

## The RIVERS project and human rights beyond the human: a genealogy

*"Nature and its Rights" Blog series - Young Researchers Colloquium April 2020*

By Lieselotte Viaene, RIVERS principal investigator



*Community Chicoy Raxquix, Cobán (Guatemala) ©LViaene, 2002*

"The *Tzuultaq'a* is God because *yoyo*, it lives," an old Q'eqchi' woman in Guatemala told me. It was 2002 and I was a Belgian student of anthropology who thought she was being told about a belief, one more myth among the many held by Mesoamerican indigenous peoples. The *Tzuultaq'a*, however, is more than that. It's a concept that literally means Mountain-Valley. It frames the cosmovision of the Mayan peoples and their relationship with their natural environment. I didn't know it at the time, but that Mayan *Tzuultaq'a* defined forever what my academic, professional and even personal life has been so far. It was the seed of the RIVERS project.

I grew up in Ieper in Northwest Belgium. My childhood and adolescence were spent in the countryside. From my parents' house you could see three hills, a rather peculiar landscape in the middle of the characteristic plains of my country. For me, these three geological formations were nothing more than a huge accumulation of stone and earth. In other words, nothing special.

I started studying criminology and, as part of my training, I did an internship at the Regional Police in Rotterdam, the Netherlands. There, a crime committed by a Cameroonian woman, the solution of which was based on the study of ethnographic records, led me to become interested in anthropology.

So, I started a postgraduate training in anthropology at Ghent University, Belgium. My Master's thesis research focused on the processes of reconciliation and justice in post-conflict Guatemala. As part of my thesis project, I travelled to the Central American country to carry out field work among groups of indigenous survivors of the war. During the course of that experience I came to a different conception than the one I had previously held as a European woman about what surrounds us.

On that trip, those three hills that could be seen from my parents' house were no longer just a pile of stone and earth.

### ***Living hills and valleys***

I was 22 years old and surrounded by the Q'eqchi community *Chicoj Raxquix*, a 20-minute drive from the municipal capital of Cobán, Guatemala. The village was made up of 40 internally displaced families who were victims of the conflict, and who had organized themselves with the help of the Catholic Church. My intention was to participate in a *wa'tesinq*, a traditional ceremony to inaugurate the installation of some thirty power poles that would bring electricity to the village for the first time.



*Wa'tesinq offerings: rosters and copal pom, community Chicoj Raxquix, Cobán (Guatemala) ©LViaene, 2002*

*Wa'tesinq* means, literally, to give food. The purpose of that *wa'tesinq* was, precisely, to feed the *Tzuultaq'a*, and thus ask for his protection and permission to use those energy poles that brought prosperity to *Chicoj Raxquix*.

The elders of the community beheaded some roosters to collect their blood. They used it, along with their meat mixed with cocoa, to draw crosses on ceremonial offerings. A ceremonial *guacal* circulated with *boj*, a traditional fermented drink made from sugar cane and corn. They lit a lot of *copal pom*, a resin from a tree with a sacred aroma.

Everything was very strange to me. A strange and distant world, but fascinating.

Once we finished the first part of the ceremony, we headed for the poles in the dark. The drums, flutes and violins, together with the prayers of the spiritual guide and the elders, acted as a compass for the children, women and men. A cock was buried next to each pole. A huge bonfire was lit and the elders prepared to play ceremonial tunes around it in a ritual called *majejak*. We were there when, without realizing it, the sun came up.

As the rays of the sun seeped out, a mountain of fresh food awaited us, to compensate for the late night. We shared a tasty *kaq'ik* (chicken soup), corn *tortillas* and beans. That breakfast was simply delicious.

Manuel, the spiritual guide, assured me that everything had gone very well that night. The *Tzuultaq'a* had given permission for those 40 families to have electricity in their homes. The *Q'eqchi* of *Chicoj Raxquix* were grateful to their natural environment for allowing them to introduce this strange element; those poles had life-energy, their *xmuhel*, because they came from the *Tzuultaq'a* and were integrated into the territory.

"That's the way it should be," Manuel told me with bright eyes and a smile on his face. For him, without the ceremony the *Tzuultaq'a* and the energy poles would not be happy. They would be angry and scare the families. I had successfully completed my first *wa'tesinq*. I will never forget the joy I felt in those people that morning, an electrifying energy.

I understood that everything around us is alive and that we have to be grateful for it. One way or another everything is integrated. The people and animals, the plants and trees, the hills I saw from my parents' house, they all have a life-energy.

Everything that makes up a landscape, a natural environment, has life.

### ***The corn was crying because of the war***

Shortly thereafter, I began my PhD in Law about the role of cultural contexts in transitional justice processes. I wanted to understand how the Maya Q'eqchi' of Guatemala, both victims and former civil self-defence patrollers, understood the central concepts of this emerging field connected to human rights: justice, reparation, reconciliation, historical memory.

I learned Q'eqchi'. I never managed to speak it well, but I reached a level sufficient to conduct interviews and focus groups together with Marta, my translator. I participated for two years in many *wa'tesinq* and *mayejak*. Some were held in small family circles, others among entire communities.



*IMayejak before commemoration cross of genocide, region Nimlaha'kok @LViaene, 2008*

Little by little I learned that what lawyers call "human rights violations", for the Q'eqchi' is not limited to human beings. On numerous occasions I heard that the *Tzuultaq'a* was violated by the army and the civilian self-defence patrols.

I learned that the violation of the right to food by the army did not only imply famine. It was a profound desecration of corn, a non-human being and sacred to the Mayans. According to the Popol Vuh, their oldest book, the Maya are made of corn. During the armed conflict, corn cried because the corn fields were burned.

["Now the Tzuultaq'a and the sacred corn are very angry,"](#) many elders assured me. "That is why the crops are no longer as they used to be, that is why there is femicide, these *maras* [youth gangs], so much violence, because of all the innocent blood that was thrown on the earth," they said.

I presented these Q'eqchi' narratives at international academic conferences on the achievements and challenges of transitional justice, which at the time was a novel field. I remember [a mega-conference organized by Oxford University in 2009](#). There it was difficult for my legal colleagues to open up to other perspectives. I encountered enormous resistance to approaching human rights from the perspective of Mayan knowledge.

In those forums, both in the capital of Guatemala and around the world, the sentence, almost unanimously, was: "human rights are for humans". For academia and the human rights community, indigenous spirituality was a set of myths, nothing more.

### ***The Chixoy River was going to die because of the Xalalá hydroelectric project***

In 2014 I returned, after an absence of four years, to one of the Q'eqchi' areas in Guatemala. The purpose was to conduct a study on the [Xalalá hydroelectric project](#) and its impact on human rights. Former general Otto Perez Molina was president and for his government the construction of the hydropower plant was a national priority. The pressure on local communities not to oppose the mega-project was immense.

In order to conduct the study successfully I was forced to expand my ethnography. My previous research was limited to the violence of the armed conflict, but it now encompassed the violence of extractive projects in indigenous territories.

I met several times with the Q'eqchi' affected by the Xalalá hydroelectric dam. In these meetings I was not surprised to hear that the infrastructure work was threatening the grand and impressive Chixoy river, which is *yoyo* and alive. The hills surrounding this body of water were also going to suffer and cry when the government opened the roads to start construction work on the dam.

This new violence was the same as the old. The Q'eqchi' call it [nimla rahilal](#), the great pain and suffering. It was no longer the massacre of people, now it was the killing of the sacred river.



The policy research report regarding the Xalalá dam had to echo the concerns of the Q'eqchi'. The construction of this huge concrete mass in the middle of the jungle went beyond human rights violations.

And so it did. The document was titled: "[What will happen to our sacred land and water?](#)"

In 2015 we organized a three-week tour to present the report, both in the communities on both sides of the Chixoy River, as well as in the municipal seat of Cobán and in the capital. The criminalization of indigenous authorities who defended their lands against mega-projects was increasing rapidly.

During the afternoon in which we presented the report in a hotel in the capital, together with several indigenous organizations, something unexpected happened. The National Police arrested [Rigoberto Juarez and Domingo Baltazar](#), two well-known leaders of the hydroelectric opposition in the department of Huehuetenango, as they entered the event. [They remained a year as political prisoners of the Guatemalan state.](#)

### ***A river and its rights***

In all these years of collaboration with the Q'eqchi' I learned that the mountains can call you. In 2017 I felt that call and I returned to Guatemala. This time I was going as a post-doctoral researcher with a Marie Curie scholarship from the European Commission. I had more resources and felt vindicated in my work of so many years. But even more importantly, I was coming back to continue learning, both from the Q'eqchi' and from the impact of extractive development projects on the land and rivers.



*!Preparation mayejak@LViaene, 2017*

During this new journey in the Q'eqchi' lands of Alta Verapaz, I was not alone. [Rachel Sieder](#), senior research professor at CIESAS in Mexico and supporter of my academic journey, was coming with me.

Before going to Mayan territory, I gave a seminar in Guatemala City on indigenous knowledge of water and ontological conflicts, thanks to an invitation from the Nim Ajpu Mayan Lawyers Association.

When I was preparing my presentation, a colleague gave me some very important news. In New Zealand they had passed a law granting rights to a river.

My study and research were taking on a new dimension. The picture was getting bigger.

Shortly afterwards, an Indian High Court and the Colombian Constitutional Court followed this legal development. I felt that a new international legal trend had been born. I was delighted.

I had learned on this long journey that the indigenous concept that everything has life, and must be protected as human life, was not new. But its legal recognition was new. [For me, the Q'eqchi' and the litigating lawyers now had a new legal tool to deal with extractive mega-projects.](#) The life of the river, water and forest life could be protected by law.

**The RIVERS project – thinking-feeling about water and nature**

These days it is now difficult to keep track of the countless seminars, webinars, academic publications, or whatever forum comes to mind, that are organized about the [Rights of Nature](#) and ecological jurisprudence. There is euphoria among a growing handful of lawyers who believe this new legal doctrine is going to save the world. But almost two decades after that first experience of *wa'tesinq* and *majejak*, this legal novelty leaves me with many questions.

I wonder whether this Global North - which is more than a geographical reference - will really have the mental and conceptual openness to confront these indigenous conceptions that, in principle, do not exist in this legal world. It has taken me 20 years and I still feel that I am beginning the journey.

For example, in all these years of learning with the Q'eqchi' I had never heard them say or declare that the elements of the natural environment should have rights. Could it be that this new language of European and American jurists is once again a colonization and orientalism of the indigenous world? I am also concerned about how to avoid an exaggerated romanticizing of indigenous people living in harmony with nature.



Research design RIVERS Project (2019-2024)

Here, I believe I have something to add to the global discussion. My contribution is [the RIVERS project](#). It is a five-year research project with an international team, built around the question: To what extent can international human rights law come to grips with plurilegal water and nature realities?

RIVERS, funded by the prestigious European Research Council (ERC) of the European Commission, seeks to continue reflecting on the

many puzzles that my encounters with the Q'eqchi' have generated. In twenty years, *timil timil* - little by little - I learned that it is urgent to talk about our epistemological resistances and racism, about the impact and limits of modernity, about the coloniality of power and legal coloniality, and about the existence of pluriverses.

We must ask ourselves questions about our privileges and our role as researchers of the Global North. In addition, we need to think about how to support collective processes of co-construction of academic knowledge through true dialogue with indigenous peoples.

In these five years I aim to promote South-South and South-North dialogues of understanding, based on collaborative empirical research in Nepal, Guatemala, Colombia, and key spaces of indigenous peoples within the United Nations human rights protection system.

Looking ahead, I hope that RIVERS can contribute to these complex issues and realities. That it generates spaces for debate and dialogue on the points where opposing visions and practices meet.

I am immensely grateful to Germán Daniel Díaz-Rivas for thinking-feeling with me about this personal river that led me to the RIVERS project.

### About the author

Lieselotte is Professor in the Department of Social Sciences at the University Carlos III of Madrid (Spain) and is the Principal Investigator of the research project *RIVERS- Water/Human Rights, Beyond the human? Indigenous Water Ontologies, Plurilegal encounters, Interlegal Translation*. Lieselotte is an anthropologist with a PhD in Law (2011, Ghent University, Belgium) and has collaborated with indigenous peoples in Guatemala, Ecuador, Peru and Colombia. She was a Marie Skłodowska-Curie researcher at the Centre for Social Studies (CES) of the University of Coimbra, Portugal (2016-2018). She also worked with the Human Rights Advisor of the Office of the United Nations High Commissioner for Human Rights in Ecuador (2010-2013), where she was in charge of both the area of collective rights of indigenous peoples and afro-descendants, and transitional justice. Her latest book is: *Nilma Rahilal. Pueblos Indígenas y justicia transicional: reflexiones antropológicas* (2019, University of Deusto, Spain). More info [www.rivers-ercproject.eu](http://www.rivers-ercproject.eu)

### Referencias

Izquierdo, Belkis and Viaene, Lieselotte, 2018, "[Decolonizing transitional justice from indigenous territories](#)", *Peace in Progress*, N 34, Instituto Catalán Internacional para la Paz (ICIP)

Viaene, Lieselotte 2017, [Ríos: seres vivientes y personalidad jurídica. Nuevos argumentos legales en la defensa de los territorios de los pueblos indígenas](#), Plaza Pública – Guatemala

Viaene, Lieselotte, 2015, [La Hidroeléctrica Xalalá en territorios maya q'eqchi' de Guatemala ¿Qué pasará con nuestra tierra y agua sagradas? Un análisis antropológico-jurídico de los derechos humanos amenazados](#), Herent Municipality (Belgium), Human Rights Centre, Ghent University (Belgium), p. 131

Viaene, Lieselotte, 2010, "[The internal logic of the cosmos as 'justice' and 'reconciliation': micro-level perceptions in post-conflict Guatemala](#)", *Critique of Anthropology*, Vol. 30 (3), pp. 287-312.

Viaene, Lieselotte, 2010, "[Life is Priceless: Mayan Q'eqchi' Voices on the Guatemalan National Reparations Program](#)", *International Journal of Transitional Justice*, Vol. 4 (1), pp. 4-25.