begun to radically redefine the relationship of indigenous culture to the Guatemalan state.

Chapter 2 Rights, Autonomy, and Citizenship in Community Votes

"We have false democracies. The states we have don't belong to us." Pancho Mendez, representative of the Department Assembly of Huehuetenango at the meeting of the Mesoamerican Peoples' Forum in Veracruz, Mexico, April 2011

"The president isn't in charge, nor the judges… We're the ones in charge." Manuela, resident of Sipacapa, location of the first *consulta comunitaria* in Guatemala ("Sipakapa no se vende," Revenga 2005)

Introduction

Consultas comunitarias have emerged as one of the primary strategies that activists in Guatemala use to oppose mining, asserting the community's "right to territory" in the process.[51] Building on the discussion of the ways anti-mining activists frame indigenous territorial rights and the legacies out of which they grow in the previous chapter, in this chapter I explore the discursive regimes and political frameworks that community activists engage when they organize *consultas comunitarias*—community referenda—on mining projects. *Consultas* are part of the process of "juridifying" social movements, in which legal tools are increasingly leveraged in novel ways by non-experts to articulate new sociopolitical imaginaries (see Eckert et al. 2012). The *consultas* I discuss here are held outside the purview of state regulations and are not sanctioned by the national electoral system, yet they creatively engage the democratic framework most often associated with state governance. Organizers variously reference national and international accords on community governance and indigenous rights to justify holding the votes, while resoundingly rejecting the Guatemalan government's attempts to regulate them. *Consulta* organizers take advantage of the "partial connectedness" of indigenous and state

institutions in order to create and exploit a disjuncture between the Guatemalan state's democratic political framework and their own, challenging the Guatemalan state's moral authority and monopoly over participatory governance. Thus such votes, in addition to opposing mining development in Guatemala, are part of a larger political project seeking to redefine the relationship of indigenous culture to Guatemalan national politics, and to shift the balance between local, national, and international power more broadly. I examine the ways that these demands fit in to a broader politics of indigenous rights, and grapple with some of the political, legal, and cultural ambiguities *consultas* raise.

I draw on ethnographic examples from the ten *consultas comunitarias* I observed in two highland departments (El Quiché and Quetzaltenango) and in one department near Guatemala City (Santa Rosa) during 2010 and 2011. My role at these events was as an official volunteer observer, a job remarkably similar to that of "participant-observer," the significance of which I discuss in greater detail in the following chapter. I also observed several key events surrounding the Colom administration's attempt to regulate the *consultas comunitarias* by integrating them into the national electoral system, including the government's press conference announcing their proposal, activists' concurrent protest, and the subsequent Constitutional Court hearing on whether or not the proposed regulations violated the Guatemalan constitution. Additional data comes from interviews with mining company representatives, government officials, the communications officer at the Guatemala City World Bank office, the myriad legal and communicative documents associated with *consultas comunitarias*, and additional comparative interviews done with *consulta* organizers in Peru, Argentina, and Colombia.

Indigenous Politics and Cultural "Excess"

Through *consultas comunitarias*, Guatemalan indigenous movements, community governance bodies, and international activists have claimed collective decision-making about transnational mining projects as part of their ancestral rights and practices. By entrenching the process in international legal accords such as International Labor Organization Convention 169 on the Rights of Indigenous Peoples, *consultas* seek legitimacy and force. However, the use of international legal accords also emphasizes the friction between Maya political aspirations and the national cultural and legal framework based on multiculturalism and the *indio permitido*.[52] The ambiguities that don't fit within this framework are what Marisol de la Cadena calls "excess." She argues that, "What is going on… is not a paradigmatic shift in the history of indigenous resistance; the excess has always been present. The extraordinary event is its public visibility; the shift it may provoke would be epistemic" (De la Cadena 2010:348). It is this visibility that indicates an intention to create not just a parallel indigenous political system separated from the state (a "state-within-a-state"), but rather to transform existing state institutions, to reform them to be more accessible and inclusive of diverse and plural points of view.

Claims for indigenous rights do not fit neatly into any of the liberal concepts of multiculturalism espoused by the Guatemalan state. As Neizen explains, "Demands for respect, restorative justice, and protection of distinctive ways of viewing and living in the world are accompanied by more far-reaching demands for self-determination and autonomy that transcend, in various ways, legal arrangements based on the equal rights of equal citizens" (2003:136). Thus, not only do *consultas comunitarias* trouble the tidy but limited discourse of multiculturalism offered by the Guatemalan state, they ultimately call into question the liberal

basis on which the state is founded. Bret Gustafson describes Bolivian plurinationalism as "a

multi-scalar 'mosaic' (Sawyer 2004) of pluralities in which indigenous rights (to language,

knowledge, history, land, resources, and equality) unfold between multiple institutions and scales

of the state, rather than only within certain territorial and legal regimes" (2009:1009). Gustafson

juxtaposes this model of national governance with reactionary movements for greater regional

autonomy, highlighting the "conflicting cultural and political paradigms vying for the

reconfiguration of territorialities and sovereignties…" (987). Gustafson goes on to explain that

"indigenous self-determination in the paradigm of plurinationalism is being reconceptualized as

a transterritorial articulatory *process* through which the nation-state itself is also under

transformation" (989). *Consultas comunitarias* in Guatemala are exemplary of such a

plurinational process: not confined to any one region, and even occasionally reflecting pan-

continental aspirations, *consultas* go far beyond the "state within a state" model of indigenous

autonomy and seek to fundamentally alter the relationship of indigenous people with the

Guatemalan state.

In Guatemala, *consultas* are made possible by two parallel branches of post-war social

developments: neoliberal reforms seeking to decentralize state governance and strengthen local

and regional autonomy (in tandem with a push toward economic privatization); and

multiculturalist reforms that recognized indigenous culture and rights, part of the shift from

assimilationist policies of cultural citizenship. *Consultas* are some of the first concrete instances

wherein indigenous groups in Guatemala have sought to reach beyond the national regulatory

system and take the structures of governance into their own hands, and as such they are attempts

to reformulate the relationship between indigenous rights and the oligarchical state.

However, referenda and *consultas comunitarias* more broadly are not new concepts in Latin

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America. On the one hand, organizers of *consultas* in indigenous communities in Guatemala argue that they are part of the ancestral practices of the communities, the authority of which long precedes the existence of the Guatemalan state (see also Speed 2007 on Zapatista councils in Mexico). On the other hand, the practice stems from a series of constitutional reforms during the second half of the twentieth century and is based on long-held political philosophies (see Jahncke Benavente and Meza 2010:43). Monica Barzcak (2001) argues that direct democracy has been a part of South American national politics since the Cold War, when constitutions were re-written following military dictatorships. This is also true of Guatemala, where provisions for direct democracy were written into the 1996 constitution as part of the peace agreements following 36 years of civil war and military dictatorships. Aside from specific constitutional provisions for direct democracy, Javier Jahncke Benavente and Rocío Meza argue that the right of all people to be consulted on matters of public importance is inherent the democratic political philosophies upon which all Latin American constitutions are based (Jahncke Benavente and Meza 2010:43). Even if provisions for direct democracy are not included in the national constitution, they have legal bases in the International Pact on Civil and Political Rights in Article 25 and the American Convention on Human Rights in Article 23 (Jahncke Benavente and Meza 2010:45).

Barzack also notes that the decay of party politics and networks leads to a void in political representation and the degradation of representational democracy (2001:42). While Barzack sees the rise of national "neopopulist" politicians as the response to this void, I argue that even neopopulism has grown stale for many communities after the past decade. Direct grassroots action has emerged as an alternative in some cases, while in other cases there is pervasive apathy and cynicism (see also Copeland 2011; Warren 2002).[53] The first is particularly true where *consultas comunitarias* have been used to express community positions regarding extractive

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industry development. In nearly every instance of *consultas* in Latin America, department or province and national-level representatives strongly advocated for extractive industry and occasionally had personal financial ties to the project in question, leading to community members' disillusionment with representative democracy. Similar disillusionment is even more widespread in Guatemala, where many people express apathy about national politics following 36 years of repressive civil war. This is reflected in low voter turnouts for national elections, and a general distrust or cynicism towards the national government.

 Consultas are one example of the actions through which indigenous activists articulate their demands for sovereignty, challenging the state's monopoly over territory, resources, and democratic practice. However, the quotes about ownership and agency in the democratic process that began this chapter highlight the tensions that communities confront in their struggles for autonomy, including through the use of *consultas comunitarias*. In the first quote, anti-mining activist Pancho Mendez from the department of Huehuetenango addressed a conference of social justice activists in Mexico, referencing the lack of involvement of indigenous peoples in the Guatemalan national government. He went on to state, "We have false democracies. The states we have don't belong to us." On the one hand, *consulta* organizers and participants feel that they are excluded from the existing democratic and state structures, and are dismissive of the mainstream national politics dominated by the oligarchy. By organizing community votes they see themselves as taking a step toward creating a distinctly indigenous form of politics, reclaiming the autonomy over land that was expropriated during what activists describe as 500 years of colonial invasion and occupation. By using *consultas* to make a statement about mining, and grounding the process within a framework of ancestral rights and practices, indigenous people are attempting to reshape aspects of a corrupt democratic system and make it their own.

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The second speaker, a woman who participated in the first *consulta* held in Sipakapa, Guatemala, addresses the audience of a documentary about the event. She warns that despite what national politicians may think, the residents of Sipakapa are really the ones in charge. She declares, "The president isn't in charge, nor the judges… We're the ones in charge." On the other hand, people assert that they are already part of the national voting constituency, and that as Guatemalan citizens they are the ones that decide not only what happens on their lands, but who their representative politicians are. Another protester referencing the *consulta* in Sipacapa made a similar statement at a press conference when he warns lawmakers who fail to heed the results of the votes: "The people put you in office, and the people are going to take you out!" This kind of assertive response to national politicians contrasts markedly with the cynical or even apathetic attitudes many voters express about national electoral politics.

Free Prior Informed Consent in the Americas

In recognition of the historical and legal right to territory, anti-mining activists argue that indigenous communities must give their free, prior, and informed consent (FPIC) before the national government issues subsurface extraction licenses. Marcus Colchester and Fergus MacKay (2004) locate the roots of FPIC in the compromises North American indigenous groups and settlers made during early colonial trade relations, seeking to find equitable and acceptable methods of trading when neither held a monopoly on power (2004:3). Conversely, modern-day struggles for indigenous autonomy seek spaces for respectful negotiation between indigenous groups and industrial states that *disrupt* the monopoly on power that industrial states currently hold.

FPIC is enshrined in several international legal accords, including International Labor

Organization Convention 169 on the Rights of Indigenous Peoples (1989), a legally-binding

international treaty. Convention 169 uses different standards for different situations, including

participation, consultation, and informed consent; in the case of development projects involving

mineral extraction, the ILO requires both consultation with communities involved, and their

ongoing participation in the activities (ILO 1989, Articles 6 and 15; Colchester and McKay

2004, 20). [54]FPIC is also required by the United Nations Declaration on the Rights of Indigenous

Peoples (UNDRIP, 2007), which stipulates that indigenous communities have the right to

establish their own priorities for development, and furthermore must give consent to the state

prior to the establishment of extractive industry on their territory (United Nations Declaration on

the Rights of Indigenous Peoples (2007), Article 32; see also McGee 2009, 571). While UNDRIP

is not legally-binding on signatory countries, it does establish a set of standards that has slowly

begun to impact operational norms (Kirsch 2014:208).

The impact of FPIC on mining outcomes is somewhat uneven, owing in part to debate over

what the "C" stands for—"consent," or "consultation"? Free, prior, and informed consent means

that indigenous communities must give permission before the national government or a

corporation begins to extract (or indeed, even explore for) mineral resources on the community's

territory, but consultation implies that the only thing that is needed before beginning extraction is

to discuss impacts with community members. The difference in definition means that some

interpretations view FPIC as binding, while others frame it as merely a tool for gauging a

community's opinion.

Many companies, including the proprietor of Marlin mine, turn to the World Bank Group

(WBG) for financial backing on mining projects. In 2005, the company received a $45 million

loan from the International Finance Corporation, WBG's private-sector financial branch, to fund the start-up of Marlin. Like all World Bank organizations, the stated mission of the IFC is to end extreme poverty and boost overall prosperity in developing countries. Furthermore, following vocal critiques by environmentalists in the 1990s, WBG reformulated and adopted a radical concept of environmentalism in order to strengthen the perception of the development programs they support (Goldman 2006). Thus, IFC's backing allowed the mining company to tout Marlin's credibility as a sustainable development project more than if they had sought independent financing, a claim the company goes to great lengths to promote in its advertising campaigns and through its funding of organic agriculture and reforestation projects in neighboring villages (see chapter 6). Most importantly for the discussion at hand, the IFC loan also made the Marlin mine project subject to WBG's regulations for community interactions— including the requirement for prior consultation.

In 2003, the World Bank undertook a review of its extractive industry projects to determine whether this area of investment was in line with their stated mission of reducing poverty and their more recent focus on sustainable development (Kirsch 2014). The resulting report advised that any project with WBG backing first carry out binding consultations with the affected communities—that is, it defined the last letter of FPIC as "consent." Yet, the WBG went against these recommendations, emphasizing in their official response that indigenous communities should not have "veto power" over projects proposed on their land (WBG 2004; see also Kirsch 2014:204). In 2006, the IFC revised this position in a new set of standards that call for free, prior, and informed "consultation" in any case where the population may be adversely affected by a project supported by one of its loans (McGee 2009:572). However, in May 2011, World Bank Group revised their position once again, calling for "consent" in the case of certain projects that

impact indigenous peoples (Kirsch 2014:208). While the changes may occur at a glacial pace, especially when compared to the speed with which mining licenses are granted and projects established, they are changes in the direction of greater recognition of indigenous rights nonetheless.

Even without the universal standard of "consent," a corporation's good faith consultation of the local community has become a *de facto* requirement before they initiate a new mining project, even when their legal obligations are poorly defined. Failure to adequately consult with local communities has led to the loss of a company's "social license to operate"—the level of acceptance and trust a community has for a given project—and heated local opposition to mining projects, resulting in bad publicity and occasional property damage and violence. Yet these corporate consultation mechanisms often do not have the (ostensibly) intended effect of gauging community members' input. As Fabiana Li (2015) notes, participatory practices of accountability often "prioritize mining interests and enable corporations to define the standards of performance that governments will use to establish compliance" (186).

So-called "information meetings" that mining companies hold in the name of consultation are particularly pernicious. Community attendance at meetings, even when participation is limited to signing an attendance sheet, is held up as evidence that community members not only support the project, but "collaborated" in its development (see also Li 2015). Currently, mining companies in Guatemala carry out information meetings as part of their social responsibility programs, but officials make it clear that they consider this a courtesy, not a requirement. They argue that the Guatemalan government signed the accords and thus the government should be responsible for the consultations— or should create legislation that says otherwise. Companies encourage people to attend their meetings by offering food, games, and music. The fame of these meetings has

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spread to towns around the highlands, where I heard reports that the mining company "killed the

fattest livestock" (*mataron los ganados más gordos*) for people that attended. Even counting

these kinds of meetings as "good-faith" efforts to gauge community opinion, processes of

consultation used by companies do not take into consideration the extreme asymmetries in power

relations owing to the economic, social, and educational status of most community members (see

also Jahncke Benavente and Meza 2010, 136). Li argues that the so-called "participatory" nature

of these information meetings coerces community members into complicity with project planners

(Li 2015:213).

The mining company and its subsidiary nevertheless maintain that they upheld their

obligations for Free Prior and Informed Consultation as required by the World Bank,

Guatemalan law, and ILO Convention 169. They stress, in their *Public Consultation and

Disclosure Plan* (2004), that consultation is all that is required, not consent. In their report on

compliance with ILO Convention 169 (in Spanish), they state, "While Article 7 of ILO

Convention 169 does not give indigenous communities the right to veto a mining project, it does

require a consultation in which the indigenous population can make their points of view heard

and have the right to attempt to influence decisions" (Montana Exploradora 2004b:2.6). They

elaborate, "The consultations should be realized in good faith, with the goal of achieving an

agreement or consent for the proposed measures" (2004:4.2). In this case, there is no mention of

compromise, and indeed the goal is to gain a community's consent—or at least acquiescence—

for the company's already-established plans, with no indication of a willingness to modify them

for the sake of community members. The input indigenous communities are allowed, and the

amount of "influence" that is even possible, is at best extremely limited in this interpretation of

the accords. The implication is that, if there is any disagreement, the company can and will

disregard it. While there is general agreement that, regardless of the term used, both processes of "consultation" and "consent" require a good-faith attempt at reaching a consensus with the communities concerned (ILO1989, Article 6.2; McKay 2004, 20), legal scholar Brant McGee emphasizes, "A denial of FPIC [free prior informed *consent*] or a reduction to mere consultation denies a people the right to their lands and threatens the peoples' existence" (2009:578). This is unacceptable to indigenous communities. In response to the information meetings held by mining company officials, communities throughout Latin America began holding their own referendum-style votes in which they insisted that the companies and governments gain their consent, rather than mere consultation, prior to engaging in mining activity.

The citizens of Tambogrande, Peru held the first *consulta comunitaria* on mining in Latin America in 2002. Following the success of Tambogrande's *consulta*, the practice of holding community referenda to oppose mining projects spread through networks of environmental and indigenous activists to Argentina, Colombia, Ecuador, Chile, Mexico, Canada, and Guatemala. Sipakapa, Guatemala organized a *consulta comunitaria* in 2005 (discussed in greater detail below), with advice and guidance from community leaders from Tambogrande. The vote was documented in a film called *Sipakapa No Se Vende* (Sipakapa is Not for Sale, Caracol Producciones 2005), which has gained notoriety around the country through its use to bolster support for the organization of *consultas* throughout the highlands. Sipakapa has become a poster case for indigenous resistance to mining in Guatemala, and their *consulta* is frequently referenced during events in other towns and in casual conversations about mining.

In addition to the aforementioned international agreements, referendum organizers in Guatemala point to the Guatemalan Municipal Code (Decree 12-2002), part of a process to decentralize governance structures in the aftermath of the Guatemalan internal armed conflict.

This law establishes the right of municipalities to hold referendum style votes on issues related to development in the community (articles 63-66). Also important to the organization of *consultas* is the Ley de los Consejos de Desarrollo Urbano y Rural (Law of the Urban and Rural Development Councils), which passed in 1987 and established the Community Development Councils, COCODES in its Spanish acronym. The elected members of these councils, also referred to as COCODES, often take on the responsibility for organizing the votes in each community.

However, none of the laws based on which *consulta* organizers justify their votes specifies the way in which communities should be consulted, nor the entity responsible for consulting them— the national government or the company requesting the license. This is the first source of ambiguity in the consultation process, which leads to tension and debate between indigenous communities, the national government, and mining companies.

Sipakapa Is Not For Sale

Although the first *consulta comunitaria* in Guatemala was actually held in Comitancillo, San Marcos on May 18, 2005, credit usually goes to a neighboring municipality, Sipacapa, who held their *consulta* one month later. Sipacapa (or Sipakapa) has a population of roughly 13,000 people and is also a linguistic community, meaning that the municipality is the only place in the country where Sipakapense is spoken. Sipakapense is a Mayan language closely related to the Kaqchikel spoken in communities hours away, but largely unintelligible to Mam speakers in neighboring San Miguel Ixtahuacán. People provided several different explanations for why Sipacapa receives credit for holding the first Guatemalan *consulta*— including that Sipacapa is the first community to base their *consulta* on ILO Convention 169 or that Sipacapa was the first

indigenous community to organize a vote. The significance here is the emphasis on Sipacapa's cultural rights, rather than the community's civil rights— they are named as the first because they are the first to point to *consultas* as an ancestral tradition.

Guatemala City-based documentary film company Caracol Producciones recorded the *consulta* process in Sipacapa, and the resulting film (Sipakapa is not for Sale, 2005) has been shown in communities around Guatemala and the world. Community members participating in *consultas* elsewhere in the country often reference *Sipakapa no se vende* as well as a follow-up film by the same director, *El Oro o vida: Recolonización y resistencia en Centro América* (Life for Gold: Recolonization and Resistance in Central America, 2011) when asked about the inspiration to hold a *consulta* in their own communities. The films depict not only the environmental and health risks associated with mining projects (including graphic imagery from mining sites elsewhere in Latin America), but also the process of planning and implementing the *consulta* in Sipacapa. This documentary—and by extension, the *consulta* itself—has been one of the more influential sources of discourse about mining in general, and *consultas* in particular in Guatemala. However, I base the following description of the Sipacapa *consulta* on previous analyses and interviews with local community members and international activists who were present at the event, which was held five years prior to my field research.

Although the conflict over mining in Sipacapa began in the early 2000s, Glamis Gold began exploring in the region around Sipacapa and neighboring San Miguel Ixtahuacán in the late 1990s. In 2003, the Guatemalan government granted the company a license for exploitation of gold and silver at the Marlin I site, located on the border between Sipacapa and San Miguel Ixtahuacán. It is so far the only license for exploitation in the department, although the company holds thirteen licenses for exploration in San Marcos, including for sites known as Marlin II and

Marlin III in Sipacapa and neighboring municipalities.

The company insists that they carried out proper prior consultation procedures as required by the World Bank Group before the IFC granted them a $45 million loan, including informational meetings attended by a wide sector of the population, with signatures from attendees attesting to their approval of the project (Paley 2007). However, community members in both Sipacapa and San Miguel report that, rather than a gold mine, they were told the site would be developed into an orchid farm. Community members also report that the company later held meetings, often with elaborate lunches, but only after the government had granted them the license for exploitation.

It wasn't until construction began on the mining site in 2003, and locals began investigating in person, that they realized what the project would really be. Mateo, a lay priest with the Catholic Church, told me that he and the caretaker of the local church went walking at night, asking people living around the mine what was going on, and only then were they able to figure out that it was a mining project, not a farm. After bringing the mine to the attention of the municipal government, community leaders also contacted national environmentalist NGOs. The community arrived at the initial idea to hold a referendum on the mining project after viewing the recently released documentary film about the 2002 referendum held in Tambogrande, Peru (Cabellos and Boyd 2007).

Individual community members (including a former municipal mayor) began planning the *consulta* without direct involvement from the municipal government, and with assistance from the Catholic Church, two national-level environmentalist NGOs, and a primary organizer of the Tambogrande referendum. However, in order for the *consulta* to have legal weight, the municipality had to approve it. When they hesitated, rumors circulated that the municipal

government had signed an agreement with the mining company. Eventually, seeing the level of community support for a *consulta*, the municipal government agreed to endorse the process. A municipal decree in January 2005 set the date of the *consulta* for June 18, 2005 (Jahncke Benavente and Meza 2010, 115).

Both the national government and the mining company attempted to block the *consulta* in several ways. Ten days before the *consulta*, the mining company issued a press release alleging that a small group of individuals were planning the *consulta* using intimidation and false information to force people to vote against the project (Imai et al. 2007, 116). Two days before the *consulta*, representatives of the mining company and the Guatemalan Ministry of Energy and Mines filed two separate lawsuits against the community claiming the *consulta* was unconstitutional, one with the department court in San Marcos, and one with the Guatemalan Constitutional Court (Imai et al. 2007, 117). The department-level court in San Marcos granted the injunction the mining company had requested, but the Ministry of Mines and Energy's petition was rejected (Imai et al. 2007, 117). Because of these lawsuits, the municipal mayor withdrew his administration's support of the *consulta*, and the Catholic Church, NGO *Colectivo Madre Selva*, and Maya organization *Ajchmol* took over voting-day coordination (Jahncke Benevente and Meza 2010, 115). Mysterious fliers of unknown origins were distributed to community members advertising that the *consulta* had been canceled (Jahncke Benavente and Meza 2010, 115). However, the community-run radio station broadcast announcements to counter the fliers, and voting took place as planned.

There were voting stations in all thirteen municipal villages, and each community determined their own voting style according to their custom. In some places voters used secret ballots, in others they used raised-hands, and in still others voters lined up to mark their vote on a collective

poster-ballot (Jahncke Benavente and Meza 2010, 115). The local radio station broadcast the voting live from each village (Imai et al. 2007, 113). The question presented to voters was "Are you in favor of mining on the territory of the Sipakapense people?" (Imai et al. 2007, 113). Eleven of the thirteen villages rejected the mining project, one abstained from voting due to conflicts within the community, and one approved the project (Jahncke Benavente and Meza 2010, 116). 2,502 adult voters participated out of a population of 16,000; 2,462 people total voted against the project, 35 in favor, 8 ballots were invalid, and 32 people abstained (Imai et al. 2007, 114; Jahncke Benavente and Meza 2010, 116). The turnout rate was 44.3 percent of the voting population, compared with 54.6 percent turnout in the last national elections (Imai et al. 2007, 114).

On June 21 community members and the auxiliary mayors gathered in the municipal center to present the results of the vote to the municipal mayor (Imai et al. 2007, 114). After the initial confrontation, *consulta* organizers were finally allowed to enter the municipal building. The municipal council issued an *acta* establishing that the municipality was against mining within Sipakapense territory (Imai et al. 2007, 114).[55]

The Guatemalan Constitutional Court ruled nearly two years later on the Ministry of Mines and Energy's request for an injunction against the *consulta*. They determined that the *consulta* was not illegal, and was a valid mechanism of expression for the community's opinion regarding development in their territory. However, the results were non-binding since the national government retains the rights to sub-surface resources and mining development is thus a question of national concern and public utility, not local development (Jahncke Benavente and Meza 2010, 117).

Activists in Guatemala see the *consulta* process as a first step in manifesting their rejection of

mining. The process of organizing the votes, informing the citizenry about the issues, and campaigning for people's participation galvanizes the population and generates excitement about the issues. Community leaders in Sipakapa built on this momentum and branched out in their efforts to combine cultural and civil rights. Following the *consulta*, the primary organizers of the vote formed an independent political party, with the motto "Let's wake up and defend our territory!" Their logo featured four ears of corn in red, yellow, black, and green— each of the colors represented on the Mayan flag— and was painted on houses around town and local buses and doorways bore the *comite's* stickers.[56] Although having a political party's logo painted on your house doesn't necessarily indicate that you support them (homeowners are usually compensated for the advertising space), one woman told me that she painted her house for free because she agreed with the local party— referred to as a "committee" (*comité*). The *Comité Cívico Sipakapense*'s candidate, Delfino Tema, subsequently won the 2007 mayoral election by 46 votes, promising alternative, sustainable development programs in order to prove that the community did not need to depend on mining (Rodríguez 2007).

Every year in June, the Catholic Diocese and the *Comité Cívico* hold an anniversary celebration of the *consulta*. I attended in 2009, for the fourth anniversary of the *consulta*. Each of the thirteen villages sent representatives, holding signs reaffirming their decision to reject mining, to march in a procession. They began at the radio station, about six kilometers outside of town, proceeded up a mountainous road, and then filed through the center of town, ending at the Catholic Church. There, the crowds filled the pews and spilled out into the churchyard. Vendors sold snacks and trinkets to onlookers while the Belgian priest from San Miguel Ixtahuacán offered Mass, which was projected over loudspeakers on the outside of the church.

Sipacapa had only recently been appointed its own priest; for years an Italian lay-priest had

been filling the basic role without being able to conduct any holy rites. The Italian now ran the Diocese's *Comisión Pastoral Paz y Ecología* (Pastoral Commission on Peace and Ecology, COPAE) out of the department capital, San Marcos. COPAE had been integral in planning Sipacapa's *consulta*, and continued to be the major coordinator of anti-mining networks around the highlands. People were still unsure where the politics of his official replacement, a fully-ordained priest from neighboring Comitancillo, fell in regards to mining, so Padre Erik—the Belgian living in San Miguel Ixtahuacán—performed the Mass instead. Padre Erik and Hermana Maudilia, a Mam-speaking nun from San Miguel Ixtahuacán, were also driving forces behind local and regional anti-mining networks. They, together with Monsignor Álvaro Ramazzini, the bishop of San Marcos department, had acted as spokespeople for the two communities ever since the *consulta* in Sipacapa, including making a trip to Marlin mine and another project owned by Goldcorp in Honduras in order to tour and evaluate the facilities.

In spite of the impressive turnout for the procession and Mass, there were hints of tension evident during the anniversary celebration. A young man approached me during the procession and handed me a photocopied flier describing the scholarships that the mining company offered to young people. "You should be interested in this, too," he told me. Before leaving town I stopped by the local branch of the *Academia de Lenguas Mayas de Guatemala* (ALMG), where I had visited the year before. During my previous visit, there had been a large banner hanging outside the clearly new building, repeating the refrain featured in the documentary that "Sipakapa is not for sale!" Stickers supporting the *Comité Cívico* and warning against the dangers of mining had adorned the windows of the entryway. All of these items were gone, and when I asked the receptionist what had happened he told me with some suspicion that they were no longer involved in anti-mining organizing at the Academy. The unassailable opposition to

mining in Sipacapa that had served as an exemplary—and symbolic—case for anti-mining movements throughout the country was facing its own challenges. These tensions would reach a breaking point in 2010, which I discuss below.

Day of Commemoration of Tecún Umán

In the seven years between the *consulta* in Sipacapa and when I completed my field research in 2012, more than fifty communities across the highlands held their own referenda on mining. Every community voted against allowing mining licenses on their territory without variation. In each event, the twin goals of rejecting state governance structures while expanding space for indigenous participation within the state are evident in different ways. The *consulta* in Olintepeque is particularly illustrative of the ambiguousness inherent in these goals, and illustrates the ways that symbols and practices often associated with nationalist sentiments are reappropriated under the rubric of ancestral indigenous practices. The *consulta* process in Olintepeque demonstrates the ways that resources associated with different scales of governance— national, regional, and local— are successfully deployed in struggles for indigenous rights.

Olintepeque is a Maya-K'ich'e community less than five minutes' drive from Quetzaltenango, the second-largest city in Guatemala and the cultural and social capital of the highlands. They held a *consulta comunitaria* on mining on February 20, 2011. Although there were no mining licenses issued in Olintepeque, *consulta* organizers told me that there were seven in neighboring communities. The fear was that, should one of these licenses develop into a full-fledged project, the company might want to expand into Olintepeque as well, as it had between San Miguel Ixtahuacán and Sipacapa.

Several groups had helped to organize the *consulta* in Olintepeque, including the Community

Development Council (COCODES by its Spanish acronym), a youth group called ASLO Joven,

the local water council, and the village mayors. These groups reflect a mixture of local,

culturally-focused NGOs, regional environmental organizations, and nationally-sanctioned local

government organizations. The COCODES, in particular, are a relatively recent invention,

consisting of elected officials tasked with initiating development projects— broadly defined— at

the local level. They have played a pivotal role in organizing *consultas* throughout the highlands.

It had taken just six months to plan everything at the village level, but one year to plan at the

municipal level. There had initially been a conflict with the municipal mayor, who refused to

finance the *consulta* process. At the end of January, the national newspaper *Prensa Libre*

reported that community members had taken their case to the chief council to demand the mayor

grant them permission. They needed his permission because they had to establish voting centers

in schools and community buildings— places that every citizen could have access to. The mayor

replied that their request had already been forwarded to the municipal council, who would vote

and return their response within eight days. In relation to the monetary funding, however, the

mayor blamed a lack of funding at the national level for his inability to provide funds for the

consulta (Ventura 2011). There were rumors of his having signed an agreement with the mining

company after recently switching political parties from UNE (the center-left National Unity of

Hope party that held the presidency at the time) to Partido Patriota (the right wing "patriot"

party, whose candidate was the front-runner in the upcoming national presidential elections). It

was generally accepted that Partido Patriota members received funding from mining

corporations, and they openly opposed *consultas comunitarias* on mining. Perhaps because of

this conflict, the *consulta* was not officially sanctioned in a municipal act until February 14, just

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six days before voting.

Despite being a municipal event, the *consulta* in Olintepeque was filled with the kind of nationalist symbolism that is also prevalent in presidential elections. The occasion began as any good patriotic festival would— with a complete recitation of the national anthem, lasting a little over five minutes. One verse declared the singers' dedication to defending Guatemala from foreign invasion:

> If tomorrow your sacred soil
> By foreign invasion is threatened
> Free into the wind, your beautiful flag
> To victory or death it shall call
>
> Free into the wind, your beautiful flag
> To victory or death it shall call
> Your people will, with fiery soul,
> Die before being enslaved.

While these verses were clearly meant to invoke the military might of the Guatemalan army, a common image in nationalist propaganda, their use during the *consulta* cast them in an ambiguous light. These verses also brought to mind anti-mining activists' frequent references to the presence of mining companies as the "third colonial invasion", the Spanish army being the first and the internal armed conflict being the second. In a similar way, other nationalist symbols and practices are reappropriated during the *consulta* process and put to use in support of indigenous rights.

After the anthem, one of the organizers welcomed participants and informed us that voting was taking place on the national day of commemoration of the death of Tecún Umán. In popular legends, Tecún Umán was the last K'iche' prince and a hero of indigenous resistance to Spanish colonization. He is celebrated as a leader who would rather die than be enslaved, embodying the sentiments expressed in the national anthem— although in this case he refused enslavement by

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the Spanish, whose influence on present-day Guatemalan government and oligarchical culture is undeniable. Somewhat paradoxically, in 1960 Tecún Umán was made a national hero and a symbol of Guatemalan nationalism and military might (Otzoy 2011). This appropriation follows a pattern of re-branding of indigenous heroes for use as Guatemalan military symbols: Kayb'il B'alam, the 15th-century leader of the Mam people northeast of Quetzaltenango, successfully defended Zaculeu (now Huehuetenango) against the invading Spanish army for months. In honor of his bravery, his name has been taken by the Guatemalan military's special operations group, the Kaibiles, known for their brutal training regimen and, subsequently, brutal tactics during the Guatemalan civil war. The Kaibiles were responsible for innumerable indigenous deaths in massacres throughout the highlands, most famously in 1982 at Dos Erres, which was finally brought to trial in 2011 (NISGUA 2011b). Less insidiously, Tecún Umán is commemorated in numerous statues and names of streets, hotels, restaurants, and Spanish language schools around the country. The statue in his honor in Quetzaltenango has an inscription reading "*La Patria a Tecún Umán*"— the Homeland to Tecún Umán.

He is also celebrated in the annual *Baile de la Conquista*—Dance of the Conquest— performed in both indigenous and *ladino* communities. The dance reenacts the battle of el Pinar, one of the final battles of Spanish invasion in Guatemala. The legend says that Tecún Umán, adorned with the valuable feathers of the quetzal bird—his *nahual*, or spirit guide—waged battle against the Spanish as they made their final approach toward Quetzaltenango, at the gates of what is now Olintepeque. [57] Tecún Umán eventually came face-to-face with Pedro de Alvarado, the leader of the Spanish. Tecún Umán was on foot, but Pedro de Alvarado was on horseback, something novel to the K'iche's which some say led Tecún Umán to hesitate in his attack. During their heated fight Tecún Umán nearly killed de Alvarado, but de Alvarado managed to

pierce Tecún Umán through the heart with his spear. As Tecún Umán lay dying, two quetzal birds landed on his chest and bathed in his blood, staining the white feathers on their chests red. Out of grief, the male quetzal ceased to sing from that day forward. Tecún Umán's blood flowed into the Xeqijel river, turning its waters permanently red. Irma Otzoy argues that "[t]he performance of the Conquest Dance [honoring Tecún Umán]… is a conscious act to remember and sustain resistance" (54).

However, there is scant historical evidence that Tecún Umán actually existed. Several accounts by Spanish officials who witnessed the battle describe a K'iche' prince adorned in bird feathers (one account describes how he transformed into a bird), but provide no name. It is only in later colonial accounts and *titulos* (literally: titles) that the hero of the battle is named— but what is taken to be his name is actually a hodgepodge of title and decent meaning "prince" and "grandson".

Tecún Umán's status as a national symbol is similarly ambiguous: although some indigenous activists feel that it is offensive for the government to honor a historical figure while largely ignoring the living Maya population (Hendrickson 1985, Otzoy 2011), one of the *consulta* organizers told me that Tecún Umán's memorial day is considered auspicious for holding events dealing with indigenous rights. On the one hand, "With Tecún Umán, Mayas are presented in a petrified way, in the form of death, without any real political inclusion" (Otzoy 2011:61). In this way, Tecún Umán becomes the consummate *indio permitido*: killed by the Spanish and venerated in stone, he is celebrated but unable to participate in the Guatemalan state.

After the anthem and welcoming speech, voting officially opened in the municipal center, and observers were invited to have a look around. Participants lined up under tents in front of the Catholic Church to cast their votes. After marking their ballots, voters' fingers were marked in

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indelible ink. Vote organizers pointed out that this was exactly the process in national elections as well, and they were even using the same ink pads. The ink would ensure that each voter only submitted one ballot.

The *consulta comunitaria* in Olintepeque, much like other community referenda throughout the highlands, was simultaneously marked as intrinsically bound up in histories of indigenous resistance to Spanish colonialism and as an essential performance of Guatemalan national identity. This ambiguity reflects the complex relationship between indigenous peoples and states, highlighting some of the difficulties in sorting out autonomy and rights movements. In the following section, I will examine one instance in which tension between indigenous movements and the national government came to public fruition: an attempt by the Colom administration to formally recognize *consultas comunitarias* on mining and bring them under the purview of the *Tribunal Supremo Electoral*.

Regulation of the Community Votes

In February 2011, after 53 communities had held *consultas* around the country, the Colom administration finally answered the *consulta* process with the quintessential multiculturalist "*sí, pero...*" (yes, but…) when they announced that they had a new plan to regulate the community votes and bring them under the umbrella of state governance. The plan was announced at a presidential press conference in the *Palacio de la Cultura* (Palace of Culture) in Guatemala City. The Palace was once the official residence of the head of state of Guatemala (presidents and dictators alike), but now serves mainly as an office building, museum, and venue for official events. For example, a few months earlier, the government had hosted an art exhibit titled "Oh, Revolución!" featuring revolutionary art from across several decades. While the exhibit

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demonstrated the government's willingness to engage with a previously taboo topic (something the subsequent Perez Molina administration would have likely abhorred), the exhibit could also be interpreted as the attempt to sanitize a potentially dangerous theme, playing the same role for class conflict as the *indio permitido* plays for ethnic conflict.

Community organizers gathered in the plaza outside the Palace on the morning of the press conference waving banners and signs declaring their right to be consulted. Dozens of people wore t-shirts given out by environmental NGO Ceiba, emblazoned with "More than half a million of us have said NO to mining! Respect our decision!"[58] People circulated a petition from social organization Waqib' Kej urging opposition to the proposed law. Others passed around full-page photocopies of an interview with a government minister who had helped pen the law, published the day before in *Prensa Libre,* discussing the content and purpose of the new proposition.

Figure 3 T-Shirt worn by Ceiba employees: "More than half a million of us have said NO to mining. Respect our decision!" Credit: K. Fultz 2011.

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Several groups from the communities that had already held their consultas made announcements via car-mounted loudspeakers. They called off the results of their votes in Spanish, Mam, and K'iche' as others milled around, periodically chanting "*Consulta sí! Mina no!*" (Consultation yes! Mines no!). As the scheduled time for the press conference approached, community leaders encouraged people to stay outside in the plaza in order to boycott President Colom's announcement. A line of protesters stood facing the Palace guards holding various banners proclaiming their opposition to the proposed regulation and to mining. Nevertheless, attendees crowded the entrance to the Palace. Armed guards checked some people for official identification, but as a white foreigner I was able to pass with no more than a cursory glance through my purse, as did a number of non-indigenous *ladino* activists. A friend later told me that the guards barred entrance to a group of Maya men and women in front of her, shutting the doors to the Palace as protesters approached. That men and women wearing traditional dress would be barred from the National Palace, while people wearing Western dress would be admitted regardless of their political affiliation, points to the racism present in everyday encounters around the country, much like Irmalicia Velazquez Nimatuj's similar experience of being denied entrance to a restaurant based on her own use of *traje* (discussed in Chapter 1).

The press conference took place in a large tiled room open to a courtyard at one end. Banners emblazoned with the Colom administration's official blue and white "*Tiempo de Solidaridad*" motif lined the dais, declaring the government's motto "Time of Solidarity" and commitment to politically correct progressive causes. The administration's image consisted of four hands in the colors of the Maya flag layered one over the other, while a photo of a dove with its wings outstretched floated in the background. The multicolored hands represented the administration's

attempts to cultivate the reputation of good-willed multiculturalism, while the dove hinted at both the logo of Colom's National Unification Party as well as a centrist agenda for peace.

The Colom government, with its desire to maintain a progressive-yet-inoffensive image, was in a sticky situation. It acknowledged indigenous peoples' rights to be consulted on issues affecting their communities, and came just short of celebrating the fact that Guatemala had signed Convention 169 on the Rights of Indigenous Peoples. However, it could not and would never relinquish the primacy of the state government, if for no other reason than self-preservation. Yet, because Convention 169 is an agreement between states, the responsibility to enforce its terms falls to the state government (see also Neizen 2006, Gustafson 2009). Furthermore, as I discussed earlier, the meaning of such "consultation" is much debated. According to the communities that hold the votes, they are unassailable exercises of sovereign territorial control. The previous Berger administration, as well as most mining companies, support the idea of consultation on paper (and on their own terms) yet argue that the votes held to date impede national development and that it is illegal to even participate in one. A 2007 Constitutional Court ruling, however, established that while it is unconstitutional to record the results of the community votes in municipal ledger books—i.e. the vote results do not carry the status of *law*—the community votes are not illegal to carry out and are a valid but non-binding expression of minority opinion (Sentence 1179-2005). Thus, the votes remained in a regulatory gray area.

To remedy this, the government's plan sought to absorb the *consulta* process into the Supreme Electoral Tribunal (TSE), which is also in charge of national elections, and would repudiate all of the then 53 *consultas* conducted to date. What this meant in practical terms is unclear: because the most recent legal battle determined that the votes are non-binding

expressions of minority opinion, the results carried no legal weight in the national arena. How would the new regulation process actually change anything? Was the government acknowledging, by saying that previously held votes would be voided by this new regulation, that the votes are actually valid as they currently stood? The Colom administration had temporarily suspended the granting of mining licenses, and although it officially had nothing to do with the *consultas*, many activists considered it a small victory. Or was this a convoluted way of trying to erase the votes from public memory, of pretending that they had never happened and doubling down on government opposition to the activists' arguments? What was the point of regulating the process of expressing a non-binding minority opinion, anyway?

Only one indigenous person had been consulted in the drafting of the new policy, and critics angrily asserted that she was just a figurehead. The oligarchs had authored the new policy, and it would strip indigenous communities of their rights to autonomy, they claimed. Following the press conference, one social movement organization filed an injunction with the Constitutional Court, much as the mining company had done to try to prevent the *consulta* in Sipakapa six years earlier. If the mining companies and government could wield the power of the judicial system, activists would as well.

The Constitutional Court heard the case in July, five months after the initial announcement of the regulatory law. I found myself in the capital once again, seated in a large wood-paneled room filled with international accompaniers, indigenous activists, and the press. The two women sitting next to me were from San Pedro Necta, a municipality in Huehuetenango not far from the Panamerican Highway. The municipality had held a consulta on March 30, 2007, and four years later the municipal administration continued to display a sign near the highway junction that declared their opposition to mining. The two women had participated in the vote, and were there

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at the behest of the municipal government to show support for the group opposing the regulation.

The five justices—four men and one woman—filed in. The hearing opened with a "reflection on the day" led by three *aj q'ij* (day-counters), or Maya spiritual leaders, who offered a prayer in K'iche'. Each of the *aj q'ij* also held a silver-tipped baton, indicating that they were members of their community's *cofradía* (spiritual brotherhood) and indigenous leadership. The team opposing the regulation spoke first, led by Lolita Chavez from Santa Cruz del Quiché. She argued that the requested injunction is about indigenous communities' rights to territory, life, and identity. The lawyer for the opposition, a woman wearing *traje* from Chichicastenango, spoke next, outlining the bases for *consultas comunitarias* in International Labor Organization Convention 169. When the representative of the Public Ministry spoke, representing the president and the national government, she reiterated many of the same points raised by the opposition.

I finally leaned over to the woman next to me and whispered, "Aren't they saying the same things?" She laughingly agreed. It seemed that no one disputed why *consultas* were necessary— what was in question was who should be in charge of them, the national government or indigenous communities. The debate ultimately raised the question of who is the guarantor of the rights of indigenous peoples. The ruling came back months later: Colom's policy to regulate the consultation of indigenous communities was unconstitutional *because they had failed to adequately consult indigenous communities during its writing*. The irony was not lost on anyone, except perhaps the government.

Neighborhood Consultation in Santa Rosa

Not all community votes are held in predominantly indigenous towns. The first vote in Latin America, and the one on which most subsequent votes are based, was organized in a Peruvian town that identifies as *mestizo*. In Guatemala, while most of the now more than 70 votes are organized by indigenous communities using FPIC and the collective right to ancestral cultural practices as their justification, a handful have also been organized in predominantly *ladino* areas. By examining a *consulta* held in a non-indigenous community, I aim to highlight not only the differences between the two kinds of votes, but the ways that the ambiguity of the relationship between indigenous rights and citizenship rights is absent from the vote in the non-indigenous community. I attended one such vote in Casillas, Santa Rosa department, where a mining company had been actively seeking licenses for exploration. I joined a group of *ladino* students from the national Universidad de San Carlos who had arranged a transport van from the capital, accompanied by *ladino* and international environmental activists from Colectivo Madre Selva. Madre Selva had conducted a community information meeting several weeks earlier, in which they sought to balance out the information about mining provided by the government and mining companies. They had also played a role in the *consulta* organization in Sipakapa, but were insistent that the impetus and planning came entirely from the local community. The students I accompanied were mostly business administration majors who were involved in various left-leaning activist activities in the capital during their free time, including demonstrations, street theater, and arts festivals. They were a decidedly different crowd from the mainly indigenous observers who participated in *consultas* in the highlands, and for all of them this was their first time observing a referendum. They were looking forward to a fun weekend away from home, and had brought bottles of Gallo (beer) and Quetzalteca (*aguardiente*) to celebrate. My presence

as a foreigner and associate of a private university in the capital was met with suspicion and some disdain.

When I asked various activists around the highlands what the connection is between the *consultas comunitarias* in indigenous communities—which quite forcefully advocate for collective cultural rights and indigenous autonomy based on international legal accords—and the similar elections held in non-indigenous communities that make no mention of collective rights, they often expressed platitudes about "universal brotherhood;" one European activist in a leadership position in a San Marcos-based NGO told me somewhat dismissively, "Well, really we're all indigenous to some degree."[59] Yet the votes held in *ladino* areas have a markedly different atmosphere, as well as different legal bases. Rather than ILO Convention 169, *ladino* organizers instead point only to the Municipal Codes (Decreto 12-2002), which granted a certain level of regional autonomy in an effort to decentralize state governance during the 1990s and early 2000s. The juxtaposition of *consultas* in the highlands with a *consulta* in a predominantly *ladino* area emphasizes the tension between claims for cultural and regional autonomy that indigenous groups grapple with in the highlands.

After registering our information in the municipal office the mayor gathered the observers together to give a welcome speech.[60] He explained how the mining company in question (different from the one operating in San Marcos) had recently been going door to door handing out information on the project and campaigning for their support in the vote, or for people to ignore the vote altogether. The day prior, people had woken up to discover fliers by their doors extolling the benefits of mining. These fliers had largely been discarded around town, and some littered the ground on the day of the vote. The company had been claiming that the election was illegitimate, a common tactic meant to prevent people from attending the vote. Their claims were

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based on the election's designation as a *consulta popular*, or the same kind of event as those held by indigenous communities in the highlands. If this were true, the mayor conceded, the vote wouldn't be officially sanctioned. Unlike the highland votes, however, this vote was a *consulta municipal de vecinos*, a municipal consultation of neighbors, based on the Municipal Codes and therefore authorized by the national government. For this reason, all participants had to be registered to vote (*empadronado*) with the Supreme Electoral Tribunal and present proper voter identification along with a separate government-issued identification.

The municipal officials directed the contingent of university students, environmental activists, and me toward the village where we were to spend the night. After driving for about an hour and a half over pitch-black, winding, mountainous dirt roads, we came across two armed men on motorbikes blocking the road. The students glanced around nervously as the men quizzed our driver for a few minutes before finally revealing that they had been sent by village officials to meet us and escort us the rest of the way. Everyone piled out of the van for a break, and we noticed that we were stopped on a scenic overlook— or at least, what would be a scenic overlook in daylight. Using the tracking device on his gun, one of the guards pointed out a large lake below us. It was a very pretty crater lake, he told us, tourists from the capital often came to see it. "Would the mining project damage it?" One of the students asked. "Almost certainly," the guard replied sadly.

The next morning, each of the volunteer observers traveled to a hamlet where we were assigned to observe the vote. My assignment was a tiny hamlet of just 24 houses, located another hour away from the village. We piled folding tables, chairs, and modular polling booths— all the same ones used in the national elections— into the back of a pickup truck. Voting took place in a one-room schoolhouse perched on the side of a mountain, overlooking subtropical forest,

cultivated coffee plantations, chicken farms, and orchards. [61] In addition to cultivated land, one of my fellow passengers told me, this hamlet was lucky to still have *montaña*, wild forested areas. I was the only passenger staying in this hamlet, and we unloaded one table and one modular booth from the back of the pickup truck before it continued on to the next stop.

Although everything seemed to follow the same rules and regulations used in the national elections, there was some confusion and discussion over how to proceed once my transportation had left us. This was likely because the hamlet normally did not have a polling place for national elections; voters had to make the hour-long trip down to the village to cast their ballots for presidential and congressional candidates, and many were unable to. This was one exception the *consulta* planners had made to national protocol. There were three women and one man coordinating things; the principal of the school served as the president of this polling location, and the president of the COCODES was also present. First, we set up the table against one wall. People would register here, pick up their pre-folded and officiated ballots, and proceed to the modular booths, which we set up across the room. After marking their ballots, people dropped them through a slot cut in to the table, where they were collected in opaque black plastic bags. After some deliberation, however, the principal of the school determined that the table partially blocked the entrance to the room, which might make it difficult for people to line up to vote. So, we shifted the table to the other wall, and moved the booths to the opposite corner so that they would be balanced.

One other volunteer observer arrived from the village, a middle-aged man who was very concerned about the forms we had been given to fill out. He only knew how to write his name, and he was worried about mis-marking the form and having it invalidated, he explained without hesitation or embarrassment. After voting began, there was a short discussion over what time we

should mark down on the observation sheets. Everyone agreed that our times all had to match—I had written 8:06 am, while everyone else had recorded 8:00 am. The other observers told me to change my time—but first ran to get white-out rather than let me clumsily turn the "6" into a "0".

The first voter was an elderly man, who came in right when the polls opened. He was confused, and asked the president of the COCODES what to do. "Where do I vote?" he asked, indicating the pre-folded ballot she had handed him. "There, inside," she replied, indicating the printed side of the ballot. "Here?" he asked again, pointing to the blank outside of the paper. "No, here, on the back. This is the 'yes' and this is the 'no,'" she explained patiently, indicating his options. The voter asked, "So I mark the 'no'?" "Well, that's up to you. See, it asks here if you're in agreement. It says 'Are you in agreement with mining in the municipality of Casillas?' And this is for 'yes' and this is for 'no,'" she explained as she read the question off of the ballot. Seemingly satisfied, the voter went in to the polling booth to mark his ballot.

After he came out and deposited his ballot in the black plastic bag hanging from the tables we had brought up the mountain, he came over and sat next to me in one of the tiny school desks. "There are dead animals there, you know, on El Salvador's side," he said. "From what?" I asked. "Because of the mine that they're taking out," he replied (*Por la mina que estan sacando*.) He sat quietly watching other voters trickle in before getting up and leaving. Prior to the vote, Madre Selva had shown residents a video on the negative effects of mining. Although they didn't remember the title, everyone at the polling place remembered the deforestation that the mines in the video had caused. I asked if the mining company had distributed fliers in Cerro de Don Leon, but the COCODES president replied that they had only come as far as Ayarza; she hadn't seen any fliers. I showed her the one I found on the ground that morning. Shaking her head, she commented, "They make it sound so nice…"

Although the voting rules were mostly strictly enforced, the women in charge of the polling place exercised their judgment as to which ones could be bent. At one point, two women entered the polling place, dressed in spandex and high heels and towing their children behind them. They said that they lived in Ayarza, but had recently moved here from another place and were still registered to vote in their old town. Could they still participate in the *consulta*? The election officials firmly declined. The two women loitered outside for a little while before wandering off. They returned a few hours later to see if perhaps, now that other voters had gone through the line, they could participate after all. The election officials remained firm in their enforcement national voting laws.

However, not long after the two women's initial visit, another woman attempting to vote found herself in a similar predicament, with quite different results. In compliance with national election laws, each voter had to present either a *cédula de vecindad* (identity card)— an older form of identification that was in the process of being phased out, resembling a small un-laminated passport— or the newer, laminated *Documento Personal de Identificación* (DPI— Personal Identification Document) resembling a US driver's license, and a voter registration card. The woman in question had her *cédula de vecindad*, but not her voter registration card. The voter registration number had been written in pencil on the last page of her *cédula* booklet. However, the *cédula* had been water-damaged and the last few digits of the voter registration number had been rubbed off and were beyond recognition. She clearly had a rapport with the officials, and everyone took turns holding the *cédula* up to different light sources, turning it around like a hologram trying to read the number. When I agreed with one other woman on the identity of one of the pencil markings, the COCODES president accepted that as fact and rewrote the entire registration number in ballpoint pen, directly on top of the pencil markings.

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Distrust of national political figures was common. Several people expressed a dislike for UNE, the ruling party, and their presidential candidate Sandra de Colom, because they weren't getting any benefit from her poverty reduction programs. All of the money, they said, went to the *inditos*. Similarly, businessman Manuel Baldizón, the second most-likely candidate for president, was deemed untrustworthy because of his possible connections to the drug trade. Then-candidate Otto Perez Molina was the worst of all, because he supported mining companies, and received money from them in return.

Sipakapa is Still Not for Sale

The 2011 anniversary of Sipacapa's *consulta* was a decidedly different affair than the one held in 2009. About nine months earlier, in October 2010, Mayor Delfino Tema and his brother Mario, president of the *Comunidad Lingüística Sipakapense* (the language and cultural center affiliated with the *Academia de Lenguas Mayas de Guatemala*) were granted an audience with the Interamerican Commission on Human Rights over concerns about water pollution in Sipacapa and neighboring San Miguel Ixtahuacán. They and representatives from San Miguel Ixtahuacán were jointly represented by Carlos Loarca, a former journalist-turned-human rights lawyer based in Guatemala City. During the audience, the Tema brothers declared that they would be speaking independently of San Miguel Ixtahuacán, and announced that Carlos Loarca no longer represented them. The incident caused a small uproar among the anti-mining activist community, and rumors circulated that perhaps attitudes toward mining in Sipakapa were changing. Mayor Delfino Tema later admitted to accepting money from the mining company for municipal projects (Barnett 2010). The *Comité Cívico* that they had formed was subsequently dissolved and

absorbed into UNE, the party that held the presidency at the time.

I joined three international activists from Guatemala City, Nando, Amy, and Greg, to make the nine-hour drive to Sipacapa. With the news of the Temas's turnaround fresh in our minds, we were apprehensive about what we would find. As our car approached town from San Isidro—the village where the local radio station was located—a group of community members were monitoring traffic at a checkpoint. They stopped our car and verified where we were from and where we were headed. The patrollers relaxed somewhat when we confirmed that the anniversary celebrations began at nine in the morning, and pointed us down the newly-paved highway toward the municipal center.

Unlike previous years, the leaders of the Catholic Church who had spearheaded resistance to mining in the region—Monsignor Alvaro Ramazzini, Belgian priest Padre Erik, and an Italian lay priest—were not present at the celebrations. The local priest, Padre Mario, who had shown ambivalence towards mining resistance in years past, led an ideologically-influenced Mass focusing on land rights and reform. Even though there were many problems with land access in Guatemala, he said, they were not just a country for big countries to use and take advantage of. Even though they had very little, still others tried to take it away. The priest tried to energize the audience by leading a call-and-response of "*no a la minería!*" Following a lackluster response, he commented dryly that most of the audience appeared to be sleeping. The crowd was much smaller than previous anniversary celebrations— in 2009 the audience had spilled into the churchyard, but in 2011 there were just a handful that did not have a seat in the pews.

There was an event in the parochial house following the sermon, but before the promised complementary lunch. Unsure of what we would find, about half of the audience filed across the churchyard. There was a small stage at the front of the large, open event hall, and the audience

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stood in front of it. The event began with the singing of the national anthem, and then moved in to a presentation coordinated by the Catholic diocese.

The first speaker was Delfino Tema, now the former mayor. He asked the audience why we're here today and was greeted with uncomfortable silence. He answered for them, "To say no to mining! To reaffirm the *consulta*!" It has been six years since the *consulta*, he announced, and there is no mining on Sipakapense territory. It was, and still is, a success, he proclaimed. Delfino asked the audience what were the reasons for rejecting mining in the first place, and immediately answered himself without waiting for the audience's reply. We don't want contaminated land, he said, but we contaminate it anyway. We cut down trees and exploit (*explotar*) the forest! The representatives of the Catholic diocese looked uncomfortable. Nando, the Canadian activist from Guatemala City, pulled out a recorder and began taping the presentation, looking especially interested in what Delfino was saying. These claims about exploiting the forest were suspiciously similar to the rhetoric espoused by the mining company about their environmental sustainability programs. It wasn't that Delfino didn't have a point—deforestation was a serious problem in many areas of Guatemala—but that he seemed to be parroting the mining company's strategy of narrowly defining what was "environmental" so as to be able to make a claim for sustainability. By pointing out the community's own exploitative activities—and using the same verb that refers to mining activity (*explotar*)—Delfino seemed to be drawing parallels between the community's actions and those of the mining company. It made the responsibility of caring for the environment a shared concern, and suggested that—until community members were completely faultless in their own treatment of natural resources—they had no place in criticizing environmental impacts caused by the mining company (Li 2015).

A combination of pre-lunch hunger, discomfort, and growing disinterest had sent the

audience into torpor, and several attendees were dozing off. A representative of the diocese's environmental commission attempted to rouse us for the next round of presentations. He praised the community's innovation, pointing out that Sipacapa was the only municipality to have both rejected mining *and* implemented an alternative community development project. He said, "The government claims that the only development that works is mining, but you in Sipacapa have shown them otherwise!" He was referring to the coffee cultivation project jointly spearheaded by the Diocese and Dutch NGO Solidaridad Holandesa. The coffee produced would be UTZ-Certified, a fair trade-like label carried internationally in outlets such as McDonald's, Ikea, and Wal-Mart. The project has been so successful, he said, that now they would be expanding it to include fruit orchards like peaches. While before people had to travel to the coasts for jobs as harvesters, now they don't have to. There were jobs right here in the community. They were defending Sipakapense territory by staying right here and using it.

Another presenter provided a history lesson: Why were things the way they were? Why was it necessary to defend their territory? What happened in 1492? No one in the audience offered an answer. The theme of *despojo* (eviction) began with the arrival of the Spanish. Today, he said, we're on the fourth eviction. This time it was perpetrated by the mining companies and the Guatemalan government. He tried to galvanize the audience. We must continue in the fight (*hay que seguir en la lucha*)! We must organize ourselves, pronounce our positions (*organizarse, pronunciarse*)! Other communities had begun to hold their own *consultas*, because Sipacapa had planted the seed (*se sembro la semilla*).

Conclusion

This chapter examined the discursive regimes that anti-mining activists engage when they organize *consultas comunitarias*. *Consultas* are part of the process of juridifying social movements, in which legal tools are increasingly leveraged in novel ways by non-experts to articulate new sociopolitical imaginaries. *Consultas* on mining are held outside of state regulations and are not governed by the national electoral system. Organizers instead reference national and international accords on community governance and indigenous rights to justify holding the votes, and resoundingly reject the Guatemalan government's attempts to regulate them. By placing the framework of indigenous autonomy and self-determination in contention with the Guatemalan state's assumed monopoly over participatory governance, *consulta* organizers create disjunctures that they can exploit in asserting themselves as autonomous political subjects. Through *consultas*, indigenous groups in Guatemala not only oppose mining projects, they also redefine the relationship of indigenous culture to the state governance system. In the following chapter, I examine the ways that discourses of indigenous rights and participatory democracy are put into practice through *consultas*.

Chapter 3 Enacting Democracy through Community Votes

Introduction

The practice of holding *consultas comunitarias* is one of indigenous communities' efforts to disrupt state-sponsored discourses of multiculturalism, development, and democracy, and depends on the careful enactment of elections. Communities enact *consultas* through the practice of casting ballots, as well as through the production, circulation, and revision of ancillary documents, municipal accords, and declarations. These documents, paradoxically, often resemble those used by the bureaucratic state structures that referenda call into question, placing such practices into contention with state political frameworks. The documents that activists use to

enact elections travel from ballot boxes to newspapers, from street protests to courtrooms, and via email, blogs, and Facebook around the world. By creating and manipulating the intertextual links between these documents, communities, and the state, the primarily indigenous communities that participate in the votes (as well as the disenfranchised peasant and *ladino* communities) embody the collaborative democratic ideals that the state espouses but from which they have been historically excluded. In this chapter, I examine in detail the production of *consultas*, and, through them, the ways that political subjects circulate and assert their visibility.

Anti-mining struggles in Guatemala present a particularly apt example of the performative efficacy of voting. While there have been several dozen *consultas* held in other Latin American (and now North American) countries, they have primarily been isolated events focused on a single mining project. In Guatemala, on the other hand, *consultas* are part of an extended process of networking, and are primarily held preemptively rather than in response to an established mining project. The decision to hold a *consulta*, therefore, is a statement about indigenous communities' vision for the recognition of indigenous territorial sovereignty as much as it is about opposition to mining. Despite the state's failure to recognize the votes as binding as regards mining licenses, they maintain symbolic efficacy as powerful statements of opposition to oligarchical state structures.

As communities around the highlands decide to organize votes, they share the documents that shape the events: scripts, ballots, registration sheets, and posters. Each community makes subtle and no-so-subtle alterations to these documents, and in the process embody the collaborative networks that shape mining resistance in the region. Community groups also exchange people, sending representatives to neighboring towns to observe—and verify—each other's votes. The *consultas comunitarias* are not strictly a decision-making process in and of themselves; rather,

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voting is an expression of the decision that communities have reached through participation in anti-mining networks. The exchanges of people, documents, and resources are a way that community groups amplify and reinforce the message of *consultas comunitarias* and build networks of like-minded communities and organizations.

Using examples from two of the seven community referenda that I observed in the highlands during 2010 and 2011, this chapter examines the role of voting as a public practice, the subsequent textual and video documentation of votes, and the exchange of such documentary objects in shaping anti-mining social networks across the Guatemalan highlands and internationally. I examine two key elements in the enactment of *consultas comunitarias:* first, I explore the motivations for casting ballots, and the impact of this practice on the enactment of democracy and social networks. Much of the work of the *consultas comunitarias* takes place in the circulations of documentary items—press releases and accords, for example—after the ballots have been cast. The second key element of *consultas comunitarias* that I examine is how, in circulating these documents, community organizers highlight the hypocrisy of the national government's simultaneous espousal of democratic ideals and denial of community governance. The votes are not recognized as legally binding by the national government; however they should not be seen as mere imitations of "real" elections but rather practices that "bleed efficacy" into democratic participation through their performative qualities. Community members' desire to fully and equally participate in the state—on their own terms—is embodied in the practice of these votes and serves to bolster both the anti-mining movement and the project of inclusive governance and citizenship more broadly.

What Voting Does

Casting Votes and Performative Efficacy

The first aspect of enacting *consultas* that I examine in this chapter is the public practice of casting a vote—either by paper ballot or by raised hand. Mukulika Banerjee (2008) asks the essential question, why do people vote? Scholars generally provide one of two explanations: the first, derived from rational choice theory, suggests that "the vote is a rational and instrumental tool to maximize self-interest and that the voters use it to improve the material condition of their lives"; the second is a symbolic view of elections, that "democracy is really an untrue but vitally important myth in support of social cohesion, with elections being the central and regular ritual enactment that helps maintain and restore equilibrium" (66). Yet Bannerjee observes in India that elections had little impact on people's material well-being, and fears that the symbolic analysis reduces voting to a practice empty of intentionality or instrumentality. She instead argues that "…elections facilitate moments of political 'anti-structure' and allow for different political imaginaries to be configured. They cast a shadow over the smug and corrupt, reminding them that *their* end could be nigh, wrought by an electorate that… enjoys a festive and solemn moment of power and equality…" (80-81). Rather than a functional means to achieving a better society, elections are thus an end in themselves during which citizens perform their belonging and power, however fleeting.

Kimberly Coles (2007), meanwhile, likens elections more to a scientific laboratory rather than a religious ritual. She offers the option that elections are "sites that create knowledge, truth, and neutrality and thus *enable* democracy, like science, to wield hegemonic authority through its representation as quite distinct from society and subjectivity" (75, emphasis mine). In state elections, the participation of individuals in the techno-legal apparatus designed to gather ballots

legitimizes existing governance structures as something created out of, yet somehow above and therefore superior to, the populace. As practices enacted by indigenous communities and anti-mining activists, however, participation in community referenda is instead meant to legitimize the networks of activists that facilitate them, and their vision for the recognition of indigenous territorial sovereignty.

Consultas comunitarias face critics from both pro- and anti-mining factions. A common accusation from mining supporters is that the votes are biased, partisan affairs that represent only a small segment of the population, precisely because they are organized by parties interested in preventing the government from granting further mining licenses. They assert that only the state government—or the companies themselves—has the authority and ability to carry out a truly informed, non-biased consultation of the entire populace. On the other hand, individuals who are generally skeptical of corporate-led development programs and cognizant of indigenous cultural and political struggles will also express skepticism of *consultas*. These critics argue that *consultas comunitarias* are empty practices, in that they are not recognized by the state as binding decisions. Guatemalans and others not directly connected to anti-mining efforts tended to scoff at my interest in *consultas comunitarias*, arguing that they really had no point since the government simply ignored the non-binding results. Such critiques even suggest that the votes may actually do more harm than good to anti-mining movements by placating the general populace into thinking that their goals have been achieved by casting a ballot, when in fact they should be preparing for a long slog through a variety of political actions.

I argue that the key to understanding the significance of *consultas comunitarias* is to acknowledge their "performative efficacy" (Mazzarella 2010). In his analysis of Information Communications Technology for Development (ICT4D) programs in India, William Mazzarella

acknowledges similar critiques that such programs have very few concrete effects on development in rural villages, instead acting as an "ideological smoke screen, allowing politics as usual to proceed corruptly behind an appearance of probity and reform" (784). Such programs differ from *consultas* in that they are not only sanctioned by the government, but designed to promote the image of a less corrupt, more progressive form of governance while simultaneously allowing corruption to flourish. *Consultas*, on the other hand, are transgressive practices designed to expose and protest the failure of the state to fulfill its obligations to indigenous peoples living within its borders (see Chapter 3). Yet *consultas* share the key characteristic that they allow participants to feel as if they are accomplishing something—making their voices heard by their government, asserting their territorial rights, and refusing entry to mining companies—while actually accomplishing very little in terms of legal reforms or recognition by the government and mining companies.

Conversely, Mazzarella asks, "What if the power of a medium is as much performative as it is functional—that is to say, what if it brings about its effects as much through the desires people invest in it as through its ability to deliver predefined utilities?" (787). In the case of ICT4D in India, rural villagers used the desire of government bureaucrats to implement impractical and ultimately unsuccessful development programs based on computer technology to "bleed efficacy" into other areas of social practice (799). In the case of *consultas*, organizers and voters embody their desire to make their voices heard as full participants in state democratic structures in ballots, accords, photographs, and various other documentary paraphernalia that circulate both nationally and internationally. Through the act of casting—and subsequently documenting—their votes, communities generate material tools for enacting democracy at a local level, and expand their social networks to include like-minded people in other communities who would otherwise

be at too great a distance to collaborate with them. In effect, *consultas comunitarias* "bleed efficacy" into not only the anti-mining social movement at the local, regional, and international levels, but also serve to bolster the project of inclusive governance and citizenship more broadly.

Documentation and Circulation

The second element of enacting *consultas comunitarias* that I examine in this chapter is the documentation—and subsequent circulation—of the events themselves and the results of the votes. Beginning with the planning stages, *consultas comunitarias* are shaped by the documents supplied by communities that have held earlier events. Describing anti-corporate globalization activist networks in Spain, Jeff Juris explains the ways that "…emerging networking logics were changing how grassroots movements organize, and were inspiring new utopian imaginaries involving directly democratic models of social, economic, and political organization coordinated at local, regional, and global scales" (2008:3). Much of this work was facilitated by computer-supported networks such as listserves and websites, which were able to mobilize thousands of protesters (3). Likewise, each *consulta comunitaria* is closely documented for both the benefit of communities holding subsequent events as well as to amplify the impact of the events beyond the immediate circle of participants. The exchange of documents among community organizers both facilitates and embodies the construction of activist networks across the highlands.

The successful replication of the documents used in the votes reinforces the networks through which they were exchanged; much like the effect of viewing the locations of the votes plotted on a map, the repetition of documentary practices and aesthetics creates the impression of a unified front against mining. Annelise Riles examines the ways that the aesthetic qualities of legal documents "made manifest a reality of levels and levels of realities through a simultaneous and mutual apprehension of the document as pattern and the document as an independent object

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or unit" (1998:379). In Riles's analysis, she examines the multiple aesthetic layers of reports produced as part of a UN conference on women and sustainable development. She describes the ways that successive drafts of the documents are incorporated into preceding ones at each stage of production, leaving behind traces of the original document through which these stages are evident. Riles explains, "The rigid stylistic conventions [including numbered documents and sections that are uniform across documents] ensured that documents replicated one another in structure, organizational logic, language, format, typeface, layout, and even substantive content…emphasis lay not on the innovative details, but on the success of the replication of a given pattern from one artifact to the next" (386). Such is the case in the reproduction of the documents associated with *consultas comunitarias*. The success of their replication between votes emphasizes not only the pattern of the documents themselves, but the pattern of resistance to mining that has spread across the highlands.

"Documents made a region or level 'visible' at the next level of negotiation, and Pacific delegates spoke with pride of the new-found 'visibility' of the Pacific 'at the regional level'" (1998:388). Likewise, the documents circulated by different communities participating in the *consultas comunitarias* make them visible to each other, and at a national level. Furthermore, documents make visible the larger "whole" of the social movement in which each community is participating. However, in contrast to Riles's example in which "bringing such levels of action into view was a paramount concern," when individual communities are emphasized in *consulta* documentation, it is usually in order to present a critical mass of communities that form a united front, blending together the various actions that take place at different levels (388).

Consultas comunitarias are performed through careful documentation of various forms, however, the documents are also the products of previous votes. In this chapter, I examine the

material, aesthetic, and linguistic qualities of the documents produced in relation to *consultas comunitarias*, but I place special emphasis on what documents do in relation to the votes. Namely, I am interested in what actions they enable as a result of their production (Riles 1998, Hull 2012, Li 2015).

The Arrival of Information

The first *consulta comunitaria* in Guatemala was held in Sipacapa, San Marcos in 2005. From there, the practice has spread throughout the highlands. While the impetus to organize a *consulta* must come from within the community, the initial inspiration is often due to events and other publicity-raising practices organized by NGOs such as the *Comisión Pastoral Paz y Ecología* (COPAE) and social movement organizations such as the *Consejo de Pueblos del Occidente* (CPO).[62] In this section, I present one community organizer's account of how leaders came to the decision to hold a *consulta comunitaria* in San Juan Ostuncalco, following what he refers to as "the arrival of information." The arrival of information contrasts with "misinformation," the term used by both pro- and anti-mining factions to describe the point of view promoted by the other side. I examine the implications of these two terms—information and misinformation—for the *consulta* planning process and the question of what voting "does" to promote collaborative governance.

San Juan Ostuncalco is a mid-sized town about twenty minutes southwest of Quetzaltenango, the capital of the department of the same name. The newly-paved two-lane regional highway passes directly by the town entrance, providing a steady stream of buses, vans, and trucks at nearly all hours of the day. The Sunday market is one of the largest in the region, after

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Quetzaltenango itself, and many people choose to buy their vegetables there because the prices are lower than in Quetzaltenango. The municipal park was recently renovated, with swooping concrete pedestrian bridges encircling the main plaza. The building attached to the municipal building features an intricate, two-story mosaic of a classical Maya figure. While the majority of indigenous people in Quetzaltenango department identify as K'iche', the largest Maya ethno-linguistic group in Guatemala, San Juan is a Mam-speaking community, a source of both pride and mild conflict with the department capital.

While there were not mining licenses issued within the municipality, there were several for exploration in the neighboring municipality of San Martín Sacatepéquez. San Juan joined neighboring communities San Martín and San Miguel Sigüilá in holding a preemptive *consulta comunitaria* in Feburary 2011. The *consulta* in San Juan had been organized by the local COCODES, who chose individuals to comprise a specific *consulta*-planning committee. Approximately 33,428 people voted in the consulta in San Juan Ostuncalco, of whom just 79 voted in support of mining.

My friend Helena lives on the new highway approximately a mile from the town entrance, in the village of Agua Tibia. Her brother, Jorge was a member of the Community Development Council (COCODES by its Spanish acronym) in another village, and later recounted his own version of the municipal planning process.[63] There were seven steps to organizing the *consulta* in San Juan. First, he told me, "the information arrived" (*llegó la información*) about mining. In this community, the information arrived via a conference held by the San Marcos Catholic diocese for all of the COCODES and village mayors in San Juan. Although I did not attend the conference in San Juan, such events are a common outreach strategy employed by the Comisión Pastoral Paz y Ecología of the San Marcos Diocese around the highlands, and meant to inform

community members about the risks of mining before a project is established (what has elsewhere been called "accelerating the learning curve" of community members facing mining conflicts [Kirsch 2014:192]). They held a similar meeting at the anniversary of the *consulta* in Sipakapa, San Marcos to reiterate their position on mining. After the conference, the local cable station (Ostuncable), showed a documentary about mining in Guatemala several times. He and several other community members mentioned this video, and the negative effects of mining that have impacted other communities: how mining contaminates the water, the land, the atmosphere, and even the people. The water is dirty and yellow, land won't grow crops anymore, and people have horrible skin diseases because of the cyanide they use in mining, people told me. The film had made a definite impact, and not just for the frightening outcomes of mining that it showed. A group of men helping with the *consulta* later spoke to me about the success that community members in Sipakapa had had in fighting the mining companies. The film had showed that community's *consulta*, and now, they heard, the mine was shut down. The people in Sipakapa won, and so could people elsewhere in Guatemala. That was the hope in holding a *consulta* in San Juan Ostuncalco.

Based on the descriptions I heard of the film, the title of which no one seemed to remember, it was most likely the recently released *El Oro o La Vida: Recolonización y Resistencia en Centroamérica* (Life for Gold: Recolonization and Resistance in Central America, 2011) produced and directed by the same Guatemala City-based company that made *Sipakapa no se vende*. In actuality, Sipakapa had not been successful in forcing the mine to close. Their case had gained notoriety for being the first instance of a *consulta comunitaria* on mining in Guatemala, and for more recently gaining an audience with the Inter-American Commission on Human Rights (IACHR) over the potential contamination of municipal drinking water due to mining

activity (October 2010). The IACHR ruled that, because of this possible contamination and a lack of definitive research on the topic (see chapter 5), the Guatemalan government should force the closure of Marlin mine until more conclusive studies could be conducted. The ruling had very little directly to do with the *consulta* that Sipakapa had held in 2005, although it is clear that the *consulta* had played a major role in bringing the issue to public attention and, subsequently, to the Commission. Despite the IACHR's order and the government's initial indication that they would comply, Marlin mine remained and, as of 2015 continues to remain, in operation with plans to expand into nearby areas. Nevertheless, the idea that Sipakapa's *consulta* had led to the closure of Marlin mine—an already established operation—bled efficacy into the planning and execution of preemptive *consultas* around the highlands. After all, if an established operation could be closed through community will, certainly a still-hypothetical operation could be prevented.

In Helena's village, Agua Tibia, a delay in the arrival of information jeopardized the entire *consulta* planning process; but once it occurred the planning process could proceed as intended. The village's COCODES had kept the municipal council's plans secret from the rest of the village until the deadline to apply for funding from the municipality had passed. The auxiliary mayor's administration went door-to-door to get donations, put up posters, and made announcements from loudspeakers attached to cars to raise the necessary funds. They had pulled it all together at the last minute, and were still waiting to see how many people would actually turn out to vote.

Observation, Verification, and Presence

A key aspect of the *consultas comunitarias* in Guatemala is the presence of election observers who document the process of voting in both text and images. In each of the *consultas comunitarias* I attended, I acted in the capacity of an election observer invited by the organizers of the vote.[64] The role of election observer is not uncommon in regions of the world where the threat of violence is only recently past, or perhaps is a current concern. In many places around the world, observers are contracted by international organizations, both governmental and non-governmental, and trained in specific electoral techniques meant to promote the function of democracy where it is deemed to be somehow at risk (see also Coles 2008). In this section, I explore the ways that the presence of observers contributes to the enactment—and ultimately the performative efficacy—of *consultas comunitarias* around the highlands. The presence of both Guatemalan and international observers emphasizes the role that *consultas* play in generating the networks of activists that oppose mining in Guatemala.

In her analysis of international election workers in post-war Bosnia-Herzegovina, Kimberley Coles (2008) details the various tasks these international election workers undertook in the name of supporting democracy in an emerging state, including: setting up polling booths, pointing out deviations from established rules, delivering ballots and other sensitive electoral documents, and rectifying mistakes made by local polling staff. In rare cases, these internationals were also authorized to suspend voting if deemed necessary. Coles states, "Their work in monitoring elections and promoting democracy involved enacting the election or, at a minimum, assisting in its enactment" (124).

Coles envisions the roles international election workers play in Bosnia-Herzegovina as encompassing three types of "presence": sheer presence, mere presence, and peer presence.

Sheer presence refers to the overwhelming number of international election workers in Bosnia at the time, which she argues constituted a mechanism of international governance which sought a change in the broader system of governance (134). Mere presence alludes to the fact that, in many cases, the utility of the international election worker had nothing to do with his or her skill or knowledge of elections, but simply the existence of a human body with foreign citizenship (135). Peer presence refers to international election workers' beliefs that they were demonstrating correct democratic behavior for locals by modeling a commitment to electoral rules and regulations and administrative and bureaucratic techniques (141).

During national elections in Guatemala, by contrast, polling places in the highlands and other "interior" areas of the country are primarily observed by groups of university students from the capital city, not international observers.[65] At *consultas comunitarias*, the observers are more likely to have traveled from other indigenous communities that have recently held a *consulta* of their own, or are in the planning stages of organizing one. Yet Coles's argument that election observers are "not just a logistical means and pragmatic strategy of technical democracy assistance, but also a social practice of the transformative ideology of international intervention itself, including democracy promotion" (128-9), is instructive in understanding the significance both international and national observers play in *consultas comunitarias* in Guatemala. The presence of observers, regardless of their nationality and affiliation, is part of an ideology of witnessing present throughout political conflicts in Guatemala (see Chapter 4 for more about the role of witnessing in mining conflicts). Just as international election observers in Bosnia-Herzegovina "transformed" a risky and potentially violent situation by the fact of their presence, so *consulta* observers in Guatemala transform an unsanctioned (by the state) event into one of democratic legitimacy.

One of the earliest and largest *consultas* I attended took place in Santa Cruz del Quiché. Santa Cruz is the capital of the Quiché department, and the *de facto* cultural capital of K'iche'-speaking people. It is home to the *Comunidad Lingüística K'iche'* (K'iche' Linguistic Community) of the Mayan Language Academy and is the site of Q'umarkaj, the K'iche' capital city at the time of Spanish conquest, both of which hold cultural and, to a lesser extent, political significance for K'iche'-speaking people.

Santa Cruz held a preemptive *consulta* on both mining and hydroelectric dams in October 2010. Although there were no licenses for mining or hydroelectric projects in the municipality, Quiché department has made headlines in the past for the controversial Chixoy dam project that displaced thousands of indigenous people through violent evictions (Johnson 2005). Several smaller nearby municipalities had already held *consultas*, and megaprojects were already a fairly common topic of local discussion. The Santa Cruz del Quiché vote was the largest *consulta* to date, and the first to take place in a department capital. 27,778 people voted out of a population of 62,369—more than half of whom are minors. The results, announced late on the night of the vote, showed unanimous opposition to mining.

The planning process had been spearheaded by local activists, most notably Aura Lolita Chavez with the *Consejo de Pueblos K'iche's*, the Council of K'iche' Peoples. However, International groups were more visible both during the planning process and at the vote in Santa Cruz than they had been in other *consultas*. These groups used their connections with other organizations throughout Guatemala to advertise the vote widely, resulting in hundreds of volunteer observers from around the country and many foreigners.

Although many observers come to the votes in the company of an NGO or community-based organization, such as a local *consulta* planning committee, still others arrive independently out of

individual interest. I learned of the *consulta* in Santa Cruz del Quiché when an Argentine anti-

mining activist I had interviewed about *consultas* in his country shared a flier urging readers to

"attend and participate" in the event (Figure 3)—giving credence to the claim I heard from many

community members that information about Guatemala travels far more easily outside of the

country's borders than inside. The flier had circulated widely on multiple listserves focused on

mining or human rights in Guatemala and Latin America more broadly, as well as between

individual activists in Guatemala and abroad.

Figure 4: Electronic flier distributed on various mining-focused listserves throughout Guatemala and Latin America.
Credit unknown.

In Santa Cruz del Quiché, all observers were required to attend a training session the

afternoon before the vote, which was held in a cavernous, airplane hangar-like building called

"*Salón Tonelón*" behind the central square. Communities who had previously held *consultas*

displayed their solidarity in the form of posters decorating the outside of the building: one

depicted a piece of heavy machinery drawing buckets full of money out of a well, while a

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woman and her son waited to haul water in a jug. A crowd of protesting community members extended off the edge of the banner, approaching the machinery, which was crushing trees and billowing smoke (Figure 3). Declaring the support of the Community Council of Cunén, a community that had held a consulta the year before, the banner read "One same situation, one same resistance" (*Una misma situación, una misma Resistencia*). This assertion of solidarity was further displayed by individual community members from Cunén, who told me they were there to lend support to the process in Santa Cruz del Quiché. Their presence represented both the experience of a community that had successfully carried out a vote, as well as the "mere" presence of outside witnesses that could act as a virtual shield in case voters in Santa Cruz del Quiché faced challenges or threats from dissenters.

Figure 5 "One same situation, one same resistance." Banner displayed during the *consulta comunitaria* in Santa Cruz del Quiché, supplied by the Community Council of Cunén. Credit: K. Fultz 2010.

Another banner pictured a large map of the department, and featured icons representing the various kinds of megaprojects threatening different areas of the region. Circles with a lightning

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bolt through them peppered the area to the north of Santa Cruz, showing where hydroelectric

dams had already been established and where they were planned. Yellow lines crisscrossed the

region, encompassing nearly the entire southern half of the department and extending far into

neighboring departments. The key labeled these as "granted mines," while the remainder of the

region was taken up by brown lines showing "solicited mines." The map gave the impression of

a department under siege, the entire territory occupied by current or proposed megaprojects. It

emphasized the unified resistance communities must present, repeating the refrain, "One same

situation, one same resistance" in a caption at the bottom of the map.

Figure 6 Map showing megaprojects established and planned in Quiché department. The caption at the bottom reads "People's Resistance: One same situation, one same resistance." Credit: K. Fultz 2010.

These banners set the stage as observers filed in to the training session, establishing the dual purpose of the work we were there to do: both to witness and thereby verify the resistance of the people of Santa Cruz del Quiché to the imposition of megaprojects in their municipality, but also to simply be there, in sheer and mere presence, representing an already strong united front against megaprojects in the entire region. Despite the large number of observers at the training, the plastic chairs set up for us took up less than half of the space in front of the small stage inside. An *altar maya* was set up on the floor immediately in front of the stage, consisting of a carpet of cypress needles and a circle of colored candles representing each of the four cardinal directions, plus one in the center for mother earth. Additional banners hung from the edge of the stage and reinforced the message displayed outside.

Figure 7 A banner displayed in the auditorium during the election observers' training session. It reads: "the K'iche' *pueblos*/ We don't sell our mother earth/ In the *consulta comunitaria*/ Let's say NO to mining and hydroelectrics. Credit: K. Fultz 2010.

Superimposed against an iconic image of volcanos and forest, one banner (Figure 6) reads "The K'iche' *pueblos/* We don't sell our mother earth/ In the *consulta comunitaria*/ Let's say NO to mining and hydroelectric dams," and displayed the logo of a regional social movement organization. If there was any doubt about the intended outcome of the vote, the banners inside and outside of the training session erased it. While critics argue that this is a sign of voter

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coercion and a reason to dismiss the results of *consultas comunitarias* as manipulations by anti-mining activists, I argue that this interpretation is incorrect. Although individual communities are responsible for organizing and holding *consultas comunitarias*, the votes are not discrete events. Rather, they are linked together by the networks of participants- or planners-turned-observers that travel to other communities to show their support. The votes grow out of both *consultas* held in other communities, as well as ongoing discussions about mining in each community. These banners are the first visual clue that attendees at the vote have of this complex web of people and events supporting anti-mining networks in the region, of which any given *consulta* is one node. The extent to which these votes are networked with each other and various anti-mining events is unique to Guatemala. While there have been many *consultas* in other Latin American (and now North American) countries, they have primarily been isolated events, focused on a single mining project, but not tied to dozens of other *consultas* around the country. In Guatemala, the process of voting is not the decision-making process; communities' participation in anti-mining networks, including all of the discussions and planning leading to holding a *consulta* is. Voting is an expression of the decision a community has already reached, based on the discussions they have been having since "the information arrived."

Community votes on mining receive support from international networks as well, although international observers do not play as prominent a role in the *consultas comunitarias* as they did in Coles's account of voting in Bosnia-Herzegovina. In fact, there were an unusual number of international observers at the vote in Santa Cruz del Quiché, possibly owing to the involvement of two international volunteers in planning the event. One volunteer, an Anglican cleric from Canada, ran into a conflict with community leaders over her involvement and was not present for the vote itself. The other, a Canadian academic, had specifically been in charge of recruiting

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foreign observers from various activist and accompaniment organizations, as well as a handful of North American academics. His presence at the vote was more notable, and he took on something of a leadership role in coordinating observers during the training and on the day of the vote. However, Santa Cruz was the only *consulta* where I saw such a large number of foreign observers. It was so notable, in fact, that the community organizer running the observation training session spent the first ten minutes calling out the various countries represented and inviting observers to stand and be recognized.

It would be easy to assume that the large presence of international volunteers is an indicator of the role of internationalism in the planning and conduct of the votes, as Coles notes in Bosnia-Herzegovina. Indeed, this would not be incorrect: at other votes, I was sometimes asked if the polling place I was observing was "doing this right," and, at national elections I was told that international observers were present to "teach" the local community about democracy. The legal structure of the votes (see chapter 2) is based on international accords, which organizers also claim give the votes their legitimacy. Internationalism is far from absent in the performance of *consultas comunitarias*. However, in stark contrast to the roles that Coles describes for observers in Bosnia-Herzegovina, observers at the *consultas comunitarias* in Guatemala were strictly forbidden from intervening in the proceedings in any way. Instead of a proselytizing role, observers at *consultas comunitarias* more closely resemble "participant-observers"—there to record the details of the event and learn.[66] Yet, the observations and actions of the volunteers were closely controlled by referendum organizers. Observers at every referendum were given a nearly identical packet titled *"Guía para la observancia,"*—guide for observation—which the president of the planning commission read aloud at the training session. The Guide began with the statement:

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"Información necesaria sobre la Guía Para La Observancia

Objetivo:

La Guía para la observancia es el instrumento que permitirá a las y los observadores nacionales e internacionales recoger la información más general y necesaria para atestiguar el proceso de la Consulta de las Comunidades que se desarrollará en el municipio de Santa Cruz del Quiche, del departamento de Quiche.

Tomar en cuenta:

a. Todas las anotaciones deben ser hechas sobre las hojas de la Guía Para La Observancia.

b. Las anotaciones deben ser hechas con lapicero negro, azul y con letra de molde.

c. Llenar todos los datos de la Guía"

Necessary Information about the Guide for Observation

Objective:

The Guide for observation is the instrument that permits the national and international observers to collect the most general and necessary information to testify to the process of the *Consulta de las Comunidades* that will be developed in the municipality of Santa Cruz del Quiche, of the department of Quiche.

Keep in mind:

a. All of the annotations must be made on the sheets of the Guide for Observation.

b. The annotations should be made with blue or black pen and in printing.

c. Fill all of the data on the Guide.

The Guide contained a variety of questions requiring short descriptions or checks for yes or no that were meant to be filled out as the volunteer observed the proceedings, and served to shape the attention and actions of the observers. Using these guides, organizers were able to dictate the form that observers' practice of witnessing would take, ensuring that they would relay the kinds of information that would contribute to establishing the legitimacy of the *consulta*.

Riles's (1994) analysis of UN documents demonstrates the ways that their aesthetic elements embody the networks of authors who have shaped them. While the aesthetics of the Guide for Observation are relatively stable from community to community, consisting only of plain black type on either letter (A7) or legal (A11)-sized white paper, subtle differences in the wording, order, and choice of data solicited point to the varying interests of organizers around the highlands.

In San Juan, observer registration proceeded somewhat differently. Municipal employees had set up tables in the basement of the municipal building, where they were registering volunteers and directing them to districts and outlying villages. In contrast to Santa Cruz del Quiché, there were very few international volunteers. I registered my name and institutional affiliation on a list, and was handed a name badge and an observation guide nearly identical to the ones used in Santa Cruz del Quiché. The woman registering my information instructed me to follow a young man, Ramón, who had just arrived. Ramón worked for the auxiliary mayor's office in Agua Tibia, and would be my escort to the village. As we left the municipal building, a pickup truck full of young foreigners pulled up. They were students from a Spanish language school in nearby Quetzaltenango there with their instructor. They were the only foreigners I saw for the rest of the day.

After I had been filling out my observation guide for a few minutes, a large woman wearing the traditional *corte* and *huipile* of Quetzaltenango came in to the room and demanded that I accompany her to the school courtyard. "You won't see anything in there!" She admonished me. She was the principal of a nearby bilingual teacher-training academy, and had appointed herself head observer in Agua Tibia. Although she was originally from the community, she had voted at the school where she worked, to avoid a conflict of interest with her duties as an observer. She was accompanied by two students from her school, who were occupied with taking pictures of voters and volunteers in the courtyard.

Municipal *Acuerdos* and *Actas*

As part of a series of efforts to decentralize state governance following the internal armed conflict, the Municipal Codes (*Códigos Municipales*, National Decree 12-2002) establish the authority and administration of elected officials at the municipal level. Municipal leaders have the authority to pass laws on issues of importance to local citizens, including, according to *consulta* organizers, natural resource and development issues, although critics including the national government debate this. There are two documents that municipal governments produce in relation to *consultas comunitarias* that shape the planning and execution of the votes: *acuerdos* (accords) and *actas* (acts). Accords carry more legal weight because they are voted on in the municipal council. Acts, on the other hand, although authorized by either a notary or the municipal secretary, are non-binding records of agreements or other plans made outside of the municipal council.

Following the conference and film showings, the COCODES and village mayors in San Juan Ostuncalco made a formal request to the municipal mayor to convene a *consulta comunitaria*. Jorge, the municipal COCODE relating the planning process to me, explained that this was necessary in order to give the event legal backing. The municipal mayor wrote out an *acta* that listed out all of the bases of the *consulta*, including International Labor Organization Convention 169 as well as national laws, and established the Permanent Committee for the Defense of Territory and Mother Nature—the municipal committee that would be in charge of planning the logistics of the *consulta*. Community members could sign on to this *acta* to participate as voting facilitators on the day of the *consulta*. After the mayor officially convened the event via municipal *acta*, the COCODES in each community had to arrange the logistics.

Municipal governance today reflects the colonial practices of what Ángel Rama (1996) called "*la ciudad letrada*"—the lettered city. Rama describes how colonial cities were ruled by an elite caste of *letrados*, Latin American-born Spaniards who were trained by Jesuits in Baroque literary traditions. Limited literacy in the Spanish colonies ensured that *letrados* maintained a certain hierarchical economic and social advantage over peasants and indigenous people. Their primary function was to produce the legal framework needed to maintain order in colonial cities. With the expansion of literacy in the twentieth century, the *ciudad letrada* began to lose some of its hierarchical power; yet the written word still holds a certain sacred authority in municipal politics. The Municipal Codes outline the role of the Municipal Secretary, whose primary job is recording the acts and accords decided by the Municipal Council (Articles 41 and 84a). All municipal acts are hand-written in official ledgers and stored in the office of the corresponding authority, be that municipal or village-level. Originally, of course, this was the only way to record them. In the twentieth century, some municipalities began to use typewriters and later

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computers to record municipal proceedings, but most continue to record them by hand due to facility (and economics) and tradition. The Council members in attendance must sign or fingerprint and stamp the original account, and any copies must be further certified by the Municipal Secretary.

Over the course of the *consulta comunitaria* in Santa Cruz del Quiché, organizers repeatedly referenced a series of municipal acts through which the events were established, in order to emphasize the legitimacy of the votes in the eyes of attendees and observers. The president of the *consulta* planning commission began the observers' training meeting by reading a pertinent section of the municipal act that established the basis for the *consulta* out loud. This *acta*, in addition to its location in the municipal ledger, had been typed up and printed out, with the official municipal heading and seal, in order to facilitate its further distribution to participants and observers at the vote. Reading it out loud was yet another step in erasing the distance between the written and spoken word, and served as a symbolic way of including audience members in the *consulta* process.

Verifying the document's authority as an official municipal act, the first line reads, "The undersigned Municipal Secretary of the Municipality of Santa Cruz del Quiché, of the Department of Quiché certifies: That for this effect he has at hand the book of Acts of Municipal Council sessions that is stored in this office, in which is found the ELEVENTH point: of the Act numbered 62-2010 on the date 13 September 2010 that literally says [the following]:" (Municipalidad de Santa Cruz del Quiché 2010, emphasis in original). These lines acknowledge that the print-out, despite bearing the municipal letterhead and the signatures and official seals of both the secretary and the municipal mayor, is but a copy of the handwritten original. The reader (or listener) must take the author at his word that the document is a trustworthy transcription of

the true documentation of the *consulta* planning process found in the municipal ledger. Despite

the effort taken to duplicate and spread the accord, the value—the power to affect local

politics—still lies in the handwritten materiality of the original document, which can never be

identically duplicated, and cannot be transcribed without a caveat such as the one above. Yet

even with such a qualification there is an essential separation of form and content in the

electronic duplication of the municipal accord. The certification refers only to the information

contained in the text, the account of how the municipal authorities came to the decision to hold a

consulta comunitaria on mining and the subsequent procedure they decided upon.

The copy of the Municipal Accord contains a timeline of events leading up to its own

creation. It goes on to explain that, in October 2009, a group of community members belonging

to the Council of K'iche' Peoples (*Consejo de Pueblos K'iche's*), the Council of Western

Peoples (*Consejo de Pueblos de Occidente*) and communities of Santa Cruz del Quiché had

presented a petition to the municipal mayor demanding that the municipal government cease to

grant licenses for the exploitation of natural resources. This petition had then been "embodied"

(*plasmada*) in act number 74-2009, the 74th accord written in the municipal ledger in 2009. The

use of the word *plasmada* here emphasizes the material importance of the municipal ledger—the

act's presence in that book gives it life and agency in the political world. As a result of the

petition's placement in the ledger, the municipal mayor had agreed not to permit domestic or

foreign companies to carry out mining projects or to install a hydroelectric dam in the

municipality of Santa Cruz del Quiché, and to provide support for a good faith community

consultation in the municipality.

Before setting out the particular procedure of the vote, the act recognizes that "the Municipal

Council is the top refereeing body of deliberation and decision on municipal topics, and the

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municipal government corresponds to the Municipal Council, which is responsible for exercising the autonomy of the municipality and within the powers that must be met are the emission and approval of agreements, regulations, and orders." The act then lists a number of articles corresponding to the Guatemalan national constitution, the Guatemalan municipal codes, as well as article 6 of the International Labor Organization's Convention 169 on the Rights of Indigenous Peoples.

While the copies of the municipal accord distributed to observers may not have the legal weight of the original document contained in the Municipal Ledger, they do possess political power. The references to international legal documents—readily available in a variety of forms, including in online text, in illustrated pamphlets distributed by NGOs in Guatemala, and in audio recordings—is an attempt to intertextually draw on the authority of those documents. The copies enable a greater number of people access to the information contained in the official municipal ledger, something that is significantly more difficult without the ability to electronically duplicate what was originally handwritten. Access to this information draws the reader into the planning process, inviting the reader to participate in legitimizing the event and giving the procedure a sense of transparency. Whereas in Rama's *ciudad letrada* the laws were the domain of a select few literate citizens, reading the act out loud to the audience in addition to providing written copies for them to keep enables a wider range of people to participate.

The use of municipal acts in the observers' training meeting translates an official written document from a handwritten ledger meant for the eyes of a select few, to a mass-reproducible typed document with greater accessibility, and finally to an oral exposition accessible to the entire (Spanish-speaking) audience. Further processes of translation took place on the day of the vote, in which the municipal accord also played a pivotal role. Each outlying village held a

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separate meeting for residents. The village I was assigned to observe held their meeting in the local schoolhouse, and teachers and village COCODES worked together to facilitate the vote. A group of Boy Scouts assembled chairs in one of the classrooms as the teachers and COCODES greeted the community members as they arrived. Men, women, and children filed in and greeted each other, finding a place to sit in the quickly-crowding classroom.

When all of the seats had been filled, the Secretary of the village COCODES began to speak. He held a packet of documents distributed by the municipal planning committee, and referenced these as he went over the day's agenda. Following a brief welcome and reflection on the day consisting of a non-denominational prayer led by the school principal, it fell to the Secretary of the COCODES to review the objective of the *consulta*. Although the documents provided by the municipal government had been written in Spanish, the secretary spoke mainly in K'iche', paraphrasing what had been written in his guide and switching to Spanish for words like "corporation," "referendum," and "transnational."[67] He told how the Spaniards had invaded 500 years ago, and stolen the land's riches (*q'an pwaq rech ulew* in K'iche') and how now there was a foreign corporation coming to do the same. He paused for a moment to explain what the Spanish term "transnacional" meant in K'iche'—companies not from here. The speaker faltered for a moment on the corporation's country of origin, and an audience member shouted out "Canada!" breaking up the flow of monolog. From that point on, audience members chimed in enthusiastically as the secretary spoke. When he stated that the companies paid very low taxes, an audience member shouted, "one percent!" He talked about the Xalalá hydroelectric dam in the northern part of Quiché department, and the destruction it had caused to the communities there. An audience member added, "It's so [then-president] Colom can have light!" (*luz*, colloquial term for electricity). The Secretary of the COCODES's recitation of the official documents

became a dynamic back-and-forth exchange of information between community members, sharing and reviewing what had been discussed at prior meetings and informal conversations in the community.

Following this community discussion, the Secretary of the COCODES read the municipal accord in its entirety. In contrast to the discussion of the *consulta* objective, the Secretary read the municipal accord that had been distributed during the observers' training session without pausing, entirely in Spanish. This shift in exposition signaled a switch from open discussion to official municipal business. Although the Secretary spoke in K'iche' when he gave brief instructions for voting, the remainder of the proceedings took place in Spanish.

During the course of the discussion and subsequent vote (discussed below), a teacher from the school was busy copying a template for the *acta comunitaria*—community act, the local version of the municipal document that established the vote—into the community's ledger. In addition to the legal bases of the referendum, the community act recorded the official results of the vote. No one could leave until they had approved the document as representative of their decision, and the community act would form the basis for the report community officials and I would take to the municipal center to be compiled with the results from other villages. As the teacher wrote, vote attendees sat and listened to a presentation about proper garbage disposal by a student at the local university. Some people left to purchase snacks, and came back to continue waiting. When the teacher had completed her copy, including the names and identifying information (*cédula* numbers or, in my case, a passport number) for each of the COCODES, village officials, and observers, the principal of the school read the community act out loud in Spanish. No one objected to the final version, and voters lined up to endorse it with their signature or fingerprint.

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Figure 8: A teacher at the school in las Ruinas, Santa Cruz del Quiché hand-copies a template for the *acta comunitaria* into the village ledger. Credit: K. Fultz, 2010.

In San Juan Ostuncalco, similar care was taken in the creation of community acts. Jorge had been in charge of writing the final *acta comunitaria* for his assigned zone in the municipal center. Listening in on our conversation, Helena added that the *actas* are very important, because they provide evidence and prove the results of the *consultas*. While all of the voting had gone smoothly, and there had been no real conflicts between community members because they had been *bien sensibilizado* (well sensitized) about mining, Jorge had run into a conflict as he was writing the final *acta*. As the master of ceremonies read off the official business, it was Jorge's job to copy it all down. The master of ceremonies listed the name for a particular community member involved in the *consulta*, but provided a nickname rather than the man's legal given name. Granted, this man was well-known by his nickname, and had even run for public office under the moniker, but Jorge disapproved. In his opinion, for an official procedural act like the one he was writing, one must use one's official name. So, Jorge left a blank space where the man's name would go, and later confronted him about it. The man insisted on using his

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nickname, and said that he really preferred it because it was a Mam name rather than a Spanish name. Jorge understood the pride in using an indigenous name, even if it did translate to "monkey" in Mam, but because this was an official act of government, he insisted that the man use his official name. After several minutes of back-and-forth on the issue, the man in question finally wrote down his full legal name and government-issued identification number on a scrap of paper so Jorge could transfer it to the official *acta*.

For Annelise Riles (1998) the sociality of UN documents occurs in the negotiation over an "infinite" number of possible phrases to fill bracketed-off text over the course of writing the reports. The brackets serve as a visual representation of these negotiations and provide a quantifiable indication of the completeness of the report under scrutiny. In the municipal *actas* and *acuerdos* that give life to the *consultas comunitarias*, the sociality occurs in the precise replication of the scripts, both orally and textually.

The Voting Process

The voting procedure in community referenda varies slightly from community to community. In the film *Sipakapa no se vende*, the thirteen villages that participated in the referendum are each shown tallying votes in a different way: one records hash marks on a poster board, another counts the raised hands of community members in a meeting, while still another uses secret paper ballots. Many people I encountered had strong opinions on what the "right" way to vote actually was. While chatting with another election observer in Santa Cruz del Quiché, a man from the department capital of Huehuetenango, I asked what he thought of the fact that each village in Santa Cruz had decided to use raised-hand voting for the referendum. He

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enthusiastically supported the idea, explaining that this was what community members were more accustomed to—it was part of the community decision-making tradition. The alternative was to use ballots, which were associated with the national government, not indigenous culture. In contrast, Ramón, my guide in San Juan Ostuncalco, reacted with incredulity when I asked how each village planned to vote there. "With ballots, of course," he replied. I explained that in some communities they used raised hands instead, and he conceded that that was sometimes necessary in areas with very low literacy rates. "But it's very important to have a record of how each person votes," he argued, "The ballots provide proof." In this section, I will discuss the two different voting procedures used in Santa Cruz del Quiché and San Juan Ostuncalco. In spite of their differences, the performance of voting in each town contributes to legitimizing the networks of activists that facilitate the referendum, and their vision for the recognition of indigenous territorial sovereignty.

At my assigned polling place the morning of the vote in Santa Cruz del Quiché, the election judges included the two teachers and the principal of the school, as well as the president and secretary of the COCODES and members of the village mayor's office. While the COCODES led the village discussion and explained the legal bases of the vote, the election judges' main job was to record who voted. Unlike in Guatemalan national elections, participants did not need to have an official voter registration number, nor an official ID, though if they did have either of these pieces of identifying information, it was recorded. People who could not sign their name were welcome to leave a fingerprint instead. As was the case in several—but not all—other votes, toddlers and very young children were allowed and encouraged to participate. They represented the interests of future generations, village officials explained to me, although this

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allowance was not specified in the procedures laid out in the municipal act establishing the

referendum.
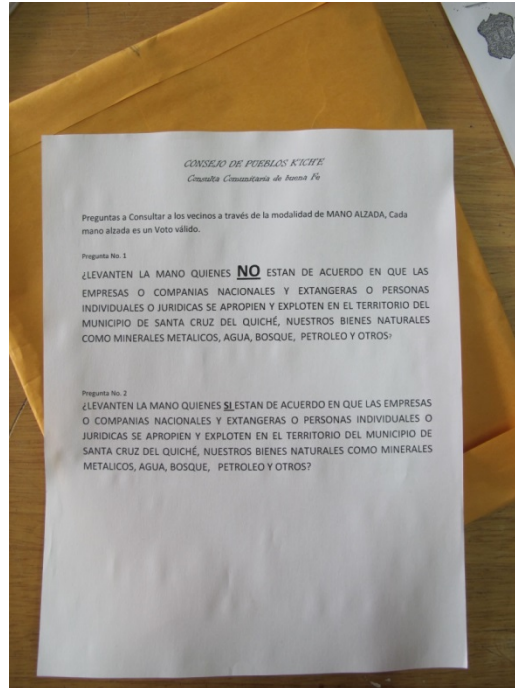
Figure 9 Questions read at the community referendum on mining and hydroelectric dams in Santa Cruz del Quiché.

Credit: K. Fultz 2010.

After the secretary of the COCODES read the municipal act establishing the *consulta,* he

read through the questions provided by the Council of K'iche' Peoples (*Consejo de Pueblos*

K'iche'). The document specified that each raised hand was a valid vote. The first question read,

"Raise your hand if you are NOT in agreement with national or foreign companies, individual or

legal people appropriating and exploiting our natural goods such as metallic minerals, water,

forest, petroleum, and others, in the territory of the municipality of Santa Cruz del Quiché." The

negative option was printed in a font several sizes larger than the surrounding text, as well as

bolded and underlined. All of the community members attending the meeting stood and raised

their hands after the secretary of the COCODES read the statement, and many shouted "No!" as

well. The secretary and president of the COCODES each counted the hands twice, and reported

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the number to the principal of the school, who was keeping the official record. Then the secretary of the COCODES read the second question, the affirmative option, which stated, "Raise your hand if you are in agreement with national or foreign companies, individual or legal people appropriating and exploiting our natural goods such as metallic minerals, water, forest, petroleum, and others, in the territory of the municipality of Santa Cruz del Quiché." The affirmative "*sí*" was also bolded and underlined, although it was printed in the same size font as the surrounding text. All of the attendees remained standing during this statement, and most shouted "No!" again as the secretary read. One young boy, sitting on his dad's shoulders, raised his hand again in confusion and everyone frantically told him to put it down as they laughed.

Figure 10 Community members in the village of Las Ruinas voting "no" by raised hand in the community referendum on mining. Credit: K. Fultz 2010.

After everyone present had listened to the recitation of the community act and failed to express any objections, each participant lined up at the table where the school principal had been recording the voting results. One by one, each person listed their name and identifying information on the registration sheet, and signed or left their fingerprint under the hand-written

act in the community ledger. People continued to arrive at the school to add their names and signatures or fingerprint to the community act, even if they hadn't been present for the actual vote. Everyone who arrived to sign the community act was counted in the official tally. After waiting several hours for the last few community members to trickle in, each election judge, COCODE, village official, and I added our names and signatures to the community act, and rapidly dispersed to deliver the results to the municipal center.

While the voting process in San Juan Ostuncalco resembled the process in Santa Cruz del Quiché in its fundamental goals, the atmosphere and procedure were decidedly different. The voting in the village of Agua Tibia also took place at the local elementary school. The school in Agua Tibia was quite large, consisting of three buildings, one with two stories, surrounded by a cinderblock wall and steel gate. An international education NGO's logo was painted on several walls. There was a basketball court, a kitchen, and separate bathrooms for students and staff. Teachers who were not busy serving as election judges had set up a small fire under the basketball net, and a large pot sat steaming over it. My fellow observer, the principal of the nearby bilingual teacher-training institute, described it as an "*escuela de lujo*"—school of luxury.

As in Santa Cruz del Quiché, teachers and representatives from the village mayor's office worked as election judges, recording voters' identifying information. The organizers had set up the five classrooms as voting stations corresponding to each of the different categories of voters, including minors who are not permitted to vote in national elections: ages 6-12, ages 13-18, adults without official ID, adults with official ID but no voter registration, and adults with both official ID and voter registration. The *consulta* organizers in San Juan had decided to impose a minimum age of six on voters, reflecting the age at which children learned to read. In contrast to voting in Santa Cruz del Quiché, voting in Agua Tibia and throughout San Juan took place via

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paper ballots, and the age requirement was chosen because it was necessary that children be able

to read the ballots on their own.
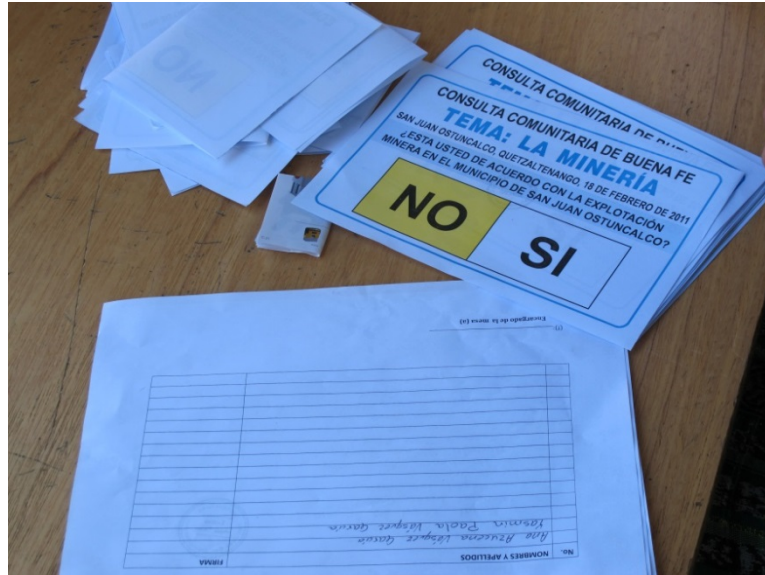
Figure 11 – Folded ballots ready for counting, blank ballots, and a registration sheet in San Juan Ostuncalco.

Credit: K. Fultz 2011.

The ballots were simple, printed in color on half-sheets of paper. As I sat and waited for

voters to arrive, a student who had come to school despite classes being canceled was charged

with hand-stamping the back of each ballot with the municipal mayor's seal. Each ballot was

counted, and unused ballots were returned to the municipal authorities at the end of the vote. The

only question posed on the ballot was, "Are you in agreement with mining exploitation in the

municipality of San Juan Ostuncalco?" (*Está Ud. de acuerdo con la explotación minera en el*

municipio de San Juan Ostuncalco?) Voters went in to the room that corresponded with their age

and registration status to fill out their ballots. They marked their choice—YES or NO—in

marker or crayon with a large X, folded the ballot in half, and then dropped it into an opaque

plastic bag hung on the table next to the election judges. After they submitted their ballots, voters

wrote their name and identifying information on the official register sheet, either signing or

leaving their fingerprint. The whole process closely resembles the national elections, with the exception of voter registration and identification requirements. In spite of the resemblance, however, many voters expressed confusion over the procedure and, in the end, there were several "spoiled" or ambiguous ballots submitted. Organizers elsewhere explained to me that the people who come out to vote in community referenda on mining aren't always accustomed to voting in national elections, owing to the low national participation rates—especially in rural areas and among indigenous populations—that tend to skew national electoral results toward elites living in the capital. Although community referenda have been a part of national politics in the past, couching referenda on mining in terms of indigenous rights to territory and autonomy, in addition to natural resource protection, shifts the tenor of an election from one reinforcing state governance structures to one building networks of indigenous resistance in the highlands (see also: Imai et al. 2007, McGee 2009).

Voting in San Juan took place from eight o'clock in the morning until six o'clock in the evening, and voters arrived in waves throughout the day. The majority of early-morning voters were children without their parents—perhaps those that had forgotten that school was not in session that day—with a handful of adults trickling in and out before they headed off to work. After an initial rush, things quieted down by mid-morning. The village mayor brought in a portable stereo system and began playing *marimba* music from the balcony of one of the school buildings. A group of kids started up a lively basketball game, narrowly avoiding the women cooking in the yard. At mid-day, the vote attendees discovered what the women were cooking: *caldo de pollo*, chicken soup. After a lunch break, voting slowly resumed until a torrential downpour rolled in at mid-afternoon. There was never a crowd of voters as there had been in Santa Cruz del Quiché, and individuals came and went until dark.

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At six o'clock in the evening, voting officials closed the polls and discovered that there was no electricity in the school. The ballots would have to be counted in the dark. The election judges, observers, and officials from the village mayor's office emptied the plastic bags of ballots out on a teacher's desk, and crowded around to shine the blue light from their cell phone screens. Each ballot was counted and tallied based on the voter's registration status and age, and then the total number of ballots was counted to make sure the number matched the sum of each category's tally. The ballots were bundled back into plastic bags to transport them to the municipal center, and every official present squeezed into a collection of cars to make the trip together.

In the municipal center, representatives from each outlying village had brought their bags of ballots and tally sheets in to be compiled into city-wide results. The ballots, which we had piled back into a single plastic bag to transport, had to be collated once again by age and registration status. Furthermore, observation sheets and ballots had to be turned in together. The election judges, observers, and officials from the village mayor's office once again emptied the plastic bag out onto a table, this time on top of stacks of other villages' neatly bundled and wrapped ballots, and sorted through the pile once again, ensuring that each registration category had a number of ballots that corresponded to what was recorded on the observation sheets. When everything was sorted out, the ballots were taken to be added to the final municipal counts and recorded in the municipal act, while we went to avail ourselves of the dinner provided by the referendum planning committee.

In light of all of the planning and preparation that goes in to holding a community referendum, and the human infrastructure mobilized for the day of the event—including observers, election judges, ample refreshments, and entertainment—the actual process of voting

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is somewhat anticlimactic. Indeed, casting ballots is generally what people remember the least about *consultas*. Jorge reminisced to me about the delicious lunch they had had in his village—*caldo de rez*, beef stew. He had been in charge of butchering the meat for lunch. *Consultas* place emphasis on the *fiesta cívica*—civic festivities—much in the way that national elections do.

Sharing Voting Results

After the ballots are counted and recorded in the municipal acts, the work of publicizing the results of the *consulta* continues. This work, coupled with the process of planning the event in the first place, is what has enabled *consultas comunitarias* to be such an effective networking and advocacy strategy for anti-mining activists around the highlands, and internationally. The vote in Santa Cruz del Quiché was particularly well-documented, and included the participation of an official press corps of university students and professional journalists. Photographer James Rodríguez of MiMundo.org photographed the proceedings in several villages, and the resulting images have been shared on his website as well as in news pieces and other publications about the votes.

Results are also shared in a more "official" manner, despite their lack of endorsement by the state. In San Juan Ostuncalco, the *consulta* organizers arranged for a group of community members to travel together to the capital to submit (*entregar*) the votes to government authorities, including the minister of energy and mines, the vice-president, and the president. Community organizers had waited until several neighboring municipalities held their votes, and then pooled their resources to rent local buses to make the trip. Attendees gathered to give a presentation at a small café-slash-bookstore near the historical center prior to dispersing to each

government office. The audience spilled out onto the street as an announcer in the café courtyard listed the communities present and their voting results.

Following the presentation, community members waited in small groups outside the building that houses the Guatemalan congress, a few blocks away from the café. Although several dozen people from each community had traveled to the capital, government officials only let one representative from each community in the building to meet with officials. Once inside, the community representative presented a *comunicado* (official press release) detailing the vote results, usually to a secretary rather than the actual government official. The secretary stamped the *comunicado* as received, assigning it a tracking number, and gave the representative a letter of receipt with the assurance that the official in question would read the *comunicado* and provide a written response within two weeks. Community members could also inquire as to the status of the *comunicado* using the provided tracking number. While community members couldn't expect much in terms of a positive or supportive response from the officials to whom they presented their results, going through the ritual of presentation ensures that they follow the formal process of registering their opinion to the letter, garnering the requisite stamps and seals—if not of approval, then at least of acknowledgement.

Motivations for attending the *entrega* varied from person to person. One of the men waiting outside said that he hoped to run for COCODE in the next elections, and that getting involved in the *consulta* process—including showing a willingness to travel six hours to the capital and wait around outside for government officials to take notice—might help his chances of being elected to office. This hope was a common pattern among participants in the organization of *consultas*. In more recent months, several individuals who have been integral to the organization of *consultas* have announced their intentions to run for office in the 2015 election cycle under a

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new political party. This seems to be a logical outgrowth of the *consulta* process, which seeks to reconstruct the state democratic structure in light of indigenous rights. The next step for many organizers is to enter into the state democratic structure themselves, in an attempt to wrest participatory power from within.

Conclusion

This chapter examined the ways that anti-mining activists in the highlands have put the discursive regimes of indigenous rights into practice, creating and asserting the visibility of autonomous indigenous political subjects. They enact *consultas comunitarias,* which simultaneously recreate and confront state political frameworks, through the performances of voting, observation, and documentation. The records produced in *consultas*—which so closely resemble those used in national elections—create and exploit the disjuncture between the national government's simultaneous espousal of democratic ideals and denial of community governance. Finally, participation the *consultas* puts these newly-visible political subjects into circulation, expanding the existing networks of anti-mining activists in the highlands.

Anti-mining critics of the *consulta* process point to their lack of legal impact: the votes are non-binding, the government has shown no indication that they will ever recognize them as anything more than "expressions of minority opinion." Yet community members continue to organize them across the highlands, reproducing the process nearly identically in each instance. The feeling is that *consulta* organizers are wasting their time on futile efforts when they could be investing that effort into other kinds of organizing.

However, these critiques neglect to recognize the performative efficacy of these votes—the ways that they put the collaborative democratic ideals of their organizers into practice. Mazzarella explains, "Being attentive to the emergent potentials of a social context undergoing remediation means recognizing that transformation often comes masked as repetition" (2010:798). Indeed, these votes are imminently successful in the way that they "bleed efficacy" into each other, and into anti-mining activism more generally. The first *consulta* in Sipacapa was successful in part because of the pressing concern over Marlin mine, already built and pending operation in the municipality. In the *consultas* since then, however, it has rarely been the case to have an active mining license, much less an operational mine. Every vote to date has been a preemptive attempt to limit mining development.

The *consultas comunitarias* in Guatemala are numerous and preemptive to the extent that they are no longer about expressing dissent for a particular mining project, but for mining and megaproject development as a national trend. As such, they are emblematic of the way that anti-mining activism has developed into a social movement, rather than an isolated case of resistance. Rejection of megaproject development is one piece of a widespread feeling of discontent with Guatemalan governance, and the lack of space for equal participation on the parts of all citizens. Through *consultas comunitarias*, indigenous communities not only disrupt the dominant discourse on multiculturalism and democracy, but also seek to create a new space in which to exercise collective rights as full citizens of Guatemala.

Chapter 4 Unsanctioned Information: Truth, Rumor, and Testimony

"I'm telling you all this so you can carry my voice back to Canada. So you can tell our story there."

Marco Antonio Alvarez, a community organizer in San Miguel Ixtahuacán in a presentation to Canadian human rights volunteers

Introduction

Conflicting information about mining proliferates in the media, with the mining company, activist publications, the Guatemalan government, and informal and face-to-face communicative networks each promoting a different version of mining-related events. The Guatemalan government and mining company promote their own point of view as unassailably certain (see chapter 6), and it is in their best interest to maintain doubt over the certainty of community members' accounts of mining-related harms. The disjunctures that arise in the juxtaposition of conflicting narratives about mining create an environment of fear and distrust in which it is often difficult to tell what information is trustworthy and what is not, even—perhaps especially—for community members living at the center of the conflict.

Community members have therefore developed their own techniques for interpreting their experiences and promoting their narratives, in which the exchange of testimonies and rumors serve as a method of working through confusing or troubling events and overriding the doubt

promoted by "official" mining narratives—i.e. the accounts put forth by the government and mining company. While community narratives are usually excluded from these official regimes of truth, they have circulated in alternative spaces with the aid of transnational activist networks that depend on their own careful exploitations of disjunctures.

The production of official regimes of truth is a practice that depends on the production, circulation, and consumption of acceptable narratives, and is inextricably tied to social and political context. Community members impacted by mining are intimately aware of inequalities that deny them access to authoritative information about mining and often prevent them from making their narratives available to wider audiences. Working within these confines, people cope with their confusing and frequently disturbing experiences by drawing upon the resources available to them to produce certainty in an ambiguous situation. The realities of their situation emerge through the difficult work of "netting, lacing, weaving, twisting of ties that are weak by themselves" (Latour 1996:370). For people who have been affected by mining, the *truth* of their experiences emerges through dialogic exchanges of unsanctioned information that, taken individually, are easily dismissed as hearsay. Taken as a collection of narratives, however, they present an alternative to the dominant discourse of economic development presented by the mining company and Guatemalan government.

Building on Briggs's (2004:181) analysis of conspiracy theories in Venezuela, in this chapter I will trace the practices and tensions that produce the narratives *excluded* from official regimes of truth, which are often dismissed by government or industry authorities as rumor or gossip. Debates over large-scale mining projects in Guatemala hinge on who is in control of the narrative of people's experiences with mining, and both rumor and testimony are central to the narratives produced and controlled by community members. People affected by mining often

attempt to make sense of their experiences of violence, uncertainty, or illness through the exchange and collaborative production of rumors and testimonies. These narratives enter into popular discourse by way of local face-to-face and international solidarity networks, often superseding the "official" discourse offered by the Guatemalan government and mining company.

Testimonies are extended first-person accounts offered up as evidence of events or experiences; they have a long history of use in humanitarian efforts, human rights campaigns, and policy settings. [68] However, testimonial narratives are also the basis of a distinctive Latin American literary genre called *testimonio*.[69] *Testimonio* stems from oral history traditions, and has been shaped by violent conflicts throughout the region. Shonna Trinch (2010:181) defines the genre as "a marginalized person's urgent narration of an unjust event for purposes of social change" (Trinch 2010:181; see also Beverley 1993, Warren 1998). Perhaps the most famous example of *testimonio* is Rigoberta Menchú's account of the violence she and her family suffered during the Guatemalan civil war (Burgos-Debray 1983). The book became the subject of harsh criticism and heated debate in 1999 for alleged falsifications and exaggerations, sparking debates over knowledge production and the nature of truth that had consequences for both political and academic understandings of Menchú's story and other *testimonios* like it (see Arias 2001, Stoll 1999). Although the testimonies that mining-affected people in Guatemala give—both to other community members and to NGO activists and foreigners—are not literary *testimonio*, the two genres share collaborative and political elements. Perhaps for this reason, many critics have similarly come to criticize mining testimonies as falsifications or exaggerations.

Rumors, on the other hand, arise as an attempt to explain ambiguous, disturbing, or confusing events when there is a dearth of reliable news or information (see also Samper 2002, Scott 1990).

I argue that the rumors circulated about mining in Guatemala also contain testimonial elements, in that they are expressions of the lived experience of fear. Rumors are evaluated as true or false through the same practices of collaboratively producing testimony about mining.

My purpose in juxtaposing testimonies and rumor here is not to create a "genre of unreliable information" (White 1994:75), but rather to explore how these distinct genres are deployed in similar situations and come to shape people's understandings of mining. Rumors and testimonies about mining share a context that places them in an intertextual relationship. They also possess a number of qualities in common, including the use of first person narrative, a strategic balance between speaking and silence, and a difficulty in verifying the information presented in such a way that it would be admissible to dominant regimes of truth. These commonalities occasionally make it difficult to discern when a speaker is using one genre over the other; indeed, the two genres are quite fluid in practice, and a given presentation may incorporate both. By deploying elements of testimony and rumor in their narratives about mining, community members both seek to make their experiences understandable among themselves, as well as legible to a wider, international audience.

Collaborative and Corroborative Testimony

Testimony, Networks, and Humanitarianism

Non-governmental groups from North America and Europe, with the stated mission of supporting grassroots organizations and individuals in the global South, began working in Guatemala in the 1980s and played an important role in raising international awareness of the atrocities being committed during the civil war (but see Perla 2008). Prominent examples of

these organizations include Peace Brigades International, also known for their work in Colombia, and Witness for Peace. Such groups' stated mission is often to establish "solidarity" with the people of their target country. Diane Nelson, an anthropologist and self-identified "*gringa* former solidarity activist" in Guatemala, describes solidarity as:

> …a praxis of identifying in struggle. Etymologically solidarity suggests unity of opinion, purpose, interest, or feeling… In practice, at least in the 1980s in Central America, it meant that North Americans solidly identified with the struggle of revolutionary and popular organizations against murderous US-backed regimes in Guatemala or El Salvador. (1999:41-42 N2)

As Nelson points out, however, identifying with Guatemalans in struggle somewhat paradoxically depends on international activists' (perceived or real) difference from them. One of the primary activities of solidarity activists is simply being present for various events, or "accompanying" at-risk groups. The rationale of accompaniment is that potential violators of human rights are less-likely to incite violence with outside witnesses present, especially if those witnesses are "little blondies in little red vests" (*las canchitas de chalequito rojo*).[70] The visibility of light-skinned, fair-haired people at demonstrations, in courtrooms, or simply alongside Guatemalan activists in their day-to-day lives signals that there is international interest in—and potential accountability for—whatever is going on (see also Nelson 1999:45 N7).

Similarly, testimony depends on a complex articulation of similarity and difference. Although it is meant to evoke empathy and foment identification with a certain politics or struggle, it is directed toward people who do not share the same experiences, and likely never will by virtue of their social positioning (Nelson 1999:47). Nevertheless, evoking imagined feelings of empathy in an international audience helps to establish allies in struggle.

Margaret Keck and Kathryn Sikkink describe the stakes such imagined empathy may have for human rights politics in their model of the "boomerang pattern of influence" (1998:12-13). They argue that in countries where the state fails to recognize and respect human rights, local groups may not have any means of recourse against their governments. Building solidarity networks with international groups is one way of circumventing this problem. The international allies are able to put pressure on the offending government from the outside, creating a boomerang pattern. Furthermore, the connections established between domestic and international NGOs are mutually beneficial: the domestic NGOs gain resources and a degree of power they would not otherwise have had, while international NGOs gain credibility for the claim that they are working in solidarity with oppressed peoples (Keck and Sikkink 1998). Giving testimony is one way that domestic groups may try to establish ties with international allies.

Hector Perla (2008) traces the use of testimonies by human rights activists during the US anti-communism campaigns in Central America in the 1970s, 80s, and 90s. He argues that Central American activists—including people from El Salvador, Nicaragua, and Guatemala—used testimonies of military violence committed by regimes with the support of the Reagan administration to foment a movement of US-based activists that pressured their government for policy changes. He calls this strategy a "signal flare," and contrasts it with Keck and Sikkink's concept of "boomerang" politics in that, rather than seeking foreign pressure on their home governments, activists are trying to influence the foreign governments providing military aid. Winifred Tate (2013) expands on this concept in her argument that the testimonies given by survivors of human rights abuses in protest of US foreign policy in Colombia are a way for activists to gain "proxy citizenship." In proxy citizenship, the right to make demands against a state is conferred to non-US citizens by virtue of their experiences of being governed by US

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foreign policy. Colombian activists, with the assistance and support of US-based solidarity NGOs, visit sympathetic policy-makers and politicians in the US and relate emotional and often gruesome experiences of violence and abuse at the hands of the Colombian military. Their goal is to share evidence of wrongdoing that will motivate their audience to change US military aid policies. Such influence is normally restricted to the US citizens who comprise the policy-makers' voting constituencies. However, Tate argues that the attributes of citizenship are partible, and thus certain individual benefits—such as seeking redress for military abuses—align with certain forms of governance—such as military intervention in foreign states—without full citizenship rights such as voting.

Testimonio Literature

Like courtroom testimonies or the testimonies provided as proof in human rights cases, *testimonio* is first an oral history presented by a single person as their lived experience. It is then transcribed and codified in written form, either in the form of a legal affidavit, courtroom records, or—in the case of literary *testimonio*—a book. Unlike courtroom testimony, *testimonio* may incorporate points of view or experiences that are not the author's. One of the most famous examples of *testimonio* is Rigoberta Menchú's account of the violence of the Guatemalan civil war. After fleeing Guatemala during the civil war violence, Menchú worked as a human rights advocate. She dictated her autobiography to anthropologist Elizabeth Burgos-Debray while in Paris, who then transcribed the narrative and published it as a book (1983). The English language translation of *I, Rigoberta Menchú* begins, "My name is Rigoberta Menchú. This is my testimony… I'd like to stress that it's not only *my* life, it's also the testimony of my people…My story is the story of all poor Guatemalans. My personal experience is the reality of a whole people" (Burgos-Debray 1983:1, emphasis in original). Menchú describes in detail her daily life

as a child in a K'iche' village in the western highlands, including the foods her family ate, their spiritual beliefs, and the clothing they wore. Like many indigenous families in the highlands, the Menchús traveled to the lowland region to find seasonal labor on *fincas*, large commercial farms. It was through such experiences of near-constant racism and discrimination that Menchú says she gained consciousness of the social, political, and economic disparities between her life as an indigenous person and the lives of non-indigenous *ladinos*, and eventually became a political activist for emerging left-wing movements.

It was around this time that the Guatemalan civil war reached Menchú's native department of El Quiché, and her family suffered. She describes in horrific detail the deaths of several family members, including her brothers and parents. Her father was killed along with 36 other people, among them indigenous activists and all but one member of the Spanish diplomatic staff, when the Guatemalan army raided and set fire to the Spanish embassy in Guatemala City.[71] Her brothers and mother suffered similarly gruesome deaths at the hands of the military. Menchú's narrative personalized the tragedies of the Guatemalan civil war for far-flung and comparatively privileged and safe audiences who might otherwise have only known of the conflict through impersonal statistics (see also Ferman 2001, Pratt 2001, Tate 2013).

Sixteen years after the book's original publication, anthropologist David Stoll accused Menchú of fabricating many aspects of her story, based on interviews he had conducted in and around her family's village in Quiché (1999). His book generated heated controversy in the US media and across several academic disciplines over whether or not it mattered that her testimony had not been strictly true. Menchú's narrative became a lightning rod for the "culture wars" over multiculturalism and specifically the assignment of non-canonical texts by non-Western, female, or otherwise underrepresented authors to teach about history in high school and college

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classrooms (Pratt 2001). Conservatives hailed Stoll's account of Menchú's "lies" as evidence that the left was attempting to brainwash America's impressionable young minds.

Conservative pundits were not wrong in identifying Menchú's political bias: the purpose of the book was implicitly political. For example, the original publication included a pamphlet from the Comité de Unidad Campesina (CUC – Committee of Peasant Unity), the civilian arm of the Guatemalan guerilla movement, as an appendix that was eventually omitted from the English edition (Montejo 2001:377). Furthermore, Burgos-Debray was a well-known leftist sympathizer, and her interview with Menchú had been arranged by Arturo Taracena, a historian working for the Ejercito Guerillero de los Pobres (EGP – Guerilla Army of the Poor) the most prominent guerilla group in Guatemala (Arias 2001, see also Stoll 1999). Menchú had been working with the CUC at the time, and was in Paris as part of a traveling delegation of human rights advocates (Arias 2001). The book won the 1983 prize for "Best Testimonial Narrative" from the Casa de las Americas, became a best-seller in many countries (including the United States) and was used by activist groups to raise awareness of the human rights abuses being committed by the Guatemalan army during the 1980s and to build solidarity networks. Despite the debates, Menchú's narrative is recognized as being an accurate description of the violence of the civil war and thus "true" in a broader (and arguably more important) sense (see also Arias 2001, Montero 2001 [1998], Morales 2001, Pratt 2001, Skinner-Klee 2001 [1999]).

The controversy over Menchú's narrative can be attributed in part to confusion over genres (Pratt 2001, Trinch 2010, Warren 2001). Mary Louise Pratt laments the lack of unique ethical and theoretical frameworks for evaluating *testimonio* on its own terms (2001:42). Instead, audience members have applied norms from legal testimony, which has led to accusations of falsehood, distortion, and partisanship in Menchú's account (ibid.). In legal testimony, speakers

swear to state the truth or face the legal penalties of perjury; however, Shonna Trinch argues that the perception of truth—and the responsibility for evaluating it—actually falls to the role of the listener, not the speaker.[72] She explains, "…the purpose of an oral narrative is often understood by listeners as the teller's attempt to offer the 'true' linguistic rendering of an event" (2010:183). Similarly, Claudia Ferman (2001) argues that testimonial texts in general, including *testimonios*, are "characterized by the particular 'reading contract' that lies implicitly embedded in the very act of receiving the text" (156). The understanding (and misunderstanding) of testimonial texts stems from the reader/ listener's prior conception of it as a referential document, rather than one with individual or collective political intentions.

However, Kay Warren argues that the political goal of *testimonios* has never been a point of contention: "[*Testimonios*] are designed to describe state violence, corrosive poverty, and inhuman working conditions in a way that makes a compelling case for democratic change" (2001:199). As an author of *testimonio*, anthropologist Victor Montejo explains that there "is an effort on the part of the unconscious mind to ensure that one's voice is effectively heard – that the voice elicits a strong commitment and solidarity from those who may respond immediately to these human rights abuses" (Montejo 2001:372-373). To that end, authors of *testimonio* may corroborate their personal experiences with those of other people, weave in accounts that they have heard repeated elsewhere, or resequence events to make the story more compelling. *Testimonio* may also involve "a series of erasures, emendations, and amalgamations" to emphasize certain points and downplay others (Sklodowska 2001:263). In other words, crafting an effective *testimonio* requires not simply the exuberant use of "untruths," but a careful balance between speaking and silence. Menchú frequently references her own silences over the course of her narrative, pointing out when she is keeping something back because it is private or

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inappropriate to share (see also Arias 2001, Pratt 2001). The juxtaposition of carefully selected silences with the horrific details of lived violence reminds audiences that one of the purposes of *testimonio* is to recover that which is "unspeakable;" speaking the unspeakable makes what is left unsaid all the more prominent (see also Sklodowska 2001:253).

Menchú's silences also allow her to maintain control of her narrative and distance herself from the listener/ reader (Arias 2001). Her silence serves as a reminder of the difference between Menchu as the protagonist and the listener/ reader as a potential source of solidarity. While the debates over *testimonio* may stem from the conflicting expectations of the author and reader, the power of *testimonio*—as in solidarity work—depends on the perceived difference between speaker and audience. *Testimonio* requires establishing a bond of imagined empathy with an audience that perceives itself as being fundamentally different than the speaker (see also Nelson 1999). Ferman asserts that, in contrast with a fictive work requiring the suspension of disbelief on the part of the reader, *testimonio* requires an act of faith. The reader must be able to take a leap and substitute herself for the protagonist, to experience what the protagonist has experienced vicariously (2001:157). Thus, *testimonio* becomes a powerful tool for developing solidarity and advocating for political goals.

The following testimonies are hesitant or tentative accounts of experiences that the narrators seek to verify through corroborations with other community members. Through the processes of discussing and sharing otherwise disjointed or troubling occurrences with each other, anti-mining activists create a unified narrative that explains their experiences to themselves as well as others.

Rumor and Testimony

While *testimonio* such as Menchu's is recognized as containing inaccuracies meant to *illuminate* the truth, rumors are often disregarded as lies or heresy intended to *mask* the truth. Ann Laura Stoler (1992) describes rumor-based narratives of colonial violence in Sumatra that are difficult to verify due to their historical nature. However, she argues that the task of academics "… is clearly *not* to identify a 'fixed' and singular social context and then to plot a constellation of biased and intentionally designed stories that obscure it. Nor would I argue that we… are handicapped by not being privy to the 'crucial facts'" (153). Rumors are one of the forms of unsanctioned information, along with testimonies, that community members affected by mining actively produce and have ready access to. Yet because the people that produce rumor lack the necessary resources and authority, they are usually excluded from "official" regimes of truth. Government and mining industry officials repeatedly cite "misinformation" (*malinformación*), "gossip" (*chisme*), or "rumor" (*rumores*) as the biggest challenges to successful mining projects in rural Guatemala—and the similarities in the mode of production of testimonies lead anti-mining testimonies to be dismissed in this way as well. In their estimation, the people opposing mining projects are hampered by a lack of understanding of the facts about industrial mining, which leave them susceptible to fear and manipulation by outsiders. Rumors are "constructed to explain uncertain, ambiguous events or intangible fears, anxieties, or perceived dangers… in situations where news and information is scarce" (Shibutani 1966:11). Stoler argues that rumors indicate "a fractured social reality, one derived from fragmented knowledge as well as from competing hierarchies of credibility through which violence [is] read" (153). However, rumors may also indicate resistance to the dominant discourse, and are one of the many ways subordinate groups subtly make their non-compliance public (Scott 1990:136).

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The relative anonymity of rumor protects its tellers and sharers from the potential

consequences of their resistance to dominant discourse. James Scott explains, "The oral

transmission of rumor allows for a process of elaboration, distortion, and exaggeration that is so

diffuse and collective it has no discernible author …As rumor travels it is altered in a fashion

that brings it more closely into line with the hopes, fears, and worldview of those who hear and

retell it" (Scott 1990:144-5). Likewise, David Samper suggests that as a rumor travels from

person to person, the changes that each hearer makes before passing it on imbue the rumor with

collaborative interpretation (2002:2). Rumor thus becomes a collective representation of a

group's fears or anxieties. This communal characteristic of rumors in turn affects the group

cohesion of the people participating in their exchange, contributing to the formation of a public

sphere (2002:2). While Scott sees rumors as occupying an oppositional middle ground between

complete compliance with the dominant system and outright resistance, Samper argues that

rumors are a potential bridge between covert individual and overt collective resistance, the point

at which community members begin to question dominant discourses and shift toward collective

action (2002:20).

To illustrate his argument, Samper explores the origins and effects of kidnapping and organ-

stealing rumors that circulated first in Latin America, and later worldwide in the 1980s and

1990s. The rumors alleged that foreigners were kidnapping children from Latin American

communities and selling them for use in organ transplants in North America. The rumors in

question often incorporated surreal details, such as disemboweled bodies found weeks after they

went missing, with a few dollars and "thank you" notes pinned to torn clothing. Reports of

kidnapping and organ trafficking in Latin America surfaced as far afield as the then-Soviet

Union, where their publication as newspaper articles further legitimated the stories (Samper

2002). In several cases in Guatemala these rumors led to mob attacks against tourists: in two instances in the 1990s, American women were beaten and left for dead after interacting with local children, while as recently as 2000 a Japanese tourist and his Guatemalan driver were beaten and burned to death after he attempted to photograph a young child (Rico 2000).

Rumors are the products of attempts to rationalize a disturbing or confusing situation. For example, many of the kidnapping and organ-trafficking rumors surfaced after authorities uncovered illegal international adoption rings and foster houses full of kidnapped or trafficked children in several countries—including Guatemala (Samper 2002:6). Confronted with the horror of child trafficking, people attempted to come up with reasons for why such a thing could occur. One explanation for the alleged kidnappings was that "[North Americans] can't have their own [babies], so they take ours" (Scanlan 1994:36). These rumors closely resemble the explanations that participants in *consultas comunitarias* provide for why North American companies would be interested in mining in Guatemala: "North Americans have used up all their minerals, so they come here to take ours." Relatedly, one woman told me that North Americans were interested in planting trees in Guatemala so that the clean air they produced would flow north, and the pollution from the north would come south.

Samper sees rumors as an expression of collective anxiety over issues of social discomfort. He states, "The rumor, as a symbolic form of accusation, has made it possible for disenfranchised and marginalized people to focus attention on a perceived threat and to intervene and influence events around them" (2002:22). Samper credits the wide circulation of the kidnapping rumors (and the violent acts related to them) for bringing international attention to the illegal adoption rings operating in Latin America, and leading to a UN resolution and Hague Convention Act on international adoptions (24). In Guatemala, international adoptions were

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temporarily suspended while police investigated the situation. Thus, Samper argues that rumors can potentially lead to mass mobilization and action around social concerns, functioning as a bridge between covert and overt resistance strategies (22).

In contrast, Michael Taussig describes the ways that oppressive regimes—whether governmental or corporate—can use fear and rumor to their advantage (see also Benson and Kirsch 2009 for a discussion of deliberate corporate misinformation). In what he terms "epistemic murk," reality is always uncertain and "the unstable interplay of truth and illusion becomes a social force of horrendous and phantasmic dimensions" (Taussig 1984:492). Such was the climate of the Guatemalan civil war, in which suspicion and rumor were the primary sources of information for many people living in the highlands, contributing to the "culture of terror" that persists today (Clouser 2013, Green 1994). Linda Green describes the climate of fear and distrust in the Guatemalan village where she lived in the 1980s, where silence became a survival strategy—a subtle way of asserting a rebellious identity against the omnipresent and oppressive state surveillance (1994:238, see also Feldman 1991). Yet Taussig argues, "…cultures of terror are based on and nourished by silence and myth in which [the emphasis on the surreal] flourishes by means of rumor and fantasy woven in a dense web of magical realism" (1984:469). Indeed, some silence is driven by fear, limiting access to information and serving as a mechanism of control (see also Green 1994:239). While *testimonio* is a strategic balance between truth-telling and silence-keeping, rumor can be seen as a desperate retaliation against fear-driven silence. It is this subtle interplay between silence and telling that unites the two genres and gives them both a surreal quality.

The surreal aspects of Menchu's *testimonio* have led some scholars to suggest analyzing it as an "epic novel" in line with accounts of the lives of Catholic saints, or as a work of magical

realism in the style of Nobel-winning Latin American authors such as Miguel Angel Asturias (Patai 2001, see also Beverley 1999, see also Montejo 2001:390). Yet, however much the violence represented in rumor and testimony may seem to resemble magical realism, Victor Montejo cautions against such a comparison. He worries it could "make unreal the pain and suffering of the Mayans… To imagine the recent Guatemalan holocaust as an epic [tale] is to remove ourselves from the reality of this genocide that has left two hundred thousand deaths" (2001:390). There is nothing "magic" about the surrealism of living in fear. Rumor is an expression of this lived experience and a very real part of people's everyday understandings of the world. As in Stoler's account of violence in Indonesia, rumor in Guatemala "…is a key form of cultural knowledge that… shaped what people thought they knew, blurring the boundaries between events 'witnessed' and those envisioned, between performed brutality and the potentiality for it" (1992:154). To the extent that it reflects people's experience of a given social situation, rumor contains important testimonial elements that can provide clues about how "the effects of truth are produced within discourses which are in themselves neither true nor false" (Foucault 1980:118).

Building International Solidarity

The dirt road was bumpy and eroded; the truckloads of gravel distributed here during the rainy season did little to help with traction now that it was the middle of the dry summer. The van pitched steeply down a short slope, throwing the front-seat passengers against the dashboard, but the driver was unperturbed. He expertly navigated through clouds of beige dust, which are much preferable to the slick mud and landslides of the winter. I was squeezed into the van with eight

interns and their two supervisors, on our way to hear testimonies from community members organizing against Marlin mine. The interns were a group of young Canadians, recently graduated from college, spending a year working for various NGOs and grassroots organizations around Guatemala in a program described to me as a "more progressive Peace Corps." They had spent the weekend away from their usual field placements, participating in a workshop with the two internship coordinators, long-time residents of Guatemala and human rights activists Jenny and Wendy. Weekend workshops like this one are meant to foreground the topics that are of particular interest for the interns as Canadians. The mining company in question is based in Canada and the interns, as Canadian citizens, are tied to it through nationality. The testimonies we would hear were the capstone and highlight of this weekend workshop. Mining is high on this organization's list of priority issues, although they can't be too vocal about it. The program these young people participated in receives funding from the Canadian government. Mining companies also receive enthusiastic government support in the form of favorable laws and investment from the government pension plan (McSorley 2014). Mining remains one issue among several others—civil war reparations, food security, conservation of mangrove swamps—that the Canadian volunteers monitor.

It took about 20 minutes after leaving the village center to arrive at Simón Alvarez's house, an average-sized three-room adobe structure perched on a hill overlooking a dry gully. Scrubby grasses and bushes sprouted up intermittently, and the mountains that obscured the horizon also concealed the close proximity of the largest gold mine in Central America. The posters stuck to the walls and doors of the house gave some hint of the concerns people have about their largest neighbor. One, sporting an ominous-looking skull-and-crossbones, cautioned against the use of river water for drinking, bathing, or irrigating crops because "according to scientific studies the

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waters of the Quivichil and Tzala [rivers] are contaminated." Another poster showed a woman washing clothing in the river while her small son looks on. "Water and land for the people, and NOT for the companies" the headline reads.

Simón was going to tell us the story of his experience with the mining company. He had told his story many times before, and would likely repeat it again, to other delegations of foreigners sponsored by human rights organizations or to other Guatemalans at gatherings and events organized by regional NGOs. He had been photographed and his testimony had been written up in blog posts and news pieces, along with the images and stories of others with similar experiences. He told a version of his testimony in a Guatemalan courtroom, too, to defend himself against accusations that he assaulted a mining company employee. He lost, and was forced to pay a fine. While his story wasn't proof enough to exonerate him in court, it was offered up to the interns and I as evidence of the questionable human rights policies of the mining company. Jenny introduced Simón to the group as a community organizer, and invited him to start his story. It dated back to the earliest days of the mine, seven years earlier, and not much had changed since he first started telling it.[73]

As he explained it, Simón worked for the mine at first. He believed that it would bring development to San Miguel Ixtahuacán and he tried to convince other community members of the same. Even though the company misled community members at first, telling them that the project would be an orchid farm and not a mine, Simón still believed that the project would bring benefits to the community. However, after a couple of years, he began to notice that people were getting sick. He asked his managers questions, and they told him not to worry about it. When he kept asking questions, they told him to keep his mouth shut, because he worked for the mine and he should be happy about it. So, Simón went to a community meeting where they were talking

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about concerns people had about the mine, and he told them to keep asking questions. Little did he know there was a spy from the mining company there who reported him to his managers.

A few weeks later, he asked for time off from work so he could take his wife to the doctor. When they were returning home, their normal route was blocked and they took a detour. On the way, however, they were intercepted by a group of people that worked at the mine, and they attacked him. Simón made it home, but a few weeks after that—on February 13, 2007—a couple of police officers came to his house and arrested him for assaulting a mining company official at a recent road block. He had to go to court in the San Marcos department capital, three hours away. While he was there, a Ministry of Energy and Mines official told him that he'd better "get with the mine," because otherwise they'd pay someone Q10,000 to kill him.[74]

Although his verbal testimony ends there, much of the remainder of his story is available in courtroom records, blog posts, and newspaper articles about the case. Simón was charged, along with six other activists associated with the San Miguel Defense Front and the Pastoral Peace and Ecology Commission of the San Marcos Catholic Diocese, with minor assault, coercion, instigating delinquency, and transporting weapons (Sibrián and van der Borgh 2014). Specifically, Simón was accused of hitting the mining company's security officer on the head with a rock during the confrontation. Simón, however, maintains that he wasn't even present at the blockade. His case received a lot of attention—both from NGOs and in the national press— and is well-documented in government documents, NGO press releases, and newspaper articles. The Rigoberta Menchú Tum Foundation, a well-respected human rights organization founded by the Nobel Peace Prize laureate and indigenous rights activist of *testimonio*-fame, provided his legal representation. Simón and his co-defendants were also accompanied by North American

and European volunteers from Acoguate, a coalition of international solidarity activists that includes the organization sponsoring the Canadian interns.

Similar to civil war testimonies in the 1980s, which aimed to raise awareness among US citizens of US military-backed atrocities in Guatemala, at play in Simon's testimony is a sense of responsibility. It is a Canadian corporation committing the abuses Simón describes, and the audience is a group of Canadian interns. The interns reacted as hoped—they had already expected a certain kind of narrative, but the details Simon provided served to solidify their empathy for his situation. One intern, who had also accompanied Simon during his court case, commented on how disturbed she had been by the situation. While Simón and the interns may be connected by empathy, the interns and the mining company are connected through many less-tenuous (but perhaps equally abstract) legal and financial bonds. Both the interns and the corporation benefit from funding (or investment) from the Canadian government, and protection of their rights as enshrined in Canadian law and enforced by Canadian officials. Both are able to be in Guatemala—and feel relatively secure there—because of this support. It is this same-ness of the interns and the mining company that the testimonies given by anti-mining activists depend on; if the interns and the mining company are the same, then the interns can offer Guatemalans "proxy citizenship" to influence the mining company to change (Tate 2013).

Earlier in the day, our group had visited Simón's brother, Marco Antonio, at his home in town. A mere 50 yards from a school building constructed by the mining company and painted with their blue and green mountain logo, Marco Antonio's two-room adobe house doubles as a holistic health dispensary. While the interns and I sat in the front room that housed the pharmacy, Marco Antonio described the numerous threats, intimidations, and attempts people had made on his life since he began speaking out against the mining company. Several months ago, a group of

men opened fire on the front of his house while he, his wife, and their infant daughter hid inside. Most of the bullets lodged in the adobe bricks outside, but two came in through the window and stuck in the wall and in his daughter's diaper bag. This was soon after he had gone to a regional court to testify about the negative environmental effects he believed were caused by the mining project—cracked roads, failed harvests, and dry wells. The judge had told him that these were caused by climate change (*cambio climático*), and that the Guatemalan government was out of resources for dealing with it, so Marco Antonio and the rest of the community had better get down on their knees and pray that it didn't get any worse.[75] Instead, Marco Antonio turned to solidarity volunteers who he hoped would "carry his voice back to Canada," and share his story there with a more sympathetic outcome.

The testimonies given by anti-mining activists in Guatemala draw on boomerang strategies (Keck and Sikkink 1998), signal flare politics (Perla 2008), and proxy citizenship (Tate 2013) in variation and combination. Marco Antonio's request that the interns carry his voice back to Canada—with the hope that the Canadian government might be spurred to respond to the irresponsible behavior of a corporation based within its jurisdiction—resembles Keck and Sikkink's concept of "boomerang" politics (1998:12). Through such testimonies, Guatemalan activists are seeking recognition from the Guatemalan state of their human rights, fears of present contamination, and hopes for future development projects. They want the state to acknowledge that their concerns and desires are as valid as those of the mining company. In this sense, the testimonies are part of a boomerang strategy that would lead the Canadian government to pressure the Guatemalan state for recognition of indigenous peoples' rights to self-determination. However, the documentary films of testimonies that are screened in Canada, and the trips that Guatemalan activists take in order to give testimony in person and form connections

with Canadian activists also serve to generate an anti-mining movement in Canada. As such, they can be seen as part of the "signal flare" strategy. Finally, by drawing on the proxy citizenship of the Canadian interns, Simón and Marco Antonio seek to hold the mining company accountable as fellow constituents subject to Canadian laws. The mining company reinforces their position of "fellow citizen" through their CSR rhetoric and claims to "responsible mining practices."

The issue is further complicated by the corporation's position in the neoliberal political-economic environment. In addition to being Canadian citizens, the mining company usurps many of the roles usually occupied by the Guatemalan state. The company has taken it upon itself to build hospitals, schools, and roads, services more often believed to be the state's responsibility. In 2012, Goldcorp Inc.'s total assets were equivalent to 31.212 billion dollars, nearly half as large as Guatemala's gross national income (74.83 billion). In effect, the company becomes a "state-like" entity, complete with a proprietary security force. The boomerang is therefore also aimed at the mining company, not only as an institution of (primarily) Canadian citizens subject to Canadian laws, but as an organization that resembles a state in terms of infrastructure, provided services, and absolute economic power.

Much of the anti-mining movement in Guatemala is focused on building solidarity, both within the country and internationally. Testimonies shared with international delegates are central to establishing these relationships. They provide proof of the negative impacts of mining in communities, which helps to create an empathetic tie between community members and foreign sympathizers. These ties enable community members and activists in Guatemala to use the resources available through these networks to seek redress from the Guatemalan state, the Canadian government, and the mining company.

At the same time, solidarity must also be established between members of the mining-affected group. The protest I described at the beginning of this chapter has remained such a prominent part of the anti-mining mythos because of the solidarity with which activists in San Marcos and Huehuetenango believed their counterparts in Sololá were acting. In addition to large-scale protests and semi-formal presentations of testimony, solidarity can also be developed through community meetings and debriefings. The testimonies I present in the following section are hesitant, uncertain accounts of the inexplicable or incomprehensible. They are partial descriptions and snippets of rumors and mysterious circumstances: a strange noise at night, a neighbor who became inexplicably ill, or a friend whose cows suddenly died. Community members exchange these bits of information—often initially dismissed as rumor—in order to compare notes and sort through what is verifiable or not. Through intragroup exchanges of experiences, confusing or disturbing circumstances and hesitantly repeated rumors are transformed into a solid narrative behind which the group can unite. Testimonies may be offered up as "proof," but they are also a practice through which "proof" is discussed and defined.

The Passage of the Cylinder

The emergence of large-scale mining projects in the Guatemalan public consciousness can be traced to a number of key events. One such event occurred in December 2004, when indigenous community members in the department of Sololá created a roadblock at the major crossroads of Los Encuentros. For over five weeks, the protesters managed to halt the passage of a truck bearing a large cement cylinder, a piece of equipment bound for the same Marlin mining project. The disruption to cross-country traffic (and tourist dollars) brought by this roadblock led to it

becoming a hot topic in the national news. Finally, on January 11, 2005, then-President Berger

dispatched armed police and military to break up the protests. The ensuing violence brought

even further media attention—including from the international press—and cemented this event

in the collective memory of anti-mining activists.

Noticiero Guatevision, one of Guatemala's three national television news networks, reported

on the situation. In clips from their broadcast coverage of the events on January 11, a reporter is

standing in front of a freight truck carrying the massive cement cylinder as a crowd of national

civil police officers, clad in their solid black uniforms and armed with rifles, escort it down the

highway. The reporter claims there were one thousand police officers and three hundred military

soldiers responding to the protest of a few hundred community members. The reporter speaks in

the background as the camera pans over soldiers dressed in fatigues maneuvering through

harvested corn fields and police officers reloading their rifles. The police and military

intervention ultimately left dozens of protesters wounded and one protester dead (Solano

2005:124). In a final scene from the broadcast, black smoke billows from a burning vehicle in

the middle of the highway. The Guatevision reporter concludes, "It's as if this were the internal

armed conflict of the 1980s."[76]

Anti-mining activists in San Marcos continue to refer to the event as a show of solidarity by

their Kaqchikel brothers and sisters. Catalina Garcia, an activist from San Miguel Ixtahuacan,

described her view of the situation in the documentary film *El Negocio del oro en Guatemala:*

Crónica de un conflicto anunciado (The Business of Gold in Guatemala: Chronicle of a Conflict

Foretold; 2010):

> "…when the mill [*sic*] entered, we didn't know when the people of Solola
>
> were there in resistance so that the mill wouldn't pass and arrive in San

Miguel, because they, well, they knew what would happen because of the

company, and we didn't even realize! Because of this, I say that the

pueblo of San Miguel was sleeping. But now, with time, now the *pueblo*

of San Miguel little by little became aware of what was happening."[77]

Although Garcia interpreted the protest as a show of solidarity, other sources would indicate that

the protest organizers were unaware of the cylinder's intended use until after the event (Solano

2005:123, Benson et al. 2008). Conservative newspaper columnist and anthropologist Estuardo

Zapeta (2010), who covered the protest as a journalist, claims that environmental activists

deliberately misled protesters in order to provoke the protest, telling them that the cylinder was

to be used for a project that would ruin Lake Atitlán. Other people reported that protesters were

acting on rumors that the cylinder would be dumped at the bottom of Lake Atitlán, and would

variously drain the lake, produce "monsters," or contribute to the recent algae infestation. On the

other hand, Luis Solano asserts that protesters *did* understand the equipment's association with a

mining project, and their objection to mining was the source of the protest, although they only

later learned it was bound for San Marcos rather than their own department (2005:124).

In the end, it is impossible to evaluate whether or not protesters were acting based on

verifiable information. Yet the stories they heard—both those about mining and monsters in the

lake—were compelling enough to incite action. The road block subsequently entered into the

Guatemalan mining mythos, becoming one in a myriad of stories anti- and pro-mining activists

continue to tell in crafting their respective arguments.

The Case of the Roadblock

The Frente Miguelense contra la Mineria (FREDEMI—The Miguelese Front Against Mining) in San Miguel Ixtahuacán had been planning their protest for months. The march and road block were the first community actions organized since the administrative re-structuring of FREDEMI the year before. The events were meant to draw attention to the governmental non-compliance with the 2010 Precautionary Measures that the Inter-American Commission on Human Rights issued over suspected contamination of the water in communities near the mine.[78] The protest was supposed to last a full three days, from February 28 to March 2. However, the event did not go as planned.

Usually, such demonstrations attract a large attendance from both national and international activists, both as a show of force and as a security measure against any violent opposition. Despite FREDEMI's prior planning, only two outsiders joined in the protest, and both had returned to their office jobs in the department capital by lunch time on the first day. Early in the evening, I began to receive phone calls from activists in Guatemala City, asking if I knew what was going on in San Miguel Ixtahuacán.

Initial reports of the confrontation circulated among anti-mining activists via frantic cell phone calls and email exchanges, attempting to piece together exactly what was happening. An unknown group had taken the protesters hostage. It was unclear whether the captors were working for the mining company, were police, or were other community members. Two of the FREDEMI board members kept their cell phones active while the protest participants were rounded up and taken to the local mayor's office. Listeners on the other end of the phone, nine hours away in Guatemala City, sensed the panic of the group. The people holding the protesters captive were demanding that FREDEMI reimburse them for damages caused by the road block.

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Protesters on the phone said that their captors were armed with guns and machetes. Nando, an independent Canadian activist with years of experience in solidarity and accompaniment work, called the San Miguel police to see if they could explain what was going on. An overly-candid officer told him that, ever since another officer had been shot in the line of duty the year before, the police no longer got involved in situations that could turn violent, and so had not intervened. A different officer later revised this statement and explained that the police were simply trying to respect community members' autonomy. Rumors cropped up that a group of protesters had escaped their captivity and were hiding out in the mountains, much like *guerrillas* during the internal armed conflict.

One by one, activists associated with FREDEMI chimed in with news. Someone spoke to Carla Ortiz, one of the three primary organizers, who said that her co-organizer, Andrés Mendez, and Marco Antonio had been badly beaten-up. Another person managed to get a hold of Marco Antonio, who was recovering at home; his injuries were not severe enough to warrant an overnight stay in the hospital. However, two people had been hospitalized after the captors hit them over the head with the butt of a rifle. One of the captors had been injured, too, and was treated at the clinic that the mining company had built.

International accompaniment and human rights organizations quickly picked up the news. By six o'clock in the evening, human rights NGOs were already circulating urgent actions on mining- and human rights-related listserves. The news had spread so widely that, before the end of the evening, I received a forwarded press release from a professor at my own university. He had received it via an anti-mining listserv, which had received it from the listserv of a Canadian human rights organization, whose director had been on the phone with Marco Antonio. The director of human rights monitoring organization UDEFEGUA announced via email that some of

her employees would accompany Public Ministry officials to San Miguel the next day in order to begin an investigation.[79]

On March 1, which was to be the second day of the protest, I cautiously disembarked from the early bus to San Miguel Ixtahuacán. After the panic of the night before, I half expected goons to leap out of the bushes lining the dirt road to the FREDEMI offices, but everything seemed tranquil. The sheet-metal barricade surrounding the offices of FREDEMI was locked, but this is not unusual. A few years ago—before they had installed the barricade—a group of police officers entered the offices without permission and began harassing FREDEMI activists. Ever since then, the corrugated metal gates were kept securely locked.

The tense atmosphere inside was not at first apparent. Protesters from the day before gathered in one of the three cement-block rooms that houses FREDEMI's offices. Some sat at the small desks, originally intended for school children. Others gathered around a whiteboard, which still displayed the contact information for a radio trainer who had come in January, when the members of FREDEMI had been hopeful and excited about their new communications platform. They spoke quietly with a woman from UDEFEGUA, who made lists and diagrams. A pad of poster paper on the easel next to her was covered in one-line statements from the protesters.

The atmosphere was restrained, but intense. People's emotions ranged from scared and nervous to angry and indignant, but they rarely raised their voices. There was still confusion over what happened and why, and some people tried to assign blame. "They abandoned us, tossed us aside," Carla lamented. "When the time came, none of them were there like they said they'd be. Juan [another of the three primary community organizers] personally invited them, but no one showed up to support us." She was referring to the regional networks of human rights

organizations, environmental activists, and social movements for indigenous autonomy, almost none of whom came to support the protesters. Jorge, a man from the Catholic diocese's environmental pastoral program and one of the two outsiders who had come to the protest in the morning, replied, "Here we are fighting between brothers, and who benefits? *La empresa* [the company]."

The mining company had already issued their own version of events, via English and Spanish announcements on their website. They claimed that the quick reporting and response of the human rights organizations the night before was evidence that they had planned the protest from the beginning in order to incite discord in the community, reiterating their oft-used argument that mining opposition is fueled primarily by outsiders. The former captors denounced the protesters in a formal community *acta*, which was scanned and posted online with the company's press release. They accused the protesters of infanticide, saying that they had detained a woman with a seriously ill baby, refusing to let her take the child to the hospital. The baby later died at home. They also demanded money from the protesters as reparations for damages caused during the march, including supposed theft and damage to public property.
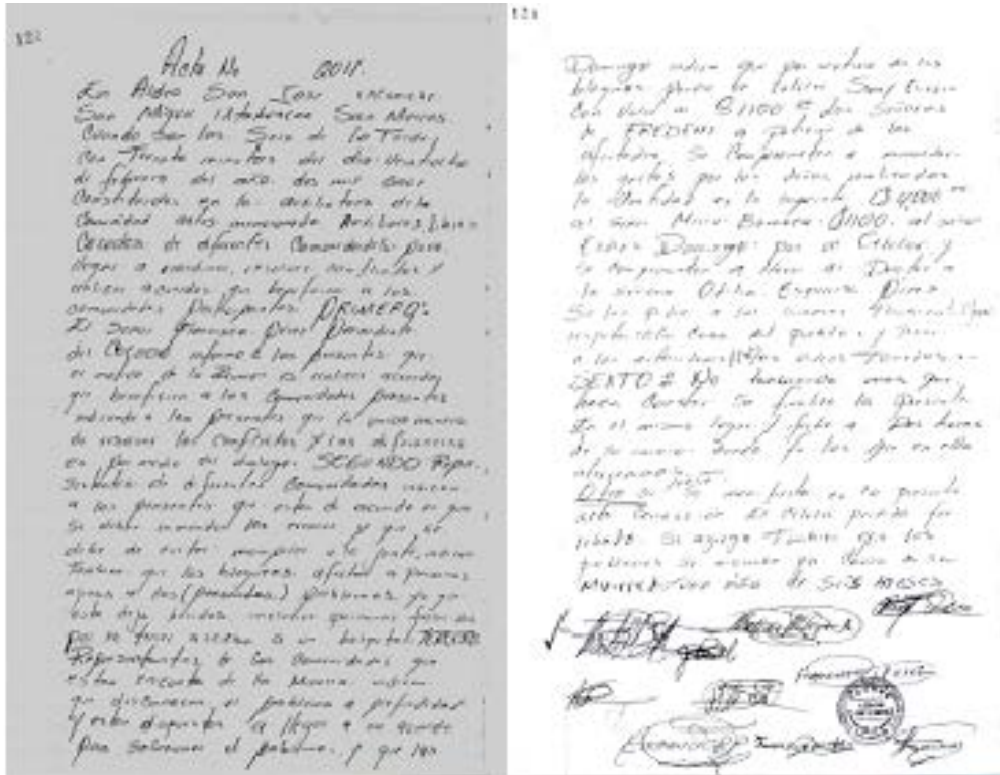
Figure 12 An *acta* is an official community (municipal or village) document, handwritten in the community record book and signed or fingerprinted by all officials who witness its writing. This *acta* was scanned and posted to the mining company's website, as well as distributed in a letter to "concerned shareholders." 2011.

These are serious accusations, and the facilitator from UDEFEGUA suggested that the community write a *denuncia* against the opposition—an official document denouncing what the opposition did to the protesters. There are two ways they could go about this, she explained: an administrative *denuncia* would be a document that they send to interested parties, including the Ministry of Energy and Mining, the mayor of San Miguel Ixtahuacán, and the individual members of the opposition, but which would carry no legal weight. The second option would be to file a judicial *denuncia* with the Public Ministry and the Justice Department, which would lead to an investigation and hearing. Andrés expressed concern about including the names of individuals in the *denuncia*, reminding everyone that the people they were denouncing were

dangerous. Jorge pointed out that the Ministerio Publico (Public Ministry) would have to know the names of individuals for their investigation—it's no use hiding now. A woman in *traje* representing Tzununija, the capital-based women's rights organization, announced that her organization would support the *denuncia*, and would help to write it collaboratively, based in international legal accords. The audience agreed that this would be the best method; not only would it prevent retaliation against individual protesters for speaking out, but it would also counteract the divisive strategies employed by the mining company.

Over the course of the afternoon, eleven community members and three NGO collaborators pieced together the previous day's events through the process of writing the *denuncia*. As the writing progressed, Juan became more and more restless. At one point, he abruptly left the room while others continued to work on the document. He returned a few moments later and announced that he had spoken with the international NGO representatives, and they wanted a more complete *denuncia* than the one the group was creating. The Guatemalan NGO collaborators protested that a more complete *denuncia* would be a *comunicado*—an announcement similar to a press release. The document they were working on now followed a legally defined structure, and had to fill certain requirements that a *communicado* did not. Individual recollections—Juan's assertion that a young man with an earring was *molestando* (annoying) people just before the violence began, or Andrés's insistence that the protesters were perfectly willing to let a man with a broken leg through the blockade to seek medical help, for example—were gradually absorbed into the unified narrative structure required by the group's *denuncia*.
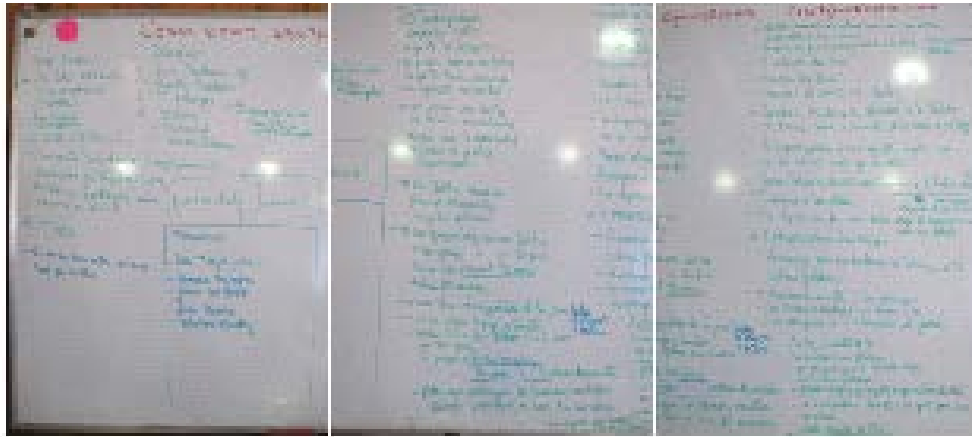
Figure 13 Creating the narrative of the events of 28 February 2011 was a process involving extensive diagramming, discussion, and sharing testimony. The lists of names, stolen items, quotes, and events on these boards was eventually distilled into a press release that was circulated to international allies. Credit: K. Fultz 2011.

Diagramming—creating pictures and charts that represented people's individual testimonies— was an important part of the process of collaboration and corroboration. Miguel, an employee from UDEFEGUA, carefully mapped out the events as protesters recalled them, using two different colors of marker to distinguish between the testimonies of people in two different vehicles. Arrows and squares represented the routes of the vehicles. He commented to me later, "It's really important in a community like this to use pictures—it makes it so much clearer." In a different community where he had done something similar, participants had been so enthusiastic about their diagram that they decided to paint it on a wall in the municipal center to immortalize the events it represented. By "a community like this," Miguel meant a place where literacy rates varied significantly, and thus not everyone was comfortable reading or writing narrative accounts.
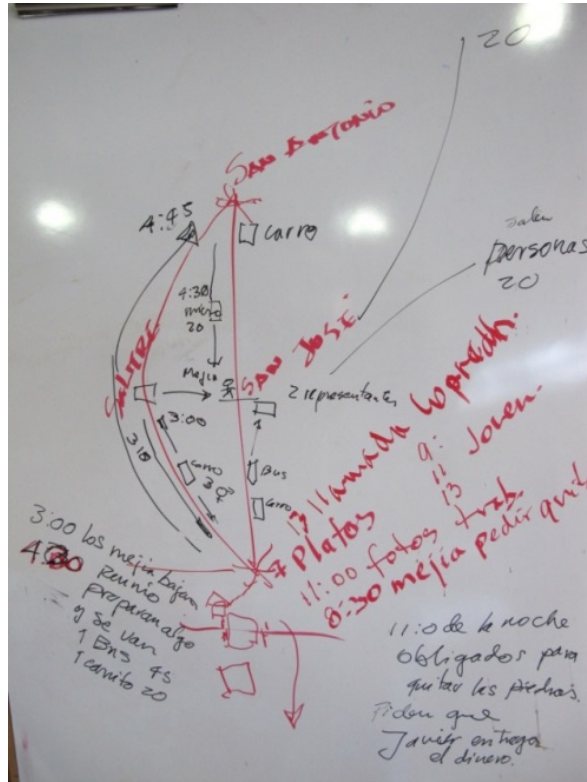
Figure 14 Diagramming the events of 28 February 2011 in San Miguel Ixtahuacan. Credit: K. Fultz 2011.

During a break from diagramming, I pulled Juan aside and asked him to tell me in his own words what had happened. He had not been detained after the road block, but had been named by the captors as one of the principal offenders, and was vocally participating in the debriefing. Wendy, the Canadian human rights activist, took notes for her organization's later report. What Juan told me is as follows:

The protest had set up roadblocks in San Antonio and Siete Platos. San Jose and Salitre sat between those two villages, on two different roads. They chose those places for roadblocks because those were the roads that workers from other departments used to access the mine. Around 9am, a young man with an earring showed up and was generally irritating the protesters. He was not associated with the mining company, but was known to be a delinquent and possibly associated with a gang. He showed up again at 11am and 1pm. Also around 11am, some of the

mining employees came around and started taking pictures of the protesters. The protesters asked them to leave, and they did. At 1pm, Juan called the authorities to report the young man with the earring.

Things continued peacefully until around 3pm, when people from the Morales family came down to Siete Platos from Salitre. The Morales family is known to do contract work for the mining company, renting out their pickup trucks and transporting goods and people. They have had a tense relationship with FREDEMI from the beginning. At this point, the protesters decided to head home. In one bus there were 45 people, and a van held another 20 people. The van tried to pass through Salitre, but there was another car blocking the road so they turned back to Siete Platos. They turned around again after 10 minutes, and retraced their route to find that the offending car was gone. They continued on to San Antonio. A different car full of protesters returned to San Antonio, and the protesters reunited there around 4:30. That's when they got a call that their *compas* in San Jose were being threatened, and that Marco Antonio was being detained. Andrés decided to return to help. When yet another bus and car tried to leave Siete Platos, they were blocked in San José. The people blocking the bus were armed with clubs and sticks, and by some reports guns and rifles; a group of people from the bus made a run for the mountains. About 60 people total were detained, including Andrés and Marco Antonio. They were singled out as the leaders, and forced to sign an official *acta* in San José saying that they would never set foot in the communities again, under threat of death. At 8:30 PM, the Morales family made the detained people return to Siete Platos and remove the road block. Protesters say that the rocks they found there had been placed by others, and were much larger than the ones they had used during the protest. At this time, the Morales family also demanded money from

Juan for the death of a baby, a missing cell phone, and a missing camera. Since Juan was not

among the detainees, the other protesters were allowed to leave.

Juan's position as lead community organizer granted him a certain measure of authority

under most circumstances, and often allowed him to make his voice heard above the others. Yet,

because he was not present during the detention of other protesters, nearly all of the details that

concerned him personally were excluded from the final narratives of the protest. Although they

varied from organization to organization (and some were not made public), final reports reflected

a collective, first-hand perspective of the situation. One that circulated internationally was

Amnesty International's Urgent Action, published on their website and distributed to email

listserves on March 3. The text is as follows (translated from original Spanish, with names

changed, emphasis in original):

> **On February 28, the demonstrators who protested against Marlin mine, in**
>
> **the southwest of Guatemala, were attacked. One of them, [Andrés], was**
>
> **taken to the mayor's office where, apparently, he was beaten and threatened**
>
> **with death for protesting against the mine.**
>
> On February 28, 200 members of the communities of the municipality of San
>
> Miguel Ixtahuacan protested because the Guatemalan State has not suspended the
>
> extractive activities in Marlin mine, in the municipality of San Miguel Ixtahuacan,
>
> department of San Marcos, in the southwest of Guatemala. The activities continue
>
> in Marlin mine, property of Montana Exploradora de Guatemala, S.A.—wholly-
>
> owned subsidiary of [the mining company]—despite the fact that the
>
> Interamerican Comission on Human Rights ordered that it be suspended until the

effects of the mine on the local indigenous communities were adequately

evaluated.

The protests, organized by the Miguelese Defense Front (FREDEMI), lasted 12

hours. When the protesters left, the bus on which they were travelling was

intercepted by some men who obligated them to disembark from the vehicle, beat

them, and robbed them. They separated some of them from the group and

attacked them individually. The attackers separated [Marco Antonio], for whom

the Interamerican Comission has requested protection from the Guatemalan

government, and [Andrés]. The latter, according to reports, was taken to the local

mayor's office, where they hit him in the face, robbed his [identifying] documents

and belongings and threatened him with death. Others suffered grave injuries,

such as [name], who had to be hospitalized because of a lesion he suffered from

being beaten with a firearm.

While the initial reports during the night before were contradictory and confusing, with

multiple versions circulating in phone calls and emails, the meeting led to the creation of a

comprehensible and cohesive story. It is logical, progressive, and has a clear solution—judicial

action against the captors. Internal strife—Carla's anger at being "tossed aside" by solidarity

groups, or Juan's implication that he was the primary target despite not being present—is erased.

The meeting was a way for people to sort through the events of February 28th and to find a

collective solution, but it is also allows participants a chance to make sense of a confusing

situation in the context of their previously lived experiences. The final report, furthermore,

reduces the events to a few sentences, fitting them in to a grander narrative about government and corporate malfeasance versus community resistance.

FREDEMI, the organization that planned and led the protest, never issued a formal public narrative of events. In addition to collaboratively writing the *denuncia*, which they submitted to the Procuraduría de Derechos Humanos (Human Rights Ombudsman) but did not circulate publicly, they chose to refute point-by-point to the accusations of the mining company in a press release that also outlined their broader demands against the Guatemalan government and mining company. This detail initially struck me as strange given the group's focused concern with getting the sequence of events "right" in their debriefing meeting, and subsequently repeated references to the protest in individual testimonies given on later dates. However, ceding the narrative voice to international allies and engaging the mining company on other issues has its own strategic benefits. One of the mining company's first accusations was that international NGOs were in fact the organizers of the protest, rather than local activists. By choosing to directly engage the correspondence of the mining company, FREDEMI activists reclaimed some of the agency the company attempted to strip from them. Their international allies, meanwhile, circulated the narrative in the public sphere in order to build a coalition of supporters; had FREDEMI sought these supporters themselves, it may have come across as begging for help, reinforcing the perception that they were not acting of their own accord in the protest.

It is also worth mentioning that the collaborative narrative produced in the meeting is not filled with 'untruths,' but rather it reflects a unified whole that benefitted from the input of various individuals who had unique perspectives on the events that unfolded. The narrative produced is imbued with greater epistemic authority (see also Billingsley 2014) than any

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individual's account—a circumstance that enables the group to gain the confidence necessary to submit their account in a public form as a *denuncia* and to seek legal reparations.

Community gatherings like the post-protest debriefing are frequently used to compare notes on peoples' experiences around mining issues and reiterate the group's unity. Collaboration allows people to create a unified narrative with which to face an opposing force, in this case, the mining company and other community members. Rather than defining anti-mining discourse, events such as this one are part of a continual process of interpreting and distilling information that is then re-written into a unified narrative.

The Community Communications Meeting

A month and a half after the fateful protest, I was back in San Miguel for a community communications meeting with the same human rights monitoring organization that debriefed the protesters in March. Francesca and Imelda—the two international observers—a visitor from Colombia, and I sat at tiny desks in the same room used for the debriefing at FREDEMI's offices.

The communications group that met that day was established as an emergency phone-tree for the community. UDEFEGUA provides 2-way radios in case people's cell phones don't work. On the night of February 28, a member of this phone tree was able to alert employees of UDEFEGUA to the conflicts between protesters and other community, allowing the NGO to quickly organize the debriefing for the following morning. The group meeting that day was much smaller than the one at the debriefing—ten men and one woman from different villages around San Miguel, and the young female coordinator from UDEFEGUA. Although the

coordinator is from a nearby municipality and speaks Mam, she directed the meeting in Spanish for the benefit of the foreign observers.

The coordinator interrupted the group's earnest discussion about the lifecycle of a parasite to begin the meeting. "What is a *red* [net/work]?" She asked. "You use it to catch fish," answered one audience member, "It's made with threads, it's woven." The coordinator drew a diagram of a *red,* both a net and a network, on the board. There were circles representing nodes—these are the individuals in the communications group, she explains. And these threads that connect them, that weave the *red* together, that's how information travels in a community. Better communications allow us to strengthen the *red*, and in turn, strengthen our opposition to mining.

"Would anyone like to share an incident that has happened to them?" She passed around notecards to the group so that they could write down any threats, intimidations, or physical violence they had experienced recently. The group was completely silent for the first time that morning as individuals recorded their experiences on the notecards.

Meetings such as these are ways for community members to sort through confusing and otherwise unexplainable events and determine what information is worth holding on to and what should be disregarded. The narratives provided by anti-mining activists are shaped in large part by their situation. As Kim Fortun explains in her analysis of people's responses to the Union Carbide toxic gas disaster in Bhopal, India, "If citizens are irrational, it is because they are responding to an irrational context" (2001:13). Thus, even the most mundane occurrence can become a potential threat in an environment of fear and (often justified) paranoia. Linda Green (1994) discusses the pervasive and ubiquitous fear of living in the Guatemalan military state in the 1980s. She writes that "the mundane experience of chronic fear wears down one's sensibility to it. The routinization of fear undermines one's confidence in interpreting the world" (230).

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Marco Antonio, who had been badly beaten up during the incident on February 28, laughed nervously as he gets up to retrieve more notecards. After several minutes, the coordinator invited volunteers to speak to the group. Marco Antonio volunteered first, and indeed had a handful of notecards. He thanked the foreigners for "watching over" the community, and proceeded to describe the series of events he had experienced over the course of his anti-mining activism: There was, of course, the incident on February 28 in which he suffered bruises on his face and much of his body. He needed injections and had to take medicine afterwards, and his wife had to take medication for *nervios*. He called the police for help, and they told him it was his problem. Now people associated with the mining company are constantly monitoring (*monitoreando*) him wherever he goes. A motorcycle recently drove by his house, and the rider started shooting a block away. He was certain that this was meant to intimidate him.

One man in the meeting was unsure of the severity of his incident, and turned to the audience for their input. "There was one time, when I was walking along the side of the road, and a taxi approached from the other direction. It was in the wrong lane, and it swerved, and it almost hit me. I think it was trying to run me down, because of my anti-mining activity. But the driver may have been drunk." The audience unanimously decided that the swerving car was likely targeting him because of his anti-mining activity.

At an earlier meeting of all women, one participant described feeling the ground shake at night. She could hear machines working, and was sure that the mining company was tunneling under her house to expand their operations. Fellow participants couldn't confirm or deny her fears, but being able to express them in the group allowed her to voice her fears to an empathetic audience. The rumor about underground tunnels is often repeated, and has been featured in testimonies elsewhere as well. In an interview with *Nuestro Diario* and other press, featured in

the documentary film *El Negocio del Oro en Guatemala: Cronica de un conflicto anunciado*, Catalina provides the following testimony (translation mine):

> I am affected by the mining company. The truth is that we are witnesses to what
> has happened. Our wells, our water sources have dried up because of the
> perforation, because of the tunnel, and also because they use water to wash the
> gold, where they have a mechanical well to take the water directly to the
> company. For that reason, we have been left without sources of water. We are
> really very preoccupied and sometimes to the point that we cry because what are
> we going to drink then? Okay for the mining company because they drink purified
> [bottled] water, in contrast we live off of the springs and it's very preoccupying
> for us, well, that the company doesn't respect our rights. We've claimed [our
> rights] and they never respond. And the other problem here is the cracked houses.
> There are more than 120 cracked houses.[80]

Rumors about tunnels under the local houses, or malicious drivers along the road, are attempts to explain uncommon or frightening events in the local context. Such rumors also abound about other issues that seem to not "fit" with what people already know. Many people suggested that North Americans only came to Guatemala to mine because they had already extracted all of the gold in their own countries. Even eco-friendly management initiatives such as forestry projects generate speculation. One woman working as a secretary at a community vote said of the numerous reforestation projects around the highlands, "North Americans have polluted air, so they come here to plant trees and siphon all the fresh air up to their country." These rumors, although they may seem irrational in other contexts, are shaped by the experiences of the people who repeat them. They reflect local understandings of a given situation, and are a real aspect of

people's lives both in the sense that they are understood to be true and in the sense that they impact how people perceive and act upon the world. To that extent, rumors about the negative effects of mining are a part of testimonial narratives and thus contain testimonial elements in themselves. I argue that rumors are "proto-testimonies;" as they go through the process of sharing, vetting, confirmation, and circulation among community members they become less and less distinguishable from testimony. This is not to say that testimony is equivalent to rumor, but rather that both reflect the experience of fear to which people are subject.

The prevalence of such rumors—and more importantly, the fact that people take them seriously—unsettles the divide between "emotional" experience and "rational" evidence that the Guatemalan government and the mining company continually try to maintain in discussions about mining. Such a distinction characterizes anti-mining activists as irrational, discrediting their voices. Detractors criticize the emotional and fear-based descriptions as not being "proof" enough of wrongdoing. Similarly, Tate describes the critical reaction of a US-based policymaker to a Colombian activist's emotional recounting of the kidnapping and subsequent disappearance of her four daughters by the Colombian military:

> [Her] emotion as she tearfully recounted once again the disappearance of her daughters was a distraction from a concise analysis of the larger histories of violence. In his dismissive body language and comments, the staffer clearly signaled he viewed the accounts of suffering as obscuring the required analysis and as delegitimizing the speakers. (2013:64)

Accounts that lack figures and statistics, or cannot be verified through blood tests and water samples are easily dismissed by higher-ups in the corporation or government bureaucrats pressed for time. But how do you quantify the affective qualities of fear?

Conclusion

Exchanges of people's experiences of mining transgress certain boundaries within common conceptions of narrative and knowledge production. While courtroom testimonies have a clearly defined author (the speaker who has sworn to the veracity of his or her account) and audience (the judge and jury), the testimonies of mining-affected people transgress the divide between "author" and "audience." The rumors related above gain credence as they are shared between multiple community members; through these exchanges, each participant subtly alters the rumor to fit his or her worldview (see also Scott 1990). At any given point in time, therefore, a rumor has multiple "authors." Individual testimonies may also incorporate perspectives or anecdotes other than just the first-hand experience of the speaker. People in San Miguel who live relatively far from the mine, and have not suffered illness or other injury, often describe dry wells, failed harvests, and cracked houses as having happened to "us." The testimonies provided after the failed protest in February were collectively gathered and disseminated. On the other hand, a single person's experience with the mining company—being fired or harassed, for example, as in Simón's testimony—also comes to stand for the experiences of all mining-affected people. Literary *testimonio* collectively incorporates aspects of many individual experiences to represent a broader truth, much like the processes of vetting rumors and corroborating events serve to create a unified narrative of people's experiences with mining.

Testimonies play an important role in opposition to mining projects in Guatemala, not only building networks of sympathetic (or empathetic, as the case may be) supporters but also serving as a way for community members to sort through and reconcile themselves with a disturbing social context. Official regimes of truth cast doubt on community members' experiences, creating an environment of ambiguity and distrust. Through the collaborative production of these narratives, however, community members are able to contest this doubt and produce their own certainty based on a bricolage of rumor, first-hand experience, and shared testimony. While the informal testimonies I share here are largely excluded from the official records that comprise authoritative understandings of mining, they circulate among activist blogs, Facebook posts, and via word of mouth. In some cases, such as the one I will discuss in the following chapter, their circulation through transnational activist networks allows them to challenge the dominance of narratives offered by the government and mining company. This challenge forces the government and mining company to respond when they otherwise would have preferred to leave community narratives in doubt.

Chapter 5 Mediating Mining Conflicts: Translating experiences across media forms

Figure 15: Image originally featured on NGO Rights Action's website in a photo essay about the health impacts of Marlin mine. Credit: Rights Action 2009.

Introduction

In the previous chapter, I examined the ways that community members affected by mining collectively make sense of troubling information in order to craft coherent narratives of their experiences and create certainty out of ambiguous situations. Often dismissed as rumors, these narratives share many elements with *testimonio* literature. They are usually presented as first-hand accounts, though their origins are not always possible to verify. The narratives produced collectively by people in San Miguel Ixtahuacán and Sipakapa are a way of making sense of information that is confusing or troublesome—of translating uncertain information into meaningful narratives about mining and ultimately of challenging the accounts promoted by the state and mining company.

In this chapter, I examine the mediated production of community members' narratives, their translation into other communicative forms, and the diverse effects of these different media forms in the context of the economy of representation of mining in Guatemala. While *testimonio* generally takes the form of oral or written narratives, accounts of mining impacts are often translated into multiple genres and subgenres, including photographs, video, and interactive digital genres. A single narrative may take several different shapes as it is adopted by new people and converted into a new form. These translations are not unidirectional, and often involve multiple stages and levels.

I examine the ways that claims about skin ailments are refracted through corporate- and government-produced media, including videos and other digital media, and how those media connect to studies, cases, and formal communication among communities, businesses, and states or international organizations. As an example, I trace the transformation of a claim made by community members—that of the "boils that won't heal" which were caused by polluted water in Sipakapa and San Miguel Ixtahuacán—through its various iterations as a piece of oral testimony, a photo essay, a column on a mainstream international news website, a public health report, an element of a Wikipedia page, the subject of Facebook posts, and its adoption as supporting evidence for claims about mining in unrelated cases in other countries such as Thailand. Through its production, circulation, interpretation, and redeployment, this image brought into being a wide and varied audience that viewed it as representative of "mining in Guatemala." Its circulation inspired the production of related media such as the Wikipedia page about the mining conflict. Further, it prompted a public health study of the effects of mining on community members, which figured prominently in a case on Marlin mine in the Inter-American Commission on Human Rights. The image gained such significance within debates that it forced

mining company and government officials to respond within the frame it established, when they otherwise would have preferred to ignore the claims.

Defining media genres

Mixed media

Building on my discussions of aesthetics and documentary practices in Chapter 4, and truth and genre in Chapter 5, in this chapter I will explore the shifting impact and significance of a particular piece of visual media as it travels and is placed into new contexts by different participants. I follow a single photograph, which depicts a claim about mining made by community members as it is taken up in different media outlets and impacts how people think about and talk about mining in Guatemala. This photograph, much like the oral testimonies discussed in the previous chapter, is a concrete representation of a particular idea. It follows certain aesthetic conventions associated with other visual media, which remain relatively stable as they travel; as such, it can be thought of as a kind of "visual utterance," analogous to Bakhtin's speech utterances (1986:78).

The way viewers interpret an utterance—visual or otherwise—depends largely on how they categorize it, whether consciously or not. Following Bakhtin (1986), these categories may be implicit or explicit, and depend on a number of characteristics including aesthetic properties, content, and context. The context in which the utterance is found, furthermore, impacts the aesthetics and content of the item, with certain conventions associated with certain contexts and not others. For example, in a newspaper, a glossy, brightly-colored full-page photograph accompanied by minimal text might (correctly) be interpreted as an advertisement, while a

dimly-lit, smaller image surrounded by multiple paragraphs of text is more likely a news image. Within the single context of a newspaper, there are multiple other contexts that require media objects to follow a variety of aesthetic and stylistic conventions in order to be comprehensible to readers in that context. As media objects travel, the audience's perception of them shifts to conform to the expectations they have of media in their present context.

Thus, following Karen Strassler's (2010) proposal, we might examine this photograph based on its genre or, as is the case here, various genres. Photographic genres are the frames through which people make sense of photographic images. Strassler explains, "What becomes clear from the analysis of genres is how each form of photographic practice organizes and molds the more or less stable material properties of the technology to different ends" (2010:19). For example, audiences understand that images featured in advertisements are trying to sell them something, and thus have motives other than simply conveying information. On the other hand, images published in news outlets may be interpreted as being more straightforward or trustworthy, as intended to be informative above all else. Strassler states, "…photographic images operate in different registers, circulating in the public sphere as political symbols while also mediating an intimate realm of personal affiliations, memories, and sentiments" (2010:xiv). Like Strassler, I wish to call attention to the social lives of images (Appadurai 1986), and point to elements of what we might term the "technical lives" of images. The exchange of images through different media forms mediates the sphere of communication about mining conflicts, with demonstrable impacts on the ways that mining projects are debated and even regulated.

Changing technologies for the production, circulation, and transformation of images have dramatically altered the ways and scale at which they can be articulated with the lived social circumstances of mining. The translation of analog media into digital forms, creating "digitized"

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media, allows for other users to quickly rearticulate such objects for different purposes, "refracting" the meaning intended by the authors (Bakhtin 1981, see also Strassler 2010, de Certeau 1984:xiii). For example, activists post photographs of mining company billboards and excerpts from mass media on their websites and blogs. Readers leave scathing comments in response to digital newspaper articles, or provide further details that went unreported by the original journalist. Digitized media allow for the embedding of multiple types of media objects, one inside the other, creating an intertextual relationship that complicates questions of authorship and message. Readers make associations with multiple media contexts at once, creating a complex genre that may have multiple, and perhaps ambiguous, interpretations (see also Briggs and Bauman 1992; Hanks 1987; Bakhtin 1986 [1979]).

On the other hand, Riles (2000) argues that the aesthetics of documents can point to the layers of network through which the information has traveled; through these layered patterns and designs, documents create their own social contexts (21). While the context of a media object requires it to conform to certain conventions, the aesthetic conventions of the media object also shape its social context. Thus, regardless of the number of times or ways that a media object is decontextualized and recontextualized, its material and aesthetic qualities always provide a certain amount of stable entextualization (see also Briggs and Bauman 1992, Gal and Woolard 2001:8, Pitarch 2008). These qualities are "generic features [that] foreground the status of utterances as recontextualizations of prior discourse. Even when the content of the discourse lacks a clear textual precedent, generic intertextuality points to the role of recontextualization at the level of discourse production and reception" (Briggs and Bauman 1992:148).

Rather than emphasize the differences between "digital," "analog," and "digitized" media, however, I wish to call attention to the fluidity of these categories and the genres they

encompass. As Patricia Spyer and Mary Margaret Steedly point out, "all media are, of course, always and already mixed media" (2013:29). An image's message is understood in relation to its context and the media that surround it, such as explanatory text; videos include not only images but language and other sound effects. In order to analyze a media object such as the photograph featured in this chapter, it is necessary to consider the intertextual relationships between not only the photograph in question and other related images, but also between the photograph and the other media that surrounds it.

Furthermore, genres generally thought of as being either analog or digital are often on the cusp of becoming the other. Newspaper articles are simultaneously published on websites as well as in print; even printed columns may end up scanned and posted on an individual's blog, while digital publications may very well be printed from a personal computer and distributed during face-to-face encounters. Placing emphasis on this fluidity is not meant to elide the differences between media objects that exist in digital form and those that exist in print, but rather to point out how these modes of existence are waypoints in a process of circulation. To that end, I emphasize the ways that images, texts, and ideas "*take place* in wider worlds and with the role they play in 'poetic world-making' projects and political transformations" (Spyer and Steedly 2013:8). The ways that media objects travel—and subsequently how media objects and perceptions of them change—are indicative of the ways that people put such communicative tools to use to serve individual or collective ends.

Images that Move

Although I discuss a variety of media objects in this chapter, it is noteworthy that each example can be traced back to one particular photograph associated with claims community members in San Miguel Ixtahuacán have made against Marlin mine. Images are fundamentally different from

textual or linguistic forms of media, although they exist in constant conversation with them. A photograph "points" to the existence of a particular object; that the object exists outside of the photograph is required for its production (Barthes 1980, Sontag 2003). Photographs are thus generally imagined to have a causal relationship with their subjects—the existence of the subject *in real life* causes the creation of the photograph. This is often true given the mechanics of cameras (an object reflects light, which is then recorded on the camera's sensors or light-sensitive paper).

Kajri Jain (2007) emphasizes both the material existence of images as well as the circuits of reproduction and dissemination through which audiences engage them in social relationships. While the networks of exchange through which images travel are important to the discussion here, it is equally important to emphasize that "images that move" also refers also to movement in an affective sense. An image, as Spyer and Steedly explain, is "always more than what can be said—or written—about it" (2013:14). Images that move people influence them on an emotional level, inspiring them to feel, believe, or act in a particular way that may or may not be possible to express in verbal or written media.[81]

In *On Seduction* (1979), Jean Baudrillard posits a tension between the "seductive" qualities of discourse and analysts' attempts at "interpretation." The seductive qualities of an image play on its surface appearance. Baudrillard explains that "all appearances conspire to combat meaning, to uproot meaning, whether intentional or not, and to convert it into a game" (153). The appearance of an image is what first draws a viewer's attention and generates an emotional reaction. The seductive qualities of an image are directly linked to its affective impact.

Attempts at interpretation, on the other hand, are based on the inherent suspicion that there is something more to an image, a hidden truth that can be reasoned out. This suspicion leads to

efforts to match signs (the appearance of an image) to signifiers (what the appearance stands for) in order to reveal the true meaning behind it. Baudrillard states, "every interpretive discourse wants to get beyond appearances; this is its illusion and fraud" (153). The interpretive framework that Baudrillard critiques creates a binary between what viewers of an image see (the straightforward representation of a fact), and what the "real meaning" of the image is (the fear that it might *really* mean something else altogether). As the image in question travels and is republished in new venues, its seductive qualities perpetuate its circulation, while attempts to interpret it create collections of tangentially related documents and audience members.

Baudrillard elaborates on his critique of interpretation in *Simulacra and Simulations* (1981). He argues that because all images are simulacra, and simulacra have no "ground" but themselves, there is no distinction between the object (in this case, a photograph) and what it represents. Because there is no distinction, it is not possible to interpret any "true" meaning behind the photograph. Following on his discussion of an image's seductive qualities, therefore, the meaning of the photograph *is the same as* its seductive, affective impact. This leads Baudrillard to the concept of "hyperreality," in which the world is filled with self-referential signs that are more real than the real. Examples include TV news that is created simply for the sake of its own narration, soap operas that shape audiences' perceptions of everyday life, or airbrushed photographs whose alterations are undetectable by everyday viewers. In Baudrillard's formulation of the "hyperreal," mediated communications both reflect reality and substitute for it; they never simply represent, but also put forth their own version of reality.

Susan Sontag (2003), in her discussion of photographs of the Spanish civil war (and critique of Virginia Woolf's presentation of them), presents yet another way to think about this tension between photographs' seeming facticity and their possible hidden messages. Photographs require

both machine and human to produce; this cyborgian combination means that photographs are "a record of the real—incontrovertible, as no verbal account, however impartial, could be—since a machine was doing the recording. And they bore witness to the real—since a person had been there to take them" (2003:26, see also Barthes 1980). Furthermore, this combination "allows photographs to be both objective record and personal testimony, both a faithful copy or transcription of an actual moment of reality and an interpretation of that reality"—a quality that Sontag notes "literature" has never been able to attain, yet I would argue is exactly the quality that makes *testimonio* literature both so compelling and confounding.

The duality of transcription and interpretation comes into tension in Kajri Jain's (2007) discussion of images' role in politics. She explains, "…the default mode of critical thinking about the role of images in social and political change has tended to be a juridical one […] that often fails to do justice to the *work* of the image" (Jain 2007:10, emphasis mine). Within a juridical frame, the image serves as either evidence (and can be judged as either real or fake) or witness (and can be judged as either true or false). This frame relies on a positivist formation of knowledge that privileges the authority of visual evidence, but at the same time depends on a platonic notion of mimesis that inherently mistrusts the real-ness of images (Jain 2007:12). That is to say, the image is simultaneously believed to be a representation of a fact—or that it *should* be such—as well as feared to be a falsification. In Sontag's terminology, the viewer comes to fear that the testimony—an account subject to an individual's interpretation—outweighs the mechanical transcription made by the camera.

The "work" of the image takes place outside of this binary and goes beyond whether it can be verified as original, accurate, or factual. In discussing the proliferation of images that supposedly documented Osama bin Laden's death on the Internet, for example, Spyer and Steedly argue, "It

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hardly matters… whether the images in circulation were the ostensibly suppressed originals...

What does matter is the affective potency of the image, which is one among other crucial components that enable it to circulate, spreading virally, bringing into being new and unexpected publics in the process, reinforcing older ones, and indeed contributing to the dissolution of others" (2013:28). Such is the case in the images of people's experiences with mining in Guatemala that I discuss here. While the calls for health and environmental investigations that they have sparked are important, in the end it does not matter whether such studies confirm the claims made through them. What is significant is that, through the production, circulation, and interpretation of these images, as well as the responses to them, anti-mining activists in Guatemala have been able to reshape the terms of debate about mining in general, and Marlin mine in particular.

Media that Sticks

Yet some of the most enduring media about mining have a comparatively limited scope of circulation. In Sipakapa during June 2008, the town center was decked out with banners reiterating the community's rejection of mining licenses for the fourth anniversary of their *consulta comunitaria*. The cultural center on the edge of town had hung an enormous banner reading "*Sipakapa no se vende*" (Sipakapa is not for sale) across their entrance. Along with these banners, the Comisión Pastoral Paz y Ecología (COPAE) distributed stickers featuring images of Marlin mine's open pit and the same slogan. The stickers ended up on the windows of buses and businesses, including the local cultural center. When I returned in 2009, however, the banners were gone. A young man at the cultural center informed me that they didn't participate in "those activities" anymore, and someone had painstakingly tried to scrape the sticker off of the front window. A shadow of adhesive film remained, however, as did bits and pieces of the stickers on

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the windows of the buses that traveled in a loop from the town center to the outlying villages. Although the image is gone, the impression of it—and what it meant—remains. Likewise, although the photograph referenced here is not present in every response to it, shadows of it are still evident in the other media it has inspired, including a public health report published by Physicians for Human Rights, the Wikipedia article about the mine, YouTube videos produced by the mining company, and the corporate blog responding to community members' claims about water pollution caused by the mine. It is this "sticky," seductive quality—the image's affect, or intensity of emotion that it evokes—that leads audiences to remember and reiterate it in so many different contexts. Spyer and Steedly, quoting Deleuze, explain that "it is not something already known, a codification of information, but rather is something that creates 'impressions which force us to look, encounters which force us to interpret, expressions which force us to think'" (2013:27). Although a far cry from images of war or violence, the subject is not an everyday one, especially for the photo essay's target audience in North America and Europe, and therefore has the impact of shock.

Yet Sontag cautions that simply viewing images of violence—and experiencing their seductive qualities—is not enough to convince audiences to put a stop to the atrocities of war (2003). In fact, living in a world so saturated with images of violence can actually have the opposite effect, leading to apathy. Ultimately, "Such images cannot be more than an invitation to pay attention, to reflect, to learn, to examine the rationalizations for mass suffering offered by established powers" (Sontag 2003:117). Nevertheless, images of violence have indeed had positive "real-world" impacts that extend beyond the shock and awe—or even careful contemplation—they inspire in their viewers. The "work" of the image to which Jain refers is the way that images act on and influence the feelings and actions of their viewers, but also an

image's ability to bring new publics and audiences into existence through its circulation, which in turn have led to actions on the parts of audience members to make changes both to dominant discourse and politics.

The public sphere as Habermas describes it is a space in which any citizen may gather—regardless of social, political, or economic status—to debate issues and produce public discourse (1991). However, a "public sphere" is also the audience that inhabits that space, constituted by the exchange of ideas and discourse. Spyer and Steedly explain, "To put it somewhat differently, public discourse creates its subject-audience—'its public'—by acting as if that public already existed and then specifying its dimensions in a compelling manner" (2013:29). For example, Juris (2008) demonstrates how the exchange of emails and circulation of web-based media creates a functional space for anti-corporate activist organizing, despite a lack of a fixed physical location. Similarly, Jain examines Indian calendar art as "a network inscribed by reiterative flows of objects and people" in which images both create and simultaneously belong to multiple, often contradictory worlds (2007:24). The circulations of these media objects—emails, calendar art—create connections between the people who produce and consume them, providing a way for audiences to "stick together" without ever having to meet each other.

In the digital spaces where the images I examine in this chapter primarily circulate, this process of calling publics and worlds into being is more pronounced. The barriers to participation are relatively low as compared to mainstream news or—even more so—corporate and academic publications. One does not need to prove newsworthiness or a need for particular knowledge. Any potential author with access to the Internet (which is increasingly available via inexpensive sources such as Internet cafés, USB-drive mobile Wi-Fi hot spots, and cell phones) can easily share the media of their choice, whether they produced the originals or are re-

publishing the work of another person. Similarly, audiences have access to an unprecedented amount of information, often with a passable translation into their language of choice a click away.[82] This leads to a fundamental reshaping of the public sphere, in which space or even language are not necessarily shared. Instead of shared space or language, the digital publics called into being through the circulation of community members' claims share the experience of the image's affect.

"That Picture"
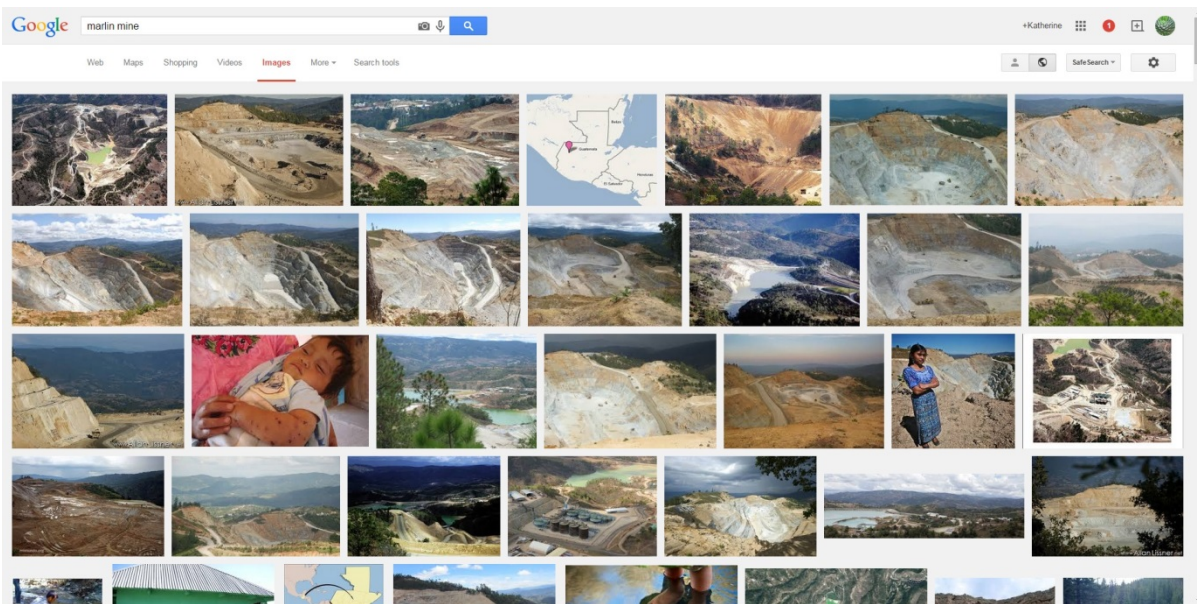
Figure 16: Google Image Search results for "Marlin mine," March 2015.

In January of 2012, a Google Image Search for "Marlin mine" would return unexpected results. Rather than the aerial views of the mining site that now predominate, or the cheerful photographs of the community development projects promoted on the mining company's website, the first image to show up was a photograph of an infant with an extensive skin rash, sleeping in the arms of his mother (Figure 10). Although no longer the first, this photograph is still in the top three

rows of images associated with Marlin mine in Google's search results (Figure 11). It is now

surrounded by photographs of the mine itself, standing out as the one image that does not include

the mining site within its frame. Its position among the aerial views of the mining site provides

the sort of context that the company's public relations officers have long tried to combat. Yet as

one scrolls through the images that Google associates with "Marlin mine," there are remarkably

few that were produced by the mining company; the carefully-crafted images of freshly planted

saplings, tomato seedlings, soaring birds or white tailed deer promoted as evidence of "corporate

social responsibility" don't appear until you begin to scroll further down the screen, if at all.

Instead, the viewer is invited to connect the image of the baby with the skin rash, protesters

holding anti-mining signs, and adobe houses with alarming cracks in the walls with the

surrounding photographs of the mine's open pit and tailings dam. This is because Google's

ranking algorithms generally privilege sites or images that have been linked to by "trusted"

websites, and the sites or images with higher numbers of external links get an extra boost

(Google 2015).

The photograph of the baby with the skin rash has both elements in its favor. Although

originally published on a comparatively low-traffic Canadian activist website, it was reposted on

BBC.com in 2009. From that "trusted" website it began to circulate, gathering more than twenty-

five appearances on other sites ranging from personal blogs to a trade union newsletter, with the

most current reposting occurring in 2013. Its recent dip in the results ranking may be due to its

age relative to the other results, with newer images having a higher priority. However, the

continued predominance of this image is illustrative of the ways that circulations of media

objects contribute to the production of a communicative sphere about mining in which certain

ideas gain prominence over others. Furthermore, its rank above the "official" images of the

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mining site—or above *any* image produced by the mining company—points to the possibility for grassroots communications to supersede the public relations finesse of powerful corporations—and change the terms of debate (see Benson and Kirsch 2010 for a discussion of such public relations finesse; see chapter 2 for a discussion of the ways Goldcorp frames this particular debate). In this section, I will examine how this image came to represent "mining in Guatemala" through its production, circulation, and interpretation. Through these processes, it contributed to the creation of an audience of people interested in mining issues. Furthermore, it helped establish the parameters of debate about mining in Guatemala, prompting people to ask certain questions over others and obliging the mining company to respond, which I discuss in further detail in the second half of the chapter.

Production

The photograph was originally featured on the website of Canadian activist organization Rights Action as part of a photo essay in Spanish and English that detailed the health hazards posed by Marlin mine. The photographer who originally captured the image of the baby with the skin rash is unknown. The photograph is variously attributed to Canadian human rights activists, an agronomist working for the Catholic diocese in Sipacapa, a doctor in San Miguel Ixtahuacán, and a teacher in San Miguel Ixtahuacán. No one, including the members of Rights Action who are given credit for having produced it, remembers who actually snapped the shutter. Nando, the Canadian activist based in Guatemala City, remembers that his camera was used because it was the highest quality option available. However, he insists that he was not the one to capture the image.

It was one of several disturbing pictures of people in San Miguel Ixtahuacán suffering from various ailments. In both the English and Spanish PDF versions of the essay, the image of the

baby with the skin rash occupies half of the cover page.[83] The essay begins by explaining that

two Canadian activists conducted twenty interviews in San Miguel Ixtahuacán between

December 2009 and January 2009, documenting "rashes, hair loss and other problems" that had

not been present in the area prior to the mine's arrival in 2004. The essay notes that what is going

on in Guatemala resembles observations the same activists made in a community near a

Goldcorp-owned mine in Honduras. Readers are invited to forward the essay and photographs

"far 'n' wide" to health professionals and people interested in investigating the claims made

(Rights Action 2009).

Interspersed throughout the text of the English PDF, often in the middle of a sentence, are

photographs of people with a variety of skin ailments, including welts, "itchy rashes," and

"iguana skin." Most of the images are of children, with the exception of the final set of

photographs which show an elderly man. The photographs are largely left to "speak" for

themselves, with minimal context provided. A typical sentence will begin with the name of the

person depicted in the photograph and a snippet of biographical information about them, such as

their age or the name of the village they live in. The photographs appear after an ellipse in the

sentence, interrupting the flow of words to provide a jarring visual elaboration on the verbal

description (Figure 12).

The images in the photo essay depict a common claim community members make against the

mining company: that people living near the mine suffer from "boils that won't heal." When

asked about the impacts of Marlin mine on their communities, residents of Sipacapa and San

Miguel Ixtahuacán invariably mention skin disease caused by water pollution attributed to the

mine. These claims are difficult to verify through empirical studies such as those discussed in

chapter two, but the images featured in the Rights Action photo essay perfectly embody these assertions. As such, they serve as visual *testimonios* to community members' experiences.

The images in the Rights Action photo essay are not as skillfully produced as those taken by professional photographers. There are a growing number of professionally-produced photo essays about mining in Guatemala, and many of the images that appear in the Google search results fall under that category (see, for example: www.mimundo.org). They use careful lighting and composition to give an artistic feel to landscapes of the mining site and portraits of community activists. The images in the Rights Action photo essay, however, are unquestionably and unapologetically *not* art. The composition of the photos is often awkward, with people's body parts oddly cropped. In Figure 12, as in several other photographs in the essay, the subject is noticeably out of focus. These elements indicate that the photographer was likely an amateur, an important quality when considering the impact of the image on audiences. As Sontag notes, "pictures of hellish events seem more authentic when they don't have the look that comes from being 'properly' lighted or composed… by flying low, artistically speaking, such pictures are thought to be less manipulative" (2003:27). This is a snapshot taken with a point-and-shoot camera, and is not a glossy, professionally-produced advertising image meant to sell viewers on a particular product or idea.

Karen Strassler, describing the role that images play in creating national political subjectivities, explains, "…what distinguishes photography from… other visual media is its openness to popular *practice* and its explicit use as a medium of personal affiliation, identity, and memory. For it is not only as consumers of images but as producers and subjects of them that people become participants in the envisioning of the nation" (2010:4). In other words, photography allows for popular participation in world-making at each point in the

communicative process. The amateurish quality of the photos in the Rights Action essay creates the sense that any viewer—regardless of photographic skill—could have taken them had they been in the right place at the right time. Audiences can imagine themselves as part of the political world of the image. This, in turn, may prompt them to share the image with others, increasing their sense of involvement in the issue.

The snapshot quality of the images contributes a further sense of urgency to the essay. It suggests that letting the audience know about the suffering of community members in San Miguel Ixtahuacán was of such pressing concern that the photographer did not have the time to compose a more artistic shot. The images in the photo essay share these qualities with the of-the-minute cellphone pictures common in citizen journalism, such as those that circulated widely during the Arab Spring uprisings (Lim 2012).

* * *

A 13-year old boy …

… suffering from dry skin that cracks, itches and bleeds. This type of skin problem is not unique - many children suffer from what was described to us as "iguana skin".

* * *

Figure 17: Typical layout of images and text in the photo essay by Rights Action. 2009.

The cover photograph reappears on page seven, and is described as "Another new-born baby… affected by skin rashes." It is immediately followed by a series of three photographs with the abrupt caption, "This 1.1 month year (sic) old baby died." The infant in the images has

bloodied scabs on his hands, and readers are told that his siblings suffer from similar problems. Elaborating on the family's misery, the essay states, "Rights Action learned that the father abandoned his family. The mother has been left to take care of the children and mourn the death of her newborn baby. The mother has no source of income and is unable to seek medical attention for herself and her children that suffer from rashes." The essay concludes with an image of Emeterio Perez, an elderly man with an extremely distended stomach who is described as having full-body pain. Ominously, the essay mentions that one of Emeterio's neighbors who experienced the same symptoms is now deceased.

Parsing the multi-layered referents of these photographs is essential to understanding their significance to debates over mining projects. A photograph is an index of the object it represents, pointing to the existence of the object outside of the photograph. In the case of the photograph of the baby with the skin rash, then, the image points to the existence of the baby and his ailment. The camera seems to simply captures what already exists.

Similarly, one does not think of "facts" as having authors—facts simply "are." The same is true of rumors, thus the way they are able to occupy an authoritative position vis a vis other information, in spite of the difficulty of verifying their facticity. The unknown provenance of the photographs in the essay contributes a certain rumor-like quality to the images, but at the same time reinforces the essay's claims to factualness: if there was no author to create the image, there is no author to manipulate its production, either. Thus, the image simply "is," at least in the eyes of viewers.

By virtue of its context, the photograph of the baby with the skin rash also "points" to the community members' claims that the water polluted by the mine causes skin rashes. This connection is strongly implied in the text of the essay, although it is never stated outright. The

author's careful explanation that these ailments only appeared after the mine began operations, and the comparison with similar ailments experienced by people living near a different Goldcorp mine, lead readers toward the conclusion that Goldcorp is responsible without explicitly making that connection. The photo's location in the Google search results reinforces this connection. As the image is reposted elsewhere, with new accompanying text, this association is amplified and other possibilities for what it points to—possibilities such as parasitic infections, which the mining company attempts to promote—are diminished until the photo unequivocally stands for the negative effects of mining on community members. The confirmation of this context is reflected in the Google search results.

Circulation

The original web address where the photo essay was published by Rights Action was broken in 2014 during the process of reconfiguring the organization's servers. According to a Rights Action employee, the original photo essay was never replaced on the website. However, by that point the photograph of the baby with the skin rash had already been posted to individual blogs, news websites, and even—somewhat oddly—to an English-language article listing the top ten reasons to use water purifiers (with no mention made of mining). The photograph's boost to the top of Google image search results, however, surely came from its placement at the head of a BBC.com column by Bill Law, who visited Sipacapa in 2008. Based on chronology, this was most likely the first place photograph was reposted in March 2009. The post was part of the regular BBC Radio 4 feature "Crossing Continents," and the photograph is clearly credited to Rights Action. In his text, Law focuses primarily on corporate responses to claims about water pollution and illness, using the photograph of the baby with the skin rash as an entry point. He notes that, because of these accusations, Goldcorp has agreed to pay for a Human Rights Impact

Assessment. However, Law ends on a skeptical note, quoting both a Rights Action activist and a professor at the University of Notre Dame who express doubt that the HRIA will be truly representative of the human rights context in San Miguel Ixtahuacán.

That such a well-known international news outlet was covering the situation in San Miguel Ixtahuacán was a news-worthy event in itself. The photograph and link to the BBC post, and in some cases the entire post, were quickly republished on at least four separate blogs. In two cases, the original photo essay was republished in its entirety.

In one instance, the images from the photo essay were all reposted on a Thai-language activist blog as supporting evidence for their own claims against a local mine. At one link, the blog includes the entire English-language photo essay from Rights Action. At a second link, the photos have been rearranged into a poster with Thai text that gives a general summary of the Rights Action essay.[84] The blog was last updated in 2010, and included similar collections of photos from the local mining context. One collection shows skin rashes that resemble the ones in the Rights Action photo essay. The second is a series of landscapes showing the mining site and heavy construction equipment. The overall quality of the photographs, however, is noticeably different. The photographs featured on the Thai website appear to be professionally produced, and resemble the more artistic landscape images of Marlin mine that are pictured in the Google search results.

Figure 18 Thai-language poster featuring the photograph of the baby with the skin rash and others from the same essay. Credit: ecoculture.wordpress.com

In total, the photograph of the baby with the skin rash has been republished at least twenty-five times in various media outlets. Sometimes it is published on its own, with a brief description, and sometimes it is accompanied by other images, either from the original photo essay or from other mining contexts. In several instances, it has been published with no mention of mining or of Guatemala. As various websites continued to repost the photograph well after the original publication date, it became more removed from its original context. To gather data on where the image had been republished, I performed a reverse image search on Google.com, Bing.com, and using the Tineye add-on for Chrome. On a few occasions I encountered reposts via links from other websites I had been browsing. The chart below provides a summary of each instance in which the photograph has been published.

Table 1: Media featuring the photograph of the baby with a skin rash, 2009-2013.

Date	Location	Title	Summary/ Description
February 20, 2009	Rights Action, no longer available online (original link missing). Per an email exchange with Grahame Russell, head of Rights Action, the original post was removed during the reconfiguration of the organization's servers in 2013-14.	"Health Harms in San Miguel Ixtahuacan Where Goldcorp Inc Operates an Open-Pit, Cyanide Leeching Mine."	This is presumably a translated copy of the original photo essay, available as a 22-page PDF. Based on inconsistencies in the syntax of the text, this version was translated into English from Spanish. The first image is the photo of the baby with the skin rash, which is also featured on page 7 of the PDF. The photo is described as a "new born baby… affected by skin rashes."
March 11, 2009	BBC World News: Crossing Continents blog. http://news.bbc.co.uk/2/hi/americas/7934513.stm	"Canadian mine accused of causing skin infections."	A blog post summarizing author Bill Law's trip to Sipacapa and San Miguel Ixtahuacán. The photograph heads the post, and the caption reads, "The photographs are disturbing, Mayans young and old covered in blisters and welts. Anti-mining activists say the rashes result from water polluted by a giant open-pit gold mine located in the Western Highlands of Guatemala."
March 11, 2009	NISGUA: http://www.nisgua.org/themes_campaigns/index.asp?id=3339	"Canadian mine accused of causing skin infections."	Exact republication of the BBC post, including byline and link to the original.
March 11, 2009	IKN: Inka Kola News. http://incakolanews.blogspot.com/2009/03/goldcorp-at-marlin-guatemala.html	Goldcorp at Marlin, Guatemala	A subscription-based blog written by an individual author about mining stocks and politics in Latin America. References the BBC post and features the same two images of children with skin rashes. The author acknowledges his own lack of expertise in the situation and suggests that the company may have a different perspective than that presented in the BBC post. He closes with a personal note that, as a father with children living "in mining country", he finds the images particularly disturbing.
March 11, 2009	The Global Agenda at NCC. http://theglobalagendaatncc.blogspot.com/2009/03/gold-and-illness-in-guatemala.html	Gold and Illness in Guatemala	A classroom blog. Features a brief summary of the BBC piece and overall conflict over Marlin mine.
March 13, 2009	LAMMP: http://lammp.org/2009/03/13/marlin-mine-on-the-bbc/	Marlin Mine on the BBC	A republication of the photograph with a link to the BBC post on an activist site focused on indigenous women. The post mentions that the organization targets Goldcorp in Guatemala. It also mentions that they have an upcoming speaking tour in Europe that includes two delegates from mining-impacted communities in Guatemala.
November, 2009	*Boletin de Noticias Movida Ambiental*	*"Minería: Pasado, Presente*	An Argentine environmental activist blog that primarily features images and interviews from

	(Bulletin of Environmental Movement News). http://boletinmovidaambiental.blogspot.com/2009/11/mineria-pasado-presente-y-futuro.html	*y Futuro*" (Mining: Past, Present, and Future)	anti-mining efforts in Argentina. The post in which this photograph is featured includes a collection of images from 1908-2009, with the majority of them from 2009. All of the images are tied to mining projects in Guatemala, Peru, Colombia, Argentina, or Chile, with the exception of a black and white portrait of a child miner from North America (1908). The image of the baby with the skin rash is preceded by a photo of mining company employees forcibly removing an environmental activist from a site in Argentina, and followed by a highly disturbing photograph of the bloodied bodies of a woman and two children near a mining site in Colombia.
December 28, 2009	Intercontinental Cry: https://intercontinentalcry.org/briefing-on-the-human-rights-and-environmental-abuses-of-canadian-corporations/	Briefing on the Human Rights and Environmental Abuses of Canadian Corporations	The post presents an overview of conflicts surrounding Canadian mining projects around the world, as well as a proposed law that would regulate them abroad. The photo appears at the top of the post and bears a caption that reads, "Tens of thousands of people around the world are negatively effected (sic) by Canada's mining industry. Among them, this Mayan child from the San Miguel Ixtahuacan, Guatemala. San Miguel is situated near Goldcorp Inc.'s Marlin mine. PHOTO: http://www.rightsaction.org/"
No date, but published prior to 2010	Eco-Culture Study Group. https://ecoculture.files.wordpress.com/2009/12/rights-action.pdf		A Thai environmental activist blog updated from 2008-2010, focusing on a mining case in Pichit province. The blog features several posts about and a gallery of images of skin rashes in Thailand. The PDF of the Rights Action photo essay is provided as a resource. It also includes a Thai-language poster featuring all of the original images from the photo essay (Figure 11).
January 2, 2010	Scission. http://oreaddaily.blogspot.com/2010/01/canada-its-time-to-pay-piper.html	"Canada: It's Time to Pay the Piper."	A Marxist blog whose header states, "The struggle against white skin privilege and white supremacy is key." The post is credited as a republication from Intercontinental Cry. The caption of the photo reads, "Tens of thousands of people around the world are negatively effected (sic) by Canada's mining industry. Among them, this Mayan child from the San Miguel Ixtahuacan, Guatemala. San Miguel is situated near Goldcorp Inc.'s Marlin mine."
April 24, 2010	Task Force on the Americas. http://www.mitfamericas.org/MiningEvent.pdf	Event flier for "Mining Exploitation in Central America" panel discussion.	An event flier for an activist group in Marin county, California. The flier features an image of an open pit mine, with the photograph of the baby inset. A smaller image of heavy construction equipment near a mine site is below the image of the baby. The event features a panel discussion with several activists working in El Salvador, Guatemala, and Honduras.
August 10, 2010	*SICSAL: artículos y noticias* (SICSAL: articles and news) http://sicsal.net/articulos/n	"*La extracción de oro produce daños en la salud*" (The	SICSAL is an ecumenical Christian service organization that that was inspired by the political teachings of martyred Salvadoran priest Monsignor Romero, and has offices located in El

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	ode/1592	extraction of gold produces damage to health)	Salvador and Mexico. This post briefly summarizes the Rights Action essay, and provides a link to a PDF of the Spanish-language original.
September 23, 2010	Vancouver Media Co-Op	"The Goldcorp Arts Centre in the Woodwards Building: Site of Displacement and Shame."	A blog post overviewing several conflicts in which Goldcorp is involved. The caption of the photo reads, "A Mayan baby with a rash on his arm which his parents say is caused by Goldcorp's Marlin mine."
No date, but published after 2010	Mining Watch Romania: http://miningwatch.ro/en/reports/romana-cianura-in-minerit/	"Cyanide in Mining"	The photograph is included under a subheading titled "Cyanide effects-case study: Marlin Mine, Guatemala." The subsection mentions that respiratory effects and skin rashes are specific to cyanide exposure, yet the cases in question have not been studied and so Goldcorp can deny them. It goes on to mention the results of the E-Tech International study of the tailings dam (2006), and the Physicians for Human Rights/ University of Michigan public health study (2010).
June, 2011	Indigenous Peoples Issues. http://indigenouspeoplesissues.com/attachments/article/10850/VS_Guatemala-indigenesEN.pdf (website no longer available)	"Guatemala: 'The Rape of Mother Earth' Marlin Gold Mine."	An article by human rights journalist David Browne, detailing the author's visit to San Miguel Ixtahuacán and an overview of the conflict over Marlin mine. The photograph is located on page 4 of the PDF and has the caption, "A school teacher detected rashes and lesions on her pupils' arms and bodies. Goldcorp has, however, denied any link between these skin infections and the mine." COPAE is credited for the photograph. This article is nearly identical—both in content and form—to the one published by the International Trade Union Confederation in August 2011.
August, 2011	International Trade Union Confederation Newsletter #23. http://www.ituc-csi.org/IMG/pdf/VS_indigenesEN.pdf	"Guatemala: 'The Rape of Mother Earth' Marlin Gold Mine."	An article by human rights journalist David Browne, detailing the author's visit to San Miguel Ixtahuacán and an overview of the conflict over Marlin mine. The photograph appears on page 5 and features the caption "A school teacher detected rashes and lesions on her pupils' arms and bodies. Goldcorp has, however, denied any link between these skin infections and the mine." The author of the article is credited.
September 1, 2011	*"Arte+"* (Art+): http://mrmannoticias.blogspot.com/2011/09/degradacion-del-medio-ambiente-en.html	*"Degradación del medio ambiente en Guatemala"* (Degradation of the environment in Guatemala)	This blog is dedicated to art and architecture, and maintained by three architects associated with the Universidad de San Carlos de Guatemala. The majority of posts deal with photography, design, and digital imaging. The post featuring the image of the baby with the skin rash also includes several professionally-produced photographs of Marlin mine, a scenic waterfall in Alta Verapaz department, water pollution in an unknown location, and deforestation in Guatemala. The post concludes with a satellite image of Petén department, Guatemala, showing extensive deforestation over the course of eleven years.
November 17, 2011	*Nortesocial: periodismo social en el norte*	*"Almuerzo solidario a favor*	This post is advertising a charity lunch organized by the Fundación Padre Ernesto Martearena to

	argentino ("social journalism in the argentine north")	*de niños de pueblos originarios*" (Solidarity lunch in support of children from First Nations)	support children in Salta, a province in the north of Argentina. No mention is made of Guatemala or of mining. The caption on the photograph reads: "*INDEFENSOS: Los niños de los pueblos originarios salteños necesitan medicamentos*" (HELPLESS: First Nations children in Salta need medications).
March 9, 2012	Facebook	"*El precio del oro/ no la pemitamos* (sic)" (The price of gold/ we won't pemit (sic) it)	The photo of the baby with the skin rash is superimposed on a separate photograph taken of a man in anguish over forced evictions related to the Fenix mining site in El Estor, Guatemala. The image was posted to the personal Facebook account of a young man affiliated with Guatemalan environmental NGO CALAS, who then tagged several dozen people and organizations (some of whom were mutual "friends" with me, enabling me to see and comment on the post). Several hundred people "liked" and reposted the image within a few days.
April 23, 2012	Rights Action: http://www.rightsaction.org/action-content/goldcorp-exports-honduras-and-guatemala-international-judge-led-commission-needed-1	"Goldcorp 'Exports' To Honduras and Guatemala: An International, Judge-led Commission is Needed to Investigate Harms and Violations."	A blog post on the Rights Action website, responding to an article in *Forbes* about Goldcorp's desire to expand the community relationship model used at a mine in a Canadian Cree community to additional sites. The photo caption reads, "Photo 2009, by a local doctor. Near the 'Marlin' mine in Guatemala, a Mayan Mam baby suffers recurring skin infections due most likely to blood poisoning caused by naturally occurring heavy metals—arsenic, lead, mercury—that are released in dangerous quantities into the air and water due to the mining operation."
June 14, 2012	*Red Mexicana de Afectados por la Minería* (Mexican Network of People Affected by Mining): http://www.remamx.org/mineria-a-cielo-abierto-impacto-en-la-salud-humana/	"*Minería a cielo abierto, impacto en la salud humana*" (Open-pit mining, impact on human health)	This is a blog for a Mexican activist organization that opposes Goldcorp, and is affiliated with the *Movimiento Mesoamericano contra el Modelo Extractivo Minero/ M4*, (the Mesoamerican movement against the extractive model of mining), a transnational activist network including many organizations based in Guatemala. In spite of this, the image of the baby tops a post about mining in Argentina. It has been cropped significantly to show primarily the baby's arm and face.
July 23, 2012		"血黃金與黃金產業祕辛" ("Blood secrets behind gold and gold industry")	A Chinese-language website about fair trade. This post in particular promotes fair trade gold items. The image has been closely cropped and is included with another photograph of a young boy living near a Goldcorp mine in Honduras. Both images are attributed to Rights Action. The text includes context about the Guatemalan civil war, environmental destruction, and indigenous rights.
April 2013	Spot On Lists. http://spotonlists.com/health-lifestyle/top-10-reasons-to-use-water-	"Top 10 Reasons to Use Water Purifiers"	The photograph of the baby with a skin rash is featured under the number two reason for using a water purifier, "reduce health hazards." The explanation lists protozoal infections, bacterial

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	purifiers/		infections, and viral infections as possible impacts of not using a water purifier. No mention is made of mining, Guatemala, or the original context of the photograph.
May 2013	*Prensa Comunitaria* (Community Press). http://comunitariapress.blogspot.com/2013/05/montana-exploradora-mina-marlin-y-sus.html	"*Montana Exploradora (Mina Marlin) y sus devastadores efectos*" (Montana Exploradora [Marlin mine] and its devastating effects)	A blog post by Christina Chiquin as part of an alternative news outlet. The post provides an overview of the conflict over Marlin mine up until 2013, with special attention to the precautionary measures issued by the IACHR over water pollution in San Miguel and Sipacapa. It includes a photograph of a person holding up a poster with the headline "*Violaciones a derechos humanos/ Mina Marlin/ San Miguel Ixtahuacán, San Marcos*" (Violations of human rights/ Marlin mine/ San Miguel Ixtahuacán, San Marcos). The poster features seven photographs, three of which were part of the original photo essay, including the photograph of the baby with the skin rash. Based on the logos displayed at the bottom of the poster, it was printed and distributed jointly by environmental NGO CALAS, FREDEMI, and Plurijur (the NGO providing the attorney that represents FREDEMI in the case at the IACHR).

The image's circulation is undeniably shaped by the digital communication tools available to the various NGOs, activists, and individuals interested in sharing it.[85] At one time, the image might have languished in an obscure pamphlet distributed by an activist organization, its viewers limited to people who already knew of and sympathized with the publishing organization. However, thanks to the Internet, and particularly the ease with which nearly anyone can establish and maintain a blog, Rights Action's sympathizers were able to quickly disseminate the photograph far beyond their typical readership. Of course, the virtual stamp of approval from BBC.com also helped. Much as the otherwise obscure pamphlet from the *Ejercito Guerillero de los Pobres* (EGP, Guerrilla Army of the Poor, a communist organization during the Guatemalan civil war) was distributed with Rigoberta Menchú's *testimonio* in the United States and Europe, raising awareness of the violence in Guatemala among that publication's much wider readership before the prevalence of the Internet, so did the photograph of the baby with the skin rash gain

notoriety with BBC.com's much larger and more varied audience. The difference between the EGP's pamphlet and the photo of the baby with the skin rash, nevertheless, in addition to the scale at which it traveled and the duration for which it remained in circulation, is the level of ownership people seemed to feel over the photo. Not only did people feel free to publish it on their own blogs with little or no credit given to the original author, but they also modified it in creative ways, somewhat altering the message and impact of the original photo and essay.

One notable reposting of the image reconfigured it to include a photograph of a man clearly in anguish and the headline "*El precio del ORO/ no la pemitamos*" (The price of GOLD/ we won't pemit (sic) it). Superimposed on the image is a small skull and crossbones reading "*Peligro/ Mineria*" (Danger/ Mining). The image of the man in anguish was taken by photojournalist James Rodríguez in el Estor department during the evictions of Q'eqchi communities near the Fénix nickel mine by Skye Resources.[86] The evictions turned violent, and residents were forced to sit and watch as the mining company's private security forces burned their homes (Rodríguez 2007).

Figure 19 An image of a poster circulated by an environmental activist organization in Guatemala, featuring the image of the baby with the skin rash edited together with the image of a man facing eviction in another region. Credit: unknown.

The composition was posted on Facebook by an employee of CALAS, an environmental NGO based in Guatemala City that has been active in anti-mining organizing. He tagged a number of individuals and other organizations from around Latin America and within a matter of days gathered hundreds of "likes," shares, and comments. Most commenters reinforced the message on the poster, declaring themselves against mining because of the egregious harm it caused to health and the environment which they interpreted the poster as depicting.

Returning to Sontag's critique of Woolf's laudatory essay on the anti-war potential of Spanish civil war photographs provides some insight into the fine line between action and apathy in Facebook activism. On Facebook, audiences can instantly make their opinions known, yet this does not necessarily indicate a meaningful (or impactful) engagement with political issues. Sontag similarly states, "To read in the pictures, as Woolf does, only what confirms a general abhorrence of war is to stand back from an engagement with Spain as a country with a history. It is to dismiss politics" (2003:9). Such is the risk of Facebook activism, as demonstrated in many of the comments on this post. Viewers are naturally horrified at the anguish depicted in the image, yet most react against mining in general. Very few note the sociopolitical context in which the particular mining project (or, in fact, projects) that has caused this particular anguish takes place. While Facebook activism certainly broadens the circulation of the image, their engagement with it remains superficial.

And yet, Facebook activism is not without impact. While few of the viewers (if any) will take any concrete action against problematic mining practices, or the social and political context that fosters them, the mere fact that people are talking about the image of the baby with the skin rash in connection with Marlin mine is significant. This "talk" generates a certain baseline of

awareness that facilitates further circulation of the image, until it finally lands in the hands of people or organizations that can and do take action.

Interpretation

The image circulated to such an extent that it came to stand for the conflict over Marlin mine and the claims that community members made against the company. Everyone I mentioned "that picture" to immediately knew which one I meant. In this sense, the photograph has become an icon of Marlin mine, and mining in Guatemala more generally. That it has been removed from that context in several cases, and is used to represent health and social issues unrelated to mining (such as the need for medicine in rural indigenous communities, or the hazards of failing to filter drinking water), points to the affective impact of its surface appearance. Kajri Jain explains that the "primary ethical locus of an image is its adequacy or inadequacy to truth or reality" (2007:12). Most reactions to the image in question stem from this belief, in parallel to *testimonio* literature (see Chapter 5). The image is immediately recognizable as representing some situation gone horribly wrong, and for this reason has been circulated so widely in venues related to its original context to varying degrees, as well as far outside of it.

However, only while the photo is in its original context does the relationship between its surface appearance and intended meaning—that the mine has caused water pollution with devastating effects on the local populace—seem obvious. As the photo circulates in new venues, its connection to this implicit meaning becomes more tenuous. This is the tension that Jain describes between audiences' conviction that the photograph is true and the fear that it might be false, and it has led to attempts to identify and verify the underlying causes of what is represented in the image. Put in different terms, a viewer's gut reaction—the thought "how

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horrible!"—compels them to share the photograph. But upon further consideration, they may pause and ask "what happened?" which eventually leads to inquiries, investigations, and action.

Inter-American Commission on Human Rights' Precautionary Measures

One organization's interpretation of the Rights Action photographs led to legal action against the Guatemalan state. In December 2007, the community members who participated in Sipacapa's 2005 *consulta comunitaria*, represented by Carlos Loarca, brought a petition before the Inter-American Commission on Human Rights (IACHR) against the Guatemalan state in regards to Marlin mine.[87] Because the IACHR deals with disputes concerning the actions of states, and not corporations, the claimants were seeking a ruling against the Guatemalan state for its support of Marlin mine, rather than any direct action against Goldcorp. The fifty-five page original petition alleges that community members' human rights were violated when the state failed to obtain their free, prior, and informed consent before granting a license for metals exploration (and later, exploitation) to the mining company. It goes on to present speculative evidence of what may happen if the mining project is allowed to continue, including materials from Guatemalan environmental activist organization Madre Selva, and references to the Goldcorp mining site in Honduras cited in the later Rights Action essay. The petition specifically mentions skin infections and loss of hair, especially in children. It is significant, however, that the petition focuses primarily on the right to community consultation, because in 2007 there was not yet evidence of any serious damage to community members' health or the environment in Sipacapa.

In April 2009, community members from San Miguel Ixtahuacán made a request (through Loarca as their legal representative) to the IACHR to be included on the original petition. At the

same time, they submitted additional materials on the negative health impacts that community members in San Miguel Ixtahuacán have faced due to the presence of Marlin mine (IACHR 2014). Although these materials are not publicly available, it is clear from the final report by the IACHR admitting the petition that the Rights Action photo essay was among the materials submitted as proof against Goldcorp and Marlin mine.[88] The IACHR's explanation of the materials states, "Among the cases, [petitioners] provided information about the death of a baby 1 year and one month old in July 2008 'for reasons unknown to the family and the community' and attached photos 'taken a little before his death, which show problems of the skin—rash and open wounds'" (IACHR 2014:4nt4, author's translation). The date of the submission, description of the photographs, specification of the baby's age, as well as the quotes included all match the details of the original Rights Action photo essay, strongly suggesting that those were the photos included in the community members from San Miguel Ixtahuacán's contribution to the petition. Although the photographs themselves are not included in any of the IACHR materials, their shadows are evident in the IACHR's final report, as well as in the actions taken as a result of the petition.

While the petitioners awaited their chance to present their case in an official hearing before the Commission, in May 2010 the IACHR issued the precautionary measures that petitioners had requested, ordering that operations at Marlin mine be suspended until the government could ensure that it operated without negative impacts to drinking water, and that social conflict over the mine had been resolved.[89] The precautionary measure related to Marlin mine is one of seven issued for people and organizations in Guatemala during 2010.[90] In the summary of the decision sent to the petitioners, the IACHR lists five points with which they have ordered the Guatemalan state to comply. The first action ordered by the IACHR is for the Guatemalan government to

immediately suspend operations at Marlin mine; second is to take the measures necessary to decontaminate water sources in the neighboring communities; third is to address the health problems facing community members, including creating an assistance program for those impacted by mining; fourth is to adopt any further measures necessary for guaranteeing the lives and physical integrity of community members; and fifth and finally is to plan and implement the ordered actions in consultation with community members (IACHR 2010). The Guatemalan state was ordered to adopt these measures until further investigations into the case could be made, and the interested parties' cases could be heard before the IACHR.

According to the summary letter sent to communities, the precautionary measures are based entirely on the conclusion that the illnesses depicted in the Rights Action photo essay submitted with the petition are caused by contamination from the mining site, and notably do not mention the human rights violations that were the subject of the original petition. The submission of the Rights Action photos to the IACHR in 2009 thus appears to have tipped the scales in favor of the community petitioners, raising sufficient concern for the IACHR to issue precautionary measures ordering the closure of the mine. This had the potential to be a landmark decision; it is highly unusual for a major operating mine to be peacefully closed before a large-scale disaster actually occurs (Kirsch 2014). However, the Guatemalan state never complied with this aspect of the precautionary measures and, despite newspaper headlines to the contrary, Marlin mine remained in continuous operation (CIEL 2011).

Physicians for Human Rights' Public Health Investigation

The impact that the images have had on other researchers has also been notable.[91] I mentioned the photograph of the baby with the skin rash and the others featured in the Rights Action essay

to one of the authors of the public health assessment conducted in San Miguel Ixtahuacán by Physicians for Human Rights and researchers from the School of Public Health at the University of Michigan. He nodded knowingly and said that those images had been one of the motivations for doing the study in the first place. That they had gained such widespread circulation and notoriety—and that their accuracy was generally accepted in public discourse while the government and mining company denied it—raised the urgency of the issue of health in the community and brought the issue to the attention of the international community.

In August 2009, a team of researchers traveled to San Miguel Ixtahuacán to conduct an assessment of the health impacts of Marlin mine. The investigation and final report, titled "Toxic Metals and Indigenous Peoples near the Marlin Mine in Western Guatemala: Potential Exposures and Impacts on Health," was sponsored by non-profit Physicians for Human Rights (PHR), the University of Michigan (UM), and the Human Rights Office of the Archbishop of Guatemala (ODHAG, by its Spanish acronym) (Basu and Hu 2010).[92] The preface to the report, which was prepared for the International Independent Panel on Marlin Mine, explains, "PHR mobilizes health professionals to advance health, dignity and justice, and promotes the right to health for all. PHR members have worked to stop torture, disappearances, political killings and denial of the right to health by governments and opposition groups" (Basu and Hu 2010:ii). PHR was the co-recipient of the 1997 Nobel Peace Prize for their work documenting landmine injuries, and often tackles difficult questions concerning the intersection between health and human rights. That they took on the conflict over Marlin mine speaks to the perceived urgency of the situation.

The final report acknowledges the claims community members have made about skin disease and other ailments as the main impetus for conducting the study. The authors note that ODHAG has received complaints about Marlin mine since the mine's establishment in 2005, and that

"Photographic evidence was also received claiming that indigenous residents, especially young children and the elderly, living near the Marlin mine, are suffering from severe skin rashes, hair loss, respiratory difficulties and other ill health ailments, and that these are due to the mine's pollution" (2010:5). The report then references the Rights Action photo essay published in February 2009 (2010:5nt6).

The PHR study aimed to determine: 1) whether mine workers had higher exposures to toxic metals than non-mine workers; 2) whether the levels of toxic metals in people and the environment varied by proximity to the mining site; and 3) whether exposure to toxic metals was related to self-reported health effects, such as the illnesses depicted in the Rights Action photographs (Basu and Hu 2010:3). The researchers were in Guatemala for a week, and faced a number of challenges in conducting the study, including lack of access to several communities. One of the limitations to the study was that none of the self-selected participants reported any of the skin conditions depicted in the photographs that inspired it in the first place, making it impossible to determine whether or not exposure to toxic metals caused those conditions. Another concern was that young children and the elderly are particularly vulnerable to metals exposure, yet none of the study participants qualified as a child or elderly nor was the study designed to test whether or not these populations were disproportionately impacted by metals contamination. In total, 23 self-selected subjects participated in the investigation, the youngest of whom was 20 years old and the oldest of whom was 60 years old. Five employees of the mining company participated, and the remaining 18 participants were farmers, teachers, and in other occupations. However, a person's occupation was not found to have a significant impact on the concentration of metals in their blood or urine. Although they found that people living closer to the mine had higher average blood and urinary concentrations of mercury, arsenic, copper, and

zinc, the authors caution that all of the concentrations were within "reference ranges"—that is, the levels established as safe by the World Health Organization and the US Environmental Protection Agency—and that the concentration of copper and zinc in a person's urine is not usually an indication of exposure.

While there was no conclusive evidence that the mining project caused the skin rashes depicted in the photograph, the authors of the report caution that such impacts can accumulate over time, and that monitoring must be ongoing. Furthermore, the report mentions other negative effects that researchers encountered over the course of their investigation. For example, investigators reported that community members repeatedly expressed fear that the river water was contaminated while they were collecting water samples. Community members commented that "when the tap runs dry we use the river but are too scared to let our son use the river," and "if cattle die from using the river then who knows what will happen to us" (Hu and Basu 2010:16). These fears play on the surface of the image of the baby with the skin rash regardless of how many studies fail to find conclusive evidence for what underlies the illnesses. While investigators concern themselves with whether the image is *false*, community members continue to fear that it is *true*. Yet in the repeated attempts to link the image with its "real" meaning, the real-life impact of these fears is often erased.

Two years later, when I visited the villages where PHR had conducted the investigation, community members remembered the study. It was evident that there had been some misunderstanding regarding the purpose and goal of the study, despite the best efforts of researchers to make their mission clear. After listening to Simón's testimony about his experience first working for, then opposing, Marlin mine (detailed in Chapter 4), I introduced myself as a researcher from the United States. He mentioned that a team of researchers from the

United States had visited his community several years earlier, to investigate whether the health of people there was being harmed by the mining project. He and his family had participated, but they never received the results back, he said. They never told him whether he and his family were sick. He asked if I could arrange another study for them, to tell him whether or not he had metals in his blood. While the nature of the PHR study was such that none of the participants could expect to receive individualized results, Simón's request reflects a more generalized frustration with any study's failure to reaffirm community members' testimonies about the negative impacts of Marlin mine.[93] In essence, the study's major conclusion was that further studies should be conducted. This lack of conclusiveness was glossed over in other popular interpretations of the results, including Guatemalan newspaper reactions and the Wikipedia entry on Marlin mine. Depending on the venue, the study results have been portrayed as definitive evidence either proving or disproving that the presence of heavy metals in the water in San Miguel Ixtahuacán was caused by Marlin mine.

Guatemalan newspaper reactions

The PHR report was front-page news in the *Prensa Libre*, the widest-circulating newspaper in Guatemala, on May 18, 2010. The paper took the report as indisputable evidence that Marlin mine caused pollution that led to skin rashes in San Miguel Ixtahuacán and Sipacapa. The headline read, in letters occupying the top four inches of the front page, "*Metales tóxicos contaminan a vecinos de mina*" (Toxic metals contaminate mine's neighbors), stating unequivocally that the mine had poisoned people living near the mine. The summary immediately following the headline stated, "Scientists from the United States revealed the existence of potentially toxic metals in the urine and blood of people living near Marlin mine in San Marcos, and warned that their effects could become worse over time" (Prensa Libre 2010).[94]

The *Prensa Libre* article was reposted on several activist blogs, including the site "*Observatorio de Conflictos Mineros de América Latina*" (OCMAL, Observation of Mining Conflicts in Latin America), a site that tracks mining conflicts in Latin America, and Mines and Communities, a site that provides summaries and translations of news about mining from around the world.

Several days later, *SigloXXI* columnist Estuardo Zapeta published a scathing critique of the *Prensa Libre* article. Zapeta makes a habit of discrediting NGOs, social movement organizations, and the Pan-Maya movement, often using his credentials as a US-educated anthropologist and native K'iche' speaker to bolster his arguments (see also Warren 1998). Throughout the column, which is dripping with sarcasm, he refers to the study using scare quotes, suggesting that he does not view it as a legitimate investigation. He denies the involvement of any university, and disparages Physicians for Human Rights, going so far as to sarcastically question the merit of the Nobel Peace Prize that the organization shared in 1997. (It should be noted that Zapeta is also a vocal critic of Rigoberta Menchú, recipient of the same award.) Nevertheless, he readily cites the study results that appear to support his claim that mining conflicts are invented by NGOs purely to benefit their own interests. He quotes the PHR study saying that there were no differences between the levels of toxic metals in the bodily fluids of the mine employees and non-employees. He then states "This great conclusion, curiously, was not reported by *Prensa Libre*, nor was it presented by any 'environmentalist,' although it appears to be the most relevant and important one of the 'Study'" (Zapeta 2010, author's translation).

That the results have been interpreted so variously may actually demonstrate the pervasiveness of the idea communicated through the Rights Action images. Although the Rights Action photograph is never featured in the PHR report or the responses to it, traces of it are nevertheless visible throughout the study and subsequent newspaper coverage.

Wiki-Truth

The PHR/ UM report gained a prominent position in the Wikipedia page for Marlin mine, which devotes an entire subsection to the topic, in addition to referencing it in a subsection dedicated to the IACHR's Precautionary Measures. Although there is no mention of the photograph of the baby with the skin rash on the Wikipedia page, shadows of it are evident in the references to the PHR report. However, rather than a straightforward summary, the author of Marlin mine's Wikipedia page manipulates the encyclopedia's editorial policy in order to refract the intentions of the original report to meet a pro-mining agenda.

Notably, while there are English and French versions of the entry, there is no Spanish-language Wikipedia page for Marlin mine. The presumed audiences of the Wikipedia page for Marlin mine are potential activists or investors in Europe or North America that might be looking for a quick reference. The Spanish-language entries for San Miguel Ixtahuacán and Sipakapa, furthermore, include only minimal discussion of Marlin mine.[95] The mine receives one mention on the Spanish-language San Miguel Ixtahuacán page, under the subheading "*Organizaciones gubernatales y ONG*" (Governmental organizations and NGOs), reading in Spanish, "Montana Exploradora de Guatemala S.A. is a company that has generated negative impacts in the social lives of the communities of San Miguel Ixt."[96] There is a subheading on the Spanish-language entry for Sipacapa titled "*Recursos naturales*" which briefly explains that the municipality is the center of a dispute over the mine, which is primarily located in San Miguel Ixtahuacán. It then links to the website for *Sipakapa no se vende*, as well as the non-existent Spanish-language page for Marlin mine.[97]

On the other hand, the discussion of Marlin mine on either of the English-language Wikipedia pages dedicated to San Miguel Ixtahuacán and Sipacapa is limited to a link to the separate Marlin mine entry.[98] This is by design—earlier versions of the pages included in-depth discussions of the mining project that referenced a number of activist media objects including the documentary film about the *consulta comunitaria* in Sipacapa and the COPAE-authored report on water quality in San Miguel Ixtahuacán. These references were deleted and replaced with links to the Marlin mine entry following the extensive revision of that entry.

Figure 20: Part of the Marlin Mine history page. Screenshot, May 4, 2015. Credit: K. Fultz.

Wikipedia allows any person to author or edit an entry. Wikipedia users may do so anonymously, in which case their Internet Provider (IP) address is displayed, or they may select a username, in which case their IP address is not visible.[99] Every Wikipedia page also has a corresponding "Talk" page in which users can discuss issues related to a given article, such as its accuracy, completeness, or bias. All of the changes made over the life of a Wikipedia page— including to user profile pages, Wikipedia policy pages, and Talk pages—are visible in its "history" page, as are the usernames of the people who made them. Users may also choose to

leave short comments about why they are making a given edit, which appear next to the line item on the history page (see Figure 15). In the history page for Marlin Mine, it is evident that a user calling himself "DilligentDavidG" has taken a great interest in the topic; this particular user has made the largest number of contributions of any of the page's several editors. [100] He has also contributed to the pages on Sipacapa and San Miguel Ixtahuacán.

DilligentDavidG created the entry for Marlin Mine in June 2010, replacing all previous content with a page he had been writing in "draft" form (i.e. privately, without contributions from other users). [101] DilligentDavidG explains that previous content had been deleted by user ttoddler because it was unsuitably biased, although this edit (and any previous content) is no longer visible. He then made extensive edits in May 2011 in response to several changes other editors had made to his original additions. In his user profile, DilligentDavidG describes himself as "a Toronto based professional in the mining industry." In his user introduction, he states:

> I have been using Wikipedia for a number of years, and first with some skepticism, but with a growing appreciation of its value as a first stop for information. Most importantly, I have found Wikipedia a very valuable for finding reference to further sources.

> In the fall of 2009 a friend point out to me a very one sided article on a subject of importance to me ... so I dove in and became an editor.

> I am now working to add and edit articles related to mining, particularly in the developing world, as I believe both that this is an interesting and relevant topic - and because there is a severe lack of balanced information on many of these mines. After starting this I discovered, and have joined, Wikipedia:WikiProject

Mining. I also have an interest in public transportation and contribute to articles

related to public transportation in the Toronto region.[102]

An earlier version of his profile included a fourth paragraph, which was removed in August 2014 (according to the "history" page for his user profile) and replaced with the final sentence in the third paragraph about public transportation. The original fourth paragraph further explained:

I am also working to develop a network of people who have a balanced view of

the mining industry, particularly the Canadian industry, with respect to CSR -

recognizing that the industry brings much valuable and responsible development

to many regions of the world, that it does face considerable challenges in doing

this, and that specific companies and projects do fail in areas of anything from

legal compliance to CSR. More information on the industry with respect to CSR

is at another site I maintain - www.digdeeperoncsr.com .[103]

Based on his user profile, DilligentDavidG takes a higher-than-average interest in the Canadian mining industry; it is possible that he is employed as a public relations consultant for a mining company and, based on the number of mining pages he has edited (and the extent to which he has edited them, frequently serving as the primary author of the page), is paid to alter Wikipedia pages of interest on controversial mining-related topics. Other Wikipedia pages that he has edited are also listed on his profile, and include the entry for "HudBay Minerals," which is the company that is currently embroiled in a law suit over their (former) Fenix project in El Estor, Guatemala, and the entry for "Yanacocha mine," which was the subject of a *consulta comunitaria* in Perú.

The English-language entry for Marlin mine relies heavily on company and other industry documents for source material. The PHR study is one of two academic documents cited. The

subsection of the Marlin mine page titled "Third-party environmental and health impact studies" features references to the PHR study, but not to any of the other "third-party" studies that have been conducted on the rivers in the vicinity of Marlin mine. The study's findings are summarized as follows:

In May 2010 the organization Physicians for Human Rights (PHR) released a study carried out with the University of Michigan on metals levels of blood and urine in a self-selected sample of 18 area residents and 5 Marlin mine workers; as well sampling four river locations and five drinking water sources.[7] The study was carried out independent of the company, under an initiative of the Archbishop of Guatemala, Cardinal Rodolfo Quezada Toruño. The study, characterizing its findings as "qualitative, preliminary and descriptive," reported that on average individuals residing closest to the mine had higher levels of certain metals when compared to those living further away. Although all levels of these metals were within "reference ranges," the study emphasized that "given that the Marlin mine is a relatively new operation, the negative impacts of the mine on human health and ecosystem quality in the region have the potential to increase in the coming years and last for decades, as commonly occur near other mining facilities worldwide." The study found levels of some other metals were elevated in comparison to established normal ranges in many individuals, but without any apparent relationship to proximity to the mine or occupation.

Importantly, the PHR study also found that "none of the levels in the samples exceed those considered acceptable by the U.S. Centers for Disease Control and Prevention and by widely recognized scientific standards". The study also found

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no correlation between any metal levels and occupation, no correlations between metal levels and reported health, and no correlation between reported health and proximity to the mine. The PHR study also reported that several metals (aluminum, manganese and cobalt) were found at higher levels in the river water and sediment sites directly below the mine when compared to sites elsewhere – however, these were not the metals showing higher levels in the residents closer to the mine. In the river water samples, all metals were within "US benchmarks" with the exception of aluminum levels in one sample.

The authors recommended a more comprehensive study of the area human health and ecology. However, the authors did not refer to the baseline study data which showed river water to have naturally high metals levels prior to the existence of the mining operation.[8]

All drinking water sampled in the PHR study had metals content below limits set in the US EPA's National Drinking Water Regulations (interestingly, the highest arsenic level was found in the commercial bottled water sample). Soil sample metals levels were also "within background ranges", and river sediment samples all showed metals contents "lower than US regulatory benchmark values."[104]

The author of the Wikipedia summary selectively cites the original PHR report, emphasizing the report authors' own characterization of it as "qualitative," "preliminary," and "descriptive" before mentioning the findings that people living nearer to the mine had higher concentrations of toxic metals in their bodies on average. While the author of this summary seems to intend these terms to discredit the study results that immediately follow, the study's original authors do not

use any of these terms apologetically. Rather, one of the original statements that included these terms explains that, in spite of limited access to community members and a small window of time in which to collect samples, the study still managed to find "several scientifically determined, qualitative and generalized trends" (2010:4). Rather than present the study's findings tentatively, the authors intended to point out the value of their findings in the face of challenges faced in the field, a message that is elided in the Wikipedia entry.

Furthermore, the summary fails to mention any of the reasons for the limitations of the study, which researchers mentioned in the report, and which are due in part to the conflictive nature of the mining project. The summary also downplays the emphatic recommendation by the study's authors that further research be conducted, by pointing out the lack of reference to a baseline study conducted by the mining company. The link to that study, notably, is broken. Finally, the author of the Wikipedia summary imparts his own judgment on the report by beginning the second paragraph with the qualifier "importantly," placing his own emphasis on a specific finding of the PHR study that the authors had not designated as any more or less important than the other findings: that levels of metals in each sample were within US Centers for Disease Control and Prevention acceptable ranges. The mining company refers to this detail again and again in response to claims of water pollution made by COPAE and other activist organizations.

The Marlin mine page was nominated to be checked for neutrality in June 2011, after DilligentDavidG's most recent round of edits, in which he replaced information on the findings of the PHR/ UM report that had been removed by another editor. The Talk page for Marlin Mine offers more insight into this nomination. In August 2014, user "Skookum1" opened a subsection on the Talk page titled "note re possible COI [conflict of interest] editors." In it, the user states:

Anyone who is a mining consultant or affiliated with mining associations, please

read WP:COI and bear in mind that, especially if you are under contract to

Goldcorp, or to a mining industry association, you should not be directly editing

this article because of WP:Paid editing (policy) and WP:Paid editing

(guideline) and related material. Full disclosure is expected and *de rigeur* under

such circumstances. For my own part, I am just an interested reader of the news

and a long-time Wikipdian with 86,000 edits + to my experienced here, and will

always support genuine NPOV; discounting my own preferences and beliefs if

valid citations are presented in a balanced and fair mannner. I definitely am not a

paid editor, as my landlady knows all too well (Wikipedia 2015).

NPOV in Wikipedia parlance is "neutral point of view," which is the standard with which all editors and authors are supposed to comply. This is achieved by limiting the content of a page to information that can be found elsewhere, rather than one's own research or personal opinion. In fact, the editorial guidelines for Wikipedia privilege information that has been published elsewhere; there is a specific bias *against* original research and "truth" is determined by verifiability in outside sources rather than accuracy. Simson Garfinkel explains in MIT's *Technology Review*, "On Wikipedia, objective truth isn't all that important, actually. What makes a fact or statement fit for inclusion is that it appeared in some other publication—ideally, one that is in English and is available free online" (Garfinkel 2008). Indeed, Wikipedia's own policy once previously stated, "The threshold for inclusion in Wikipedia is verifiability, not truth." They have since added to this to clarify, "While information must be verifiable in order to be included in an article, this does not mean that all verifiable information must be included in an article. Consensus may determine that certain information does not improve an article, and that it

should be omitted or presented instead in a different article. The onus to achieve consensus for inclusion is on those seeking to include disputed content" (Wikipedia 2015). This caveat may explain how the selective citation practices in the Marlin mine page were allowed to stand for a relatively extended period of time, as well as the transfer of information on the mine from the pages on Sipacapa and San Miguel Ixtahuacán to its own dedicated page.

Although the image of the baby with the skin rash is not included in the Wikipedia page, nor, indeed, is the Rights Action photo essay cited, its absence there is as notable as its presence is elsewhere. The Wikipedia page on Marlin mine is designed to refute claims made about the negative impacts of the mine, yet it does so without making any direct reference to them, which would require linking to activist-created media for the sake of "verifiability." This, in turn, would direct Wikipedia audience members to activist sources, which in turn would undermine the point of view of the mining company. As DilligentDavidG states in his user profile, one of the most valuable uses of Wikipedia is as a directory for further, (ostensibly) more reliable source material. Thus, it is significant that ten of the seventeen sources cited in the Wikipedia page for Marlin mine are either publications from Goldcorp, Montana Exploradora, or closely related pro-mining industry organizations. The remaining sources are primarily news outlets or academic articles, including the PHR report, which have been selectively referenced in the body of the Wikipedia entry.

In fact, only one source is cited that might be considered "activist"—a summary report on mining in Guatemala produced by Mining Watch Canada. This report is cited to verify the statement that participants in the Sipacapa referendum (see Chapter Four) faced intimidation during the voting process. However, the original report by Mining Watch Canada makes it clear that the people intending to vote against mining were being intimidated by pro-mining factions;

the Wikipedia page leaves this vague, implying through context that pro-mining voters were intimidated by anti-mining factions into voting against the mining project. This is a creative use of Wikipedia's policy to support a particular political agenda. While technically adhering to the "neutral point of view" and guided by the "verifiability" of information included, the author of the Wikipedia page refracts the original meaning of the report to meet his own ends.

Conclusion

The social life of the photograph of the baby with the skin rash speaks volumes about the potential for grassroots media to usurp the kinds of calculated discursive frameworks created by the mining company and promoted by the Guatemalan government in the interest of public relations. Since its original publication as a photo essay on an activist website, the image of the baby with the skin rash has been reposted no fewer than twenty-five times. It motivated an international academic inquiry into the level of heavy metals pollution in the streams surrounding the mine and in people living near the mine, which in turn prompted the Inter-American Commission on Human Rights to issue precautionary measures urging the Guatemalan government to close Marlin mine until it could be confirmed to have no negative impact on the lives of people living nearby.

Beyond the production of the PHR study and the IACHR's precautionary measures, the circulation of the photograph has shaped discussions about Marlin mine and the discourse on mining in Guatemala more generally. Indeed, it is difficult to talk about Marlin mine without encountering references to either the photograph directly, or the claims that community members make about skin disease and other illnesses. Even in places where the photo itself is absent—the

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Wikipedia article on Marlin mine, or in Goldcorp's videos and blog post discussing their contributions to community health and environmental impact mitigation practices—the image and the community members' claims that it represents clearly set the terms on which the mining company must portray its enterprise. This is in stark contrast to the ways that the company had initially chosen to frame Marlin mine as a nationalist development project (chapter 6).

While Kalowatie Deonandan (2015) is correct to argue that the resistance to Marlin mine has ultimately been unsuccessful in terms of having their demands met by the state or mining company—the mine, after all, is still in operation five years after the IACHR's precautionary measures—the widespread publication of the image of the baby with the skin rash is indicative of the ways that the social movement has had a profound impact on how environmental issues—and mining in particular—are discussed and debated in Guatemala. That resistance to mining projects would be framed as a matter of public health is not a foregone conclusion. A focus on mining's negative impacts on health naturally contradicts the positive image that corporations wish to convey of the clinics and vaccination programs they sponsor, however it does not necessarily align with other activist framings of mining either. Within the Guatemalan context there are several different arguments made against mining. For example, *consulta* organizers frame indigenous rights as central to the debate (see chapters 2 and 3), while community members' concerns, public discourse, and even the decisions of international bodies such as the IACHR focus instead on human health and access to clean water. This second focus is driven by the proliferation of media such as the image of the baby with the skin rash; it has become the dominant image of Marlin mine both within Guatemala and internationally.

The photograph and attendant media's circulation has served to "accelerate the learning curve" of communities that would potentially face negative impacts from new mining projects,

prompting a shift towards a politics of time in which communities are able to organize resistance far in advance of the implementation of projects (Kirsch 2014). Nearly every new mining license that the Guatemalan government grants is now met with skepticism or outright protest from community members. The people that would be affected by proposed mining projects are already armed with questions about their impacts on human health and the environment, because they have seen the myriad media in which the image of the baby with the skin rash has been published, or have otherwise encountered its shadow.

People that have viewed the image share in the experience of its affective qualities, and come to form a public. Even the corporate responses, which attempt to reclaim the subject of water pollution and refract the claims of community members to meet their own publicity-oriented ends, contribute to the production of this public. By addressing—or alluding to—the community members' claims, corporate publicity campaigns acknowledge their significance in debates about mining. A government official in the Ministry of Environment and Natural Resources told me that she was so tired of listening to community members complain that she simply ignores the various NGO studies and presentations through which they are often publicized. Goldcorp and Montana Exploradora employees have begun to follow suit. Once regular attendees at COPAE presentations and NGO conferences, expressly for the purpose of refuting studies about water quality or human rights, mining company employees are now conspicuously absent.

The speed and scale at which the photograph of the baby with the skin rash traveled demonstrates how easily an idea can spread via an image on the Internet. The technical lives of images on the Internet versus print allow for nearly anyone to produce and circulate photographs "far 'n wide" (as the Rights Action essay requested). This style of photography lends an urgency to many digital photos that is not felt in the aesthetics of glossy print images; their affective

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quality is more immediately gripping, and people are able to quickly share or "repost" the image under their own byline, lending it another layer of validation. While many of these "shares" or "likes" on social media amount to very little in terms of action, the more people that are talking about the image, the more likely it will land in the hands of an individual or organization with authority. Furthermore, the Internet functions as an enormous archive of such images, allowing interested parties to pull them up again and again even after their initial circulation has subsided. These aspects of digital imagery have allowed anti-mining groups in Guatemala to fundamentally reshape the public discourse around mining, defining the terms by which international actors interact with the company and Guatemalan government, as well as forcing the company to respond to claims they would have otherwise ignored. Although the aspects of the anti-mining campaign based on the negative health impacts of Marlin mine has ultimately failed to force the mine to close, its lasting impact on how people talk about mining in Guatemala points to the significance of the "right" photograph in political debates.

Chapter 6 Corporate Framing of Mining in Guatemala

Introduction

Transnational mining corporations in Guatemala carefully delimit the discursive boundaries of conflicts over mining projects, framing them as social and economic development issues rather than environmental ones. Such efforts erase the complexities and ambiguities of the Guatemalan context, enabling the company to reinforce its self-promotion as a socially-engaged actor. In this chapter I analyze the ways Goldcorp (through their Guatemalan subsidiary Montana Exploradora) frames their flagship Guatemalan gold and silver mine through an expertly-written environmental impact assessment, which forms the basis for their subsequent community outreach efforts. The framework established in the assessment is distilled and recirculated for public consumption in corporate advertisements, corporate-sponsored pro-mining protests, and a series of promotional videos that the company uses for community education. In their responses to these discourses, anti-mining activists are compelled to frame their opposition to mining in the techno-scientific terms the company uses, which not only limits the type of critique they can make, but also exposes disjunctures between their use of this genre and that of the mining company. This allows the government and mining company to exploit the intertextuality of their arguments to accuse activists of illegitimacy and inaccuracy. By tracing the recirculation of the company's discursive framework, I hope to make clear how states and corporations collude in ways that reproduce and reinforce certain received norms about the divisions between social, economic, and environmental space. At the same time, these expert frames exist in an

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intertextual relationship with activist and community responses that seek to complicate the perception of social, economic, and environmental spaces as distinct from one another.

Erasing Excesses

The construction of corporate mining expertise depends upon a process of erasure, or group simplification, in which particularities that deviate from the desired normative framework—what Marisol de la Cadena (2010) calls "excesses"—are ignored or explained away (Irvine and Gal 2000:38). Erasure gives the impression of a unified, homogeneous whole. While Judith Irvine and Susan Gal discuss erasure in terms of specific linguistic attributes within a given group, I use it here in a broader sociocultural sense. Erasure of sociocultural and ecological details eliminates the gaps in indexical values that might otherwise be creatively exploited by anti-mining activists to construct new values. On the one hand, erasing specific contextual details from corporate advertisements or environmental studies seeks to flatten the diversity of the Guatemalan sociopolitical context, portraying mining as a form of sustainable development in the best interests of the *national community* (see also Irvine and Gal 2000). On the other hand, erasing or remaining deliberately vague about the particularities of environmental impacts and their mitigation allows the company to portray what Peter Benson and Stuart Kirsch (2011) call a "corporate oxymoron." By providing a variety of ongoing, small-scale social interest projects, the corporation attempts to erase the limited-term nature of mining (there is only so much metal in the ground, after all), distract from the material damage produced, and promote their endeavor as "sustainable" (Kirsch 2011, 2014). Audiences are thus guided towards particular

interpretations of mining and the environment over others, and the company's non-preferred interpretation is discredited.

The corporation's construction of their discursive framework begins with the production of an environmental impact assessment, and is reinforced through community outreach efforts and processes such as water monitoring. Anti-mining activists, by contrast, respond by attempting to make these "excesses" visible once more, promoting what De la Cadena refers to as a "cosmopolitical" perspective (2010). Discussing a turn toward the cosmopolitical in Peruvian environmental politics, she says, "What is going on… is not a paradigmatic shift in the history of indigenous resistance; the excess has always been present. The extraordinary event is its public visibility; the shift it may provoke would be epistemic..." (De la Cadena 2010:348). In this case, the mining company's strict division between "social" and "environmental" issues elides the direct impact mining has on the environment, and subsequent effects on the lives of people who depend on that environment for their livelihood.

Using what Fabiana Li (2015) calls "solidarity science," NGOs deploy their own audit processes in the form of water monitoring, public health reports, geological studies, and human rights impact assessments to reveal both the contextual excesses as well as physical and chemical excesses in the environment—excesses of heavy metals in drinking water, for example—and make them visible through the same technical language that the mining company as used to obscure them. Li notes, "The need for costly scientific studies and expert knowledge has changed the terms of the debate around mining, channeling activism toward *scientific* counterarguments" (2015:207, emphasis in original). While these counterarguments are intended to refute the mining company's claims of an environmentally harmless, economically beneficial project, they may make activists vulnerable to critiques of illegitimacy or inaccuracy from the government

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and mining company. They also unintentionally reproduce many of the same categorizations and distinctions that the corporate frames create in the first place, obscuring community members' more complex conceptualizations of nature and development.

Assessing Impacts

The primary method of defining environmental risk and the obligations of the corporation in terms of environmental protection is the creation of an environmental impact assessment (EIA), completed as part of Goldcorp's application for a loan from the International Finance Corporation (IFC).[105] Applying for IFC funding was Goldcorp's first step in establishing the mining project's legitimacy as a "development" initiative, drawing on the authority of that organization's purported mission of reducing poverty (see also Goldman 2005). It also served as a way to position the company as a collaborator with the Guatemalan state's "will to improve" (Li 2007), superseding the relationship the company and government have with local communities and setting the foundation for the discursive framing of mining as a national interest.

The environmental impact assessment begins by citing Article 125 of the Guatemalan Constitution, which establishes the exploration of minerals as a national interest. It goes on to outline the environmental quality of Sipakapa and San Miguel Ixtahuacán prior to the establishment of the mining project. It mentions already existing environmental problems such as water scarcity and poor soil quality—problems that are blamed, in part, on local communities' activities. The assessment emphasizes the potential for environmental improvement through reforestation. While reforestation has undeniable benefits, the emphasis it receives in the

assessment contributes to the conception that the only natural spaces worth conserving are "pure," and free of human interventions. Furthermore, it delegitimizes community members' interactions with the environment, which are not often described using the language of conservation or sustainability. Instead, it emphasizes an image of the environment that is common throughout popular discourse in Guatemala, which carefully separates human endeavors from strictly defined ecological spaces. For example, newspaper headlines that declare "They contaminate the river water!" refer not to the heavy metals deposited by mining companies but to plastic bottles and candy wrappers tossed carelessly aside in rural communities (that often lack infrastructure for handling such waste). This first strategic suggestion that the mining project is a potential source for "environmental improvement" serves to shift the blame for environmental damage onto community members, a move that further suggests they are in need of the social and cultural "improvement" provided by the Guatemalan government's assimilatory policies, discussed below.

The assessment includes maps of Guatemala and the region, a flowchart of the mining process, and a cross-section diagram of the excavation area. In the middle of the document is a page of six photographs, otherwise unexplained, showing (according to their brief captions) secondary forest growth, two villages, and bromeliads growing in the area of the mine. These kinds of classificatory images, Li (2015) notes, create a sense of technical rigor and expertise that allows the environmental impact assessment to circulate as "objective" knowledge about mining and the environment, ultimately furthering corporate interests over community or environmental ones. The production of techno-scientific knowledge about mining contributes to the "anti-politics machine" that further naturalizes mining and its resulting impacts as "development," making it more difficult for critics to oppose them (Ferguson 1994). Discussing

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a similar assessment of the Yanacocha mine in Peru, Li explains how such inventory-taking

makes the environment quantifiable and intelligible in scientific terms, and thus enables

corporations to perform audits—such as monitoring the quality of water surrounding the mine—

that bolster their image of accountability (2015:193).

Creating this environmental classificatory system enables the company assessment to frame

natural resources as commensurable with the economic benefits, which the assessment

emphasizes as compared to the impoverished conditions facing the communities prior to the

establishment of the mine. It states that farming in the area barely sustains community members,

and that most people must travel elsewhere to find work; this is true, yet it also underestimates

the value that people working elsewhere place on their family land. Even when employed in

other cities, many community members cultivate relatively small plots of corn, beans, and squash

in their home villages in order to maintain their social and spiritual connectedness and resist

anomic pressures. The assessment provided by the mining company, on the other hand,

celebrates the 200 jobs it will create for community members during its operation, without

detailing whether these jobs will provide transferrable skills (most will not) that will remain

useful after the mine closes following its estimated ten (more recently extended to fifteen) years

of operation.

Robert Moran (2004), a hydrologist hired by NGOs Madre Selva and COPAE to evaluate

Marlin's EIA, notes that many aspects of the assessment that would be considered fundamental

in other countries (like Canada, where the firm is based) are conspicuously absent. For instance,

Moran argues that the EIA should be written in such a way that it addresses the basic concerns of

community members, yet questions such as "How much water is available near the mine, and

how much of it will the mine use each day?" are not answered. Throughout the document,

potential negative impacts of the mine are glossed over and ultimately dismissed simply by stating that they will be mitigated, or that a management plan will be implemented, without giving specific methods of mitigation or actual details of the management plan.

Perhaps most telling is the section of the assessment titled "Environmental Viability of the Project," which includes three paragraphs discussing the investment opportunities the mine will provide, the additional mining projects it will attract to the country, and the possibility that the communities impacted by the project might invest their royalty income in improved infrastructure. Two sentences mention that the landscape and "rhythm of life" in the communities will be altered, and that the company will undertake "mitigation efforts." In addition to once again erasing environmental impacts to emphasize economic ones, the authors of the assessment essentially assume (or hope) that any community members reading it will take it in good faith that the company will police itself.

Based on the assessment, it is clear that the mining company seeks to separate the public perception of mining from that of environmental impacts, erasing the complex relationship between what they frame as an economic endeavor and the natural world. Rather than referring to "the environment" in a biological or ecological sense, the mining company instead partitions the environment into specific, discernible spaces (Kirsch 2010). They actually talk quite a bit about the environment in their literature and, looking at the country-specific website of this particular mining company, you might not even realize what it is they do. The opening slideshow features images of a reforestation project—from sapling to full-grown conifer—a fruit tree grafting program, and a hydroponic tomato project. One image in the middle of the procession depicts men wearing hardhats, again pointing to the technical rigor of mining, but clearly differentiating it from the natural spaces represented elsewhere. The discursive framework

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created in the environmental impact assessment—the definition of and distinction between social, economic, and natural spaces in particular—is further reinforced through publicity campaigns at the national and local levels.

Delinquents and Criminals

On July 27, 2008, Montana Exploradora ran a full-page advertisement in the two largest Guatemalan newspapers: *Prensa Libre* and *Nuestro Diario*. This particular advertisement stood out from the surrounding pages of news and advertisements. At first glance, the advertisement appeared to be part of the ongoing anti-mining campaign, otherwise manifested in community-led demonstrations, graffiti, newspaper articles, NGO reports, Facebook posts, and documentary videos. When journalists fail to cover what activists consider an important issue or event, a common tactic is to buy space in a newspaper for a *comunicado,* an advertisement or announcement similar to a press release. *Comunicados* can be issued by individuals or groups, to denounce or support the activities of other individuals or groups. A frequent activity on academic listserves about Guatemala is garnering individual and institutional signatures to *comunicados* in support of Guatemalan academics, activists, or organizations who face physical threats or intimidation because of the kind of work they perform. *Comunicados* can also be of a more general nature, for example, the obituaries and other personal announcements at the back of the newspaper are also *comunicados*.

ATENTAN CONTRA TRABAJADORES DE MONTANA

Desde principios de este año, el personal de la mina Marlin y sus proveedores han sido objeto de amenazas, intimidaciones, agresiones y atentados en su contra. Tales hechos incluyen:

- Robo y asalto de vehículos.
- Bloqueos y agresiones físicas directas.
- Ataques con armas de fuego.
- Sabotaje a la línea de transmisión eléctrica en diferentes secciones, interrumpiendo las operaciones de la mina Marlin.

A estos frecuentes actos contrarios a la ley, se suma ahora el reciente secuestro de dos trabajadores de la mina Marlin.

El día lunes 21 de julio, dos miembros del personal de la mina Marlin propiedad de Montana Exploradora, ubicada en San Miguel Ixtahuacán, San Marcos, mientras desarrollaban sus actividades en áreas cercanas a la mina, fueron interceptados de forma violenta por sujetos fuertemente armados y retenidos en contra de su voluntad, siendo sometidos a intimidantes interrogatorios y conducidos de una forma estratégica y organizada.

Ante esta situación, nos vimos en la necesidad de requerir la intervención de la Policía Nacional Civil y del Ejército de Guatemala, con el objetivo de localizar y rescatar a los secuestrados. Estos esfuerzos fueron clave para la ubicación y el retorno de ambas personas a sus hogares, quienes están siendo evaluados física y psicológicamente.

Hacemos notar que todos estos eventos se han llevado a cabo después que varios grupos de personas y organizaciones nacionales e internacionales han estado realizando una serie de actividades de manipulación y desinformación en las áreas alrededor de la mina, en donde se ha llegado hasta amenazas en contra de las personas y comunidades que se benefician o apoyan la actividad minera en el área.

Montana Exploradora de Guatemala, S. A. y Goldcorp Inc., condenan todos los actos que tiendan a provocar conflictos, por parte de los diferentes grupos externos en estas comunidades en donde se realizan las operaciones mineras.

En nombre de las víctimas, sus familias y Montana Exploradora, agradecemos a las fuerzas de seguridad combinadas y al Ministerio Público por el apoyo brindado en esta difícil situación.

A las autoridades correspondientes, solicitamos que se tomen las medidas necesarias para hacer prevalecer el Estado de Derecho y la protección de los derechos individuales de las personas.

Guatemala, julio de 2008

Figure 21: Full-page paid press release issued by Montana Exploradora de Guatemala in the *Prensa Libre*. Credit: Montana Exploradora, July 2008.

Upon closer scrutiny, however, the bold headline: "ATENTAN CONTRA TRABAJADORES DE MONTANA," was clearly a statement from the perspective of workers at the Marlin mine project. "Attacks against workers of Montana," refers to anti-mining activities carried out in San Miguel Ixtahuacán and Sipacapa, San Marcos in recent months. The advertisement is in fact a creative attempt to bring increased news coverage and public awareness to such activities from the mining company's perspective. In so doing, the company seeks to discredit the opposition. The ultimate goal is for the company to be viewed as not only a national development project rather than as a contributor to environmental concern, but also as a local, grassroots endeavor in line with an organization that would typically issue such a *comunicado*. The framing of the accusations in the *comunicado* contribute to this perception.

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The *comunicado* opens with the claim that personnel from Marlin mine have endured a series of "threats, intimidations, aggressions, and attempts against them" over the course of a year, including robbery and vehicular assault; roadblocks and direct physical aggression; attacks with firearms; and sabotage against the wires supplying Marlin mine with electricity, which interrupted operations. With the exception of the last action, for which anti-mining activists have claimed responsibility, each of the listed accusations has also been made by anti-mining activists against the mining company. The *comunicado* goes on to say that the perpetrators of these crimes were organized and strategic, as well as heavily armed. The description and details used here bring to mind the *guerrillas* of the Guatemalan civil war, but they also draw upon associations with recent gang violence, photos of which frequently grace the front pages of national newspapers.

Because the *comunicado* is clearly labeled as "*campo pagado,*" (paid field), it exists in conversation (and comparison) with other "paid fields" such as advertisements for cell phones and cars. However, its stark aesthetics also create an intertextual relationship with documents of similar aesthetic qualities such as *solicitudes* (government or business solicitations). This dueling intertextuality creates a complex genre, drawing on associations with authentic business or government notices while attempting to accomplish the coercive goals of an advertisement (Briggs and Bauman 1992; Hanks 1987; Bakhtin 1986 [1979]).The creators of the *comunicado* draw on the rhetoric of modernity and nationalism, employing aesthetic and linguistic techniques to frame the mining project as beneficial to the nation, and the opposition groups as congruent with anti-national gang violence. Anderson (1991) argues that monolingual print media such as newspapers were integral in forming nationalist sentiments in Europe; the monolingual, mono-ethnic model of nation-formation that he elucidates was replicated in the nation-building project

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of pre-civil war Guatemala, and largely continues unchanged despite post-civil war multiculturalist overtures. The language choice, the venue in which this particular announcement was published, and the message it conveys all portray a unified Guatemalan nation, of which the proprietors of Marlin mine aspire to be a part.

The *comunicado*, Marlin mine, and the employees of Montana Exploradora are situated within the national context of fear and violence that has grown out of the recently ended 36-year civil war (Benson, Fischer, and Thomas 2008). In this context, the details of the opposition groups' identities are flattened and conflated with guerrilla organizations or gangs, both of which are threats to national security and identity. Strategic erasures of details about the mining project, such as the national origins of Marlin mine, serve to reinforce the mine as a Guatemalan development project, geared to the best interests of the community. Through this particular construction of nationalism, the advertisers aim to promote Marlin mine as a crucial investment for the nation and its citizens.

These same strategies reflect processes that partition both peoples and spaces within the Guatemalan sociocultural context. The advertisement not only reflects the divide between non-indigenous *ladinos* and indigenous Mayan Guatemalans, but actively reconstructs it. The former are established as members of a public space, and the latter as members of a distinct counterpublic space (see also Inoue 2003, Gagné 2008, Warner 2002). *Ladino*, Spanish-speaking Guatemalans are disembodied from the particularities of location and become abstract nationals, benefiting from the mine-as-development project. Indigenous Mayans, their identities and communities deliberately erased from the context of the advertisement, are sutured to specific localities whose mention would undermine the nationalist, assimilationist portrayal of the mine that directly contradicts both the multiculturalist message of the post-civil war

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reconciliation efforts as well as the indigenous rights discourses of anti-mining activists. This is somewhat perplexing given the multiculturalist message of the Guatemalan state, and Montana Exploradora's clear attempts to align themselves with state powers in other advertising campaigns. However, the corporation backs away from this assimilationist message in other publicity campaigns, which I discuss below. The significance of this strategy in the *comunicado* is primarily to discredit—and even erase—the opposition, which bases their arguments in indigenous rights discourses. It is effective because of the campaign's intended audience, which is more likely to identify with the majority of the newspaper readership located in the capital city.

Understanding the intended impact of Montana Exploradora's discursive strategy in this *comunicado* further depends on an awareness of the nature of the selected venues of publication, and their respective readerships. The publisher of *Nuestro Diario,* the paper with the largest circulation, describes his paper as "very visual and highly colorful" with "high impact text" (ibid.). "Though lighter [in content] than other newspapers," the Diario's reporters claim to be "equally committed to truth," (ibid.). *Nuestro Diario* has the reputation of being the "working man's" paper in Guatemala. Low on text and high on images, it is often sensationalistic. The front page is generally dominated by a full-page image of a crime scene or a bus crash, accompanied by bold, red-lettered headlines. The inside pages feature diagrams recreating the crime or accident, including graphic indications of bullet or vehicle trajectories. The back pages of *Nuestro Diario* are filled with sports news and collages of the pin-up girls of the week, scantily clad in string bikinis.

Its major competitor, *Prensa Libre*, is seen as a more intelligent and business-oriented newspaper. Every Sunday *Prensa Libre* publishes a translated insert featuring the week's top

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stories from the *New York Times*. The last pages of *Prensa Libre* feature announcements, usually obituaries and condolences for the families of recently deceased persons, purchased by their employers or business partners. Although the advertisements in *Prensa Libre* are eye-catching, the news, in general, is not.

It is occasionally difficult to distinguish the brightly colored advertisements for cell phones, cameras, and cars from the news in *Nuestro Diario*; front-page news usually depicts a photograph of a crime scene under a bold, one-or two-word headline. Inside, the story is printed with a supporting image diagramming the criminal action. The advertisement shown here, published July 27, 2008, took up a full tabloid page towards the back of the publication. It was juxtaposed with models in swimsuits on the spread, two advertisements (one internal for *Nuestro Diario* and the other for a trucking company) on one back page, and a special on health issues on the opposing back page. The advertisement stood out significantly in terms of aesthetics: while the surrounding pages featured full-color photographs and very little text, the advertisement was printed in stark black and white text with a simple black border and no graphics.

The publication of the advertisement in a Spanish language newspaper with national circulation asserted Montana Exploradora's authority to draw on national resources, as did specific details mentioned in the text of the advertisement. Montana Exploradora is positioning itself as a national entity, erasing the fact that it is wholly owned by a Canadian-American mining conglomerate. Also left out is the actual amount of money contributed back to the Guatemalan government: 1% of profits. These details would detract from Montana Exploradora's image as a "development project" geared towards the needs of the Guatemalan people.

Montana Exploradora goes to great lengths to describe the grievances it has suffered at the hands of anti-mining opposition, and the necessity it felt in calling on the National Police and Guatemalan military for protection. They will not hesitate to call on these institutions in the future, they tell readers. This testimony makes the assumption that the readers view the National Police and the Guatemalan military as working in their—and the nation's—best interest. This is not true in many parts of Guatemala, where corruption and apathy on the part of the police have led to pervasive distrust and anger from community members. For example, in Todos Santos Cuchumatán, a Mam-speaking community near Huehuetenango, the police force is virtually defunct; local security forces, comprised of community members, fill the role that the police might otherwise (Sharp 2015). In Nebaj in June 2008, I was witness to an anti-police riot in the town square, which succeeded in running the entire police force out of town and destroying hundreds of thousands of quetzales worth of property, including the reduction of a police motorcycle to a scorch mark on the road. The issue at stake concerned the arrest and subsequent release of a man variously described to me as accused of killing a young boy, kidnapping a young boy, or kidnapping, killing, and dumping a man's body in the countryside. Most people I spoke with acknowledged that the riot was out of hand, but also insisted upon the uselessness of the police force, and the injustice done to the family of the victim by releasing the suspect without judgment. Similarly, in San Miguel Ixtahuacán in 2011, police failed to respond to what anti-mining activists described as a kidnapping situation, in which a group was held captive after a protest against mining (see chapter 4).

Benson, Fischer, and Thomas (2008) describe two protests that recently took place to the southeast of San Marcos, both of which turned violent and became portrayed as gang-related in the media: one occurred in the town Tecpán, Chimaltenango over tax issues, and the other

(described in detail in chapter 4) occurred at the junction Los Encuentros, Sololá, concerning the passage of a cylinder being used in the construction of Marlin mine. At Los Encuentros, demonstrators blocked the road for nearly a month, until police and military forces were sent in to dispel them. In the conflict between police and demonstrators, one man was killed. Benson, Fischer, and Thomas argue that the blame for these incidents is passed on to gang groups as an easy out for explaining the pervasive structural violence in Guatemala. Likewise, in the case of Nebaj I mentioned above, the following day's newspaper coverage elided the issue at hand and wrote the incident off as an example of "delinquents" provoking a group of people to violence.

The *comunicado* deliberately erases the identities of opposition groups, in order to conflate them with gangs. The clues the advertisement provides for the opposition's identity are that they are "outsiders" spreading "disinformation among the communities surrounding the mine," targeting people who have benefited from the presence of the mine. The implication here is that these "outside groups" are jealous of the development work being done by the mine, and wish to destroy such benefits. Describing opposition as "outside groups" likewise positions them in contrast to the nation, to which Marlin mine ostensibly belongs. The erasure of national difference, in language and in politics, constructs a homogenous state to which "opposition groups" can be contrasted. Language choice and venue identify the readership as part of that nation; conflating opposition groups with gangs indexes them as separate from national interests. These indexical values are based on the presupposition of a readership that interprets them as such, which is a reasonable conclusion given the focus of this advertising campaign in the *ladino*-dominated spaces of the capital city.

In Montana Exploradora's version of the national narrative, Guatemalans speak Spanish, "they" want to develop their country using neoliberal, capitalist methods, and "they" trust in the

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national security forces to defend the national interests against outsiders inciting violence. Erased here are the nuances of language, political opinion, and structural violence—none of which Montana Exploradora and the Guatemalan government really care to address. These erasures are both structured by and reinforcing of wider patterns in social relations between non-indigenous and indigenous peoples, as well as development and environmental policies.

The reproduction of a *ladino*-indigenous binary is mirrored in the dual practices of development and conservation. These practices are comparable to the processes Bruno Latour (1991) refers to as translation and purification: translation describes the production of hybrid quasi-objects which can be classified neither as "natural" nor "social;" purification seeks to maintain the divide between the natural and the social, classifying all objects as either one or the other. Likewise, practices of economic development and environmental conservation seek to maintain the divide between people and nature, and between nation and other.

This *comunicado* is part of a pervasive pattern of representations of development and environment—particularly on the parts of the corporation and government—in Guatemala. The representational trend is such that natural resources like precious metals or lumber are viewed as limitless sources of proprietary wealth, and the environment is reified as pure space, devoid of human presence. These images do not exist in isolation from social and political processes, which both guide the production of such images, and are reinforced by their publication and circulation.

A Nation in Development

According to the government and mining companies, mining is an essential economic investment for impoverished municipalities such as San Miguel Ixtahuacán and Sipacapa, and for the

Guatemalan nation as a whole. Conflict over mining projects is caused by social issues such as low levels of education, not environmental concerns. So pervasive is this claim that my initial attempts to contact the Ministry of Environment and Natural Resources (or MARN by its Spanish acronym) resulted in a firm reply that I should contact the Ministry of Energy and Mining instead, since MARN had nothing whatsoever to do with mining. This is far from the truth: MARN is tasked with monitoring and regulating the environmental impact of development projects, ranging from residential construction to industrial mining and other forms of extraction. Prior to being granted a license for extraction, mining companies must gain approval of their environmental impact assessment from MARN.

When I finally managed to speak with the director for environmental management at MARN—a middle aged, well-to-do non-indigenous Guatemalan woman who had cat figurines decorating her cluttered office—she described the problems with interacting with indigenous communities and attempted to explain to me why conflicts over mining were social issues rather than environmental ones, and thus were out of her jurisdiction. At one point during the interview, she exclaimed in frustration, "It's like dealing with children!" She elaborated more calmly, "Language is a big problem. There are so many different dialects, and none of them understand each other. It's next to impossible to translate the information into a Mayan language. And it's not just language—the level of education is so low in indigenous communities, you have to bring the language down to their level." This theme was repeated over and over again in interviews with government and mining company officials. Some were more politically-correct than others.

The communications director at Montana Exploradora—a younger well-to-do non-indigenous Guatemalan woman—described it as a country-wide structural issue, which is also a common assessment among development-oriented NGOs. She said, "You see, these

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communities haven't had access to education, so they're very vulnerable to manipulation and will believe whatever they're told. It's just a part of our culture now, and we have to deal with it." This is a subtle difference, but worth briefly unpacking. It's the difference between "these people are underdeveloped and hopeless"—which is an antiquated if still common line of thought among the old guard Guatemalan oligarchy—versus "these people are underdeveloped and *we need to help them*"—the position enthusiastically promoted by the Colóm administration, international development organizations, and more recently, the mining company. Neither position, of course, is acceptable to the indigenous activists opposing mining projects. The latter is perhaps more insidious because it disguises the insinuation that indigenous groups lack agency in an assertion that the speaker wants to help. But what is significant is that the mining company has adopted the discourse of international development NGOs in an attempt to position themselves as a benevolent (and purely socio-economic) force, a discourse that is vividly evident in their national advertising campaigns.

Figure 22: Billboard advertisement for GoldCorp and Montana Exploradora, July 2009: "We Invest in the Dreams of a Country in Development." Credit: K. Fultz.

According to Baudrillard (2001), we consume concrete products, but we consume their significance through advertisements (13). Therefore, it is possible to analyze the significance of the development that Goldcorp offers, and the significance of consuming it, through an analysis of their advertisements. One year after the publication of their *comunicado* denouncing opposition activities in San Miguel Ixtahuacán and Sipakapa, Montana Exploradora's Vancouver-based parent company, Goldcorp, ran a series of billboard advertisements in strategic locations in Guatemala City and along the Interamerican Highway. Much like the *comunicado*, these billboards sought to position Montana Exploradora/Goldcorp as a vital participant in the national economy. However, they went beyond seeking acceptance by also striving to create a desire for their product. The product that Goldcorp offers is "development" and, in particular, capitalist development, which is represented in the images that appear in the company's billboards.

The Spanish text of the billboards is simple, and is designed to grab your attention: "We invest in the dreams of a country in development," (*Invertimos en los sueños de un país en desarrollo)* or "We believe in a country that works hard" (*Creemos en un país que trabaja con esfuerzo*). All of them carry the phrase, "The valuable thing is development," (*Lo valioso es el desarrollo*). But what is this development? The billboards promise schools (for the future of the children), hospitals and clinics (health), and infrastructure (shown in the photos of large cities), or rather, services, rights, and benefits that are usually considered part of the responsibility of the state. It seems that in effect, the company intends to absorb the responsibilities of the state, privatizing them, following the typical politics of neoliberalism. Paradoxically, despite this privatized logic, the company places strong emphasis on the concepts of the nation and its strength.

The images in these advertisements offer an approximation of the vision of a "country in development" mentioned in their headlines: families dressed in *ropa americana* (Western-style clothing, often imported second-hand from the United States), a worker in a miner's hard hat, mining equipment operating day and night, children with wide grins, and cities of sky scrapers without end. The images promote a vision of development with a national identity, but without a local identity: the clothing is the sort that is made to seem generically "Western," not the *traje típico* (typical dress) of a particular highland village; the education is in Spanish (judging from the captions); and the monochrome cities consist of block after block of identical buildings without natural or distinctive spaces. The focus of the advertisements is not at the local level— San Miguel Ixtahuacán or Sipacapa—but at the level of the Guatemalan nation; it follows, therefore, that the audience they attempt to interpolate would aspire to form part of that nation. This conceptualization of development and citizenship negates the possibility of practicing a local alternative, identified with traditional values. In its place, they develop an idea and image of the nation as constructed by Goldcorp, in which the citizens are those that act as consumers of their brand of development. Lending to their persuasive power, mining advertisements strategically eliminate details that would otherwise suggest that Marlin mine is not a development project in the best interest of the nation.

The Great March for PEACE

In a publicity video from 2009, Montana Exploradora and Goldcorp shift their discursive strategy somewhat and present a narrative reminiscent of both the right-wing elites' calls for peace and security, as well as anti-mining activists' arguments for indigenous rights. A video

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created by the mining company and published on their YouTube page depicts what they called

the "Great March for PEACE" (*Gran Caminata por la PAZ*), a pro-mining protest staged in San

Miguel Ixtahuacán to coincide with the fourth anniversary celebration of Sipacapa's *consulta*

comunitaria (see Chapter 2 for an account of the concurrent anti-mining march in Sipacapa). The

video eclectically layers aesthetics from government discourses about peace and solidarity, civil

war-era protests, social and cultural movements, and right wing anti-government peace protests

to claim the moral high ground and promote the image of pro-mining advocacy as a grassroots

mobilization. By borrowing aesthetic conventions and language from these contradictory

factions, the mining company continues to develop their image as a community-focused

development organization while simultaneously depicting themselves as part of an ahistorical

anti-political project.

The pro-mining protest took place on a Friday in June 2009. Participants were primarily

women who worked at the mine and their families, and they had been given the day off of work

to participate in the march. They were joined by their bosses, including the general manager of

the mine and several other high-level spokespeople. The video of the march opens with light blue

text against a white backdrop giving the title of the protest and the date; the Goldcorp logo is

present in the lower right hand corner throughout. The color scheme immediately indexes the

Guatemalan state, and in particular the then-current Colom administration's "*Tiempo de*

solidaridad" (Time of solidarity) campaign.

The frame then cuts to slow-motion video footage of women wearing *cortes* and white

blouses, holding umbrellas to shade themselves from the full sun. This is a departure from the

assimilationist tone expressed in the mining company's earlier *comunicado* and billboards, where

the particularities of indigenous communities are erased in order to depict a homogeneous and

unified Guatemalan nation. Instead, in the Great March for PEACE women are presented wearing clothing that immediately identifies them as members of the indigenous community. Diane Nelson (1999) describes a similar strategy associated with the Pan-Maya movements, in which women provide a symbolic connection to timelessness and cultural continuity, allowing (mostly male) intellectuals to "hack in" to the educational, economic, and technological opportunities offered by the dominant culture without risking "culture loss" (Nelson 1999:273-81). Similarly, in the Great March for PEACE, low-level female employees provide a symbolic association for the mining company with local indigenous culture, allowing them to claim belonging despite the fact that the mine is operated by a foreign corporation.

Many of the women are holding or have children near them, and both women and children are holding white roses. The second frame of text explains that 136 women work at Marlin, and all of them participated in the protest that day. There is both a visual and textual focus on women and children throughout the video. Of the two people we hear speaking, the first is the spokeswoman for female employees at Marlin. The focus on women is reminiscent of civil-war era protests by the mothers and widows of the disappeared, but is also a strategy often employed by anti-mining activists. In Guatemala, the refrains "*todos somos Crisanta*" and "*todos somos Diadora*" (we are all Crisanta and Diadora, respectively) refer to two female anti-mining activists who have faced physical threats and intimidation for speaking out against the mine. Crisanta was arrested for cutting down power lines owned by the mining company and placed on her property. Diadora was shot in the eye by two men who worked for the mining company, and later recovered. Both women have served as symbols of mining resistance in Guatemala.

Continuing a persistent theme in official company denouncements of anti-mining protesters, such as the accusations featured in the *comunicado* discussed above, the creators of the Great

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March for PEACE video attempt to create associations between anti-mining organizations and civil war violence. This is a creative appropriation of anti-mining activists' claims that conflicts over mining are a continuation of colonial and civil war violence—the pro-mining protesters turned this argument on its head and pointed to anti-mining activists as the guilty parties. The white roses, another frame of text announces, are "the symbol of peace and of the end of the violence that divided and tore the Guatemalan community for 36 years."[106]

In the video, the protesters place the roses on the steps of the Catholic Church in San Miguel Ixtahuacán. Padre Erik and Hermana Maudilia, the priest and a nun in San Miguel, were among the first public figures to denounce the mining project, and were integral in the establishment of the Front in Defense of Territory and Against Mining—the principal anti-mining activist group in San Miguel Ixtahuacán. The Great March for PEACE had been calculated in part to protest the political involvement of these two religious figures in the conflict over mining. Placing the white roses at the steps of the Church was a not-so-subtle suggestion that Padre Erik and Hermana Maudilia were perpetuating this same type of violence, dividing the community over mining.

The video concludes with a brief message thanking the "more than 1400 people who accompanied [protesters] in a gesture of harmony and respect" and requested that "We go together as neighbors, communities, and company. Together for development."

Cosmopolitical Responses

Community members in San Miguel and Sipacapa, as elsewhere in the highlands, base their arguments against mining on a cosmopolitical view of the world that simultaneously depends on the nature-culture divide, and deconstructs it. They accuse mining companies of irreparably

damaging the environment, and as therefore being antithetical to the Maya cosmovision. Anti-mining arguments position environmental damage as harmful to a traditional Maya way of life dependent not only on subsistence agriculture, but on a complex formulation of time and seasonality centered on the planting and harvesting of the *milpa*, an integrated corn-bean-squash field. As community members increasingly travel for work, *milpas* serve as links back to their home villages. Even after purchasing a house and establishing a business in Sipacapa's municipal center, for example, Doña Elida referred to her land in a village a half hour away as "home," and would frequently return there on the weekends. These practices hint at community members' more complex understanding of land and belonging than is represented in mining company assessments.

Helena, my friend several hours removed from San Miguel, asked me if I had seen the pictures of the water contaminated by mining. It's the liquid they use to wash the gold, she said, it leaks into the land and kills all the plants. People in communities far removed from Marlin mine often recount the horror stories they've heard via testimonies and documentary films: skin rashes that don't heal, children's hair falling out, and harvests that dry out before they have a chance to mature, all from using contaminated river water. These subtle but significant connections—water used straight from the river, a family nutritionally and symbolically dependent on what can be grown in the backyard—are the excess that doesn't fit in the social and environmental categories the mining company constructs. However, people's testimonies are not sufficient evidence for condemning the mine on a national and international scale. The company's established framework compels anti-mining activists to respond in kind, using the same mechanisms of audit culture and techno-scientific language to make their arguments.

Since the mine began operations in 2005, environmental activists have urgently sought to

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verify the testimonies given by people in San Miguel Ixtahuacán and Sipacapa about mysterious illnesses, disappearing wells, cracked houses, and dried-out crops with scientific research, and thus counter Goldcorp's depiction of endless socioeconomic benefits and an environmentally harmless mine. NGOs hire independent analysts, sponsor university academics, or otherwise arrange for *pro bono* expert investigators to research and write reports on everything from the water quality of rivers near the mine to human rights abuses at the hands of the government or mining company to the geological stability of the area in which the mine operates. By adopting the techno-scientific language and auditing mechanisms that the corporation employs, however, the activist and NGO responses are open to two risks. First, the government and mining company routinely dismiss these studies as being conducted by biased intellectuals, as having unscientific and sloppy methodology, or as being overly descriptive and preliminary. Second, NGO and activist mirroring of corporate discourses—even for the purposes of critique—at times unwittingly reproduces the categories that corporate assessments promote, erasing the complexity of community members' concerns. Nevertheless, activist studies serve an important function in raising doubt about corporate expertise, leading others to question precisely what it is that company reports erase.

One of the earliest responses to the mining company's assessments came from the San Marcos Catholic diocese, which established community-based monitoring programs for the rivers surrounding the mine. These programs paralleled the water monitoring conducted by the mining company, which was carried out in collaboration with the Guatemalan Ministry of Environment and Natural Resources, the national public university, and the corporate-sponsored community-based development organization. For the diocese, developing the program was a process of trial and error. Early in Marlin's operation, the diocese had invited an Italian scientist

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to spearhead the monitoring program; after he received death threats, however, he returned to Italy. The results of his brief study were quickly discredited by the mining company and Guatemalan government. The diocese hired its own staff to oversee the monitoring program in 2008. The person put in charge had been trained as an agronomist, and also coordinated the coffee cultivation program the diocese had established in Sipacapa. In late 2008, after facing accusations of illegitimacy on their first water monitoring report, officials at the diocese decided to hire a field biologist to take over the program. Alicia, the new coordinator, focused on training community members to participate in taking samples, and further systematized the monitoring process. Alicia directed the water monitoring project for the next five years; she presented her first report of results in 2009, for an audience of more than fifty people in Guatemala City.

The diocese rented a bright, modern room at Casa Ariana for their press conference to present the Second Annual Report on Water Conditions around Marlin Mine. This conference center was the site of numerous presentations over the course of my field research, both by the diocese as well as in collaboration with other regional and international NGOs. Nevertheless, some Guatemalan activists felt that its location in the heart of Guatemala City's swanky banking and hotel district was alienating to people from San Miguel and Sipacapa, who rarely attended. The atmosphere was undeniably ritzy. The buffet at the back of the room featured strong drip coffee – with real cream, for those who preferred it *estilo europeo*—and purified water with ice, all rarities nine hours away in San Marcos department. The courtyard, where refreshments were served following the presentation, was set up with white tents and large round tables with white tablecloths. Attendees were primarily Guatemalan elites in business suits—journalists, politicians, and government officials—or foreign activists who wore checkered keffiyeh-style scarves and field caps in a rainbow of colors, signaling a certain hipster cosmopolitanism. The

few community members who were present were leaders of anti-mining NGOs based in San Miguel and Sipacapa, and their travel costs were almost certainly covered by their international sponsors or the diocese. There were also a handful of television cameras on hand, including the local TVMaya and national broadcaster Guatevisión.[107] In an unusual move later that night, Guatevisión gave a generous sound clip to representatives from both the diocese and the mining company, as well as several pan-overs of the crowd.

Alicia began her PowerPoint presentation with photos of the mine and the nearby rivers, to provide the "general character" of the area. Her slides featured elaborate graphs showing the change in the levels of heavy metals, pH, turbidity, and temperature of the water at five different points in two rivers near the mine over the past year. She compared these levels to both WHO and US EPA standards for drinking water, finding alarming levels of arsenic. Peppered throughout the presentation were images of people taking water samples in San Marcos, showing close-ups of exactly how they filled and labeled the containers they used. Several pictures showed a man in a white coat and goggles, assessing the samples in a lab. "It's very important to show that we're serious about this," she replied when I later commented on the pictures, "We're doing everything very correctly."

Figure 5: Images used to demonstrate water sampling methods in the 2009 Catholic diocese study of water quality near the Marlin mine. Credit: COPAE 2009.

Alicia finished her presentation, and the moderator opened the floor up to questions from the audience. The blonde woman next to me raised her hand. In accented but clear Spanish, she introduced herself as Laura White, "graduated from a university in the United States" and general manager of the Marlin mine in San Marcos. These credentials are apparently meant to distinguish her from Alicia, who holds a Master's degree in Biology from the national public University of San Carlos. She spoke in an unemotional monotone until the end, when her frustration with the presentation became evident. "I want to say that you misunderstood the levels of copper in the water, and the study should be revised. Below the mine, the levels of copper are below those permissible for drinking water. Above the mine, where there is no mining influence, the levels are higher. That's why we have a mine there!" The crowd murmured over Laura's accusations, but the moderator moved on to the next question without giving Alicia and her colleagues a chance to reply.

A man mentioned that in a press conference on cyanide importation just the day before, the Ministry of Environment and Natural Resources (MARN) claimed that there was no contamination in the rivers near Marlin mine. Did the representatives from the diocese have a

response? Alicia replied by discussing the legitimacy of her methodology: the samples she and her team took were analyzed by a certified, external lab. Her boss, Victor, took the opportunity to chime in with a call for more frequent testing. If MARN has not found any contamination, while the diocese has, it is an indication of the state's inability to fulfill the need of an early-warning system for mining pollution, he said. The tests are meant to be an alert that something is wrong, and that something needs to be done. The audience murmured in approval, and the national press appeared to concur. The water report received a prominent spot in the widest-circulating daily newspaper the next day.

When I spoke with the director for environmental management of the Ministry of Environment and Natural Resources, however, she scoffed at the studies conducted by NGOs. "What a joke! Bianchini [the Italian researcher who first conducted a water study in 2006] filled up dirty Coke bottles for his samples. His study wasn't scientific at all!" This reaction, in line with the response from the mining company at the diocese's presentation of their water report, suggests that NGOs' deployment of this particular strategy may not be the most effective, yet the techno-scientific discourses are so pervasive that they are forced to respond in kind (see also Li 2015).
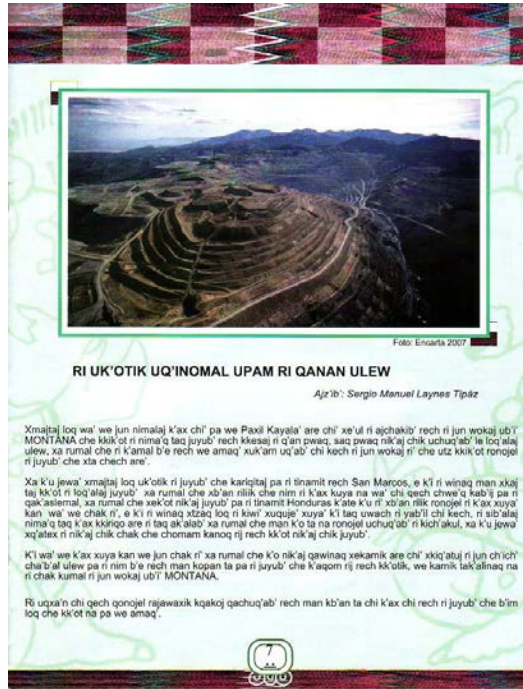
Figure 23: "The Digging of Riches from the Belly of Our Mother Earch." Credit: CK-ALMG 2008.

An alternative to NGOs' reponses to the company can be found in an article written about

Marlin mine and published in a K'iche'-language magazine sums up the "cosmopolitical" view

of mining (Figure 23). The magazine is mailed to members of the CLK and is also available free

to the public at their branch offices. Above the headline is a stock photograph from Encarta

2007, as are all of the photographs in the magazine. The image shows an open pit mine, the

destruction of the mountain starkly opposed to the unaltered mountains in the background. The

headline reads *"Ri Uk'otik Uq'inomal Ri Upam Qanan Ulew"* ("The Digging of Riches from

the Belly of Our Mother Earth"). The K'iche' language article uses the image of indigenous

cosmovision to argue against mining, on spiritual and environmental grounds. The invocation of

earth-as-mother—and not just any mother, but "our" mother—is a telling description of the ways

in which exploiting the 'gap' between nature and society can provide creative, and sometimes

strategic, opportunities for representation. The dominant strategy of erasing one entity while considering the other privileges an ethnocentric and lopsided reading of the issues.

Corporate Responses to Community Accusations

Although the company eventually maintained an aloof response to the diocese's water monitoring reports, Goldcorp spends a significant amount of time and energy refuting community members' accusations of pollution and negative health impacts. Building on and reinforcing their portrayal of the poor environmental quality of San Miguel and Sipacapa prior to Marlin mine, they argue that what are commonly thought to be negative impacts of the mine are pre-existing conditions exacerbated by ongoing social issues such as poor sanitation and hygiene. Anti-mining activists' association of skin rashes and disease with the mine is either a misunderstanding (perhaps because of poor education) or deliberate misinformation (perhaps by jealous or greedy NGOs). By extension, the company's development projects are perfectly situated to remedy these issues through improved education and health care. Goldcorp responds to community accusations both directly—through Spanish-language YouTube videos that are shown in community meetings and at a community mining museum—as well as indirectly, through English-language blog posts that are intended for concerned shareholders and activists abroad. In some cases the responses specifically mention community members' claims about mining-related illnesses and environmental damage, and in others they allude to them through their preemptive explanations of how safe the mine is for communities and the environment.

YouTube Videos

One of the first responses Goldcorp made to community members' complaints took place through Spanish-language videos on YouTube, which were reportedly played at community meetings in San Miguel Ixtahuacán. Goldcorp has several channels on YouTube, including an English-language corporate channel and two Spanish-language channels dedicated to their operations in Guatemala. Their English-language channel, "GoldcorpInc," features a variety of videos that include question and answer sessions with CEO Chuck Jeannes, documentation of corporate social responsibility programs at different operations, and a special "scrapbook" project created for the 2014 Annual General Meeting. The current YouTube channel dedicated to the Marlin mine is the Spanish-language "Goldcorp Guatemala," which features primarily clips from Guatemalan television stations that promote Marlin mine in some way. The Spanish-language "goldcorpguatemala" channel has not been updated since 2009, but features videos that respond directly to community members' accusations of water pollution and resulting skin disease.

The videos were first brought to my attention at a 2009 activist conference in Guatemala, where they were a hot topic of conversation. The conference had been three days of presentations by academics, activists, and community members from around the world. Presenters had covered a wide variety of topics, ranging from the negative impacts of mining on their communities, to how world systems theory played out in the mining industry, to tourism-based alternatives to mining development. Participants were gathered for a final dinner, and conversation turned to Goldcorp's recent national advertising campaigns (see above). In addition to the billboards and posters along major transportation routes in the capital and highlands, the company had begun a video campaign that included three videos focusing on health, environment, and the tailings dam.

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Each video was titled "YES to development" ("*SI al desarrollo*") with a distinct subtitle. Given the circulation of the Rights Action photo essay featuring the baby with the skin earlier in the year, and the UM/ PHR team's recent visit, it was clear that the company's sudden public relations push was in response to the negative attention brought by activist activities (see chapter 5).

The video that had everyone talking was published on YouTube in August 2009 and titled "*SI al desarrollo cuidado del Medio Ambiente*." Of particular interest was a scene toward the end. "Can you believe it?" One activist asked incredulously of another, "This guy, this idiot that works for Goldcorp, he's standing in the tailings dam and washing his hands and hair!" The entire video, however, built up to this scene designed to refute community claims about polluted water and "boils that won't heal."

The discursive framework first established in the environmental impact assessment and later reinforced through national publicity campaigns—the definition of and distinction between social, economic, and natural spaces in particular—is particularly evident in this video. It opens with a triumphant instrumental score before a narrator announces, in a voice reminiscent of soccer commentators, "In our communities, let's say 'Yes! To development. Yes! To caring for the environment".[108] The title (Yes to Development, Caring for the Environment) is simultaneously displayed in yellow letters against an iridescent blue background. It is directly refuting the activist battle cry "No to mining!" (*No a la minería*), while differentiating development from a pristine, protected natural environment.

The narrator goes on to explain, "At Montana's Marlin mine, we are committed to caring for health and the environment." The triumphant music abruptly shifts to a softer strain, which plays over still images of people receiving care at a health clinic, followed by video of birds

soaring above a bright blue tailings dam and sitting amid pine branches. The image of the mine is one of clean, professional modernism juxtaposed with a scenic—but still orderly—environment. The water in the tailings dam is so blue it could easily belong in a natural lagoon or lapping up on a Caribbean beach. [109] Rather than the concrete retaining wall in the background, viewers can see only the edges of green mountains. Any indication that there has been human intervention in this space is erased, and the framing of environment-as-pure-nature is reinforced.

Figure 15: Birds flying over the tailings dam at Marlin mine, and sitting in pine trees near the mining site, as shown in the video "SI al desarrollo cuidado del Medio Ambiente." Credit: Goldcorp 2009.

Suddenly, the video cuts to individuals in reflective vests and hard hats, taking samples of water from a river using complicated-looking equipment, invoking the audit mechanisms mentioned in the assessment, and mirrored in the activist science that the company so vehemently refutes. Throughout the video, viewers are also reminded of the Guatemalan government's support for the mine, and this is used to support the company's claims of reliability. The narrator explains that the mining company, "through the Ministry of Environment, carries out a strict monitoring of the waters and wells that surround the mine… Constant monitoring under the supervision of the Ministry of Natural Resources and Environment, MARN, can attest to the professionalism and accuracy of this monitoring." The

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camera zooms in on a piece of handheld equipment that looks like a large calculator with wires

coming out of it, emphasizing the technical expertise required to carry out such monitoring.

The narrator announces, with some fanfare, that the mining company has constructed a water

treatment plant valued at nearly six million dollars. This water plant is part of the company's

commitment to the environment and the well-being of community members, he explains. The

video shows the plant, which consists of a series of enormous cylindrical tanks, from a variety of

angles as solemn instrumental music plays in the background. The purpose of the facility, the

narrator continues, is to treat the water held in the tailings dam so that if, sometime in the future,

it becomes necessary to discharge water from the dam, the water will be free of any kind of

contamination. The video attempts to preempt community members' concerns about

contamination from the mine by presenting the treatment center's price tag with the intent of

impressing and, perhaps, intimidating audiences away from asking questions.

Figure 16: The water treatment facility at Marlin mine, as shown in the video "SI al desarrollo cuidado del Medio Ambiente." Credit: Goldcorp 2009.

Slightly more than halfway through the video, the director of the Department of the Environment for Marlin mine takes over the narration. Dressed in a bright yellow safety vest and hard hat, Peter Hughes takes viewers on a close-up tour of the water treatment facility. "Right now, we're standing on the most modern and expensive water treatment plant that has been built in recent years in Central America," he tells us, once again emphasizing the price of the facility. The tanks behind him are able to neutralize any chemical found in the water, so that it cannot cause any damage to the environment. The water is guaranteed not to harm the environment or people. He repeats versions of this same line, along with the cost of the system, several times over the final four minutes of the video, reiterating that the water from the tailings dam is continually cycled through the treatment system.

In the dramatic final minute of the video, the camera cuts to a shot of Mr. Hughes standing ankle-deep in the tailings dam, with his jeans rolled up to his knees. The camera pans slowly from his feet up to his face, making it clear that he is actually standing in the water. "At Marlin mine," he says, "we guarantee that our activities are done with responsibility. We will *never* compromise the security of Guatemala's environment, nor our workers, nor the communities, nor ourselves." He stoops over and begins to rub the water on his hands. "This water doesn't present any risk," he says. "Not to the birds that are here, not to we people that might be here working in the mine." With that, he takes his hard hat off and scoops water onto his head, rubbing it into his hair. Standing back up, he says, "It doesn't present any risk for us, it doesn't present any risk for you." Back on top of the treatment facility, and noticeably drier, the video concludes with Mr. Hughes stating definitively, "We operate Marlin mine with great responsibility. Yes to development, yes to mining."

Figure 17: Peter Hughes scooping water from the tailings dam over his head with his hard hat, as depicted in the video "SI al desarrollo cuidado del Medio Ambiente." Credit: Goldcorp 2009.

Blog

On July 13, 2012, Goldcorp published a post on its corporate blog, "Above Ground Online: Our World of Community Responsibility," titled "Refuting the Myths of Marlin" in which they contest community members' complaints one by one, promoting the mine as environmentally and socially beneficial. The post addresses eleven "myths" about Marlin mine—accusations made by activists and community members about the damaging, or simply less-than-beneficial impacts of the mining project.

The second "myth" listed reads, "The Marlin (and former San Martin mine) operations cause skin rashes and other diseases that were not prevalent previous to the start-up of operations." The first paragraph of the response states:

Asociacion de Monitoreo Ambiental Comunitario (AMAC) was established in 2005

to conduct independent community-based environmental monitoring in the area

around the Marlin mine. None of the quarterly water test results show any significant

adverse impacts related to mining activity from the Marlin mine, including skin

problems in the surrounding communities. A University of Michigan report found no

evidence of skin diseases associated with our operations (Goldcorp 2012).

Further down in the post, a paragraph states:

Skin infections are commonly found in Guatemala and elsewhere throughout the

developing world. They include parasitic, fungal and bacterial infections due to

inadequate prevention and sanitary conditions. There is a similar prevalence of skin

infections among different areas and communities in Guatemala not located near the

Marlin mine and to that observed in the communities of the Siria Valley of Honduras,

where the former San Martin mine is located.

The remainder of the post addresses the comparisons made between the San Martin mine

in Honduras, which were explicitly stated in the original Rights Action photo essay that

first publicized the skin rashes.

The blog does not include any images of people living near the mine, however, the

juxtaposition of claims by community members in San Miguel Ixtahuacán with the

claims about the Goldcorp mine in Honduras mirror the Rights Action photo essay,

bringing it to mind even if it is not mentioned.

Conclusion

Corporate discourses about mining projects exhibit a strategic reframing of social, economic, and

environmental space that depends on the erasure of their intertextuality. Such a framework is

intended to promote mining as a development project in the nation's best interest. To accomplish this, Goldcorp strategically erases the environmental impacts of its project and frames natural spaces in ways that can be carefully managed and protected. Through the production of their environmental impact assessment, the corporation categorizes and classifies natural resources in order to make them commensurable with economic benefits and separate them from these "pure" environmental spaces. Goldcorp has established reforestation projects and other eco-initiatives with the aim of creating an image of sustainability, but also in order to structure the types of interactions community members might have with the environmental spaces they have created. Furthermore, they use techno-scientific language to portray the mining project as the domain of experts only, limiting the kinds of questions community members can ask about the project and the types of critiques that can be made. Finally, by extending the practice of categorization and classification established in the environmental impact assessment into their national publicity campaigns, Goldcorp attempts to reimagine the Guatemalan subject-citizen in an assimilated way, erasing the particularities of place and identity that indigenous peoples draw on in crafting their resistance. Goldcorp's imagining of the Guatemalan nation creates a space in which it can align itself with the Guatemalan government as a collaborator in the "will to improve," even usurping certain roles traditionally held by the state. Each of these strategies serves to structure and limit the kinds of responses people have to the mining project, and to carefully control the public reception of the company promoting the "corporate oxymoron" that mining is sustainable.

At the same time, however, anti-mining activists work to expose the details that do not fit in the corporate framework, which the mining company has tried to erase. Making these excesses visible contributes to the development of a cosmopolitical perspective that both depends on the separation of natural and social spaces, as well as deconstructs it. Even as anti-mining activists

work to make visible the social and environmental excesses that the company erased, the classificatory, techno-scientific framework created by the company compels them to respond in kind, with the effect that activist critiques of the company reproduce the corporate framework of mining conflicts. Nevertheless, activist and community responses to corporate expertise serve to raise important questions about what corporate frameworks obscure or attempt to eliminate, prompting an ongoing debate that troubles the tidy categories Goldcorp has created. The result is widespread distrust of corporate information campaigns, and ultimately the weakening of their discursive framework in the public sphere. Goldcorp's primary mistake may have been its firm alliance with the Guatemalan state's project of nation-and citizen-building. They underestimate the distrust community members in San Miguel and Sipacapa—and in other highland communities—have of the government following the civil war and ongoing structural and physical violence. Consequently, what was intended to be a strategic association that would increase the company's legitimacy as a development organization actually undermines this goal.

Conclusion

Following the Precautionary Measures issued by the Inter-American Commission on Human Rights (IACHR) in response to community petitions in May 2010, the Colom administration issued a statement agreeing to comply and to close Marlin mine until conclusive studies on the health and environmental impacts of the mine could be conducted (McDonald 2010; MiningWatch Canada 2010). My Facebook news feed erupted with posts celebrating the news—activist friends from Guatemala, North America, and Europe reposted newspaper articles and blog posts with Colom's announcement, generating hundreds of "likes." Yet in October of that year, Minister of Energy and Mines Romeo Rodríguez issued a statement explaining that it was too soon to make such a decision, and the mining company must be allowed to present their own arguments (Ramírez 2010). Many people I spoke to both in Guatemala and elsewhere were unaware that Marlin mine continued operating after Colom agreed to close it. Particularly in *consultas comunitarias* elsewhere in the highlands, participants frequently mentioned the "success" that Sipakapa had in forcing the mine to close following their *consulta*. The government's back-and-forth, in addition to hinting at internal dysfunction and disagreement, seemed designed to confuse and placate mining opposition.

In mid-2011, when the mine had still not been closed, the Ministry of Energy and Mines explained that although the process of closing the mine had been initiated, it was complicated by the need to wait for reports from other ministries, including the ministries of Public Health and Natural Resources and Environment, in order to decide whether or not closing the mine was warranted (Rigalt 2011). The Colom administration continued to try to appease mining

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opposition by establishing roundtables for various mining stakeholders, including community members, government ministers, and company representatives (GoldCorp 2012a). Meanwhile, they began to petition the IACHR to modify the Precautionary Measures and remove the recommendation that Marlin mine be closed. The Ministry of Energy and Mines passed a resolution stating that there was no evidence to support closing the mine (GoldCorp 2012b). At the end of 2011, the IACHR agreed to modify the Precautionary Measures to remove the recommendation that Marlin mine be closed, citing a lack of evidence of contamination caused by the mine (GoldCorp 2012b).

As of the beginning of 2016, Marlin mine is still operational and on schedule to expand into neighboring municipalities. One longtime activist friend confessed that he believed anti-mining efforts in San Miguel Ixtahuacán and Sipacapa had ultimately been a failure, and that those communities had been "lost." Indeed, I have encountered many political progressives and academics alike (in Guatemala and elsewhere) that are cynical about the impacts of anti-mining movements in Guatemala. These critics focus on the seemingly-inescapable power of corporations, in collaboration with the state, to dominate the representational economy about mining as well as manipulate the lives of people impacted by mining projects. The widespread belief that Marlin had been closed when it remained operational is evidence of this manipulation—the result of communicative practices that obscure the state's intentions. In spite of anti-mining activists' best efforts, the mine is still operational, and other mines are being proposed and developed. By this metric, the movements have not been successful, and critics argue that activists' energies would be better spent on a less Sisyphean project.

Yet, as I have argued throughout this dissertation, the impact of a political movement does not depend solely in whether or not its participants have achieved their stated political goals. The

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processes of producing, circulating, and consuming information about mining have generated

new discussions about indigenous rights and the environment, new political and legal practices,

and even a shift in attitudes about political participation among the general populace. The

circulation of testimonies, images, ballots, and even people protesting mining has not only

generated networks of activists and casual participants in the movement, but it has compelled the

mining company and Guatemalan government to take notice and respond. These perpendicular

discourses about mining (vis-à-vis development and indigenous rights) have disrupted and

ultimately restructured the Guatemalan government and mining company's preferred framework.

Anti-mining movements in Guatemala have never been "just" about mining in the same way

that democracy is not "just" about voting. This is most evident in the ways that anti-mining

activists invoke the cosmopolitical concept of *utz k'aslemal*, or *buen vivir* (good living). As a

result, social movement organizations have broadened their focus over the last several years to

include issues ranging from hydroelectric dams and energy security to women's rights and

reforming the national communications code to allow for community radios.[110] Protest against

mining has become increasingly preemptive; where the first *consultas comunitarias* were

organized in communities with active mining licenses, they are now held in communities with

expired or even no issued licenses. This indicates a rejection not only of mining, but of the

government policies that have given rise to megaproject development. Anti-mining discourses

are being used to redefine the relationship between indigenous communities and the state.

The tools provided by anti-mining activists have in many ways influenced the grassroots

movements that sprang up around the #RenunciaYa campaign. The strategies and, more

importantly, attitudes that developed as a part of anti-mining social movements in Guatemala lay

the foundation for massive popular protests in August 2015. Earlier in the year, the UN-backed

International Commission against Impunity in Guatemala (CICIG) uncovered a fraud ring known as "La Línea," through which officials accepted bribes from importers in exchange for lowering customs duties. Officials at the highest levels of government were implicated, and it appeared that the ringleaders were President Otto Perez Molina and Vice-president Roxana Baldetti. The graft was of such extreme proportions that friends I spoke to suspected that this redirection of public funds might explain the chronic national budget shortfalls stretching back through several presidential administrations. That the corruption ring was uncovered at all was remarkable, and public reaction was overwhelming.

Vice-president Baldetti was the first to resign, in an attempt to assuage public outrage, and Minister of Energy and Mines Erick Archila followed suit soon after. The resignations came too late to prevent massive peaceful protests around the country—predominantly in the central park in front of the *Palacio de la Cultura*—one of which exceeded 10,000 participants. These protests were organized in large part via hashtags (#RenunciaYa, "resign now," which referred to calls for the president's and other officials' resignations) on social media.

The final straw came when the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF, the most powerful economic organization in the country) backed the protesters, urging businesses to join in with a national strike. Large chains such as Pollo Campero (the country's most popular fast food restaurant) and McDonald's shuttered their doors in solidarity with protesters and as a statement against corruption. CACIF's support of the protests finally forced President Otto Perez Molina to resign. In an unprecedented move from the Attorney General, he was denied bail and imprisoned until his trial (Nájar 2015). Although the scandal cut his presidency short by mere months, it pointed to an unusual

willingness on the part of the general public to question not only authority figures, but also the *status quo* of Guatemalan politics more broadly.[111]

The anti-mining activists I worked with joined the #RenunciaYa movement, posting the hashtag to social media, attending protests, and planning some marches of their own. They had initiated their own political shift in 2014, in which they established a national political party under the banner of the *Consejo de pueblos del occidente* (CPO), originally a social movement organization. The organization published an outline of their goals titled "*Proyecto Político: Un nuevo estado para Guatemala: Democracia plurinacional y gobiernos autónomos de los pueblos indígenas*" ("Political Project: A new state for Guatemala: Plurinational democracy and autonomous governments of indigenous peoples") on a redesigned website. CPO joined forces with the newly-established *Convergencia por la revolución democrática* ("Convergence for a democratic revolution"), a left-wing group promoting the concept of "*buen vivir*" (good living), calling their national party "CPO/Convergencia."

CPO/ Convergencia benefitted from the 2015 political unrest, citing the 226,880 votes they received, which amounted to 5.2 percent of the total votes in the western highlands, as evidence that people were tired of politics- (and politicians-) as-usual (CPO 2015). These votes were enough to earn CPO/ Convergencia three seats in the Guatemalan congress, one more than Rigoberta Menchú's URNG/ Winaq party. While this pales in comparison to the 45 seats held by the right-wing LIDER party, it is a significant gain for CPO/ Convergencia's first election and was celebrated as such by the organization. It is also a significant shift in representational tactics for the anti-mining movement, signaling their willingness—or perhaps their recognition of the necessity—of challenging the state's governmentality using the shared framework established by that very project (Roseberry 1996).

The reverberations of the #RenunciaYa movement affected the September 2015 elections at the national level as well, leading to a dramatic fall in support for the frontrunners—Manuel Baldizón, the runner-up against Perez Molina in 2011, and Sandra Torres, former first lady whose attempted 2011 campaign was ruled ineligible by the Guatemalan high courts. The largest share of votes in the first round went to a relative political outsider and newcomer, TV personality and comedian Jimmy Morales, whose campaign was organized around the slogan "*Ni corrupto, ni ladrón*" ("Not corrupt, nor a thief"). Morales is far from socially progressive; one of his hallmark comic acts makes use of blackface, for example. He is also a member of a right-wing political party established by ex-soldiers who deny that the civil war was genocide. However, his election—or perhaps more accurately, the non-election of his opposition—points to a growing dissatisfaction with the political establishment on the part of the electorate. This is particularly remarkable given that in every election since the Peace Accords were signed, the winner has been the runner up of the previous election. This break with the past provides the possibility for the creation of new Guatemalan political imaginaries and subjectivities.

Throughout this dissertation I have argued that debates over mining in Guatemala can be understood as economies of representation through which the actors involved seek to make people and objects visible. Economies of representation operate at different scales—they are a set of linked practices through which actors produce, circulate, consume, and reinterpret media objects, contexts, discourses, and ultimately political subjects. Economies of representation are a "field of force" in which actors connected by unequal power relations employ various "languages of community and contention" to vie for discursive—and political—dominance (Roseberry 1996). Pro- and anti-mining blocs, for example, do not participate in separate economies, but rather engage—and reshape—the discursive regimes of the other in an attempt to

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shape the economy of representation to promote their own goals. The twin practices that lead to erasure or visibility are mutually constitutive, and allow for actors to create multiple points of contention, ambiguity, or disjuncture which in turn allow for the creation of new discourses and subjectivities.

This work is therefore both an attack on ambiguity and also an attempt to demonstrate how it is a necessary component—perhaps even more than supposed "certainty"—of successful representative practices. Ambiguousness can be an attractive trap to fall into, especially in relation to contentious politics. When it is difficult—if not impossible—to absolutely determine the causality of a public health predicament, one runs the risk of forgetting that the image of a child with a skin rash (that possibly represents poor hygiene, possibly represents industrial contaminants) exists only because there is a living child suffering from that ailment. Accounts of homicidal (or possibly drunken) taxi drivers and ground that shakes at night may be dismissed in official narratives as "rumors" or "conspiracy theories," but they are the result of lived experiences of fear, distrust, and insecurity. That a series of referenda on mining has not been regulated by the state governance structure does not make them any less of an expression of community opinion. Thus, a lack of certainty—in causality, in community membership, in identity—should not be grounds for a lack of political action on the parts of onlookers.

At the same time, the presence of discursive disjunctures leaves wiggle room, space to create slippages, to play with meanings and positionality, and therefore to invent new subjectivities. Had anti-mining movements conceded to the state's proposed regulatory mechanisms for *consultas comunitarias*, for example, they would have acknowledged that what they were doing was an extension of state governance all along rather than a creative redeployment of participatory democracy in the service of indigenous autonomy. Doing so would have likely

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foreclosed on the possibility of launching an autonomous political party and lost that vehicle for participation in—and ultimately contention of—state governance structures. By maintaining the ambiguous and partially-connected relationship of votes to the state, anti-mining activists also left open room to invent and reinvent their own political project, and therefore their own political subjectivities.

Economies of representation of mining in Guatemala offer insight into the ways contentious political debates function in an age of rapid information production, circulation, consumption, and reinterpretation. By framing the debate as a single economy, rather than two separate systems promoting erasure, on the one hand, and visibility, on the other, I emphasize that these two practices are forever interlinked. Furthermore, the "sides" involved in the conflict not only share certain strategies, but also build off of, imitate, or contest each other's arguments as serves their purposes. The debate is a call-and-response—with one voice at times much louder than the other—but always a back and forth in which each strives to be heard over the other.

Visibility in the broad way I use it here, and by extension, subject-making, is an ongoing, always-incomplete project; ultimately it is important (perhaps essential) that it remains so. Its incompleteness provides possibility—for change, growth, or something better. Framed in this way, social movements—against mining and otherwise—are not Sisyphean projects, but rather the persistent if halting march toward *utz k'aslemal*.

Notes

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[1] One government official in Quetzaltenango, the highly multilingual cultural capital of the highlands, issued a pamphlet praising the Spanish language as the greatest gift that the Spanish had bestowed upon Guatemala. The pamphlet was displayed at official government buildings and received much public criticism.

[2] A recent trend in politically-progressive cities in the United States has been to re-name the holiday or to establish parallel celebrations in honor of indigenous communities (for example, celebrations in Traverse City, MI; Seattle, WA; and Minneapolis, MN). One of the biggest challenges to reforming the holiday in the United States has come from Italian-American communities, who see Columbus's Italian nationality as a source of particular pride.

[3] Sipacapa is a municipality in San Marcos department. The spelling reflects the Hispanicization of the Maya ethnolinguistic group, the Sipakapense people. The name of the community is often spelled "Sipakapa" to emphasize the distinction between municipal and ethnic identities. I use both spellings throughout the dissertation depending on whether I am referring to the designation of municipal space and governance (Sipacapa) or members of the ethnolinguistic community (Sipakapa).

[4] Climate change is often in the news. The government often blames climate change for many national problems, from seasonal flooding and the resulting landslides on the Panamerican Highway, to seismic shifts and cracked houses in San Miguel Ixtahuacán.

[5] The large number of licenses corresponds to only a handful of projects; furthermore, many of the reconnaissance and exploration licenses will not continue to the exploitation stage. In contrast, mining for construction-related materials is much more widespread, but does not receive the same amount of attention from protesters. Whether this is because they are less aware of the environmental problems associated with these kinds of mines, or because these mines do not have the same social and political concerns that are associated with transnational investments is difficult to say.

[6] There are certainly many other institutions involved in promoting mining investment, an explication of which might be worthwhile but is beyond the scope of the discussion here. Most notably, the Canadian government and Canadian embassy go to great lengths to promote the Canadian mining industry in Guatemala; to a lesser extent, the United States government promotes mining investment through various international policies designed to facilitate free trade and the development of an open market. For the purposes of this dissertation, however, I am focusing on the mining company and the Guatemalan government as the primary proponents of mining investment in that country.

[7] MARN also handles less glamorous or notable tasks associated with a general definition of "environment" (meaning, the space around a person) such as upholding the building code and issuing noise violations.

[8] Conferences and roundtables were common events in Guatemala City and Quetzaltenango, usually featuring expert presentations from community members, activists, NGO representatives, and members of SMOs. Occasionally Guatemalan or international academics would also participate, usually presenting on issues of human rights or public health.

[9] The difference between these two types of organizations could be characterized by Arturo Escobar's (2008) way of distinguishing between types of networks and what they accomplish. He lists two classifications of networks: hierarchical, top-down networks that have centralized command structures, and horizontal, self-organizing networks with decentralized systems of command (2008: 270). Hierarchical networks include transnational corporations, militaries, and (at least in part) governments. Horizontal networks, or "meshworks," are how Escobar categorizes grassroots social movements such as the ones he studies and works with in Colombia. However, Escobar reminds us that all types of networks also form hybridities; hierarchical forms can move horizontally, and horizontal forms can move vertically (2008: 274).

[10] Anywhere in the country that is not Guatemala City is often referred to as the "interior" of the country, invoking a space shrouded in mystery along the lines of the 19th century phrase "darkest Africa." This word is used in spite of the fact that, geographically, Guatemala City is not located on any national or natural borders and occupies a fairly central location in the southern half of the country.

[11] "*Mucha gente aquí se quedan muy pegaditos a sus lengas.*" Note the diminutive form of the adjective "stuck" (*pegado*) to refer to indigenous people.

[12] This quote was originally in English.

[13] The concept of cosmovision, or *cosmovisión* in Spanish, is somewhat more specific than that of "worldview" in its dual emphasis on material (worldly) and spiritual life. While certainly one may possess a worldview that emphasizes spirituality, not every worldview shares this characteristic. However, spirituality forms the foundation of the Maya cosmovision and, by definition, other cosmovisions. Furthermore, while "worldview" is a component of culture, indigenous activists argue that all of Maya culture grows out of the cosmovision. Cosmovision thus precedes cultural practices, and is unlikely to change over time. The word is primarily used in reference to both pre-Columbian and modern Maya culture; however similar concepts have also recently been used to describe material and spiritual life in other parts of Latin America (see, for example, De la Cadena 2010). Interestingly, the concept of *utz k'aslemal* has also appeared in relation to mental health programs in Guatemala focused on recovery from civil war trauma. Whether or not there is a connection between the term's use in mental health promotion post-civil war and the term's use in anti-mining movements is unknown. There are corollaries of *utz k'aslemal* elsewhere in Latin America. For example, the Kichwa concept of *sumac kawsay* includes community participation and living in harmony with *Pacha Mama* (Mother Earth) as part of wellbeing. Furthermore, this formulation of "*buen vivir*" has driven recent official policy decisions in Bolivia and Ecuador (Fischer 2014).

[14] If parallel discourses are two different frameworks that never challenge one another, but which address the same topic and exist at the same time, perpendicular discourses are ones that travel sideways *against* each other, each seeking to restructure the other.

[15] I later discovered that anthropologist Liza Grandia had served in an advisory role for the organization.

[16] Granted, this is not the official policy of the organization, and especially not the Guatemalan government, but rather my interpretation of what the researchers I spoke to told me.

[17] Not many things have changed in the ten intervening years.

[18] This has begun to change, with the wider availability of technology such as cell phone cameras, inexpensive digital cameras, and inexpensive color printers which make it possible to print photographs locally rather than traveling to a photo studio in the next largest town one hour away.

[19] This anti-relativist stance resonates with Kwame Antony Appiah's (2006) notion of "cosmopolitanism," a call for universal morality in which he suggests that relativism ultimately prevents productive conversations about moral values, shared and otherwise (2006:17, 31).

[20] For example, it later came to light that these individuals had prevented a group of women within the group from participating in organizational activities and from interacting with foreign activists (and, as it happened, foreign researchers such as myself), most likely out of fear that the group of women might detract attention and resources from their own goals. This kind of manipulation, I feared, limited the possibility of finding viable alternatives to mining, and ultimately hindered the goals of the movement.
NB: Everyone I am discussing here opposed mining development in Guatemala; no one was trying to limit pro-mining community members from talking to foreigners. Indeed, it would have been difficult to do so, given the sociopolitical context of the communities in question during the time period I am discussing.

[21] On the one hand, exposing these internal conflicts may have yielded important insights into how social movements operate from a grassroots level, including the kinds of interpersonal relationships that are often the subject of anthropological scrutiny. Discussing these micropolitics may even have benefitted the involved organizations in the long run, turning a critical gaze on their inner workings may have provided fodder for their own reflections and reinvention of internal structures. However, I felt strongly that this would not be the case were I to dwell on these details. First of all, the people I spoke with were well aware of one or two people's manipulation of one anti-mining organization, and their vying for political power. Airing that kind of dirty laundry would not have provided any new information for the organizations involved. Furthermore, I feared that discussing the conflictual inner workings of the movement may ultimately harm the efforts of groups whose end goals I thought were worthwhile.

[22] Ultimately I was able to hold a modified, weeklong workshop at a cultural center in Santa Cruz del Quiché. This community held a preemptive *consulta comunitaria* in 2010, but does not have the level of intensity or violence associated with anti-mining resistance that San Miguel Ixtahuacán or Sipacapa do. The workshop provided fascinating insight into the visual sphere of Santa Cruz, as well as offered the chance for participants to gain a professional credential in the form of a certificate of completion. Certificates of completion are provided for a variety of activities that roughly fall under the rubric of "continuing education," and which may or may not be affiliated with an accredited university.

[23] I found that *gringo* was applied equally to people from the United States and Canada as well as Europe.

[24] *Bien, bien, Kati, pero qué haces para ganar pisto?*

[25] Another source of bewilderment was how someone who appeared young and identified as a student was 1) allowed to travel alone without supervision and 2) was allowed to teach college students. I was closer in age to Guatemalan college students than to Guatemalan doctoral students, both of whom often maintain full-time jobs as they pursue their degrees and thus can take an extended period of time to finish. However, it is not uncommon for college students in Guatemala to pay their tuition by teaching elementary or middle school, so explaining that I was a teacher was a plausible explanation for most people.

[26] I am very grateful for my institutional home in Guatemala, and benefitted from the conversations I had with colleagues and students alike. It is currently the only Guatemalan academic institution that allows foreign anthropologists to obtain an affiliation.

[27] In both of the cases related here, the person excluding me was *ladino*, while those offering inclusion were Maya. This plays on the tension between difference and connection that Diane Nelson (1999) outlines in relation to *gringo* solidarity activists. She explains that activists go to great lengths to differentiate themselves from *ladinos*, and often assume access to Maya organizations that *ladinos* may lack (52).

[28] Efraín Ríos Montt had served in the Guatemalan congress nearly continuously since the end of the internal armed conflict, granting him diplomatic immunity from prosecution for his actions during the civil war. He lost this immunity when he lost his seat in congress in 2011. The amnesty granted to members of the military through the Peace Accords does not prevent prosecution for crimes against humanity, and attorney general Claudia Paz y Paz, with the support of UN-sponsored *Comisión Internacional Contra Impunidad en Guatemala* (CICIG), was finally able to build a case against Ríos Montt in 2013. The verdict was that Ríos Montt was guilty of both genocide and crimes against humanity for the massacres committed in the Ixil region during his presidency. However, less than a week after the trial concluded, the Constitutional Court overturned the verdict, struck the testimony of more than 100 Ixil survivors from the record, and ordered a retrial to take place sometime in 2016. The president of CACIF, a powerful trade organization, had earlier called for the verdict to be annulled because, in his opinion, there had been no genocide during the internal armed conflict (Billingsley 2014:40n16). In early July 2015, Guatemala's National Forensic Science Institute declared that the 89-year-old Rios Montt is "mentally unfit" to stand trial (Reuters 2015).

[29] The recent trial against Efraín Ríos Montt for genocide and crimes against humanity suggests that there is the smallest glimmer of a possibility that Perez Molina may face charges eventually. The *#RenunciaYa* social media campaign and public protests that dominated the Guatemalan news during summer 2015 eventually led to Perez Molina's resignation over accusations of corruption, which removed his immunity from prosecution for crimes against humanity during the civil war.

[30] As in, "Hulk angry, Hulk smash!" http://visitaxela.wordpress.com/2011/05/15/alegres-elecciones-en-guatemala/

[31] Registration increased from 5,990,029 out of 6,332,646 eligible voters in 2007 to 7,277,390 out of 7,340,841 eligible voters in 2011; overall turnout went from 3,621,852 voters in 2007 to 5,093,230 voters in 2011. The total population of Guatemala in 2007 was 12,728,111; in 2011 it was 13,824,463 (IDEA 2015).

[32] "*Indio*" has strong pejorative connotations, although it is commonly used by *ladinos* and indigenous people of older generations.

[33] In another 14-second television ad, Maya painter Enrique Cay announces that "Above my palette of colors is my country." He was not featured in any other advertisement as part of the campaign, however.

[34] *¿Qué sentido tiene pretender que todos formamos parte de esta patria, cuando existen personas que con su actitud expresan yo no soy parte del equipo? Claro, aún reconociendo y respetando la individualidad de cada quien, es factible ser parte de una sociedad y esforzarnos por caminar todos en una misma dirección. No será que con actitudes de esta clase provocamos algo que podríamos llamar autodiscriminación; considero que tal mensaje está mal planteado. Si decimos que vamos a usar un traje que nos identifique como guatemaltecos, todos debemos*

hacerlo. No puedo imaginar a una chica que por ejemplo, tenga habilidades para el fútbol y no pueda formar parte de la Selección Nacional por no poder usar un uniforme, porque teóricamente tiene que usar un traje típico. ¡Por favor no caigamos en esos errores!. No soy estudiante de ninguna disciplina relacionada a este tema, mi opinión está basada en el sentido común y en la aceptación de todos los seres humanos por igual, que practico.

[35] Lest we assume that such sentiments are limited to the anonymity of the Internet, when I posed the issue to my undergraduate anthropology class at the Universidad del Valle de Guatemala (made up primarily of middle-and upper-middle class *ladinos*), the majority of students agreed that Velazquez Nimatuj should not have worn *traje* in the advertisement, and that doing so fomented social divisions. This is not to say that they believed indigenous people should not wear *traje* in everyday life (indeed, one of the students does wear *traje* as a matter of course), but that it was not a symbol of national unification.

[36] *"Tiene razon en su señalamiento. La señora demostro que No es parte de Guatemala. ¿ Que NACION se puede tener con esa actitud?"*

[37] *"Me parece que Doña Ana Espada es tan resentida como Irma ALicia que insisten en dividir a Guatemala en etnias, razas, etc... me parece TAN RIDICULO. todos somos Guatemala, ellos los que usan el "traje Tipico" son los que buscan hacerse diferencia, se autodiscriminana porque hasta tienen sus colegios donde solo van indigenas, porque no pueden usar la ropa normal? porque son menos si usan una camisola del país, me parece estupido y mas estupidos los del TSE que permitieron que ella confunda de esa forma a la población... In_ia RIDICULA!"* Note that the term "indio/a" in Spanish is generally considered derogatory, although Guatemalans of older generations continue to use it, including both Maya and non-Maya people—in the case of self-reference by Maya people, the word is used without the sense of reclamation or redefinition that might be the case with certain derogatory terms in English. While it does not have the offensive impact that other similar racial slurs do in English (i.e. the "N-word"), the editor has seen fit to censor the letter writer, although it is clear what word they intended to use.

[38] *"Totalmente de acuerdo con la mayoría de comentarios. Yo también lo comenté con mi familia y amigos que le salió el tiro por la culata al TSE al incluír a esta señora en el anuncio porque ella claramente se niega a ponerse la camisola y quiere seguir siendo diferente. Es lamentable que algunos elementos de la población indígena hayan caido en una especie de autodiscriminación o incluso discriminación inversa. Me parece que algunos creen que en el momento que se acabe esa patraña de la "multiculturalidad", "pluriculturalidad" o como diablos se llame, se les van a acabar sus privilegios y el derecho de ir a pedir dinero a organismos internacionales. Es realmente penoso porque como país nunca vamos a superar ese tonto divisionismo."* Note here that "como diablos" is a phrase that is sometimes censored as a curse word, along the lines of "however the hell" in English, yet here the editor let it stand.

[39] *"Irmalicia no va por Guate.... ya que no se pone la camisola nacional. El caso de ella tipifica claramente lo que dice el autor de este comentario.... Autodiscriminacion..... O será complejo?quien sabe, lo cierto es que los conceptos: plurilingüe, multicultural, etc. solamente nos divide como sociedad.... Guatemaltecos somos todos, aunque algunos quieran parecer diferentes como el caso de irmalicia Velasquez."*

[40] I find it worth noting here that most of the comments assume that wearing *traje tipico* was Velasquez Nimatuj's choice, rather than a stylistic strategy employed by the designers of the campaign, which I see as a much more likely scenario.

[41] This is especially interesting given later Zapatista organizing, and the shift in Mexican self-identities—at least in the case of the Zapatistas—from peasant to indigenous (Maya) (but see David Frye 1996).

[42] This compares to Ginsberg and Roth's (2002) concept of "media reservations," in examining the formation of the Aboriginal People's Television Network in Canada. The results are similar to those described in Meek and Messing's (1997) discussion of the framing of indigenous languages by dominant matrix languages in bilingual education materials: the indigenous language (or, in this case, indigenous cultural politics or the media objects produced by indigenous groups) is construed as subordinate to the dominant language (or political interests and media institutions), ultimately reproducing language (or political and representational) hierarchies. In the case of the ALMG, it tends to limit Maya intellectuals to a "cultural" sphere, rather than promoting their participation in the wider political sphere, reinforcing non-Maya political interests as superior to Maya cultural interests.

[43] Hobsbawm and Ranger (1983) suggest that reemergence/ reinvention of traditions is particularly prevalent at times of discontinuity—the shift in the Guatemalan state is one such point of discontinuity (cited in Warren 1998:38).

[44] This brief story comes from the *Monografía del Pueblo Sipakapense*, as well as personal communications with Rusty Barrett (a linguist with a specialization in the Sipakapense language), and statements by community members made during a collective memory exercise at skill-building workshop facilitated by COPAE in July 2009.

[45] See Chapter 4 for an in-depth discussion of rumors about mining.

[46] The authors of the economic benefit and environmental risk assessment published by Tufts University note that the number of people employed by the mine is inflated due to the practice of hiring rotational workers who work one week on, one week off. In 2005 and 2006 the company reported that rotational workers accounted for roughly one-half and one-third of the workforce, respectively. Data for subsequent years was not made available (Zarsky and Stanley 2011:23).

[47] For example, in 2010 and again in 2015, the national health care system ran out of money and ceased to pay the doctors and nurses it employed.

[48] Alfonso Bauer Paiz died of complications related to antibiotic resistant pneumonia at age 93. He contracted the disease while recovering from stroke he suffered after being dismissed from his position as a researcher at the Universidad de San Carlos. He was dismissed for supporting student protests over corruption in university governance.

[49] Two separate instances in San Marcos suggest that community members do notsee mining of construction materials as "mining," but rather equate opposition to mining with opposition to *metals* mining by transnational corporations. The first involved a driver from Quetzaltenango who, when I pointed out a large pile of recently crushed gravel on the side of the road in Sipacapa as a mining operation, laughed and said "No, that's just gravel for the road!" The second occurred as two women and I waited for a bus on the side of the road in Sipacapa, overlooking the Marlin mine site. I pointed to what looked like excavation going on across the valley, and they laughingly corrected me, "No! That's not mining, that's where they're installing a new highway!"

[50] This is also a common accusation against Pan-Maya movements in an attempt to delegitimize indigenous activists' efforts, see Brysk (1996), Warren (1998), and Sieder and Witchell (2001).

[51] While *consultas comunitarias* were originally used only in relation to mining projects, they have since been expanded to cover related topics such as hydroelectric dams and "megaprojects" more generally, as well as food and energy sovereignty, and more vague notions of "development" in various departments around Guatemala.

[52] See chapter 1 for a discussion of Guatemalan multiculturalism and the *indio permitido* as it relates to national electoral politics and indigenous rights.

[53] Barzack hints at the potential for grassroots, civil society, and non-governmental organizations to fill the void left by the dissolution of party politics, but then dismisses it in favor of focusing on neo-populists (2001, 42).

[54] Article 6 establishes requirements in applying the provisions of the Convention, and requires that governments: ""(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;(b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them; (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose," (International Labor Organization Convention 169, 1989, Article 6.1). Article 15 establishes guidelines for extractive industry development, and specifies that: "In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities," (International Labor Organization Convention 169, 1989, Article 15.2)

[55] See the following chapter for a discussion of the use of *actas* and *acuerdos* in *consultas comunitarias*.

[56] In the lead-up to the 2015 elections, members of the *Consejo de Pueblos de Occidente*, a social movement organization responsible for supporting many of the *consultas* around the highlands, have also started campaigning for national and local political office under the banner of indigenous rights to territory and autonomy.

[57] The quetzal is the national bird of Guatemala and appears on numerous national symbols, including currency and tourism materials. Historical evidence actually suggests that the battle of legend took place closer to the K'iche' capital, Q'umarkaj, near present-day Santa Cruz del Quiche. It is unclear whether or not Tecun Uman actually

existed.

[58] *Mas de medio millon hemos dicho NO a la mineria! Respeten nuestra decision!"*

[59] This distinction becomes more complex and problematic in other areas of Latin America where racial and ethnic definitions—and the attendant rights of certain racial or ethnic identities—differ from Guatemala. Please see below for a discussion of votes in other parts of Latin America.

[60] Unlike other *consultas*, I had to provide a letter of endorsement from the university with which I was affiliated

[61] There is now a single-origin specialty coffee from Ayarza available at Starbucks.

[62] COPAE and CPO share many administrative resources; one informant told me that the Italian activist who runs COPAE is actually the author of most of CPO's publications, including press releases and blog posts. "That's why there are so many errors in the Spanish," this informant told me. Nevertheless, the two organizations maintain the outward appearance of separateness, and do not officially share personnel.

[63] COCODE is generally used to refer to an individual member of the council, while COCODES refers to the council itself.

[64] The "invitation" in this case was often by informal email or word-of-mouth; nearly anyone who wished to observe the election and could give a reason for wanting to do so was welcome. In my case, my foreignness was sufficient reason to want to observe. In most *consultas* I was asked to register as a member of an organization (usually my university in the US), although it was often still assumed that I was a journalist.

[65] Nevertheless, many voters I spoke with at the national elections in September 2011 assumed that these groups of university students—largely non-indigenous *ladinos* from Guatemala City—were in fact foreigners there to "teach" about how to do democracy correctly. This speaks to the enormous international presence in Guatemala, and the influence international NGOs and governmental organizations have on people's perceptions of the systems of governance in place.

[66] Observers who had previously held *consultas* in their own communities did represent a certain amount of "expertise" when observing in another community. Rather than an instructional role, however, this expertise lent extra weight to their verification that the proceedings had occurred fairly and without conflict.

[67] Although my proficiency in K'iche' is considerably lower than in Spanish, there was sufficient code-switching that I was able to understand the speech even with a beginner-level vocabulary.

[68] See Keck and Sikkink 1998, Nelson 1999, Perla 2008, and Tate 2013 on Latin America; Suárez Orozco 1992 on Argentina; Chari 2008 and Coombes 2011 on South Africa; Fassin 2008 on Israel and Palestine; de Heusch 1995 and Vokes 2002 on Rwanda; Blommaert 2009 on asylum seekers in Europe; McKinney 2007 on refugees in New York.

[69] There is no semantic distinction made between courtroom testimony and literary *testimonio* in Spanish—both are referred to as *testimonio*. In this chapter I distinguish between the two, as they have different characteristics and contexts, although they serve similar purposes. For simplicity's sake, I will refer to the stories that mining-affected people tell as "testimony" throughout this chapter, will use the word "*testimonio*" to refer to the literary genre.

[70] This term was used derogatorily by a columnist in the *Prensa Libre* to argue that international accompaniers, contrary to their stated mission of protecting the human rights of people in risky situations, are actually part of a conspiracy to internationally denounce Guatemala and make the country less attractive to foreign investors (Preti 2012). I use the term here because, whether or not they agree with Preti's conspiracy theory, many Guatemalans know international accompaniers only as "the blondies in vests" who show up at protests and marches. *Canche*, from the K'iche' words *q'an che'* (yellow tree), is Guatemalan slang for anyone with lighter brown, red, or blond hair.

[71] The K'iche' and Ixil activists occupied the Spanish embassy to protest the murder of civilians in Uspantan, Quiché by the Guatemalan army, and to demand solidarity from the Spanish government. The Guatemalan army entered the embassy against the wishes of the ambassador. When an undetermined source started the fire the army barricaded the occupants in. Some allege that the army started the fire, while others claim that the activists started it with Molotov cocktails they had carried in with them. In any case, the army refused to allow firefighters on the scene. Two people survived the fire, but one was later kidnapped—apparently by army intelligence forces—and executed as a "terrorist." The Spanish ambassador was able to flee the country, despite threats that he was "next." (citations)

[72] In her analysis of affidavit interviews done with Latina victims of domestic abuse in the United States, Trinch finds that the paralegals conducting the interviews exert considerable influence over the structure and content of the final affidavits. As listeners and translators, they shape the women's oral accounts of lived violence into a narrative

that will meet the expectations of police, judges, and other authority figures within the justice system. Trinch draws a parallel between the narratives of domestic violence victims and Menchu's account of the Guatemalan civil war, noting the ways that editor Elizabeth Burgos guided and reshaped Menchu's oral account.   However, as Trinch rightly points out, Menchu exerted and maintained a degree of control over her narrative through strategic descriptions and silences that cannot be employed by victims of domestic violence.

[73] As a rule, I did not audio-record meetings with community members involved in anti-mining organizing.

[74] This is a common threat repeated in testimonies, with the charge for assassination ranging from Q100 (about $13) to Q100,000 (about $13,000), depending on the teller. The fear is not entirely far-fetched. In April 2010, a 13-year-old boy was paid 100 quetzales to kill a woman who sold chicken from a market stall in the capital. She had refused to pay a fee to "Mara 18," the gang of which the boy in question was a member. The story made headlines in several major newspapers, including internationally (*Nuestro Diario, Siglo Veintiuno, Prensa Libre*, and *el Periodico* in Guatemala, *Terra* in Venezuela, *La Voz de Galicia* and *el Pais* in Spain). In 2012, Guatemala reported an average of 99.5 murders per week, which is a slight decrease from the previous three years (citation). The overall murder rate as of January 2013 was 34.5 per 100,000 residents (OSAC 2013). Although Guatemala is considered the second most-violent country in Central America, this rate is still considerably lower than the most violent city in the United States—Flint, MI—which reports 64.9 murders per 100,000 citizens, and is roughly the same as the 2012 murder rate for Saint Louis, MO (Galik 2012). Because of the differences in population, however, the sheer numbers of violent deaths in Guatemala are much higher than in these US cities.

[75] Global climate change was frequently in the Guatemalan news from 2010-12, following the devastating effects of Hurricane Agatha in June 2010, which included landslides that destroyed homes, roads, and other infrastructure throughout the highlands. It was understood that the storm—and the entire rainy season that year—was unusually strong because of global climate change. Then-president Alvaro Colom appealed to several international bodies [which??] for financial aid to better prepare Guatemalan infrastructure for climate change, which is expected to have increasingly devastating effects in Guatemala due to xyz. While it seems that "the mine did it" can become a catch-all explanation for when bad things happen to anti-mining activists in San Miguel, "climate change" is similarly a catch-all justification for why the government washes its hands of a difficult situation. Please see Chapter X for a discussion of the scientific studies both sides conduct in an attempt to explain whether the mine or climate change was actually responsible for various environmental damages.

[76] "*Podemos ver como si fuera el conflicto armado interno que se vivio durante la decada de los ochentas.*" In: *El Negocio del oro en Guatemala: Crónica de un conflicto anunciado* (Lassalle and Pérez 2010).

[77] "*…cuando entró el molino, nosotros no sabíamos cuando la gente de Sololá estaba ahí en resistencia para que el molino no pasara para llegar en San Miguel, porque ellos, pues, sabían lo que iba a pasar por la empresa, y nosotros ni nos dimos cuenta! Por eso yo digo que el pueblo de San Miguel estaba durmiendo. Pero ahora, a través del tiempo, ahora el pueblo de San Miguel poco a poco se fue dando cuenta que lo que estaba pasando.*"

[78] The 2010 precautionary measures concerning the health and welfare of the communities surrounding Marlin mine were issued to the Guatemalan state, not the mining corporation, as the corporation in question frequently reminds shareholders and activists alike. Thus, the responsibility to act on the precautionary measures fell to the Guatemalan state; until the state issued an order to halt operations at the mine, it could (and would) legally remain in operation.

[79] Unidad de Proteccion a Defensoras y Defensores de Derechos Humanos – Guatemala (Unity of Protection for Defenders of Human Rights – Guatemala)

[80] "*Yo soy una afectada por la empresa minera. La verdad es que nosotros somos testigos de lo que ha pasado. Nuestros pozos, los nacimientos de agua se han secado por la perforación, por el túnel, y también porque ellos utilizan agua para lavar el oro, en donde ellos tienen un pozo mecánico para llegar directamente en la empresa. Por esta razón, nosotros nos hemos quedado sin nacimientos de agua. Nosotros estamos realmente muy preocupados y a veces hasta lloramos porque qué vamos a tomar nosotros entonces? Va la empresa minera porque ellos toman agua pura, en cambio nosotros vivimos de los manantiales y es muy preocupante para nosotros, pues, que la empresa no nos respeta nuestros derechos. Nosotros hemos reclamado y ellos nunca responden. . Y el otro problema aquí hay es por las casas rajadas. Hay más de 120 casas rajadas.*"

[81] These conventions are shared with *testimonio* literature. See the discussion in Chapter 5.

[82] Granted, these "languages of choice" are often limited to dominant languages, while indigenous languages or those with smaller populations of speakers are either not available, or the quality of the translation is so poor as to be unintelligible.

[83] The original online post is no longer available, following the organization's reconfiguration of their servers in 2014.

[84] Unfortunately, I was unable to find a complete translation of the text.

[85] The circulation is also shaped by the various networks of organizations—NGOs, governmental organizations, philanthropic shells, activists, corporations, etc—that have a stake in the issue. These networks are discussed in more detail in Chapter 5.

[86] The project was later purchased by HudBay Minerals (whose actions are currently the subject of a law suit in Canada) and is currently owned by Solway Investment Group.

[87] The IACHR is a sub-body of the Organization of American States (OAS) tasked with addressing human rights violations in member states

[88] It should be noted that several sources said that it was the Physicians for Human Rights report (discussed in this chapter) that swayed the IACHR's decision; however, the date of publication of the PHR report was mere months before the IACHR granted precautionary measures. While in theory this would be enough time for the results to influence the Commission, such a rapid turnaround time is unlikely. Furthermore, the PHR study results are ambiguous as to the impact of Marlin mine on local water quality and public health, which more than likely would have persuaded the IACHR to not issue precautionary measures. Finally, the report published by the IACHR in 2014, detailing their final decision on the petition from community members in Sipakapa and San Miguel Ixtahuacán makes no reference to the Physicians for Human Rights report, but it does mention photographs submitted by community members in San Miguel.

[89] Precautionary measures are a common mechanism in international law, and one that the IACHR uses to request that member states take urgent action to prevent impending harm to people under their jurisdiction, either collectively or individually, in connection with pending cases before the Commission.

[90] In 2010, precautionary measures were issued for cases from Guatemala, Colombia, Honduras, Mexico, Peru, the United States, Brazil, Nicaragua, Venezuela, Suriname, Paraguay, and Haiti.

[91] Another social scientist studying mining conflicts in Guatemala commented to me that he saw his research as a leftist critique of such radical—and in his mind, unacceptable—activist interventions. "NGOs like Rights Action aren't doing anyone any good by circulating pictures like that," he told me. In his estimation, the image was equivalent to inaccurate, sensationalist propaganda, and damaged any efforts to reform extractive industry in Guatemala.

[92] For simplicity's sake, I refer to this report as the Physicians for Human Rights (PHR) report, since that is the sponsor listed on the cover page of the final report. However, it should be emphasized that the report received matched funding from the School of Public Health and the approval of the Institutional Review Board at the University of Michigan. Both of the authors were faculty members at that institution at the time of the investigation and final report publication.

[93] The PHR study was subject to Institutional Review Board regulation at the University of Michigan; all samples of blood and urine were taken anonymously and identifying information was not kept.

[94] *Científicos estadounidenses revelaron la existencia de metales potencialmente tóxicos en la orina y la sangre de habitantes cercanos a la mina Marlin en San Marcos y advirtieron que sus efectos podrían agravarse con el tiempo.*

[95] See: http://es.wikipedia.org/wiki/San_Miguel_Ixtahuac%C3%A1n and http://es.wikipedia.org/wiki/Sipacapa

[96] *Montana Exploradora de Guatemala S.A. Mina Marlin. es una empresa que ha generado impactos negativos en la vida social de las comunidades de San Miguel Ixt.*

[97] See: http://es.wikipedia.org/wiki/Sipacapa#Recursos_naturales

[98] In December 2009 I edited the San Miguel Ixtahuacán Wikipedia page under the username "Kati17." I made six edits, which included adding links and references about Marlin mine, adding details about the ethnic makeup of San Miguel, and correcting and elaborating on facts about Marlin mine in San Miguel. In June 2010 I edited the Sipacapa Wikipedia page under the same username. I made one edit, which I described on the Talk page as follows: "corrected phrasing for ethnic groups in Guatemala, corrected occupations of residents in Sipacapa (not just farming), removed "already" which implies the presence of the mine precedes conflict."

[99] With someone's IP address, it is possible to see the user's location and, if they are using a university's internet service, their domain name. For example, when accessing the Internet from the University of Michigan campus, a

user's IP address would point to the umich.edu domain. In some cases a private organization's name may also be visible. For example, one person made edits to the Marlin mine page while using Amnesty International's Internet service in Leeds, England.

[100] Based on the username, I assumed the gender of the editor was male. An earlier version of his profile linked to a personal website that included a photograph and additional contact information, from which I concluded that my original assumption was correct. The link to this website has since been removed from his Wikipedia user profile, and all contact information on the personal website has been replaced by a contact form.

[101] I edited the Marlin mine page in December 2009, however all of that content has since been deleted after it was determined to be biased. I again edited the Marlin mine page on June 24, 2010, under the IP address 68.40.186.0. I removed the term "grass-roots" from the sentence: "The Marlin deposit was discovered through regional grass-roots exploration in 1998 by Montana Exploradora, S.A. and was later purchased by Francisco Gold Corporation in 2000." I felt that "grass-roots" implied that local communities had discovered the deposit, which was not the case. I again edited the Marlin mine page in May 2015 under the IP address 35.2.224.68. I corrected a sentence under the subheading "Third-party environmental and health impact studies" which attributed the PHR report to the University of Notre Dame's Human Rights Center rather than to researchers at the University of Michigan.

[102] See: http://en.wikipedia.org/wiki/User:DiligentDavidG

[103] See: http://en.wikipedia.org/w/index.php?title=User:DiligentDavidG&diff=622212367&oldid=606018214

[104] See: http://en.wikipedia.org/wiki/Marlin_Mine#Third-party_environmental_and_health_impact_studies

[105] The IFC loan for the Marlin project was actually submitted by Glamis Gold/ Montana Exploradora in 2003, and was later acquired by Goldcorp prior to the beginning of operations.

[106] The Spanish text reads "*Simbolo del cese al conflicto armado que dividió y desgarro Al **pueblo** guatemalteco por más que 36 años…*" (emphasis added). *Pueblo* has a variable and layered meaning in itself, as discussed by Paul Eiss (2010). It can mean a physical town, an ethnic group (i.e. "*pueblos indígenas*"), "The People" in the way activists often use the phrase (the Spanish translation of "the People united will never be defeated" begins "el pueblo unido…"), a community, etc. I've translated it here as "community" for simplicity's sake. However, the video makers' very particular representations of the Guatemalan nation may point to additional connotations in their use of the word.

[107] TVMaya is the station run by the Academia de Lenguas Mayas de Guatemala, and is focused on cultural topics. Guatevisión is a nationally-broadcast general interest station.

[108] *Digamos en nuestras comunidades, SI al desarrollo, SI al cuidado del medio ambiente.*

[109] Of course, "so blue" doesn't necessarily connote "nature"—a cerulean blue lagoon near Dayton, OH was clearly man-made and somewhat jarring against a more muted landscape. The color was caused by chemical discharge from a nearby plant. In this case, the more typical color of the tailings dam is light green.

[110] The law as of 2011 classified community radio stations as "pirate" radios, which were illegal, although it seemed the law was seldom enforced.

[111] Lest we over estimate this shift, however, it is important to point out several issues with how the #RenunciaYa protests were celebrated, both in the mass media and elsewhere. First, while it is true that the scale of the protests was unprecedented since the end of the Guatemalan civil war, lauding them as a "shift" from violent to peaceful protest is not accurate (see Torres 2015). Anti-mining protesters consistently instruct participants to remain peaceful, and argue that any violence that has occurred at protests over the years is instigated by security forces—either private or national police. Second, people I spoke with in Guatemala argue that Perez Molina only resigned after a cadre of economic elites—those who arguably facilitated his rise to power in the first place—lost patience with the president's quickly declining popularity and thought it best to cut their losses and sever ties.

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