

Postwar Life and Megaprojects in the Ixil Region

The intensity of the war began to decrease by the 1990s and officially ended with the 1996 Peace Agreement. During that time, there was a process of demilitarization, refugees returned from exile, and the Communities of People in Resistance (CPRs) went back to their communities. At times, people returned to their lands and homes only to find them occupied, as was the case with doña María. Former residents of model villages (Santa Avelina, Vichivalá, San Felipe Chenlá) gained land titles and official ownership of former fincas. Children and minors who had suffered during the 1980s were now adults who were having children of their own. Many ex-patrolmen were now evangelicals, with some building their own churches and becoming pastors. Former guerrilla members were judged and, in some cases, discriminated against by those who had remained in the military-controlled communities. Those from CPR communities settled in places such as Vichemal in Cotzal, and Ajmachel in Chajul. Youth who were born into or grew up during the war, whether in model villages, CPRs, or Guatemala City or the coast, heard stories of terrible violence that had left thousands dead. Depending on who you were, blame was distributed all around and attributed to the military, the fincas, the guerrillas, patrolmen, radicals, terrorists, the state, the US, communists, the Catholic Church, evangelicals, or others.

The peace accords were a moment of hope for the country, but today violence and militarization in Guatemala continue in various forms (Batz 2022a). As part of the peace process, Guatemala ratified the International Labour Organization Convention 169 (ILO 169), which promotes Indigenous rights, such as Free, Prior, and Informed Consent (FPIC) (ILO 1996). At the same time, the Guatemalan government did not fully implement the peace accords, and the necessary structural changes were not made to combat the marginalization and historical inequalities

that affect Indigenous Peoples. Instead, the Guatemalan state promoted neoliberalism and the privatization of social services, passing the General Electricity Law (1996), the Mining Law (1998), and the Central America Free Trade Agreement with the United States (2005), which benefited private companies and undermined public and social services (Doughtery 2011; Solano 2005). Additionally, in 2003, the Incentive Law for Renewable Energy Development was passed to “attract private investment” and promote hydropower, since the state saw electrification as a matter of “national urgency” (Alford-Jones 2022, 2–3). According to Enel, the General Electricity Law “liberalized the sector” and “partly fulfilled its mission by attracting enough investments to ensure security of supply” (UNCTD 2011, 83).

This chapter examines postwar Cotzal to provide the cultural, social, and political context for the arrival of megaprojects. I begin by introducing contemporary Ixil culture, worldviews, and spirituality through the use of the local concepts of *tiichajil* and *txaa* and comparisons to Western understandings and perspectives. I then explore the postwar climate, including the rise of gangs and the adoption of neoliberal policies that support extractivist industries. I also examine the role of the international legal principle of FPIC in conflicts between Indigenous communities, the state, and multinational corporations. The Marlin Mine case is taken as an example to demonstrate the ways in which the state and multinationals have worked together against the collective well-being of Indigenous communities.

WESTERN AND IXIL CULTURE AND WORLDVIEWS

Maya culture existed before the arrival of the Europeans in the sixteenth century, has changed with time, and continues in practice today in various manners (Batz 2014; Boj Lopez 2017; Fischer and Brown 1996). Maya and Indigenous cultures have been recognized by the Guatemalan state through the Accord on Identity and the Rights of Indigenous Peoples, the ILO’s Convention 169 (ILO 1996), and the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Constitutional Court has also recognized the cultural rights of the Ixil in a 2015 ruling (CC 2015a).

Ixil and Maya cosmologies and culture are distinct from European and Western perspectives (Banach 2016; Banach and Brito Herrera 2021; Colby and Colby 1981; Firmino Castillo et al. 2014; Linares 2021). Among central tenets of Western worldviews, thought, and philosophy are individualism, the promotion of humans’ domination over nature, a view of time as linear, and societies that are not spiritually based. Indigenous worldviews include communalism, the view that humans are not dominant over nature and are instead a part of it, a view of time as cyclical, and spiritually based societies. Nation-states and transnational corporations operate within a Western framework, and because of ethnocentrism they tend to discriminate against Indigenous worldviews, labeling them as “backward,” “superstitious,” and a roadblock to progress and civilization. Throughout Abya Yala/the Americas, Indigenous peoples have been named with the racial slur *indio*, which

has also justified an ideology of *el problema del indio* that has led to genocide and forced assimilation policies.

The Western concept of development rooted within capitalist and extractivist logics has been contentious and has contributed to conflict between Western-based entities and Indigenous communities. The notion of development is linear since it is premised on achieving the state of being *developed* through the process of *developing* and views the environment and natural resources as commodities to be extracted and used in promoting material wealth. According to Catherine Walsh, “The very idea of development itself is a concept and word that does not exist in the cosmovisions, conceptual categories, and languages of indigenous communities” (2010, 17). This does not mean that Indigenous communities do not understand the concept of development; rather, its capitalist interpretation is not in accordance with Maya worldviews, which instead focus on balance, respect, and a mutually beneficial relationship with Mother Earth.

A 2015 Constitutional Court ruling recognized the concept of territory from an Indigenous perspective, not as a commodity or private property but as something connected to the physical and spiritual world. The court writes, “For Indigenous Peoples, the relationship with the land is not merely a matter of possession and production but rather a material and spiritual element. . . . Their particular way of life, of being, seeing, and acting in the world is constituted precisely from their close relationship with traditional territories and the resources found there, not only because these are their main means of subsistence, but also because they constitute an integral element of their worldview, their spirituality, and therefore their cultural identity” (CC 2015a, 40). Thus when a company building a hydroelectric plant uses dynamite to blow up a mountain or changes the course of a river, it is not just altering the natural landscape in the name of development but harming Mother Earth and Ixil culture, spirituality, and identity.

When Indigenous communities protest these operations, transnational companies and the state criminalize them and present them as being against development and progress. Anthropologist Liza Grandia, in analyzing the presence of transnational companies among the Q'eqchi' in Petén, claims, “When transnational businesses move, they expect the people to adapt to *them*,” emphasizing the ethnocentric tendencies of companies to impose their worldviews on local communities (emphasis in original, 2012, 82). As we have seen in the previous chapters, the imposition of Western forms of being and development such as fincas and model villages/development poles led to displacement, forced labor, and oppression.

Ixil Culture and Cosmovision

There are two important concepts in Ixil cosmovision: *tiichajil* and *txaa*.¹ According to the *primer alcalde* of the Alcaldía Indígena of Cotzal, don Diego Sambrano Rodríguez, “*Tiichajil* can be understood as good living in the way of the Ixil people according to their ways of thinking and acting in the face of problems that affect daily life of the Ixil people and collectivities.” Other translations describe

tiichajil as equilibrium, balance, health, community, harmony, well-being, and life. *Tiichajil* can also be roughly translated as *buen vivir* (good life)—based within Ixil cosmovision, cultural norms and values of how humans should live their lives in relation to the environment. It promotes balance with Mother Nature and the land, which are to be treated with respect since people are dependent on them for survival. For the Ixil, the environment is a living entity. Thus Ixil ask for permission and forgiveness and give thanks through prayer and ceremony when they cut down trees and plant and harvest milpa, among other activities. Don Diego says that *txaa* can be understood as “a connection with the outlook of human beings in daily life that is closely related to belief and the sacred. Grandmothers and grandfathers utilized this to recommend a harmonious and balanced life, advice to avoid bad practices that brings serious consequences: for example, if you disrespect and do not value your word and instead tell a lie, that will soon have a negative outcome.” Moreover, *txaa* is an Ixil concept of things that are not to be done (*lo que no hay que hacer*) or are wrongful to do or transgression (*transgresión*). *Txaa* should be understood not as “sin,” which is “a purely Christian concept” that does not exist in Maya philosophy, but as a concept that “recognizes a natural law of causes and consequences—when something unwanted happens to us (illness or personal tragedy, for example)” (Firmino Castillo et al. 2014, 28). *Txaa* can be understood as Ixil cultural values and norms that regulate behavior and interaction between people and the environment as a means of respecting Mother Nature. For example, one cannot cut a tree during a new moon, or cut a tree without asking permission from it first. There exist various *txaa* for how one is to treat and respect animals, neighbors, trees, rivers, and human and nonhuman relationships. The *txaa* are often unwritten rules transmitted orally from elders and parents. Ixil authorities and leaders are guided by the concepts of *tiichajil* and *txaa* in making decisions and in resolving conflicts.

For the Ixil, water and rivers are sacred, and the privatization of water does not exist within their cosmology. The *txaa* regulating behavior regarding water and rivers include prohibitions against urinating, defecating, spitting, and throwing trash in the river. Water is a common good (*bien comunitario*), and historically, *principales* and community authorities safeguarded natural springs (“cuidaban los nacimientos de agua”) and rivers. For instance, animals were not allowed to enter natural spring water out of concern that they would contaminate it. Sanctions for violating community norms could include community work (*trabajo comunitario*) or other *castigos* (punishments). These cultural norms and values have the intended purpose of preventing the contamination of water sources and rivers, especially since they are a common good to be used, not by an individual, but by the community. Hence, when a development project uses heavy machinery to change the course of the river or floods it (as was the case in Santa Avelina with the diversion dam), this can be violating *txaa*, Ixil norms and values of respecting water. Similarly, the building of the Hidro Xacbal Delta dam in Chajul, using heavy

machinery inside the river and changing its landscape and course of direction, can be considered a *txaa*.

Rivers and water are of crucial importance to Ixil culture, belief systems, rituals, identity, and spirituality. Traditionally, the Ixil wash all of a woman's clothes in the river after she has given birth. The same is done to the clothes of the deceased on the third day of their passing. In cases where access to a river is prevented through either the construction of a fence or a change in the flow of the river, Ixil cultural rights are negatively affected and can lead to internal conflict with whoever has barred the way. In accordance with *tiichajil* and cultural norms, communities of Cotzal have historically and traditionally used and maintained mechanisms to resolve local conflicts in a peaceful and diplomatic manner. In one case that I observed in November 2014, an Ixil who lived in the town center of Cotzal put up a fence on his property that blocked a path to a natural spring and river. Surrounding community members were concerned that this would prevent them from accessing the river, whether for ceremonial purposes or in times when water was unavailable in their community, as occurred periodically. The matter was eventually resolved diplomatically and peacefully through the mediation of the Alcaldía Indígena, which helped resolve the issue through meetings and dialogue with all interested parties present. The arrival of foreign corporations that do not understand or respect Ixil cultural practices, customs, worldviews, and mechanisms for conflict resolution has contributed to tensions and conflict in the region.

According to several community leaders and ancestral authorities, the Palo Viejo hydroelectric plant, Enel, and the Finca San Francisco have "kidnapped the rivers." From an Ixil perspective and worldview, the river's diversion from its natural course into canals and tunnels made of concrete and metal shows a lack of respect. Additionally, there are concerns about the impact of these changes to the river on the ecosystem. For example, the construction of one of the diversion dams near Santa Avelina harmed animals when the area next to the dam was flooded and the animals' traditional path was cut off. Hydroelectric plants extract power, strength, and spiritual energy from rivers. The long-term impact of these changes in the rivers on the water cycle is not known, which is worrying for the communities of Cotzal. Their concerns were heightened after the two hurricanes Eta and Iota devastated Cotzal in 2020. Hydroelectric plants like Palo Viejo are seen as a threat to Mother Earth, and according to the Ixil, the mother has to defend herself.

Anti-Indigenous discrimination and racism from ladinos exist within the Ixil Region. In March 2014, I attended two meetings in Chichel regarding a conflict over access to a river that was being blocked off by the ladino owners of the land through which the river passed. According to the Ixil women at the first meeting, a death in the community had made it necessary for them to wash the clothes of the recently deceased, per Ixil custom. While they were washing in the river, the ladina woman angrily shouted at them, asking them if they were going to wash off blood. The Ixil women felt very offended and discriminated against. The Ixil in attendance

were mainly women who claimed that they were being prevented from accessing the river, which they argued was a denial of their cultural identity. A *comadrona* in the meeting said, “For me, this is a displacement,” since her work required the use of the river and the ladina woman was trying to stop her from doing it. The matter was eventually resolved through mediation of the ancestral authorities.

Ixil Spirituality

Mountains are sacred and living entities within Ixil cosmology. Moreover, they have a reciprocal relationship with water. With regard to Ixil’s relationship with mountains, Monika Banach writes: “The Ixil consider several elements sacred within the concept of the mountain. Accordingly, both the peak of the mountain and a cave located at the base are part of it. . . . The mountains considered as sacred places are usually identified as gods, the *aanjel*, ‘angels,’ but also as *k’uykumam*, ‘the ancestors’” (2016, 28, 30). In Ixil ceremonies, spiritual guides pray to the mountains such as Vi’omak. Thus, when a hydroelectric project uses dynamite to blow up hills and mountains, this directly affects Ixil spirituality.

Sacred places and archaeological sites are also of the utmost importance to Ixil identity, spirituality, and culture. Banach, in researching sacred landscapes in Chajul, reports that the presence of *kamawiil* (archaeological artifacts) confers and conserves sacred energies in sacred places and archaeological sites (2017b, 5). With the construction of Hidro Xacbal, the archaeological site Xacbal has been excavated, and many *kamawiil* “that keep the place’s power” have been removed from their location. For the Ixil, this was a sacred site where the ancestors would “practice Maya spirituality” and was “a space of meeting” (5). Banach writes that “because of the displacement of *kamawiil*, the artifacts [that] belong to the ancestors, their bones and the materials that their houses were built of, for some people, there is no reason to keep praying there because the place would not be able to listen anymore” (6). Thus the *kamawiil* are essential symbols with significant spiritual importance within Ixil culture.

The construction of hydroelectric plants and electrical towers has caused fear in the population and prevented access to sacred spaces. According to Banach, a spiritual guide from Ilom said of the site of Xacbal: “Maybe there [are] some *kamawiil*, who knows if they are [still] there. In the past they [the spiritual guides] went to burn candles there; now, police and soldiers are there. . . . The soldiers from the capital have their guns, and the land is their property” (quoted in 2017a, 24). As we can see from this statement, the spiritual guide fears that the site of Xacbal has been militarized and taken over by the armed forces who will “shoot you” if you try to go there. The construction of the Palo Viejo hydroelectric plant led to excavations in El Limonar in Cotzal (Martínez Paiz and Herrera 2014). Thus archaeological excavations such as those conducted in Xacbal and El Limonar can be harmful to Maya spirituality, ceremonies, and practices, since the removal of *kamawiil* from their original locations can affect the sacredness of the sites that are important to Ixil spirituality.

Following the war, Maya spirituality (*costumbre*) continued to be criminalized and demonized by nonpractitioners. For centuries, the Catholic Church attempted to repress Maya spirituality, which it viewed as demonic and a form of paganism. Despite its efforts, the Maya in Guatemala were able to incorporate Maya spirituality into Catholicism as a form of resistance. According to Pablo Ceto (2011):

From 1524 to 1996, [there was] Maya resistance at every moment of the history of colonial exploitation and oppression. Thus, when it was necessary to accept the Catholic cross, Maya spirituality was safeguarded. When it was necessary to put up with the *repartimientos* and the *encomiendas*, life and hope were preserved. When the Spanish *mayordomías* [stewardships] were imposed in the form of *cofradías* [confraternities], Maya communities practiced them and turned them into a structure that preserved Maya ancestral tradition, thought, and wisdom for a long time. (230)

Another example of Maya resistance within Catholicism is the case of the San Jacinto Church in Nebaj:

Although the Totzotz Mamkuk'uy [the San Jacinto Church] was built in the colonial period under the command of the Spanish, the Ixil builders left marked elements of their culture in the structure, such as the thirteen main beams, which have a symbolic relationship with the Ixil calendrical enumeration, and the alignment of the house with the four cardinal points that serve as an astronomical framework and that at the same time symbolize the four guardians of the Maya cosmos. (Firmino Castillo et al. 2014, 32–33)

In addition, although “the Catholic tradition is to locate the entrances of the temples toward the west, where the Sun hides. . . . the entrance of the Totzotz Mamkuk'uy is not oriented in this way”: “Its entrance is oriented toward the southeast, which seems be aligned with one of the two sacred hills located in that direction: Vi'lajam and Laavitz” (Firmino Castillo et al. 2014, 33).

During the war, Maya spiritual guides were intensively targeted and persecuted because of their leadership positions in communities and as a way of attacking traditional Maya practices. Today, evangelical churches and pastors tend to discriminate and view *costumbre* as the work of the devil and *brujería*. On the radio, evangelical pastors can be heard preaching against *costumbre* and other activities they believe to be demonic. As a result of this historic persecution, Maya spiritual guides often practice in secret out of fear of being called a *brujo* or suffering physical harm.

Health

Traditional medicine is also changing in the Ixil Region as traditional Ixil health-care and its providers are rapidly being replaced by Western medicine. The use of *comadronas* has decreased, as some prefer to give birth in hospitals or health centers. When a child is born, a bond is created between the *comadrona* and the baby. *Comadronas* in the Ixil Region are important for women's health and for their provision of prenatal and postnatal care. They often visit a pregnant woman

periodically and are on call throughout the pregnancy. The only public hospital in the area is found in Nebaj, while the town centers of Chajul and Cotzal can only count on a health center. Some communities also have a health center, but they do not have the same equipment, staff, and resources as those located in the town center. Private healthcare practices also exist in Nebaj and other areas. Local stores that serve as pharmacies are available in certain areas.

Illnesses, from an Ixil worldview, can be either physical (cold, fever) or spiritual/nonphysical (*susto*, *mal de ojo*). Healers use medicinal plants to cure a range of diseases and pains. For example, doña Rosa is a healer in Cotzal who has an herb garden at home, which she uses to cure people. Most of her patients are children from her community, as well as those who travel from surrounding communities to access her gift and services. While some evangelicals publicly criticize traditional healers and say they are doing the devil's work, her patients include evangelicals and others who know the effectiveness of traditional Ixil medicine.² Bone setters and healers are less common, and I met only one during my fieldwork in Cotzal. It is important to note that healers who feel that they are incapable of curing a particular disease or illness will recommend that one visit and consult another healer or a Western doctor.

While it is the decision and right of patients to choose the type of healthcare they want, many hospitals and health centers in the Ixil Region are underfunded. Doctors and nurses, who are often ladino, are accused of not providing adequate services, having racist and sexist attitudes toward patients, and being culturally insensitive. In addition, many doctors and nurses face a lack of support and neglect from the government, a structural problem that prevents the ability to provide better services and care. Entering the hospital in Nebaj, one is confronted with a long line of patients in the waiting room. One person told me that he was sick and that the doctor could not do anything at the public hospital but that he could cure his disease at his private practice, thus requiring him to pay. While there are two ambulances in Cotzal, they sometimes run out of gas, and the workers sometimes refuse to come to a community because of no pay, a general unwillingness, or non-existent or bad roads. Those who live near a road can visit the hospital or health center by taking public transportation during the day. But for communities that do not live by an accessible road, the situation is grim.

In one case, a woman in Ilom went into labor and suffered from complications and fainted. She gave birth while traveling for four hours to Nebaj in the middle of the night on a very muddy, bumpy, and damaged road. At Nebaj's public hospital, it was found that the newborn had a heart defect that left untreated could result in death. Yet because of the lack of resources, the new parents were forced to find funds to pay for a basic operation. In another case from Ilom, a mother died hours after giving birth after she suffered complications. Community leaders stated that they had been unable to transport her to the hospital in Nebaj because of the bad road and the distance, and that they had for years requested further support from

the government. They blamed the Jimmy Morales (2016–20) government, with one leader stating: “How many more women must die to meet our request? A few days ago, community leaders from Ilom and Chajul demanded that the president fulfill the promise he made in 2016 to build a hospital center in this community” (quoted in Cordero 2017). The Guatemalan military was sent to Ilom to build a health center in 2019, and after delays, it was inaugurated in 2022 (although some believed the military was sent to protect the hydroelectric plants located nearby).

Corruption has exacerbated the lack of healthcare and underfunding of healthcare in Guatemala (Papadovassilakis 2021a, 2021b, 2021c). The case of the Guatemalan Institute of Social Security (IGSS) and the Droguería Pisa de Guatemala (DPG, a subsidiary of a Mexican pharmaceutical company), known as the IGSS-Pisa case, exemplifies the corruption in the country and involves the state (Papadovassilakis 2021a, 2021b, 2021c). Investigators found that IGSS officials had negotiated a bribe with DPG in exchange for a \$15.3 million contract. DPG was treating over five hundred IGSS kidney patients with peritoneal dialysis, but they lacked the infrastructure and experienced personnel to do so; consequently at least fifty-seven of the patients got infections and dozens died (Papadovassilakis 2021a, 2021b, 2021c). In 2021, Estuardo Galdámez, former deputy for the department of Quiché and presidential candidate of the right-wing National Convergence Front (FCN), was arrested and sent to jail for his role in the “Case of Assault on the Ministry of Health” (*Caso Asalto al Ministerio de Salud*) (Pérez Marroquín 2021). According to the special prosecutor against impunity (FECI), Galdámez was involved in a network of government officials, such as the former health minister, who accepted approximately Q50 million in bribes between 2012 and 2014, along with purchasing unnecessary medical equipment and creating “ghost positions” (*plazas fantasmas*) as a form of political favors (CICIG 2019). Corruption like this leads to the deaths of people in Guatemala and has become more visible with the Covid-19 pandemic and the two hurricanes that devastated Central America in 2020.

Names of Indigenous Peoples and Communities

There is a debate as to what “Cotzal” means in Ixil. Spanish colonial documents spelled the town as “Cozal” or “Cotzal.” Some consider that the word derives from the word *k’o’ tz’al*, which means “Let’s go to the hot lands” (*Vamos a tierra caliente*) (*ko’* = let’s go, *tza’l* = hot place) (Comunidad Lingüística Ixil 2004, 147). Others say that the name comes from the word *qootz’al*, which means “place of landslides” (*lugares derrumbables*) (*qootz’* = collapse/landslide, *tzal* = place) (Municipalidad de San Juan Cotzal 2019). Today, the Ixil pronounce and write Cotzal as K’usal. Similarly, Nebaj is pronounced Na’b’aa, and Chajul is Txaul.

The emergence of the *comunidades indígenas* led to the recuperation and renaming of particular communities. In San Felipe Chenlá, a name given by *finqueros*, the community declared itself as a *Comunidad Indígena* and recovered its name of Tu Poj. Tu Poj is the ancestral name of the territory where the majority

of residents live, and it means “in or within the sand” (*tu* = in, *poj* = sand). Other communities took similar steps in renaming themselves and recognizing ancestral territorial names.

It is symbolic of the colonial relationship that Ixil communities have with the Guatemalan state that many people in Cotzal have both an Ixil name and a ladino, official, or state name.³ The Guatemalan state historically did not recognize Maya names; the Ixil were not allowed to register their children's names and were instead forced to give them ladino names. So a person who is named Te'k in Ixil and is known among his family and community by this name is normally registered as Diego with the state, since Ixil names have Spanish/ladino translations. Other examples include Li', which is Maria; Tixh, which is Baltazar; Xhan, which is Juan; and Xhiv, which is Juana. Surnames follow the same logic.

In the communities of Cotzal, there is a process of naming children known as *ch'exel* in Ixil, or *tuco* (an abbreviation for *tocayo* or namesake). This cultural practice views children and grandchildren as the “replacements” of their grandparents on this earth, and their birth as the creation of a cyclical history. An ancestral authority told me: “*Ch'exel* is the way of seeing and naming our *retoños* [sprouts/offspring], giving them the name of our grandfather if they are male and our grandmother if they are female, even the name of uncles and aunts, this so that [ancestral] thought, feeling, struggles, and attitudes prevail and are inherited from a genealogical line.” Parents name their children after their own parents and relatives. For instance, a newborn boy is usually named after his paternal or maternal grandfather, and males after him (if any) are named after their other grandfather and other elder male relatives such as uncles. The same process occurs with newborn girls, who are named after their maternal or paternal grandmother and then other female relatives. Thus a great-grandfather in a family can have the name Xhan Tom (Juan Toma), a grandfather Tixh Tom (Baltazar Toma), a father Xhan Tom (Juan Toma), and the son Tixh Tom (Baltazar Toma). However, individuals would be registered with the state by their Spanish equivalent: Xhan Tom as Juan Toma and Li' Ich as María Sajic. This is due to the racist legacy of the state, which has disallowed the use of Indigenous names as state names.

Ixil will also identify themselves by saying they are the parents of their first-born, but only after the latter gets married. For example, if a father has a first-born son named Sebastian, he will introduce himself as “In b'al Pox,” which means “I am Sebastian's father.” If their firstborn is a daughter, the same process takes place. Thus, if the daughter is Maria, the father will then be “In b'al Li'” or “I am the father of Maria.” For mothers, the expression would be “Txutx Pox” (“I am the mother of Sebastian”) if Sebastian was her firstborn, or “Txutx Li'” (“I am the mother of Maria”) if the firstborn was Maria. There are also ancestral Ixil names that continue to exist in Cotzal. One example involves Baltazar de la Cruz Rodriguez, which is his state name that appears on his passport and on other official state-issued and recognized identification. He is known and referred to by his Ixil

name Tixh in his family and community. While the last name “de la Cruz” is usually translated to Kurus in Ixil, Baltazar’s Ixil surname is Viyo’m, which is an ancestral name. The impact of globalization and migration has led to the introduction and adoption of new names such as Kimberly, Bryan, and Wilson, among others. This is by no means the first time the Ixil have experienced the introduction of new names, since some of the current names in Cotzal, such as Miguel (Me’k in Ixil), are Spanish and are drawn from Catholicism.

With the war, some people had to adopt new or other names to avoid being persecuted or detained by the military, who had a list of names of people they were to detain (Mazariegos 2020).⁴ In some cases, relatives of guerrilla members who would traditionally bear their name were given another name to avoid being disappeared by the armed forces. In one case, an Ixil was to be named Te’k, but since his uncle was also Te’k, he was given another name to avoid being associated with a relative in the guerrillas.

GANGS AND *MANO DURA*

The war’s legacy and impact on the social fabric of Ixil society has been evident through the formation of gangs. Since the early 2000s, Cotzal has experienced gang violence from conflict between MS-13 and 18th Street. MS-13 was born on the streets of Los Angeles during the height of the Central American civil wars in the 1980s (Levenson-Estrada 2013; Osuna 2020). Many of the youth fleeing the violence in Central America came to the US, where they formed gangs to defend themselves from other marginalized groups and reproduced the violence they had witnessed and suffered during the war. As a result, many were involved in illicit activities, often leading to arrest and deportation to their respective countries, where they regrouped, particularly in national capitals such as Guatemala City and San Salvador. These deportations and returns were the origins of the transnational gang network that would emerge and fuel violence in the region.

Some youth from Cotzal who worked in Guatemala City joined gangs and returned to their home communities, which eventually led to robberies, shootings, and street violence. People today recall specific gun fights, such as one that occurred during a soccer match where the players and spectators fled when someone opened fire against a rival gang member. In the urban center and surrounding communities, streets were divided between MS-13 and 18th Street. Parents were fearful for their children’s personal safety when they went to school. Many elders told me that while there was violence, these gang members at least respected them, unlike gang members in the city, who did not respect anyone. People remember that there were many deaths. One former Ixil gang member said he was forced to leave Cotzal and join the military as a way out of being persecuted by rival gang members.

By the early 2000s, Cotzal would be declared a *zona roja* (a place perceived as dangerous and inhabited by gangs). The government’s response to this rise in

violence was more violence that would end in more deaths and human rights abuses, a justification for militarization and *mano dura*. Across Guatemala and particularly areas where the civil war hit the hardest, suspected criminals would be “lynched,” which meant beating people and burning them alive. Between 1996 and 2001, the Misión de Verificación de las Naciones Unidas en Guatemala (MINUGUA 2002) registered 421 cases of lynching with 817 victims (7). These lynchings are in part the result of a weak judicial system in Guatemala at all levels, a system characterized by corruption and impunity for the perpetrators of violence (7).

In Cotzal, the height of this militarization occurred during the administration of municipal mayor José Pérez Chen (2008–11), who was also involved in the repression of protesters against the Palo Viejo hydroelectric plant. Within the social context of an increase in gang violence, Pérez Chen began a campaign to eliminate the gangs operating in Cotzal by force. According to the Bufete Jurídico de Derechos Humanos (BDH 2017), Pérez Chen based his power around a “mini-army” consisting of the Municipal Police, the Municipal Transit Police, personal bodyguards, and Juntas Locales de Seguridad, which consisted of ex-patrolmen. Some residents of Cotzal say increased security led to a decrease in gang activity and credit Pérez Chen with reducing gang violence. Yet according to many, at a certain point *se le paso la mano*, an expression that stresses that he went too far with his actions. There were accusations that Pérez Chen was abusing his power not only by ordering his multiple security and police units to persecute suspected *mareros* (gang members) and others deemed to be delinquents but also by repressing people who were innocent. There were claims that these security forces would act outside the law and beat and torture people, even extorting families for money as a condition for releasing their relatives unharmed. One incident involved the illegal detention and beating of a military member for forty-eight days (Emisoras Unidas 2013).

On Sunday, November 1, 2009, a sixteen-year-old was walking with his friend and his aunt when he exchanged looks with municipal mayor Pérez Chen. Little did anyone know that this exchange of looks and its aftermath would have serious political and social implications for years to come. Pérez Chen sent his bodyguards to detain the young man who had glanced at him, believing him to be a *marero* (gang member) and *rockero* (rocker), since he had relatively longer hair than most boys and men in Cotzal and used hair gel. Under this arbitrary criterion, Pérez Chen placed the young man in the *calabozo* (dungeon) of the municipal building, where he was beaten and tortured and had his hair cut by his abductors.

Word soon got out to his mother and grandmother, who went to the municipality to try and free the young man. They were beaten, and the mother ended up having to go to the hospital for her injuries. Upon hearing this, Pedro Rodríguez Toma, the father of the boy, who was a PNC officer working in Chajul, went to Cotzal to talk to the municipal mayor. For unknown reasons, Pérez Chen ordered his security to beat the police officer and disarm him. He was subjected

to torture, and some claim to hear his screams from the *calabozo* as far as one hundred meters away.

At approximately 6 p.m. that same day, Rodríguez Toma was taken out to the main square, where Pérez Chen called residents and claimed that the police officer had come to Cotzal to assassinate him and that he would now suffer *justicia Maya* (Maya justice). Many Ixil have said that this was not *justicia Maya* and that the municipal mayor was just trying to justify his violent and illegal actions. Rodríguez Toma's face was reportedly bloody and disfigured; the signs of the torture he had endured were evident since he was missing his teeth, and his tongue had been cut out. After being forced to drink gasoline, Rodríguez Toma was set on fire. A man who was filming and taking pictures of the incident would be beaten and hit on the head with the butt of a rifle. Another man who was also in the *calabozo* after being illegally detained and beaten the night before the incident would later serve as a witness against Pérez Chen.

I first heard about Pérez Chen and the incident that had occurred when I arrived in Cotzal in June 2011. In December 2010, arrest warrants had been issued against Pérez Chen, along with twenty-nine others, and he went into hiding (BDH 2017). At this point the municipal council took control and power of the municipality. I heard rumors that Pérez Chen was being aided by his supporters and the police while in hiding. Another rumor said that he was in hiding in the Finca San Francisco. Then on June 26, 2011, two days after the annual festival of the patron saint of San Juan Cotzal, I was in Santa Avelina when I received news saying Pérez Chen had been captured. The town was buzzing with the recent developments. Soon his supporters were threatening to burn down the police station in the town center, but fortunately nothing occurred. In August 2012 Pérez Chen was convicted to eighty-two years in prison for the death of Rodríguez Toma and was charged with abuse of authority, extrajudicial execution, kidnapping, discrimination, and torture. It was the first time in Guatemalan history that someone was sentenced for the crime of torture (BDH 2017). He was later convicted for the illegal detention of the military member mentioned earlier. Others from his security team were also detained, and some of those who went into hiding were subsequently arrested in 2012. As of 2020, at least one member of Pérez Chen's security team remains a fugitive. Some who were arrested had nothing to do with Pérez Chen's abuses. I know of at least one case in which a former member of his security team was arrested and was later freed after being imprisoned for two years. This crime carried out by Pérez Chen highlights the systematic violence, repression, intimidation, and corruption that existed within the municipality of Cotzal and the Ixil Region.

In the communities of San Felipe Chenlá, Vichivalá, and Santa Avelina, growing gang violence was also causing fear. Community leaders decided to arm and organize themselves, since gang members at this point no longer feared community authorities, elders, or norms. In 2008, each community through assembly and consultation took measures to ensure the end of gangs. In San Felipe Chenlá,

the community gave gang members seven days to turn in their weapons, as well as present themselves in front of a community assembly to explain their actions and why they had joined. The purpose of this was to have them show *vergüenza* (shame), a traditional form of punishment meted out to those who have committed something wrong. Some cried upon explaining to the community why they had joined a gang, and some said they had been forced into joining. Patrols began in the community 24/7, and each family was encouraged to volunteer for a shift (it was not done by force). The community patrols consisted of a diverse group of people and included ex-PAC and ex-guerrillas.

Some gang members left Cotzal rather than publicly face their community. Many would go to the capital and return home during the holidays; there is a spike in crime at those times, since many Cotzaleses are returning home with money. For example, there are increases of delinquency and robbery during the annual patron saint festival (*la feria*) of San Juan Bautista in June and also at Christmas. It is rumored that these gangs are always trying to make a comeback and start organizing again.⁵ The difference between the approach to gangs under Pérez Chen and that of the communities is that the former was based on *mano dura* and the use of patrols under the control of one individual, whereas the latter was a community effort that used patrols alongside community assembly to reincorporate and hold youth accountable for their actions.

FINCAS AFTER THE WAR

As previously mentioned, many of the fincas that existed in the Ixil Region ceased to operate during the war. The Herrera and Hodgson families sold their fincas. After the war, some plantation owners began to invest in other businesses, including the construction of hydroelectric projects “when the price of coffee plummeted around the world” (Escalón 2012a). At the beginning of the 2000s, people began to migrate abroad as an alternative to working on coastal fincas and in other urban centers like Guatemala City or Santa Cruz del Quiché, and remittances from the United States came to replace coffee as the main source of income from abroad (Jonas and Rodríguez 2015, 181). The hydroelectric plants operating in the Ixil Region are located on the Fincas La Perla and San Francisco, which have been associated with violence and dispossession against the Ixil people since the beginning of the twentieth century.

Today, the Brol family mainly lives outside the Ixil Region. Pedro Brol Cortinas (the grandson of the first Pedro Brol) is now in charge of the Finca San Francisco as president of the board of directors and legal representative of the entities Empresa Agrícola San Francisco Cotzal, S.A. and Agrícola Cafetalera Palo Viejo, S.A. (SRP, #15,588, Fol. 143, Lib. 81; SRP, #24,977, Fol. 215, Lib. 103). The quality of the soil and land remains among the best in Cotzal, and San Francisco’s coffee products are recognized as some of the greatest in the world. In 2014, the Rainforest Alliance

placed San Francisco eighth in a competition involving sixty growers from eight countries that judged their coffee's quality and taste (Rainforest Alliance 2014). The senior manager of sustainable agriculture at the Rainforest Alliance claimed that these farmers were producing high-quality coffee "while conserving natural resources, protecting wildlife habitat and supporting local communities" (Rainforest Alliance 2014). In the 2000s, Pedro Brol Cortinas would enter into business with Enel to build Palo Viejo (SRP, #24,977, Fol. 215, Lib. 103).

MEGAPROJECTS AND FPIC

Many conflicts surrounding megaprojects are rooted in failure by the Guatemalan state, local municipalities, and corporations to seriously recognize and implement the rights of communities and Indigenous Peoples at all levels. The international law principle of Free, Prior and Informed Consent (FPIC), which affirms the rights of Indigenous Peoples to give informed consent before the "approval of any project affecting their lands or territories and other resources" (United Nations 2007), is most frequently violated. This right is outlined in ILO 169 and UNDRIP.

An example of the need for FPIC is the construction of the Chixoy dam in Rabinal, Baja Verapaz, in the 1970s, which had support and funding from the World Bank and the Inter-American Development Bank (Johnston 2010). The Achi Maya living on the land and in surrounding areas where the dam was to be constructed were not consulted or notified of the project. In addition, there was no compensation or resettlement program for the families who were living on these lands, which were illegally acquired and flooded (Arias 2010). Subsequently, when the Achi refused to relocate, the military labeled them as "subversives," massacred the protesters, and displaced over three thousand people (Arias 2010).

Following the 1996 Peace Accords, the Álvaro Arzú administration (1996–2000) renewed efforts to attract foreign investment through the adoption of neoliberal policies and laws that sought to privatize the energy sector and telecommunications. These included new mining laws that reduced royalty rates from 6 to 1 percent (Dougherty 2011). The privatization of the energy sector occurred through the General Electricity Law, which was meant to attract foreign investment and limit government intervention. These demands for electricity and metals, often for the benefit of foreigners living in developed nations and people living outside the affected communities, have also meant displacement and conflict for the people living on the territories of these projects. Since 1998, metal exploration has grown by 1,000 percent in Guatemala (404). In response, Indigenous Peoples have struggled for the recognition of their rights over their ancestral territories, with international mechanisms and legal instruments such as ILO 169 and UNDRIP. Many communities across Guatemala have used FPIC to defend and demand their rights.

The name FPIC can be broken up into the four terms that describe the principle: *free*, *prior*, *informed*, and *consent*. Under FPIC, Indigenous Peoples are given

the right to be *free* from intimidation, manipulation, force, coercion, and pressure from government, companies, and other forces in making their decisions and providing consent. Indigenous communities are also provided enough time to consider all information about the project *prior* to the allocation of land for the project, and *prior* to the approval of certain projects. In addition, Indigenous communities are given the right to be *informed*, thus being provided all the necessary and relevant information needed to make a decision to give consent on a certain project, which can be easily accessed. This includes the community having this information in its own language and having access to independent experts and study on the proposed project. Last, Indigenous communities have the right to give or withhold *consent* at every stage of the project (Hill, Lillywhite, and Simon 2010, 8).

FPIC is not perfect. There is a debate on how effective it is even when adequately implemented. Consultation is not veto power. Thus, if a company decides to practice FPIC, it can consult a community, and even if 100 percent of that community is opposed to a project, the company can claim that it consulted with the community; thus it remains within the confines of the laws, and as long as it has been authorized by the Guatemalan government to engage in its projects, it can proceed. International institutions take a negative view of veto power; it exists only within the United Nations Security Council and even there is reserved only for its five permanent members (the US, France, Russia, China, and the UK). Consultation can become an item on a checklist, and once that checklist is completed, the company can move forward with the project. At the same time, if communities are organized against a project, companies may consider it too risky to implement. Such has been the case among the communities in Salquil Grande, Nebaj, where the extraction of barite by mining interests has been stalled by local opposition.

FPIC has been ignored throughout the country by the state and various companies even though Guatemala has signed and adopted ILO 169 and UNDRIP. This occurs even when affected communities, shareholders, and national and international organizations apply pressure to suspend these projects. Instead, community leaders and human rights defenders are criminalized, and at times the military is sent into communities to suppress protests. According to the secretary of agriculture, in 2011 there were 1,367 cases of land conflicts going on in Guatemala, affecting approximately 1,137,821 people there (Zeceña 2011). Many of these land conflicts occurred in the departments of El Quiché, Alta Verapaz, Huehuetenango, Izabal, and El Petén, which suffered some of the worst violence during the civil war (Zeceña 2011).

One of the most publicized cases involving extractive industries and the denial of FPIC in the face of international pressure and conflict is the Marlin Mine. This mine, which operated in the municipalities of San Miguel Ixtahuacan and Sipacapa in the department of San Marcos, is owned by Goldcorp, Canada's second-largest gold-mining company, which began working the mine in 2003. In 2004

Maya communities protested against the mine, which was not respecting FPIC, and eventually conducted a blockade to prevent mining equipment from being shipped there. Forty days into the protest, approximately 1,200 soldiers and 400 police were sent in to break the blockade and arrest community leaders (On Common Ground 2010, 164). A popular community-level referendum in 2005 resulted in 98.5 percent of the residents in the surrounding communities officially rejecting the mine (Stanley and Zarsky 2011, 11). Yet despite protest and local pressure to suspend the mine's operation, the mine continued to operate. Several international organizations such as the ILO and the Inter-American Commission on Human Rights (IACHR) urged the Guatemalan government to suspend operations because of the lack of consultation and health concerns (Stanley and Zarsky 2011, 6, 12). For instance, a medical study found that people living closer to the mine had "higher blood levels of arsenic, copper, and zinc" and higher levels of urinary mercury than people living farther away (On Common Ground 2010, 40). The study warned of the negative health consequences that the mine could have that could last for decades (On Common Ground 2010, 40). When some shareholders of Goldcorp called for an investigation, the company agreed to an internal review and sponsored a report entitled "Human Rights Assessment of Goldcorp's Marlin Mine," released in 2010. The report found that "the issue of consultation with indigenous people has become the subject of intense and polarized debate within Guatemalan society. The weakness of Guatemala's framework for consultation with indigenous peoples—despite its ratification of ILO 169—is a major concern from a human rights perspective. This is an important gap in the implementation and protection of indigenous peoples' rights in Guatemala, which gives rise to serious social conflict and political mobilization" (On Common Ground 2010, 23). The report also found other negative impacts of the Marlin Mine in the areas of labor, the environment, and social conflict.

In September 2011, a study conducted by researchers at Tufts University found that the Marlin Mine contributed little to long-term sustainability and instead led to negative environmental impacts (Stanley and Zarsky 2011). In addition, it reported that "Guatemala receives about 42 percent of total mine revenues, substantially below best practice in global mining operations," and local communities receive "only about 5 percent" (5). Thus the Marlin Mine has been determined by many to be, not a source of development, but a project that threatens the health and safety of surrounding communities and violates the rights of the people in San Marcos. In the face of all of these criticisms and concerns, on June 23, 2010, President Álvaro Colom pledged to suspend operations at the Marlin Mine but stated that it would take months to implement such an order (Dougherty 2011). After over a year of stalling, in August 2011, the Guatemalan state reversed its decision and decided that it would not suspend operations. The Marlin Mine would eventually be shut down in 2017, leaving a legacy of violence, contamination, and little development to affected communities, and large profits to its owners. State,

military, and paramilitary coercion in communities that struggle against companies and megaprojects is not isolated to San Marcos; it also includes places like San Juan Sacatepéquez, Santa Cruz Barillas, and El Estor, among many others (De León and Rivera 2018; DeLuca 2017; Pérez 2021).

THE IXIL REGION AND MEGAPROJECTS

The Ixil Region has three hydroelectric projects operating (Hidro Xacbal and Xacbal Delta in Chajul, and Palo Viejo in Cotzal), as well as three *amparos* (legal hold for the protection of constitutional individual or community rights) on pending projects in Nebaj. An *amparo* in these cases prevents companies from building their projects until the legal matter of consultation has been resolved by the judicial system. Furthermore, there is an ongoing mining project to extract barite (mineral used in fracking) in Salquil Grande, Nebaj, which has generated tensions and potential conflicts (Roberts 2014). Deforestation is also a serious problem, and it has been estimated by an official in the National Institute of Forests (INAB) that approximately 80 percent of the trees being cut down in the Region have been removed illegally.

Failure to respect FPIC was addressed by an Ixil ancestral authority who described a lack of consultation for Palo Viejo:

The Brols act like they have [legitimate] documents, just like Enel: “We are authorized, we are legal, we are authorized by [the Ministry] of Energy and Mines.” They are authorized, but from up there [at high levels of government]; they do not consult the Indigenous populations, who are the legitimate owners of the territories, of natural resources, they do not consult. They have bypassed national laws, international laws, ILO 169, the municipal code, it is a violation for us. They see themselves as legal, but we are seeing that they are illegal, they say they are legal, but they are illegal, because they arrived without consulting the Indigenous Peoples. Who knows what agreement they had with this mayor—they probably paid him a good amount of money to authorize that construction.

As of 2021, there were sixty-four hydroelectric plants in Guatemala at various stages of the construction process, with a joint planned total of 2,280.41 megawatt (MW) capacity. Thirty-six hydroelectric plants were in operation that had the joint capacity to generate 1,510.12 MW, nine were under construction with 206.46 MW in planned capacity, and the rest were ready to start the construction process or were in the authorization process (MEM 2021). Of the sixty-four hydroelectric plants, six are in the Ixil Region (table 3). Previously, there were at least nine hydroelectric plants in the Ixil Region that were in different stages in the process of being authorized, but for several reasons their respective company did not finalize or decided to suspend its application to build (Batz 2022b, 169). Solel Boneh, an Israeli company, was contracted to build Palo Viejo and Hidro Xacbal in the Ixil Region as well as others throughout Guatemala.⁶

TABLE 3 Total number of hydroelectric projects in the Ixil Region

Name	Entity	Location	Rivers	Capacity (MW)	Status of project
Hidro Xacbal	Hidro Xacbal, S.A. (subsidiary of Terra Group)	Finca La Perla, Chajul	Xacbal	94.00	In operation
Palo Viejo	Renovables de Guatemala, S.A. (subsidiary of Enel Green Power)	Finca San Francisco, Cotzal/ Uspantán	Cotzal, Chipal, El Regadío, El Arroyo Escondido, Putul	85.00	In operation
Hidro Xacbal Delta	Energía Limpia de Guatemala, S.A. (subsidiary of Terra Group)	Finca La Perla, Chajul	Xacbal	75.00	In operation
Hidroeléctrica La Vega I	Hidroixil, S.A. (subsidiary of Casado Hermanos)	Nebaj	Suchum, Xacbal	38.00	Construction has not begun. <i>Amparo</i> placed by communities.
La Vega II	Hidroixil, S.A. (subsidiary of Casado Hermanos)	Nebaj	Sumalá, Xamalá	18.75	Construction has not begun. <i>Amparo</i> placed by communities.
Hidroeléctrica Las Brisas	Hidroeléctrica Las Brisas, S.A. (subsidiary of Grupo Finco)	Nebaj	Xacbal	25.00	Construction has not begun. <i>Amparo</i> placed by communities.

SOURCE: MEM (2021).

The Ixil Region also has two community-controlled micro hydroelectric dams located in Chel, Chajul, and Batzchocolá, Nebaj. These were built with the support of the NGO Semilla de Sol and local community associations (Semilla de Sol et al. 2015). It is said that since these dams operate at a smaller scale, they do not produce the same environmental damage as the larger ones. They are also controlled and managed by the communities, thus generating electricity to be distributed within surrounding areas.

While the war officially ended, its root causes, such as territorial and structural inequalities, continued. The violence of the war gave way to gangs and *mano dura* policies that saw the municipal government criminalize youth. This was evident during the administration of José Pérez Chen, who was convicted of human rights abuses and was involved in the persecution of community leaders who fought against Palo Viejo. With a tense political and social climate in Cotzal characterized

by division and violence, the arrival of megaprojects in the Ixil Region only aggravated these conditions.

Despite cyclical invasions, the Ixil have resisted colonial and extractivist logics and maintained their worldviews that reaffirm their struggle toward collective well-being, *tiichajil*. An increase in neoliberal policies that favor mining and hydroelectric projects has again led to foreign-based development models being imposed on Indigenous communities. Often the energy produced by hydroelectric projects is exported outside of the communities where they operate. The lack of respect for Indigenous rights by corporations and the Guatemalan government has contributed to increasing conflict and state-sponsored violence against those affected by megaprojects. There is a correlation between areas where the internal armed conflict has greatly affected the communities and areas where extractivist projects are being built. The next chapter details the way in which Enel invaded Cotzal with the support of the Guatemalan state.