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## **Desacralizing Land(scapes). Maya Heritage in the Global Picture**

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# Heritage and Rights of Indigenous Peoples

PATRIMONIO Y DERECHOS DE LOS PUEBLOS INDÍGENAS

Edited by

Manuel May Castillo & Amy Strecker

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# HERITAGE AND RIGHTS OF INDIGENOUS PEOPLES

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## Patrimonio y Derechos de Los Pueblos Indígenas

Edited by  
Manuel May Castillo  
and Amy Strecker

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## 20. Desacralizing Land (scapes)

### The Maya Heritage in the Global Picture

Manuel May Castillo

Yuum k'albi k'axile'ex, yuum muulileex  
t'albi t'aanile'ex, kalamil t'aanile'ex, in yuumil  
t'aanile'ex, tin k'atic yo'lal le mako'ba' in yuum, zak  
ik'alilo'ob k'ankabi oko'ob, yuum k'inili t'aanili, tin  
k'atic teeche yuum ...

(fragment of a song during a Maya ceremony  
by *Hmen* Miguel Kan Chí, Oxkintok<sup>1</sup>,  
Yucatán, transcription by Félix May)

*Guardians of the bushes, protectors of the  
mounds and of precious speech, guardians of the  
speech, my protectors of the word, I ask you for these  
persons, hikers of pure spirits. Protector, in time of  
speaking, I'm asking you...*

(translation into English by Manuel May  
with the support of Félix May)

The concept of landscape used here comes from recent academic debates touching upon the problem of environmental destruction. The most innovative aspect considered in these discussions is that people's subjectivities (cultural or spiritual) are relevant factors when developing a holistic legal framework for protection and preservation of landscape(s). Although not clear at first glance, the notion of *cultural landscapes* raises collective awareness of environmental protection. Think of the Swiss Alps landscape and the cultural/psychological arguments Swiss people put forward against any initiative of mining, damming or forest clearing for GMO<sup>2</sup> plantations there, not to mention the environmental destruction. So, this notion of *cultural landscape*

is close to Indigenous Peoples' notions of *sacred land*. Naturally both notions come from different ontological worlds; hence this chapter aims to achieve an ontological encounter in order to approach the global problem of environmental destruction and its impact on the Maya heritage.

#### Maya Land<sup>3</sup>

Similar to other Indigenous Peoples, when the Maya advocate for sacredness of the Land (*Yóok'ol Kaab* or *Itzam Kaab Áayin* in Maya Yucatec language), we use cultural, religious and psychological well-being arguments to protest against environmental destruction. This is a long way from the traditional anthropological view which categorizes the indigenous spiritual relationship with Land as 'primitive beliefs' that derive from 'magic thought' or 'superstition'<sup>4</sup> in the anthropological vocabulary.<sup>5</sup> Certainly, Indigenous Peoples share the idea that Land is more than a natural resource. She [Land] is the mother who feeds the community, in a literal and spiritual sense. For Yucatec Maya the *Yóok'ol Kaab* refers to the symbolic world. This concept is not restricted to physical 'territory' or land but involves all entities living there, be it physically or metaphysically. In fact, the term *Kaab* is more similar to the Spanish concept *Mundo* that refers to the universe of known entities. For the Maya

1. Oxkintok is sacred place -though under the partial control of the Mexican institution of heritage (INAH)- where Maya people perform ancestral ceremonies.

2. Genetically Modified Organism.

3. Due to her sacred and spiritual values I'm using capital letters here to differentiate the indigenous notion of Land vs the 'Western' notion of land, which nowadays is mostly restricted to economic values.

4. Since 'superstition' is the opposite of reason in academic vocabulary, this stereotype suggests to the academic reader that Indigenous Peoples lack rationality.

5. See the seminal works on anthropological criticism by Deloria, 1988(1969): 78-100 and Fabian, 2002(1983).

peoples, all entities living on the *Yóok'ol Kaab* have a numinous counterpart (sacred 'protector') and they deserve respect from human beings (see the fragment of the song cited at the beginning of this text). Humans are not superior to them but are, as trees and animals, part of the diversity of life on the *Kaab*. Moreover, this notion of objective/subjective world is shared not only by Maya peoples, but also by most Indigenous Peoples in the Americas. It is worth mentioning an anecdotal passage by Mrs. Rose Cunningham, a Miskitu elder, during the 3rd International Colloquium on Heritage and Rights of Indigenous Peoples that took place in Leiden University. Mrs. Cunningham talked about recent discussions in Miskito communities where people were asked to define what 'territory' is. The answer was clear for the community: 'territory' is a living world including all the trees, animals such as chickens or insects, and so on. Territory is not just a piece of land comparable to a slice of apple pie; it is a living world.

Again, the indigenous notion of Land is not to be misunderstood as 'primitive beliefs' or 'non-rational magic thoughts'. Instead, the notion of Land embodies ancestral knowledge, expressed in metaphorical ways, to raise awareness among all members of the community that life, in all its diversity, deserves the greatest of respect. Respect for all manifestations of life means that they must be considered as *sacred beings*. Naturally, the Maya people need to cultivate the land, hunt, and extract medicinal plants, wood and so on, but remembering that all Land resources have sacred values and deserve moral respect. Rituals enhance moral commitments to respect Land in communal (collective) ways. Consequently, overexploitation is avoided to prevent an eventual lack of resources that would impact on the communities' well-being. For the Maya, epigraphic evidence shows that such ancestral knowledge has been in force for thousands of years. The numinous entities of the world, including the sacred *Kaab*, are identifiable from two thousand years ago, or even longer (see Schele & Miller, 1986: 41-55). This means that awareness of respecting the Land to avoid environmental degradation is part of our ancestral heritage. But this heritage is not restricted to the Maya

peoples. As mentioned before, this notion of Land is shared by most Indigenous Peoples in the Americas<sup>6</sup>, which means that this has been a shared heritage for a very long time. Furthermore, I agree with De Loria (1993: 135-149) in the sense that religious narratives referring to global catastrophes seem to belong to a body of knowledge informing present day peoples about dramatic events in the past. They are not just 'myths' by 'primitive' societies, but are effective ways of transmitting knowledge and moral values in metaphorical speech, as Christianity does.

Therefore, the problem of environmental degradation has been a constant concern of Indigenous Peoples for many centuries (and apparently for millennia). But colonial powers never paid any attention to it, nor do modern neo-colonial powers.

### Desacralizing Land (scapes)

For Maya peoples, it is clear that Land means homeland first and foremost. Spiritual, psychological, and metaphysical connections are more than evident in the ancestral ceremonies in sacred places (mountains, hills, rivers, lakes, caves, bushes, etc.). These ceremonies re-enacting sacred meanings and values of the Land represent cultural continuities that are some thousands of years old, as archaeological and epigraphic evidence demonstrates.<sup>7</sup> Generally speaking, however, academia, Christian institutions, legal bodies and the global economy collaborate (consciously or unconsciously) in endangering this heritage, some of which, it should be noted, is considered World Heritage. To better illustrate how Maya heritage is being threatened by the above-mentioned factors I shall highlight two case studies in the Yucatan peninsula, in Mexico.

6. See also the contributions by Reyes Gómez, Macuil Martínez and Aguilar in this volume.

7. It is sometimes frustrating for Indigenous Peoples trying to communicate our concerns to some journalists who question the sacred value the Land has for Indigenous Peoples. Eventually we get disrespectful questions such as: Are there sacred places really? Did they exist before? Or, isn't this a 'new' political argument to defend your territory? Most of the times behind the journalists' *naïveté* lies a political/religious position, aligned with neo-colonial powers. In some cases, such questions are only *naïve* reactions of colonized minds.

### Hopelchen vs. Monsanto Soya Plantation

Recently, the Maya community of Hopelchen won a legal battle (at national level) against the well-known transnational corporation Monsanto for the cultivation of soya in Maya Lands. In November 2015, the National Supreme Court (SCJN, Suprema Corte de Justicia de la Nación) ruled in favour of the Maya communities of Yucatan and Campeche to stop Monsanto's soya cultivation (it should be noted that Maya women activists played a major role). The Court's ruling was based on the lack of *free, prior and informed consent* by SAGARPA (the national institution for agriculture, animal breeding, rural development and fishing activities) when they granted Monsanto permission to cultivate large expanses of soya in Maya Lands. The lawsuit accused Mexican agencies of being responsible for the destruction of Maya beekeepers' livelihoods, forests and exposing them to massive use of herbicides and deforestation (killing and poisoning the sacred Land) by violating the right to *free, prior and informed consent* of Maya peoples, in particular failing to implement Article 7 of ILO convention 169. However, despite the Court's ruling, GM soya is still being cultivated in Hopelchen with the permission of Mexican agencies (figure 20.1). Meanwhile, Mexican institutions and Monsanto are concentrating their efforts on achieving 'free, prior and informed consent', which makes no sense when plantations are created *prior* to consultation being carried out.

Certainly, the legal case in Hopelchen is a battle carried out in the context of the global economy. The Maya communities are one of the most important producers of organic honey in Mexico, generating about 40% of the national production which is mainly exported to the EU and USA.<sup>8</sup> Obviously, there are other transnational companies trading in honey whose interests are affected by Monsanto, but this case illustrates how transnationalism does not necessarily have a negative impact on indigenous communities. One of the positive consequences of this legal case is that global society is raising awareness about human rights violations worldwide generated by unrestrained global economies. In

addition, certain sectors of global society, such as NGOs and consumers of organic honey, expressed their solidarity with the Maya peoples and, it should be noted, are supporting the legal battles on social networks. This is an important step in global rights discourse, due to the expression of solidarity between human beings irrespective of their national ascriptions and identities.

Despite the effort to achieve free, prior and informed consent, which constitutes a real breakthrough, there are still three aspects of Maya Land that remain overshadowed by the economic dimension, even though they are interrelated and are equally relevant. The sacredness of the Land in the Hopelchen case is not being considered in the whole process of consultation and this is not a minor consideration. Needless to say, the Maya Land is full of sacred places involving natural resources. Moreover, sacred places involve archaeological sites<sup>9</sup> as well, which in turn are under the protection of national legal bodies and the national institutions of heritage and culture (INAH, CONACULTA). Despite all this institutional protection, soya plantations are destroying archaeological sites as well as ancestral water sources, permitted by the passivity of Mexican agencies (Figure 20.2).

Of particular interest is the case of Nocuchich, a sacred place with archaeological values that has caught the attention of renowned Mayanists in the past (Andrews, 1989; Maler 1997 (1889-?)). This site and many others (so far, 59 officially registered by archaeological surveys, see Map 20.1) are in the middle of the area where soya is expected to be cultivated. As mentioned above, soya cultivation is today carried out in Hopelchen against the Court's ruling. Such illegal plantations are being promoted by political groups, who are in favour of Monsanto's project, and are co-opting farmers<sup>10</sup> into advocating soybean plantations as their livelihood. Consequently, soya cultivation has destroyed a number of (sacred) buildings with archaeological values as well as

8. FAO report available at <ftp://ftp.fao.org/docrep/fao/012/i0842e/i0842e16.pdf>

9. Further considerations are included by Maya people in Guatemala and summarized in the project *Law on Sacred Sites and Sacred Places* (see Gomez et al. 2011).

10. In the middle of this battle is the Mennonite community, which is now planting soybean using industrial methods.



Figure 20.1. Soy plantation over the sacred place Nocuchich, date August 2016. Notice that the area where soy does not grow is the same area where a building was. What we see then is the foundation of the destroyed building.

(sacred) water sources in the area of Nocuchich. Worth noting the failure to respect Art. 26.3 of the UNDRIP, on the ‘protection to these lands, territories and resources.’

The destruction of Maya archaeological heritage was reported by a Maya group to the INAH in August 2016.<sup>11</sup> INAH reacted swiftly by sending a group of archaeologists to verify the destruction of the archaeological site. In September 2016, we received an official response<sup>12</sup> from INAH stating that the destruction of buildings was evident and that ‘they needed to do more research in order to define the areas

deserving protection and safeguarding.’ Despite the swift reaction of INAH, it was too late to avoid the destruction by illegal plantations. The definition of areas deserving protection is now much smaller and the buildings destroyed are lost for future generations (failing to respect art. 25 of UNDRIP). The following question thus emerges: Who is going to make reparations to the Maya Peoples? Naturally, industrial farmers have a responsibility but they are just the last link in the global economic chain. In agreement with the legal decision against the destruction of Maya beekeepers’ livelihoods, the Mexican agency SAGARPA is also responsible for the destruction of the archaeological heritage and the cultural landscape (Maya sacred places) by allowing soya cultivation in protected areas, without proper consultation with Maya Peoples. Of late, the Mexican state has been

11. The author of this text was part of the Maya group who visited the site and elaborated the report.

12. Document No.401.F (4) I38 .2016/JUR-4246





Figure 20.2. Ceramic sherds fragmented by the industrial cultivation process.

responsible for this destruction by failing to seek *free, prior and informed consent* with Maya peoples, as well as failing to implement ILO Convention 169, Art. 7 and UNDRIP, Arts. 11 and 12. It is worth reminding ourselves of paragraph 2 of UNDRIP's Art. 11:

‘States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.’

However, the State is just part of the economic chain. Monsanto bears a huge responsibility for not following the Court's ruling and for not tackling the distribution

and plantation of soybeans. In fact, their local agents continue disseminating the idea that soybean plantations will bring benefits to Maya communities and that this cultivation will contribute to reduce world famine. This is clearly to influence public opinion in favour of soya plantation, and to deviate the public's attention away from related pesticides used throughout the process, which are under scientific inquiry.<sup>13</sup>

Furthermore, in the municipality of Hopelchen, there are more than 59 archaeological sites deserving protection and safeguarding due to their endangered

13. See the position of some Mexican scholars in <http://maogm.org/carta-de-estudiantes-profesoras-investigadoras-y-trabajadoras-de-el-colegio-de-la-frontera-sur-ecosur/>. See the speech by prof. Damian Verzeñassi on epidemiological consequences related to glyphosate in Argentina: <https://vimeo.com/187550055>.

situation caused by large scale soya cultivation. Responsibility lies with the Mexican agencies INAH and SAGARPA, but other State institutions should take this into account. It is worth reiterating that water sources and cultural landscapes, such as Maya sacred places, need more effective protection from global economic policies. However, Mexican agencies, due to their Western<sup>14</sup>-oriented frameworks, are not familiar with the notion of Maya sacred places. As such, Maya people need to play a leading role in decision-making. To raise awareness about the need to involve Maya peoples in issues concerning them, in particular the safeguarding Maya sacred places, a map (Fig. 20.3) has been submitted by the Maya group of Hopelchen to the institutions in charge of developing a plan of ecological management<sup>15</sup> in the municipality. Naturally, much more collaborative, intercultural work needs to be done.

### **Digging in Sacred Places. Calcehtok and Archaeological Projects**

This case involves the sacred place of Oxkintok in Yucatán, México. This site was excavated by the Spanish mission of archaeology in Mexico (MAEM) in collaboration with the national institution of heritage in Mexico (INAH) in the early 1980s (see an overview in Rivera, 1986; 1987). When the Spanish mission ended, the Mexican institution took up the mantle and continued digging the ceremonial place. For the communities nearby, this was a ceremonial place before excavations started. In fact, when archaeologists started digging the sacred ground, the Maya *Meno'ob* (religious leaders) protested in different ways to stop the desacralization of the ceremonial place, but, the national institutions paid no attention to the *Meno'ob* protests. Furthermore, Maya communities were already being divided by the Christian Protestants and so the *Meno'ob* were

targets of religious harassment by Christians. Thanks to these discriminatory attitudes, the religious specialists had to abandon the centre of Oxkintok and conduct ceremonies in other locations nearby. Some oral narratives recount non-conformance by the Maya *Meno'ob*. For instance, they said that during the excavations the archaeologists wanted to steal the treasure of the Maya peoples, but...

‘...while the archaeologists would dig great holes during the day, at night the numinous guardians of the sacred place would fill them again. So, the astonished archaeologists had to start digging again every morning. After several attempts, the archaeologists realized that no matter how many times they dug holes, the guardians would cover them again and again. So, they gave up and went back to their country.’<sup>16</sup>

It is worth noting that this narrative is shared in ceremonial contexts and, in metaphorical speech, aims to communicate to the Maya community that despite the physical efforts by archaeologists digging and extracting the burial offerings, ceramics, etc., the ancestral site has sacred values which will not easily be detached from the collective memory. The narrative concludes:

‘...they can’t steal the treasure of the Maya, because the Maya treasure is located in the mind and heart.’

Sacred values are still attached to the site today thanks to the persistence of the community in performing ceremonies there; the archaeologists have stopped digging, for now.

However, after the excavations ended, the national institution of heritage (INAH) fenced off the excavated area in order to control access to it and manage the site for tourism. Throughout the process there was no consultation with the nearby Maya communities, thereby failing to fulfil the requirement

14. I’m using here the term ‘Western’, not as a locative nor as inherent of a particular social group, but rather to refer to the theoretical (philosophical, moral, and scientific) apparatus used to first legitimate the ‘supremacy’ and ‘hegemony’ of colonial powers and consequently used to legitimate the subjugation of the Indigenous Peoples of the Americas. From such a ‘Western’ framework emerged the ideologies of modernity, progress, economic development that - in combination with notions of ownership, private property, and others - are being promoted by neo-colonial powers to perpetuate the subjugation and dispossession of Indigenous Peoples.

15. Programa de ordenamiento ecológico local del municipio de Hopelchén, Campeche.

16. I listened to the narrative during a ceremony in Calcehtok. This is an excerpt by me, any mistakes or misunderstandings of the narrative are mine. It is worth noting that, as a Maya person I receive teachings from the elders in the way Indigenous epistemology works. Because of that my research is not aligned with ethnographic methods.



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of free, prior and informed consent.<sup>17</sup> So, decision making was done unilaterally and in a non-inclusive manner. Furthermore, random criteria, based on the extension of the excavated area, were applied to protect only the fenced area. Thus, buildings beyond the fence were left without protection by the national institutions and vulnerable to looters. As expected, the fenced area is currently restricted to tourism and ceremonies are not allowed there anymore. Consequently, the spiritual values of the site have been displaced by the positivist notion of heritage developed unilaterally by the national agencies. This has had an enormous consequence for the local community's understanding of what heritage means. Exclusion from decision making and dispossession of the sacred place resulted in the local community attaching negative connotations to archaeologists and national institutions. The scenario became even worse in the recent past when some ceremonies were performed on buildings close to the fenced area. The guards, trained on a positivistic archaeological basis, called the police and accused the *Hmen* of being a looter! To avoid such misunderstandings, ceremonies are now performed far away from the archaeological site and hidden from the guard's eyes, as 'aliens' in their own Land.

Clearly, the way Maya communities understand heritage is through particular attitudes and interests being imposed upon the concerns of Indigenous Peoples. This is not to give an essentialist view of heritage or archaeology, but to point out where conflicts and incompatibilities are when dealing with indigenous heritage, in order to provoke reactions in the quest for solutions.

In fact, the problem is quite complex. As mentioned above, we can identify at least four dimensions of the problem, belonging to the spheres of religion, academic praxis, law and economy.

Exclusion and dispossession of Maya heritage are consequences of cracks in the Mexican legal framework caused by colonial legacies, positivist

paradigms and current exclusionary policies. In fact, once a site has been declared an 'archaeological site' it enters under the protection of the state, which grants the national agency INAH legal responsibility for managing the ancestral places. Heritage management by INAH includes controlling access to the site for tourism, but this control contradicts Articles 10, 11 and 12 of UNDRIP when Maya people wish to access the site. Maya people who wish to visit the sacred site are considered tourists and therefore *have to pay a tax to access their own heritage*. This conflictive relationship between Mexican agencies and Indigenous Peoples results from the assimilation policy of the state whereby the Maya and other Indigenous Peoples are considered Mexicans. So, Maya people can visit the archaeological sites as Mexican tourists, but not as the inheritors of the sacred place. In other words, Maya peoples get access only on the terms dictated by the state and, consequently, are not allowed to continue performing religious ceremonies in our own ancestral places. In the eyes of the state, the Maya peoples enjoy the rights established in the Mexican Constitution, but must implicitly renounce their rights as Indigenous Peoples.

In summary, the notion of 'archaeological site', in the experience of Maya communities, is related to exclusion, alienation, dispossession of heritage and desacralization of ancestral places.

However, these are not unique cases. The story of dispossession and alienation occurs in daily life despite the voting in favour of UNDRIP by the Mexican State almost a decade ago. Neither the archaeological projects nor the anthropological ones, are required by the INAH to implement the UNDRIP when doing research in the Maya field. In fact, this is one of the first steps on the road ahead; archaeologists, anthropologists and other scholars, following the ethical values of science, should put into practice the tenets of free, prior and (well) informed consent when designing projects (excavation, ethnographic fieldwork, etc.). Mexican academia needs to promote self-determination on research, aiming for the empowerment of indigenous communities through decision-making over scientific projects (see Arts. 3, 5 of UNDRIP).

17. The site was opened for tourism after 1992, but Mexico ratified the ILO Convention 169 in September 1990 ([http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::p11200\\_country\\_id:102764](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:102764))

It should be noted that for the Maya peoples in Guatemala the situation is somewhat better since the national institution of heritage (IDAEH),<sup>18</sup> finally agreed on allowing the spiritual leaders to perform ceremonies in some archaeological places. Naturally, this is also in the interest of the Guatemalan State with potential economic benefits from tourism. But there clearly exist different (and conflicting) notions of the concept of cultural heritage between the states and the Maya.

For the Maya Peoples the notion of cultural heritage is more related to the legacy of our ancestors (physically and metaphysically speaking) whereas for the state, the notion (and extent) of cultural heritage is based on positivist notions of tangible and intangible heritage, informed by traditional archaeological and anthropological reports. Of course, for the state, the scientific knowledge of academia (especially anthropology and archaeology) is a powerful (unquestionable) voice, which is positioned above the voice of Indigenous Peoples, leading to cultural discrimination. At the end of the day, Maya heritage is converted into a marketable product to be sold as a tourist attraction in the global market. This is economically beneficial for the states in question, but no such benefit reaches the pockets of Maya communities. The socio-economic condition of Maya communities remains below the poverty line because of exclusionary policy making, cultural discrimination and heritage dispossession.

### **Sacred Places under Threat. Calcehtok and Transnational Mining**

As in the case of Hopelchen described above, the differences and conflictive notions of heritage from states in relation to the Maya generates environmental disasters as well as destruction and looting of heritage. To illustrate this, I am widening the discussion on the sacred place of Oxkintok to include its surrounding cultural landscape.

The site of Oxkintok and its surrounding landscape embody a wider notion of sacred place from the indigenous perspective. The landscape surrounding

the fenced archaeological site embodies a number of symbolic values, corresponding to a sacred sense of the world where the natural landscape, numinous entities, ancestral temples, and the Maya peoples have been living in synergy since precolonial times. The notion of sacred world (*Kaab*) is promoted by the elders and the *Meno'ob* of the Maya communities nearby (mainly Calcehtok and Opichen). The surrounding landscape includes some sacred hills with groups of caves where ceremonies are performed by the communities nearby. In fact, around 37 caves have been registered by the Spanish archaeological mission (MAEM) with archaeological remains found inside (Bonor, 1987), confirming that the contemporary rituals in these caves pertain to cultural continuities from precolonial times. Roughly speaking, but based on archaeological data, rituals in the caves can be dated to be more than two thousand years ago (See Rivera, 1996; 1998). As expected, the Spanish archaeological mission had strong support of the elders of the Maya community for registering the caves. We must acknowledge the important contribution of the Maya elders in knowledge transmission, in particular of the *Xmeno'ob* and *Hmeno'ob* (women and men). In the present day, the Maya elders preserve the ancestral notion of a symbolic world where the sacred hills and caves are interwoven together with the temples and ceremonial spaces in the archaeological site, to create a harmonic sacred *Kaab* (world). Such a symbolic connection has been exposed in detail in recent studies.<sup>19</sup>

However, as mentioned above, the site has been physically delimited by the Mexican agency of heritage following rough and random criteria. Essentially, the area was fenced to be controlled and exploited for tourism, at the same time expelling Maya people from the sacred places.<sup>20</sup> This way, the archaeological remains (including those in the caves) beyond the fenced area were left vulnerable in terms of protection.

Yet from what or whom should archaeological remains be protected?

18. Instituto de Antropología e Historia (IDAEH).

19. See May 2014:263-288 for a wider discussion on the site of Oxkintok and its cultural/ceremonial landscape.

20. Notice the colonial legacies still perpetuating practices of limiting and controlling territory in similar ways as 'Western' empires did (Pagden 1995:11-28).

Certainly not from the people who value them as ancestral-sacred legacy, and who have safeguarded these sacred places for centuries despite long term colonial oppression. Rather, it is external factors that are endangering the Maya sacred places. In the case of the sacred hills of Calcehtok, transnational enterprises are nowadays exploiting the hills as a quarry to export 'Maya' stones for construction elsewhere. The idea behind it is that you could make your house with the same stones used by the ancient Maya. However, this mining exploitation is destroying the sacred caves, including the archaeological remains inside them, as well as subterranean rivers and lakes<sup>21</sup> that have dried up because of the desecration of the sacred hills. The ecological disaster is so evident that it can be seen from satellites, yet the mining exploitation continues on a large scale, without control measures by the state agencies. In fact, the Mexican agency SAGARPA<sup>22</sup> granted permission to transnationals for mining exploitation in Calcehtok's sacred hills. Furthermore, the transnational company has fenced a large area to 'protect' their interests, thus expelling the *Meno'ob* who used to perform ceremonies in the area (figures 20.3 and 20.4). Thus, Articles 11 and 12 of UNDRIP are ignored by Mexican agencies and transnationals alike. Again, colonial legacies can be highlighted as well as neoliberal policies by the state's agencies favouring economic benefits of elite groups.

As expected, no consultation was made on the terms provided by UNDRIP or mandated by ILO Convention 169. Certainly, there was an approval by the local Mayor who is part of the state's political system. But free, prior and informed consent was lacking. Instead there exists co-optation, by the transnational and national political parties, of certain groups of the community, which is also supported by extremist doctrines of Protestant Christians.

In summary, there are some fundamental gaps at state level hindering the implementation of UNDRIP in terms of heritage and land. The lack of inclusive policies on decision making is one of them and,

as seen at Oxkintok-Calcehtok, protecting an archaeological place by national policies sometimes is not enough. In this case, heritage is under threat not because of looting but because of economic powers interested in mining extraction, taking advantage of the gaps in national policies. Needless to say, looting is not an issue in this case because the Maya communities nearby identify these places as having spiritual values and ancestral connections. As such, most people are engaged in safeguarding this heritage irrespective of national policies of protection. In fact, Maya communities recognize larger areas and sacred places deserving protection more than the national institutions. However, it is in these larger areas where heritage is being threatened by economic interests on a larger scale.

Mining exploitation in Calcehtok's sacred hills provoked a natural disaster, as the hill became dead Land no longer suitable for harvesting. Nor is it possible to regenerate the jungle, which is essential for beekeeping and cultivating medicinal plants. Apart from the biodiversity, the subterranean lakes in the hill - important for the *Ch'a Cháak* or rain rituals - are now lost forever.

### **Positioning Maya Resistance in the Global/National Arenas**

The overexploitation and desecration of sacred places that we Maya peoples are experiencing today does not occur by chance. Regretfully, this is a global phenomenon affecting Indigenous Peoples worldwide, caused by colonial legacies and economic interests influencing policy-making and legal bodies at international (global) and local (national) levels. I argue here that the combination of four main factors (academia, Christian religion, legal frameworks and global economies) influencing policy-making does not only allow the destruction of Indigenous Peoples' Lands but it also makes it appear 'legal' and intellectually 'reasonable' in the eyes of global society.

First, we note that academia has a significant impact on the way in which policymakers understand the world and indigenous Land. Traditional anthropologists and archaeologists, claiming a

21. Named *Cenotes* or *D'zono'ot* in Maya language.

22. This is the same agency which granted permission to Monsanto without free, prior and informed consent by the Maya communities in Hopelchen.



Figure 20.4. Fenced area of the sacred hills by the mining company

secular mindset, can influence the way in which indigenous Land (including its sacredness) is translated into legal instruments as ‘land’ with merely ‘objective’, ‘tangible’ and economic values. Traditional anthropologists/archaeologists discuss indigenous religion without even knowing what religious experience means in a wider sense. Why then undertake the authority to define a sacred entity, such as Indigenous Land, without ever having any religious experience or spiritual connection with said Land?

Instead, traditional archaeology and anthropology normally rely on Christian-colonial sources which in turn repudiate Indigenous religions. As we know, ‘Idolatry’ as opposed to ‘true faith’, was the name colonizers attached to Indigenous religions (see the introductory note by Jansen and Pérez for further elaboration). Interestingly, this and other

negative stereotypes abound in literature when referring to indigenous spiritual relationships with the Land (‘witchcraft’, ‘sorcery’, ‘Indian idols’, ‘Earth monster’ and so on and so forth). Clearly, the secular mindset does not guarantee critical thinking and historical criticism. In fact, it is expected that positivist-oriented disciplines dealing with human subjectivities would lead to scientific inconsistencies. Furthermore, being influenced by the colonial mindset, traditional archaeology and anthropology play in favour of modern Christian institutions and contribute to perpetuating the oppression and subjugation of Indigenous Peoples.

Secondly, modern Christian institutions strongly influence policymakers, since politicians and Christian leaders establish partnerships in the political life of the nation, as will be seen next.

Similar to colonial times, rulers and religious leaders share, and often dispute, power. The secular state is more of a fantasy in countries where Maya peoples live (Mexico, Guatemala, Belize, Honduras and El Salvador) because most of the people seem to be ascribed to a sect of the Christian religion. According to the Mexican institution of geography and statistics (INEGI) around 99.8 % of the population belongs to one of the Catholic, Protestant or 'biblical' branches of the Christian religion.<sup>23</sup> Based on this data, let us try to determine which religious groups politicians belong to. It is hard to convince ourselves that politicians, and in particular policymakers, belong to the 0.2 % of non-Christian groups. In fact, the INEGI notes that this 0.2% of the population is ascribed to other religions such as 'oriental', Judaica, Islamic, New Age or 'ethnic rooted'. It is conceivable that policymakers in Mexico mostly belong to one of the Christian groups and that as a consequence, there is a lack of protection of Indigenous Land and her religious values. Policymakers are inevitable influenced, to a greater or lesser extent, by Christian mindsets and 'Western' ideologies rooted in the colonial period. However, to what extent does this phenomenon influence the (lack of) protection of Indigenous Lands?

At present we have a situation whereby there is no official recognition of Indigenous religion in most of the countries where Maya peoples live. There is an exception in Guatemala, where some advances have been made in the recognition of Maya sacred places through the Law on Sacred Sites and Sacred Places. However, this law currently receives strong opposition from oligarchic sectors in the country including academia.<sup>24</sup> State representatives and Christian leaders, with the intellectual support of academia, are rejecting a law that aims to promote respect for human rights and religious diversity!

These attitudes are hard to defend in democratic countries that adopted UNDRIP and ratified the

ILO Convention 169. However, in countries where notions of democracy are conditioned by oligarchy, neo-colonialism, cultural racism, corruption and mafia organizations, such attitudes are normalized. In fact, political partnership among 'secular' states and Christian institutions is highly normalized in these countries. Thus, it was not rare to see on national television the marriage of the former presidential candidate Enrique Peña Nieto to a Mexican actress by the Archbishop of Mexico (UIEAN, 2016), or to see the Guatemalan president and the Government Cabinet attending an evangelic meeting in early 2016.<sup>25</sup> This kind of 'medieval rooted partnership' constitutes an endemic problem in the whole of the Americas as we could see in the Alfred E. Smith Memorial Foundation Dinner in October 2016, where New York Cardinal Timothy M. Dolan was seated between the two presidential candidates, Hilary Clinton and Donald Trump.<sup>26</sup> It may be naïve to believe that, at the end of the day, Christian mindsets (especially negative ones which lean towards bigotry and fanaticism) do not influence policy-making on Indigenous Land. This problem is not then reduced to the religious influence on secular states and policy making, but it actually promotes human rights violations, in particular when disempowering Indigenous Peoples to enjoy the right of performing ceremonies in ancestral sacred places or when allowing 'religious bullying' by Christian leaders towards indigenous religious leaders.<sup>27</sup> In this way, the implementation of UNDRIP's tenets (Art. 11, 12, 25, 26) remains blocked due to the strong influence of modern Christian mindsets on policymakers.

Thirdly, international law - which is meant to be of universal application - is inescapably framed within 'Western'/colonial ontologies and 'modern-capitalistic' values that often exclude Indigenous Peoples' ontologies and values. At the national

23. This data is according to the census in 2010, see <http://www.beta.inegi.org.mx/temas/religion/>. However, we must be conscious of the fact that indigenous religion is being made invisible by national statistics because they are integrated into Catholic groups, in the majority of cases.

24. This problem was recently highlighted by Carlos Chex Mux, a Maya Kakchiquel lawyer, during the 4th International Colloquium on Heritage and Rights of Indigenous Peoples, held in Leiden University in November 2016.

25. See <http://www.prensalibre.com/guatemala/politica/presidente-jimmy-morales-participa-de-oficio-religioso>

26. [http://www.nytimes.com/2016/10/21/us/politics/al-smith-dinner-clinton-trump.html?\\_r=0](http://www.nytimes.com/2016/10/21/us/politics/al-smith-dinner-clinton-trump.html?_r=0)

27. E.g. the *Hmen* (Maya religious guide) of Calcehtok is often being harassed by the Protestant pastor by screaming down the street that *Hmen* had established covenants with the devil and that in turn he, being Christian, works for the 'true god'. Regrettably, this is not an isolated anecdote; it happens more often than expected in the Maya region and there is no policy from the states to avoid these attacks against the dignity of their own citizens and the right to maintain and practice the ancestral religion.

level, legal bodies bear colonial legacies, especially regarding alien notions of land detached from any spiritual value. After Mexican Independence, Creoles (mostly Spanish descendants<sup>28</sup>) started a Nation-building project using the history of Indigenous Peoples but excluding them from the project itself. Consequently, the legal body created at the time had essentially the same European principles, including the colonial notion of land or *terra nullius* (see Jansen and Pérez Jiménez in this volume) as a good to be owned and (over) exploited (by neo-colonial elites). With few changes from colonial times up to the present (except for the Mexican revolution a century ago), Land is at the disposal of alien interests seeking economic profit. Due to such colonial legacies, it is not surprising that sacred values of Land have been ignored by the current national legal bodies. Furthermore, Indigenous Peoples were/are never involved in decision-making and the drafting of legislation in relation to Indigenous Lands. Such marginalization by nation states towards Indigenous Peoples often generates grotesque contradictions, such as making Indigenous Peoples ‘aliens’ in their own ancestral Lands (see similar examples in the USA in Volpp, 2015). For instance, Maya Peoples are nowadays thrown out from their sacred places once the national institution of heritage (INAH for México, IDAEH for Guatemala) declares them to be ‘archaeological’ sites. Maya peoples are banished from their sacred places and tourism is welcomed in their place.

Fourthly, we must mention the most aggressive factor that not only influences policy-making but actively destroys the Land through over-exploitation of resources. Global economies are promoting not only the desecration of sacred places but also human rights violations. Turning to the national level, states such as México, Guatemala, Honduras and El Salvador currently promote doctrinal discourses of economic development and provide transnational enterprises with neoliberal (*laissez-faire*) policies to overexploit Maya lands. Private sector domination of the economic life of these nations benefits the interest of global economic powers based in the USA,

Europe, China as well as México.<sup>29</sup> Being tied to global economic interests, governments, either from the right or left, will hardly serve the interests of their people (*dēmos*), thus failing to achieve the ideals of democracy placed on their shoulders. This explains, at least partially, why in several cases governments proceed with projects that are rejected by the vast majority of society, whether Indigenous Peoples or not. On the other hand, high levels of corruption in these countries allow mafia organizations to enter into the neoliberal scenario and the market economy.<sup>30</sup> Hence, when social protests arise, brutal repression is used by police and military forces in combination with mafia organizations, as shown by the emblematic case of 43 students from Ayotzinapa abducted in Mexico, or the case of dozens of activists killed in Guatemala.<sup>31</sup> To give an idea of the alarming situation of structural violence in these countries, it is worth mentioning that over the course of one weekend when this text was being written, three students together with another twenty people were killed in the Mexican state of Veracruz, in just one weekend (see García, 2016).

Openness to global economic interests is proving to be harmful not only for Land but it is also threatening the existence of Indigenous Peoples in these countries. As shown, global dynamics and human rights violations are interrelated. But how do we suddenly find ourselves in this situation of structural violence carried out on indigenous Land? How could we counteract the devastating effects of overexploitation of Land and systemic violence?

Current overexploitation seems to be the result of long-term global processes rooted in medieval times. In more recent decades, neoliberal policies by national governments prepared the field for the global economy, by imposing abstract notions of private property and ownership upon communal and sacred

28. with the exception of Belize which was an English colony and gained Independence a few decades ago.

29. E.g. the ‘Mexican’ company CEMEX is nowadays extracting minerals in the sacred place of *Cuevas del Pomier* in Dominican Republic in spite of the community’s protests. The author of this chapter had an interview with the community in *Cuevas del Pomier* in June, 2015.

30. See a particular case in Mexico where, according to a journalist’s research, campaign finance for the current president was provided by transnationals, banks and mafia organizations alike (in La Redacción, 2015; Redacción AN, 2016; Staff Códice Informativo, 2016).

31. During the first semester of 2016 (from January to June) 9 human rights activists were killed in Guatemala (see, La Prensa AFP, 2016)

notions of Land. Privatization, deregulation and fragmentation of communal lands were necessary steps for global economies to penetrate the national spaces while local governments were waving the flag of 'economic development'. This drastic change - from national economic protectionism to neoliberalism - is a global phenomenon occurring simultaneously in different parts of the world since the 1980s (Sassen, 2010;32-35). It is not surprising at all then that from Mexico to Indonesia, passing through Guatemala, Peru, Martinique and Guadeloupe, Nigeria and the Philippines, neoliberal policies have been promoted almost at the same time, irrespective of the ideological orientation of governments. Both left- and right-wing political parties, as well as dictatorial regimes, have been subdued by neoliberal ideology in the service of global-economic interests, to a greater or lesser extent. Interestingly, at the same time, presidents gained power over their legislative and judicial counterparts. This is to say that they could act with a certain degree of autonomy without being accountable to congresses. As expected, the power gained by executive governments was used to grant *laissez-faire* policies to economic powers. In agreement with Sassen, this argument is not aimed at supporting any conspiracy theory; rather it illustrates how ('subterranean') global assemblages facilitate transnationals entering through the front door of the national spaces of Guatemala, Mexico, Honduras, El Salvador and Belize. Governments are not only accomplices but also beneficiaries in the over-exploitation and desacralization of Indigenous Lands.

As suggested above, market-oriented notions of land have been developed since medieval times to benefit economic elites (Fairle, 2011; Linklater, 2015; Sassen, 2010). Obviously, present day processes on Land are not the same as in medieval times; they are dynamic, in constant transformation across time and space. However, continuities are evident in these processes. For instance, the notions of ownership and private property are being introduced in Maya territories via neoliberal ideologies aimed at benefitting global economies, opening the doors to transnational enterprises. Privatization is meant to dismember communal Lands in order to prepare them for large scale acquisition. Communal Lands

in the Maya region were protected in the past by the ancestral communal jurisprudence and by some national legislation inherited from the Revolution (in Mexico). Therefore, discourses on 'economic development', 'national underdevelopment' as well as 'indigenous laziness' (borrowed from colonial times) were/are political weapons used by governments to legitimize neoliberal policies and market-oriented exploitation of Land. This was/is done without taking into account Maya concerns and, in retrospect, has proven only to benefit alien economic elites and not the Maya Peoples.

Governments are clearly responsible for creating problems in indigenous territories and we can point the finger at them, but they are not the final beneficiaries and in many cases they are just puppets of global economic powers. Similar to what Frantz Fanon (2005:136, ss) noted more than five decades ago, today we see national governments playing the role of servants or business agents working for external powers (global economy and advanced capitalism) with a neo-colonial impetus.

Even when elections replace right-wing governments with left-wing ones, or vice-versa, the global economy subdues them sooner or later. This is not to victimize governments, because they know - and benefit from - their role in the global picture. The problem is bigger and more complex than shown in political discourses and global media. The problem is not just a problem between mafia groups, nor just a problem of corrupt governments, nor a problem of sick societies who cannot change governments via democratic elections. It is not just an Indigenous Peoples' problem, but a problem that concerns global society as a whole and therefore deserves global solutions. It is time for everyone in global society to assume their shared responsibility. It is time to point the finger at corrupt governments, Christian extremists and transnational enterprises - irrespective of their 'nationality', being based in Europe, the USA, Canada, China, or anywhere in the world. Certainly 'economic powers' are an abstraction, and their representatives are not clearly identifiable as individuals or particular groups - like barons and lords were in medieval times. However, we can point





Figure 20.5. Mining exploitation in Calcehtok's sacred hills

out concrete entities - such as global anonymous societies or *holdings*<sup>32</sup> - behind transnational enterprises pulling the strings of the puppets in the global and national scenarios. More concretely, in countries like Mexico, Guatemala, Belize, Honduras and El Salvador, governments appear to be the puppets playing the overture of a transnational era in which global economic powers overexploit resources around the globe without any restrictive legal body capable of controlling them. In fact, these (brutal) overexploitations in remote corners of the planet are expelling marginalized sectors of global society from their homelands, forcing them to migrate to cities, both within and outside their national borders, because overexploitation creates dead lands,

contaminated water sources, chemical pollution (see the contribution by M. Ferdinand in this volume), as well as structural and systemic violence which claims tens of thousands of lives per year (for further details on global processes see Sassen, 2010; 2015). Indigenous Peoples and activists defending the Land are targeted by systemic violence that is directly linked to governmental and transnational interests, even when the trigger is pulled by a local hitman. This was the case for the Indigenous activist Bertha Cáceres in Honduras and the more than 185 known deaths of activists worldwide in 2015 alone.<sup>33</sup>

In the Maya region, resistance to transnational violence becomes evident when one travels

32. A company created to administrate properties of other companies and societies.

33. <https://www.globalwitness.org/en/press-releases/2015-sees-unprecedented-killings-environmental-activists/>.





Figure 20.6. Signboard on the international road crossing from México to Guatemala

across Mexico, Guatemala, Honduras and Belize. Clearly, Maya communities disagree with transnational overexploitation of Land resources. Maya communities express non-conformance by using signboards along the roads to raise people's awareness about the rejection of transnational projects (Figure 20.6). Metaphorically speaking, the Land(scape) is loudly expressing to the traveller her disagreement with governmental policies promoting mining, damming, massive industrial agriculture, and so on and so forth. As such, local governments and transnational companies already know what the indigenous community think about their projects. Clearly, there is no prior and informed consent. Nonetheless, Maya resistance is normally repressed, in similar ways as in other parts of the world, via police and military forces or via mafia hitmen. The examples

in Guatemala mentioned above are cases under the spotlight but they are just the tip of the iceberg.<sup>34</sup> There are many other cases lurking in the shadows.

### The European Land (Scape) in Comparison

Current international debates on landscape have raised awareness for safeguarding landscape(s) in line with the principles of sustainable development and sociocultural values. As exposed by some authors, the current concept of landscape adopted by the European Landscape Convention (ELC) is more humanized than it was in the last century (Strecker, 2012; 2015). It refers to outstanding landscapes as

34. See some other examples in Guatemala mentioned in this volume by van den Akker.

well as ‘the places where most people live and work’ (Strecker, 2012). Even when the ELC appears to be a reaction to particular policies regarding market-oriented industrial cultivation (Common Agricultural Policy in Europe) and overexploitation, it touches upon intangible (subjective) aspects that European society attaches to land and territory. Similar to UNDRIP, the ELC offers tools to policymakers to develop legal instruments for protecting cultural landscapes. However, the concept of cultural landscape, as developed in Europe and particularly as used by the ELC, provides an ontological arena to start discussing similar/shared problems around the globe<sup>35</sup>, and particularly on Indigenous Lands.

The reason why I use the term landscape here is because it triggers global awareness of sustainability and sociocultural involvement. This offers the opportunity to communicate better to global society Indigenous Peoples’ demands for safeguarding lands and territories against overexploitation by transnational companies. Transnational corporations, which operate within a neoliberal paradigm, are extracting resources and besieging Indigenous Peoples’ territories by generating structural violence, conflicts and human rights violations. Yet, as shown above, the notion of Land for Indigenous Peoples is different and more complex than the notion of landscape. It involves more concrete subjectivities such as indigenous moral and spiritual values, and lately means survival of peoples in the short term. Needless to say, Indigenous Peoples as a concept emerged in the global arena because of the symbiotic interaction of globalization and neo-colonialism.<sup>36</sup> As a result, particular local problems in Indigenous Lands need to be framed in both global and national dynamics, but ensuring that local ontologies of Indigenous Peoples are in the spotlight during the debates.

As mentioned in the ELC, landscape protection, management, and planning entails rights for everyone. Although part of the individual human

rights framework, collective rights can be approached based on the legal cases of Indigenous Peoples around the world (see some cases in Strecker, 2012). It is not unreasonable to say that the ELC’s initiatives are to some extent trying to undo the wrongs of the past in Europe, by advocating the *human dimension* of the landscape. The debates on cultural landscapes in Europe are aimed at developing legal frameworks for the protection and preservation of landscapes because their intangible aspects (cultural or spiritual) ensure human well-being. Even when legal bodies need to be constructed effectively to implement the ELC, this does not reduce its moral strength, which in my opinion takes precedence over legal agreements. Furthermore, the human dimension of landscape that stands out in the ELC intersects with the sphere of human rights (Strecker, 2012; 2015) as well as the sphere of Indigenous values, thereby allowing the establishment of effective intercultural dialogues at the global level in terms of human rights.

The persistence of *communitas* as an intrinsic value of most Indigenous Peoples is reinforced by living and interacting with the Land (scape). Rituals in sacred places create, renovate or restore the *communitas* of Indigenous Peoples and moral commitments are being ratified or re-enacted.<sup>37</sup> Those commitments related to respect for Land resources, environmental preservation (or sustainable development), socio-cultural values of land and territories enter the sphere of human rights which in fact connect peoples around the globe irrespective of skin colour, religion, language or other natural diversity. Human rights (both individual and collective/communal) belong to the universal language allowing intercultural communications between diverse peoples.

Needless to say, this discussion is about human rights and it is distanced from any racial-ethnic determinism. Those responsible for human rights violations must be condemned in the northern and southern hemispheres, irrespective of artificial nationalisms and racial prejudices.

35. To avoid essentialist and dichotomist debates, I suggest looking at the countryside in the UK where problems of social inequality are also faced by the people there, and not only in the so called global south (see the e.g. The Land Magazine et al. 2016).

36. See Jansen & Pérez in this volume.

37. I’m using *re-enacted* here as used in legal vocabulary referring to bring a statute (in this case moral statute) into effect again when the original has been repealed (because of colonialism and neo-colonialism).

## Historical Parallels and Continuities

Additionally, some historical events, such as the Enclosure movement in England, can help us to develop some prognostications for the immediate future of Indigenous Peoples and other marginalized sectors of global society. Discursive parallels can easily be identified in medieval times in Europe when nobles and lords started monopolizing large extensions of land for their private benefit to the detriment of the collective/communal interest (or social interest). Notions of ownership and private property supported the ideologies of powerful elites, imposed with swords when necessary, to dispossess people of their communal lands (Linklater, 2015). The Enclosure movement in England became more popular from the middle of the 15th century until the middle of the 17th century when the aristocracy wanted to increase the size of their manorial lands. Interestingly, at the same time witch-hunting became a common practice in England to eliminate political enemies.<sup>38</sup> Witch trials had existed long before all over Europe but it was institutionalized by the leader of the Christian religion in the 15th century, Pope Inocencio. Consequently, large-scale persecution<sup>39</sup> of (mostly) women was officialised by male religious elites. Clearly, witch-hunting and the Enclosure movement coexisted, but when they started symbiotic interactions catastrophic results ensued, the effects/continuation of which are still palpable all over the world today.<sup>40</sup> In fact, witch-hunting and the Enclosure movement started to be systematized in the 15th century and both lasted for around two centuries. The combination of the desire for land, by nobles and lords, and the use of religious dogmas supported the expulsion of those pagans resisting displacement. It also burnt at the stake intellectuals who resisted, in particular wise women bearing invaluable knowledge of,

for example, medicine and psychological therapy integrated into non-Christian rituals (Blazquez, 2011; Cohn, 2005). The promise of improving agriculture was an ideological weapon used to legitimize the aristocracy's possession of large expanses of land. Certainly, the industrialization of agriculture improved production to a certain extent, but it forced people to migrate to the cities to gain employment in industries and consequently increased social inequality. Even though there are still some defenders of the Enclosure movement, it is clear that the improvement of agriculture was not meant to benefit farmers but to serve the interest of economic elites:

‘it is hard not to conclude that “improvement” served partly as a Trojan horse for those whose main interest was consolidation and engrossment of land’  
(Fairly, 2011).

Such deracination of people from nature eventually led to a loss of ancestral knowledge related to sustainable management of land resources as well as the loss of religious and moral values attached to it.<sup>41</sup>

In a similar vein, Maya peoples are nowadays being exposed to dispossession, forced migration and religious persecution by alien agents that are only concerned on economic benefits. Parallels can be identified, such as discourses of ‘improving Indigenous agriculture’, or dehumanizing indigenous communities who are actively opposed to the desacralization of Land, and whose ‘sorceres’ and ‘witches’ are identified by traditional anthropology and harassed by Christian extremists.

But overall is worth noting the interesting combination of economic powers, religious dogmas and intellectual discourses on the dispossession or peoples in past and present time.

## Final Reflections

This chapter focused on the problem of environmental destruction, what I term the desacralization of

38. As illustrated by the story of Eleanor Cobham, Duchess of Gloucester, who in 1441 stood accused of sorcery and attempting to assassinate Henry VI; she pleaded that she just wanted to get pregnant by consulting a wise ‘magician’ (midwife) couple. In parallel, witch-hunting started to be formalized in central Europe with the publication of the *Malleus maleficarum* in 1486 three years after the papal bull *Summis desiderantes affectibus* by Inocencio VIII (Kramer & Sprenger, 2004).

39. In contemporary terms we would refer to this persecution as genocide

40. E.g. gender inequalities particularly at high levels of social organization, religious dogmas and economic interests influencing policy making, environmental overexploitation/degradation, and so on.

41. Fortunately some of these values were preserved until present day by the Sami and Inuit peoples of northern Europe.

landscape; a problem not just affecting Maya Land, as illustrated above, but of larger dimensions affecting many people around the globe. In particular, Land desecration is a major concern for the global society given that we are now witnessing the most dramatic consequences of overexploitation that humankind has ever done to Mother Earth. More than forty years ago, Vine Deloria Jr. (1993(1972)) focused attention on the environmental catastrophe caused by a dominant 'Western' way of understanding the natural world. In Deloria's account, the US government was busy authorizing destruction of the Land benefiting so called 'developers', but this failure of the state was reflecting the conflict between indigenous notions of the living world and a secular/economic oriented perspective. The conflict was...

'...between a religious view of life and the secularization that science and industry have brought.'

(Deloria, Op. Cit: 3)

Forty years after Deloria's pronouncement we are not seeing serious advances to change the desecration of Mother Earth. I believe that one of the major achievements of modern humankind is the United Nations Declaration on the Rights of Indigenous Peoples, yet it is despairing to see that there is no implementation on the ground. There appears to be no serious commitment by states to change overexploitation, which is leading to the alarming extinction of life's diversity. In particular, transnational exploitation of resources in combination with structural violence is forcing Maya peoples to migrate to big cities in Mexico and the USA, thus endangering indigenous languages, cultural memory, and other intangible dimensions of heritage. Maya people are also being systematically disconnected from sacred places, many of them being destroyed in the name of economic development or being controlled in non-inclusive ways by the national heritage institutions.

Global society should be ashamed of the environmental catastrophe that will be inherited by future generations. Without any doubt, our descendants will blame us, yet there are many heroines/heroes fighting in the trenches, and literally

defending the Land against desecration, with their own bodies. However, they are victims of systematic extermination. One wonders, how many people will die before serious commitments by the states to stop the systematic killing of indigenous activists? Is this not systemic genocide? Dispossession of Land, expulsion and forced migration reflect the lack of commitment by the states to implementing UNDRIP, as well as international human rights law more generally. Desacralization of Land by state agencies and transnationals occurs at different levels and is symptomatic of cultural genocide. How can global society close its eyes to all these crucial problems? The echoes of Aimé Césaire's Discourse now sound louder than ever:

'A civilization that proves incapable of solving the problems it creates is a decadent civilization.

A civilization that chooses to close its eyes to its most crucial problems is a sick civilization.

A civilization that plays fast and loose with its principles is a dying civilization.'

(Césaire, 2000(1955):31)

In order for UNDRIP to be implemented, it is crucial to seek ontological encounters between current dominant 'Western' notions and Indigenous Peoples' notions of the world. Ontological encounters may seem chimerical dreams, but we could learn from the indigenous religious elders in Mesoamerica who for centuries integrated Christian values into the Mesoamerican religion. They succeeded in achieving ontological encounters with Christianity because they started a dialogue of human values, not of racial determinism or imperialist interest. Thus, Indigenous Peoples initiated synergies between both religious worlds (see Jansen & Pérez, 2015).

I believe we could achieve ontological encounters on Land issues by establishing intercultural dialogues in the realm of human rights. In fact, others' global efforts to tackle environmental degradation, such as the ELC, find intersections with Indigenous Peoples concerns, so we should join efforts for safeguarding Mother Earth within a global collective movement. Needless to say, when the problem is framed in the context of human rights, then it can be easily recognized by any individual or collective around the world.

As argued before, the ontological conflicts are often the result of dominant 'Western' academic paradigms, Christian extremism, positivistic-oriented legal bodies and savage global economies. However, the aim of my criticism is not to fall into essentialisms. In fact, I do believe that within academia and international organizations we find niches where the biggest changes can be triggered. It should be noted that postcolonial studies and indigenous scholars/activists are encouraging academia to overcome colonial legacies in research,<sup>42</sup> and that the International Law Association is busy working out international legal frameworks to achieve the implementation of UNDRIP on the ground. In the same vein, Christian values and globalization are not intrinsically evil, yet misuses of the Christian religion and global economy by particular elite groups are certainly evil when they perpetuate colonialism and trigger human rights violations.

Decolonization concerns everyone in the global society. Furthermore, I believe that most people are morally committed against human rights violations, but most of the time these violations are not visible. As such, we should be actively committed to making visible what is normally invisible for the eyes of global society.

The international legal framework plays a key role in the decolonization process. International legal frameworks should be open to integrate the diversity of the global society and involve Indigenous Peoples' ontologies as well. Each article of UNDRIP has the potential to be developed further in accordance with the particularities of each case (see Jansen & Pérez in this volume). This is already being done, but the global challenge is achieving real intercultural dialogue and true encounters of ontologies.

At national level, the sacredness of Land should be developed further by involving the active/protagonist role of Maya peoples in order to adapt the national legal bodies. In order to do so, it is necessary for Mexican agencies to be aware of existing colonial legacies and promote decolonization of legal bodies,

policies, and educational programs. Otherwise the implementation of UNDRIP will be hardly achieved and it will remain a political game, with states playing different and contradictory roles towards the international community on the one hand and the local communities on the other.

The sacred notion of Land should be a major concern during the processes of free, prior and informed consent and the spiritual guides *Meno'ob* should be seated at the table during the dialogues. Their voices must play a major role in order to avoid partial results because of the influence of colonized Christians<sup>43</sup> and local politicians. Believe it or not, Protestant people (some Catholics extremists as well) are at the forefront of religious harassment and inquisitorial practices towards the Maya spiritual guides.<sup>44</sup>

Maya elders should be consulted on the nature and extension of sacred places, but at the same time the notions of territory should be rethought. Let us remember that the idea of limited territory has to do with the medieval enclosure movement and colonial imperialism, but when dealing with sacred places we see that territorial limits do not make any sense, instead the sacred places (for instance, the sacred hills at Calcehtok) are areas in which different communities can meet when performing rituals. So, sacred places are places of communal encounters. In opposition to it, we see that borders divide communities instead of promoting encounters. Therefore, instead of thinking of territorial limits<sup>45</sup> it is worth thinking about gradient areas where communities meet each other.

From an academic position, we can contribute by critically analysing and denouncing the diverse processes affecting Indigenous heritage, in particular concerning Land. From colonial legacies to

42. A positive example of this is the International Colloquia on Heritage and Rights of Indigenous Peoples held at Leiden University since 2014.

43. It should be noted that large populations of Yucatec Maya are nowadays joining the ranks of Protestantism and other extremist Christian sects, which in turn repudiate the indigenous religion. This complicates further the achievement of *free, prior and (well) informed consent* regarding to the spiritual values of the Land.

44. Let us not forget that the Christian's hostility against other religions, in combination with political interests, led to the 'Witchcraft trial' which charged thousands of lives in Europe and the Americas. So, it is unacceptable the indifference of the State and policy makers regarding the 'neo witch persecution' in the Maya region by Protestant Christians against our religious leaders (failing with the implementation of articles 9, 12 and 13).

45. For instance, when developing maps of indigenous territories.

contemporary global dynamics, Land (as heritage) is being threatened by social, economic, and political processes that need to be placed in the spotlight, making them visible, in order to seek effective solutions at local and international levels. In particular, academia needs to be creative and open-minded on the ontological/epistemic implications that religious meanings of the Land have. Furthermore, Indigenous Peoples should define the extent and meanings of Land and heritage in their own terms and according to indigenous ontologies.<sup>46</sup> This way, experts in true collaboration with IP can develop a wider, diverse, and inclusive notion of Land (including its cultural dimension) in the quest for more democratic and bottom-up based policymaking. Critical thinking and social engagement are important for identifying the problems as well as proposing possible solutions that can assist national and international policy makers. But overall, experts on heritage should explore ways for achieving the implementation of the tenets of the UNDRIP, in particular those related to indigenous Land and heritage. Experts should promote the tenets of self-determination and free, prior and well informed consent when assisting the development of policies for safeguarding indigenous heritage. National and international policies should not rely exclusively on top-down structures because they often perpetuate colonial legacies, but instead policies should rely on bottom-up processes as well as transversal decision making.

In particular, Mayanist academia faces some challenges in research praxis. Some of them are:

- a) Developing theoretical frameworks and methods to implement the tenets of free, prior and (well) informed consent when designing and executing projects;
- b) promoting self-determination in research, to empower indigenous communities for decision-making regarding scientific projects as well as supporting indigenous scholars playing protagonist roles in research. There are different ways in which the community expresses non-conformance with academic research, so the researcher must be aware of the disagreements and take a passive role in the community's decision-making process. If requested, the researcher could give further explanations, exposing not only the benefits but also the potential wrongs, such as desacralization, dispossession, deracination, and alienation. The scholar must be open-minded and respect rejection - to a lesser or greater extent - to any research project, and in particular to excavations and anthropological studies. This must be understood as NO prior consent, irrespective of the benefits the researcher believes it will bring to the community. The scholar must be aware of the complexities of the self-determination process and the colonial legacies that potentially affect it. For instance, a community highly influenced by Protestant Christians should prefer the 'scientific' value of the research to the detriment of the religious value of the sacred place. But this is because Protestant Christians repudiate the ancestral religion. In those cases, it is not worth starting any project because the wrongs will be bigger than the potential benefits. A project on decolonizing sacred places would be preferred.
- c) Decolonizing the academic vocabulary when dealing with indigenous issues. For instance, we urge the following terms be replaced in the archaeological/anthropological vocabulary; *earth-monster* with *earth deity*, *witch/sorcerer* with *religious leader*, *hmen/xmen*, *ajk'ijab*, *mahawil k'ij* or any other native concept, *indian idol* with *indigenous deity*. Using the terms *earth-monster*, *witch/sorcerer* and *indian idol* in academic writing is offensive, racist and perpetuates colonialism.
- d) In addition to this, there is an urgent necessity to reshape certain concepts in the Maya context, such as 'archaeological sites' as this is now linked to meanings of dispossession, deracination and alienation. Archaeological sites appear to be the sites deserving archaeological inquiry and state management/protection and excluding Maya peoples at the same time (against the right of the Maya communities to maintain,

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46. See a positive example in Toledo & Toledo, 1997

preserve and transmit their own heritage). As an alternative I propose using simultaneously *sacred places* or *ancestral places* in combination with *archaeological site*, to raise awareness of the spiritual connection Maya peoples have with these places. In this way we can inform policy-makers<sup>47</sup> on the profound meanings of indigenous Lands.

- e) Confronting the current criticisms on Mayanist research (which are along similar lines as Césaire's statement): How can we choose to close our eyes to the most crucial problems of Maya communities? While investigations are taking place in the Maya region, transnational corporations are simultaneously destroying Maya Land and endangering heritage just beside the area of research. Interestingly, academic reports often miss mentioning these crucial problems in the communities. Someone may argue, 'I'm not an activist but a researcher'. Such an attitude misses the point that research is not only linked with science but also with society. It also misses the opportunity to prove that scientific inquiry can be guided by ethical values in the first place and that crucial problems can be translated into a research question. On the other hand, looking at the crucial problems in Maya communities offers the opportunity to overcome colonial legacies in research. For instance, research questions should not be pre-designed according to the interest of an alien academic community and in accordance with the research agenda of their countries. Nor should a project pre-accepted by alien institutions and the national agencies (INAH-IDAHE) be imposed upon the concerns of the Maya communities without prior consultation. Instead, the project should arise from the crucial problems of the indigenous community and be based on an indigenous agenda (Atalay, 2012:167-ss; Tuhiwai, 2012:198- ss).

Finally, I would like to make a call to Maya people and activists to remind them that the struggle of

liberation and decolonization requires reconstructing our sense of communal people. Along the way there will always be cracks and divisions because of co-optation, envy, mistrust, and other elements provoked and promoted by external neo-colonial agents. Colonial legacies are still generating divisions between Indigenous Peoples themselves. Let us not forget that the divisions between our ancestors was exploited by the colonizers, and today neo-colonial agents are doing the same when they extract our resources, desacralize our ancestral places, and kill our sisters, brothers, sons, daughters, and Mother Earth. There is no time to discuss the defects of each member but only to look for their potential contributions to the struggle based on her/his virtues and values. All hands are welcome in the struggle.

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47. The same criteria can be applied to 'economic development' that, based on the experience of Indigenous Peoples, often generates dead lands, contaminated water sources, chemical pollution and so on. When developing policies, economic development should be replaced by concepts of sustainable development or well-being that are more respectful to Indigenous Peoples' way of life.



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