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Temporal Imaginations: Mnemonic Frames Against Extractivism in Guatemala

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Abstract

What is the role of collective memory in motivating social movements in post-peace Guatemala? Focusing on Indigenous resistance against extractivism, an 18-month (2021-2023) participant-observation project on grassroots campaigns with Defensoria Q'eqch' and AEPDI documented the Maya-Q'eqchi' front against the Fenix nickel mining project. Fifteen in-depth interviews with men and women in sites of struggle across El Estor, Izabal and 30 recorded testimonies of survivors of the Guatemalan genocide reveal activists draw on resistance narratives to counter the legacies of settler colonialism. Indigenous activists are mobilizing unified fronts against the state and capital in post-conflict societies, and the mechanism of collective memory plays a crucial role in encouraging political action through the deployment of "temporal imaginations," which are self-reflecting and retrospective frames that position social movements in history and time. Temporal imaginations provide a way to articulate past injustices and present grievances, cement loyalties, establish goals, and evaluate new challenges.

Keywords: Political ecology; social movements; memory studies; Indigenous Peoples; settler colonialism.

Introduction

Over the last two decades, the debate surrounding the right to consultation of Indigenous Peoples and the duty to obtain their "free, prior, and informed consent" (FPIC) in the case of measures likely to directly affect them (e.g., a hydroelectric dam, a superhighway, a mining concession) has intensified at an international level, particularly in Latin America. Almost all states have ratified the International Labor Organization's (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries of 1989 (C169). The basic notion of FPIC is that states should seek Indigenous peoples' consent before taking actions that will impact them, their territories, or their livelihoods. Using contemporary Guatemala as a case study, this article locates a new hybrid institution of participation as a site of struggle for counter-hegemonic social movements to contest political rights after opportunities emerge.

As I have demonstrated in my previous research published in Spanish-language journals (Masek 2023a, 2023b), the history of community consultations is intrinsically linked to the democratic opening in post-conflict Guatemala and Mayan recourse to law. Approved in 1989, ILO Convention 169 on Indigenous and Tribal Peoples has been controversial, primarily due to its requirement that states consult Indigenous peoples before undertaking projects that affect them. Guatemala ratified C169 in 1996, but its implementation has largely remained theoretical. Research in the country has examined consultation processes by exploring their legal basis and the implications of the "right to free, prior, and informed consent" (Dougherty, 2011; Fulmer, 2011; Fulmer et al., 2008; LaPlante & Nolin, 2014; Loarca, 2008; McGee, 2009; Walter & Urkidi, 2017; Ward, 2011;), as outlined by the spirit of C169. There is also relevant literature that systematizes consultation experiences in the country (e.g., Mérida & Krenmayr, 2010; Trentavizi & Cahuec, 2012), showing how the framework established by C169 is seldom followed

step-by-step. On paper, C169 establishes that state institutions neutrally arbitrate the demands of the employer and worker sectors to award development projects. So, conceptually the Guatemalan State, Maya Indigenous Peoples, and multinational capital enter into a dialectical relationship, constituting each other through this community consultation mechanism.

The proliferation of extractivism and its diversification into new areas, such as mining, has become a permanent cause of social-environmental conflicts (Arboleda, 2020; Svampa, 2019a,). While governments and multinational corporations have been riding the wave of the commodities boom, Indigenous and peasant communities have found themselves at the edge of the extractive capital frontier (Escobar, 2006; Gudynas, 2018; Svampa, 2019b). In this puzzling climate of contention after emerging for long periods of war, scholars have examined the constitutive characteristics of the forms of resistance that have emerged to oppose the logic of extractive mining (Apopostolou & Cortés-Vásquez, 2019; DeRocher, 2018; Dougherty, 2019; Finkeldey, 2023).

The emblematic case for "free, prior, and informed" consultation in the lake town of El Estor over the oldest mineral mine in Guatemala, shows the unfolding of civic action through discursive cultural artifacts I have named *temporal imaginations*—a term I coin for the narrative reconstruction of how social movements imagine themselves in history and position themselves in time. Maya Q'eqchi' community leaders connect three layers of meaning-making through the collective memory of colonialism, genocide, and extractivism.[1] Stories that tell triumphs against settler colonial violence serve as an amalgamating force in Indigenous movements against extractivism. The case is generalizable since the historical arc fits other narratives in the region where the master frame bridges issues like the colonization of Indigenous peoples, suppression of constitutional freedoms under military dictatorship rule, and the arrival of extractive multinationals.

When historicizing and creating narratives about these anti-extractive movements, how do participants mobilize the past as a source of inspiration instead of despair? Grassroots movements can actively draw on the past to agglutinate an antagonistic front to carry out collective action, producing images, symbols, and discussions of this ongoing struggle that become prevalent frames (McCammon et al., 2007; Snow et al., 1986) in movement communication. Indigenous groups coordinate futures and maintain resistance while facing overwhelming opponents such as global capitalist and state elites, who often rely on oppressive and violent tactics (Acosta, 2011; Ellner, 2020; Gómez-Barris, 2017). Here is where the collective memory of victories against settler colonialism becomes a constitutive form of coalition-building for these movements, and the case of the Maya Q'eqchi' against multinational mining is exemplary for contending with social movement politics following periods of mass violence.

Movements Against Settler Colonialism

In studying social movements, scholars often focus on material resources (e.g., McCarthy & Zald, 1977), strategies of protest (e.g., Tilly, 2006), or political opportunities (e.g., Kitschelt, 1986), paying less attention to the specificities of place and space. However, movements are deeply shaped by the places they defend and, in turn, reshape those places through their actions and narratives. For Indigenous resistance to settler colonialism—a form of colonialism where settlers permanently occupy and claim sovereignty over Indigenous lands, often displacing or eliminating Indigenous populations (Fenelon, 2015; Snipp, 1986)—the state is often seen as the main force behind colonial dispossession. In Guatemala, the theft of Maya ancestral lands began with Spanish colonization and continues today, driven by both state and non-state actors (Bastos & Cumes 2003, Tzul Tzul, 2018).

Indigenous resistance has targeted both state institutions and private actors, challenging laws and policies that infringe on Indigenous sovereignty. Settler-colonial logic treats Indigenous lands and bodies as commodities, aiming to turn them into private property for exploitation. Conceptualizing Indigenous racialized bodies as commodified non-human objects, the settler-colonial logic of the State has been driven by the impulse to "gain sovereignty over land, bodies, and labor by turning them into private property that can be bought, exploited, and sold" (Glenn 2015, p. 59). Settler colonialism prefigures law and policy by preemptively claiming land and infringing on Indigenous sovereignty and nationhood under the *terra nullius* premise. This logic persists in modern forms, such as mining and megaprojects, which many Indigenous communities see as a "fourth invasion" (Batz, 2020; LaPlante & Nolin, 2014) following Spanish colonization, the plantation economy, and the armed conflict. By focusing on the legacies of exploitation, movements draw inspiration and solidarity, creating unique "solidarity cultures" (O'Hearn, 2016) that sustain resistance even under repression.

[1] Using "collective memory" as an analytical category encompasses two distinct phenomena: socially framed individual memories and collective commemorative representations and mnemonic traces, as proposed by Durkheim (1961) and Halbwachs (1992). These foundational French sociologists contend that memory does not simply preserve the past unchanged. Rather, as Zelizer (1995) observes, memory functions as a dynamic process that varies across time. Since memory is actively shaped by its agents, the issue of its "malleability," highlighted by Olick and Robbins (1998, pp. 128-30)—whether the past can be deliberately reshaped or remains constrained by historical reality—has become a central concern in examining the mobilizing power of mnemonic frames (Jensen, 2007).

The way people understand themselves, the mobilization they are participating in, and their central framings are important to describe solidarity cultures in conditions of high risk and repression. When cultural milieus are "unsettled" (Swidler, 1986), collective actors are likely to achieve their political goals if they frame their arguments in themes, narratives, or even contradictions that surface at such unsettled junctures (McAdam et al., 1996; McCammon, 2007 et al., 2007).

Participation in community consultations is theoretically significant because it requires a new model of how civil society actors like Indigenous organizations can petition or pressure the atate and capital. Analyzing narratives—focusing on the story's temporal structure and content (Ghosal, 2013)—shows how disagreement works and offers a valuable way to understand it. This is particularly relevant since previous scholars have primarily conceptualized future coordination in non-violent settings and outside an explicitly settler-colonial framework. By observing and participating with leaders in social movements who are "strategic decision-makers who inspire and organize others to participate in social movements" (Morris & Staggenborg, 2004, p. 171), this project reveals how to propitiate conditions for seizing political opportunities, centering cultural practices as an emancipatory force in grassroots movements.

Memory as Mobilizing Force

For social movements to succeed, their framing must be flexible and inclusive (Benford & Snow 2000, 619). Collective memory—shared ideas about the past—plays a crucial role in providing legitimacy and identity. Movements rely on memory to connect past struggles with present actions, creating a sense of continuity (Kubal & Becerra, 2014). Simultaneously, the structural positionality and cultural context where social movements emerge since "the costumes of revolt are woven from a blend of inherited and invented fibers into collective action frames in confrontation with opponents and elites." (Tarrow 1998, p. 118). Memory is also a site of struggle (Olick & Robbins, 1998, p. 79), as different groups compete to shape how the past is remembered and interpreted. Agents of memory often participate in "mnemonic battles" over how to interpret the past, who should be remembered, or what the form of that historical narrative ought to take (Zerubavel, 1996, pp. 295–97). This itself constrains agents of memory, as "people's ability to reconstruct the past . . . is limited by the crucial social fact that other people within their awareness are trying to do the same thing" (Schudson, 1993, p. 112).

This dynamic process is influenced by broader social and political contexts, known as "mnemonic opportunity structures" (Ghoshal, 2013), which determine which memories gain public recognition and legitimacy. Mnemonic opportunity structures refer to the broader social, political, and institutional contexts that enable or constrain collective memory efforts, shaping which memories are publicly recognized, how they are framed, and whether they gain legitimacy within society. Acknowledging that remembering the past can evoke emotional responses, sociological frameworks have been developed to examine the spectrum between acceptance and denial in reckoning with difficult histories, facilitating comparisons of national memory politics (Zubrzycki & Woźny, 2020). The intergenerational resistance against indiscriminate political violence against the Maya Q'eqchi' and the insidious ways violence continues to be perpetrated against them currently provide meaning-making.

Memory sociologists, including Wagner-Pacifici and Schwartz (1991) and Saito (2006), have used ethnographic methods to trace how memory functions within specific social institutions. Expanding on this qualitative-methodological tradition, I analyze the case of Indigenous Maya Q'eqchi' social movements in post-conflict Guatemala (Masek 2023a, 2023b), using the introduction of instruments of international law during the years following the transition to democracy as a key moment for grassroots mobilization. Three historical periods serve as narrative frameworks for contemporary Indigenous activism: the colonization process (16th–19th century), the counterinsurgency campaigns culminating in Indigenous genocide (20th century), and the rise of extractive capitalism (21st century). Sociological studies of collective memory, as seen in this case, highlight how movement actors draw on social resources to bring the past into the present, shaping identity, power, and social change (Jedlowski, 2001; Jensen, 2007; Olick & Robbins, 1998). As Halbwachs states, "it is in society that people normally acquire their memories. It is also in society that they recall, recognize, and localize their memories" (1992, p. 38).

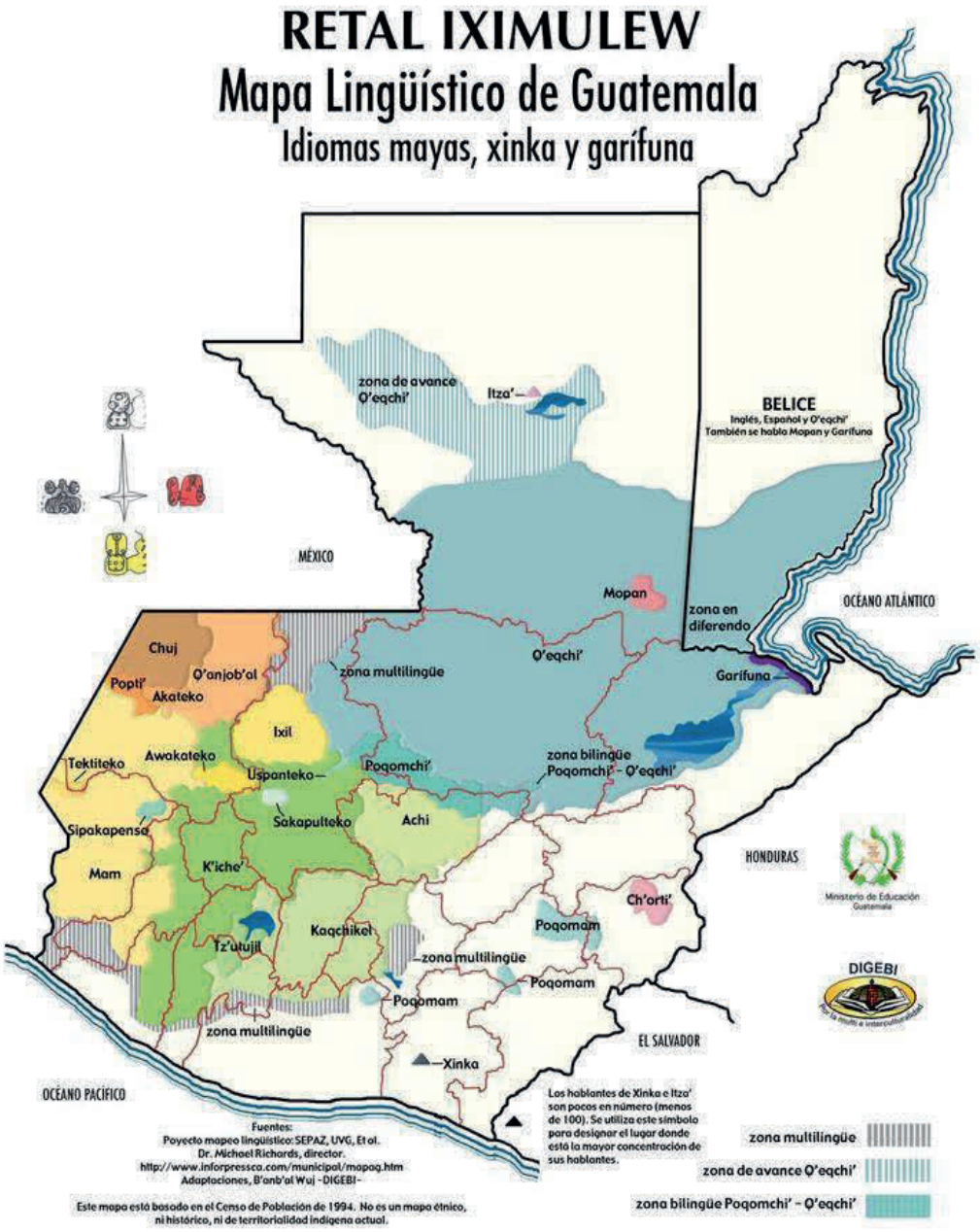
Methodology

The ancestral territory of the Maya Q'eqchi' in Guatemala is expansive and this group experiences the highest levels of extreme poverty among Indigenous Mayans. Child malnutrition rates are disproportionately severe and Q'eqchi' women have the lowest levels of Spanish literacy, with many remaining monolingual. Community consultations, a participatory mechanism rooted in international legal frameworks such as ILO Convention 169, provide an avenue for the Maya Q'eqchi' to assert their right to self-determination. Beyond legal recourse, politically organized Q'eqchi' communities use these consultations to strengthen their political leverage. As a deliberative democratic mechanism, consultations hold the potential to shape decision-making processes by requiring the state to consider Indigenous consent before approving development projects, positioning them as a strategic tool for negotiation between Indigenous communities, the state, and capital interests.

Figure 1 shows that Q'eqchi' remains a crucial marker of cultural identity, and its presence in multiple regions suggests strong community networks. The Q'eqchi' ethnolinguistic zone extends into Alta Verapaz, Baja Verapaz, Izabal, and parts of Petén, with some presence in Quiché. Given that Q'eqchi' speakers inhabit resource-rich areas, including lands affected by extractive industries (such as mining and monoculture plantations), language retention might be tied to struggles over land and Indigenous rights. The map marks Q'eqchi' as present in Belize, where it coexists with English, Spanish, Mopan, and Garífuna.

Figure 1

Ethnolinguistic Map of Guatemala



Source: Ethnolinguistic Mapping Project, Guatemala Ministry of Education (1994)

I chose this particular geographic location and ethnic group because of the decades-long struggle to gain political recognition as legitimate representatives of the communities inhabiting the Polochic River Valley (Granovsky-Larsen, 2013; Masek 2023a, 2023b; Mingorría et al., 2014; Mingorría 2018). Particularly, the chronology of the Fénix Nickel Project has been embedded into Guatemala's history of state-sanctioned violence (See *Appendix A* for timeline). Originally known as the EXMIBAL Mine, the Fénix project began as a subsidiary of the Canadian multinational INCO (International Nickel Company). In 1965, amid Guatemala's 36-year armed conflict, the military government granted the company a 40-year lease over 385 square kilometers of Maya Q'eqchi' territory. This land concession led to the displacement of local communities under the regime's extractive-driven economic development strategy. As the armed conflict escalated in the 1970s, the mine faced difficulties in launching operations, while violent land disputes intensified. These tensions culminated in the 1978 Panzós massacre, a pivotal event in the national conflict (Grandin, 2011; Sanford, 2009). In Panzós, the military opened fire on Maya protesters demonstrating against the mine, killing dozens. Around the same time, EXMIBAL was implicated in the assassination of several community leaders, as later documented by Guatemala's Truth Commission (Nolin & Russell, 2021). By the early 1980s, the military launched a scorched-earth campaign against Maya communities, culminating in genocide (CEH, 1999).

In 2006, the Ministry of Energy and Mines (MEM) renewed the mining license for 248 square kilometers of land and mountains, under the name Extracción Minera Fénix, license number LEXT-049-05. It was authorized on April 18, 2006 during the government of conservative president Óscar Berger. The project covers the municipalities of Cahabón, Senahú and Panzós in the department of Alta Verapaz; and the municipality of El Estor in Izabal. The polygon granted is 12 times the maximum size for an exploitation license (20 km2), according to article 29 of the Mining Law (OIE 2021). The polygon granted covers three hydrographic basins: Río Cahabón, Izabal-Río Dulce and Polochic. *Figure 2* below shows the geographic reach of the license, while *Figure 3* depicts the mineral interests in a broader context, showing how the region is sought for exploiting and extracting minerals like nickel, iron, cobalt, chromium and magnesium.

Figure 2

Fénix Mining Project in Guatemala's Caribbean Coast

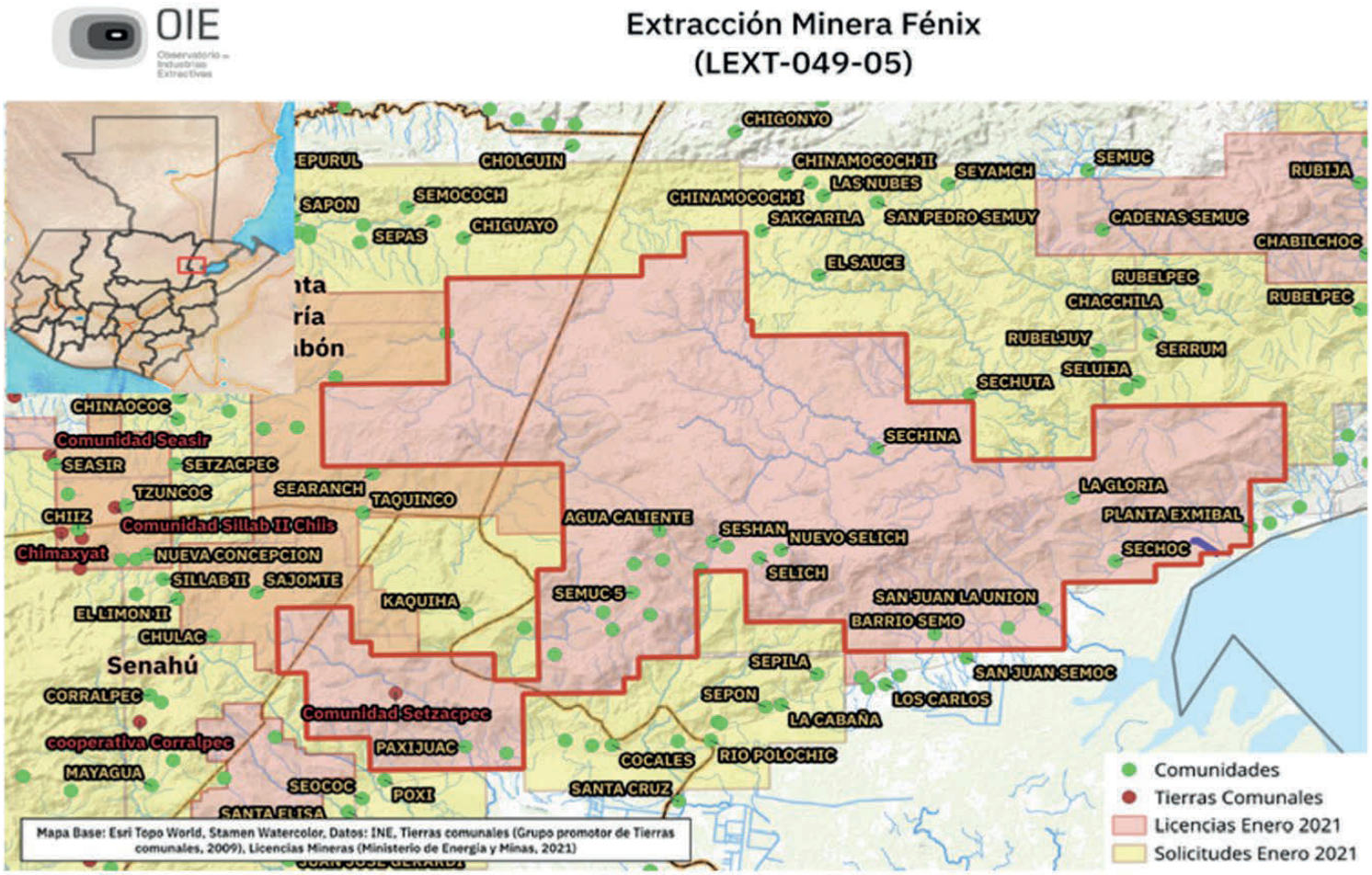
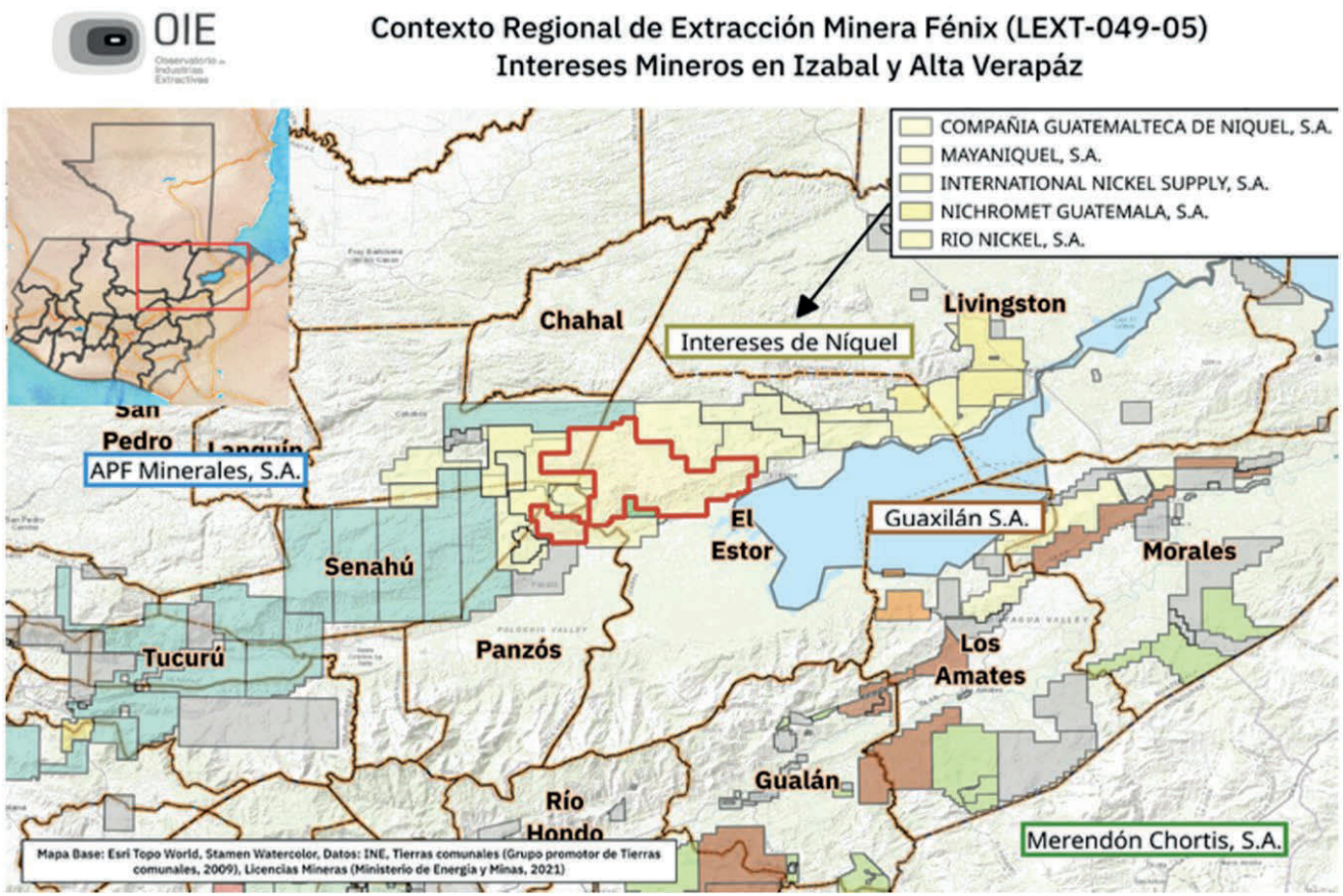


Figure 3

Regional Context (Izabal and Alta Verapaz) for the Fénix Mining Project



Source: Observatorio de Industrias Extractivas de Guatemala (OIE-GT, July 2021).

Data Collection

The research data was collected as part of an ongoing 18-month project between July 2021 and January 2023 primarily through participant observation, which involves immersing oneself in a social setting to observe and interact with the group being studied. I gained access to the Asociación Estoreña de Desarrollo Integral (AEPDI) and the Defensoría Q'eqchi', a land rights group drawing on United Nations treaties ratified by Guatemala to protect Indigenous communities from extractive threats. I identified key contacts and established connections with key members of said civil society group who facilitated entry and acceptance into the group. My role as participant observer meant actively engaging in the group's activities, making it explicit that I was conducting research, and ensuring that all group members are aware of my research role to maintain ethical standards and build trust. I engaged actively: I participated in the Defesoría's activities, attended team meetings, and contributed to discussions to build rapport and gain deeper insights. I was sensitive to the group's cultural practices and norms (Rivera-Cusicanqui, 2020) to avoid disrupting their activities. The group sees itself organizing the Q'eqchi' into a unified front to help the Mayans gain sovereignty over their ancestral territory. The Defensoría seeks measures to protect communities from the effects of pollution, discrimination, and politically-motivated violence they have suffered in the past.

It is reasonable to ask how any population can overcome the experience of an orchestrated campaign of extermination when remembering the past can be traumatizing. How can such momentous events be commemorated productively, even presenting the opportunity for cathartic reappraisal for survivors? Compiled between 2014 and 2016 due to the herculean effort of the Guatemalan Forensic Anthropology Foundation (FAFG) and the Shoah Foundation, the 30 testimonies I have observed reveal how collective memory is the mechanism that impacts social justice movements in Guatemala. In these sensitive testimonies, past events cease to be disjointed individual memories and become contextualized collective memories, which are then translated into joint civic action.

As a Guatemalan-born, foreign-based researcher, I believe that reflecting on my positionality is necessary to understand what is at stake when discussing social movement action. I gained great sympathy for the movements' causes as the project progressed. While some might call this bias, 'neutrality' in highly politicized settings such as social movement campaigns is illusory. Instead, it should be acknowledged that my personal opinions and values as a researcher influence my choices during the research process. By being transparent, I expect readers to obtain a better contextual sense of my perspective, including the strengths and limitations of my vantage point at that point in time.

Participant Observation

Some of the settings included normal workdays in AEPDI's headquarters, located in El Estor. I also participated in field visits to villages in the mine's adjacency zone and quotidian, out-of-office gatherings like informal get-togethers with group members. I observed the lives, body expressions, and experiences of Maya-Q'eqchi' by looking for rituals, systems, speech patterns, hierarchies, and norms to discern the "culture in action" (Swidler, 1986). I documented what strategies were effective in enforcing international instruments pertaining to land and Indigenous rights that were recognized and enforced by the Guatemalan State. Focusing on the "thick description" (Geertz, 1973) of political rituals of neoliberal democracy like community consultations, I was able to document how grievances are communicated, how recourse to law can become a unifying objective for environmental groups, and how the judicialization of protests can link conflict over natural resources to other historical instances of capitalist exploitation. The groundswell of domestic and international reactions after the 2021 Q'eqchi' resistance in El Estor showed me that it would be disingenuous to pretend that I was a detached observer disinterestedly documenting social movement practices and that even as a witness, I had played an active part.

The rest of the time has involved continuous communication with community members in El Estor via digital platforms (e.g., encrypted instant messaging and video conference applications) in Spanish. The ongoing contact with the study participants allowed for rapport-building, providing access to biweekly team meetings with the Defensorìa Q'eqchi'. I did not start searching for indications of political exclusion of Indigenous communities; instead, I was interested in these democratic mechanisms that expanded enfranchisement. In an inductive fashion following Katz's (1997, 2019) ethnographic practice, the participants' stories and words reflected the violent effects of current governing practices and domestic law on their lives. Participants described their legally-rooted circumstances in words that evoke the suffering and resilience associated with more obvious and direct forms of violence, such as those living during situations of political violence or war (e.g., torture, pain, anguish, etc.). This allowed for the extended case method to be useful since:

> reflexive science sets out from a dialogue between us and them, between social scientists and the people we study. It does not spring from an Archimedean point outside space and time; it does not create knowledge or theory tabula rasa. (Burawoy, 1998)

Interviews

I conducted 15 in-depth, semi-structured interviews with civically-engaged Maya Q'eqchi' adult residents of El Estor between August 2021 and March 2022. Respondents were recruited through snowball sampling and were told the study was about community consultations over the Fénix mine. Recruitment began by first contacting approximately five seeds—interlocutors from within the Defensoría Q'eqchi'. Seeds were interviewed first and asked to refer friends, family, neighbors, and coworkers. Recruitment also included some participants who met through everyday interactions in the lake town, such as at restaurants or the grocery store. Each interviewee was then asked to recommend others for the study. I allowed each seed or interviewee to recommend up to four individuals (the mode was one referral) to ensure that the peculiarities of any particular social network did not heavily bias the sample.

Respondents had to be residents of El Estor, age 18 or older and could converse in Spanish. The predominant language in the region is Q'eqchi', so I recognize that this might add bias. The reliance on Spanish-speaking participants, while pragmatic, raises concerns about the exclusion of monolingual Q'eqchi' speakers. This limitation risks marginalizing a significant portion of the community, particularly elders and women, who may hold critical insights into the historical and cultural dimensions of the struggle. Due to lack of resources, I only interviewed people who spoke Spanish and did not need Q'eqchi'-Spanish translation. Given the quick pace of change and ongoing developments in the consultation process, the research also draws on newspaper articles from English and Spanish language sources to supplement some of the empirical points made regarding the mobilizing force of collective memory during community consultation grassroots organizing. These articles detail similar incidents to those that the study participants shared and provide further evidence of the generalized nature of contemporary political violence against Indigenous communities.

Data Analysis

I took notes that would later be organized and coded in *ATLAS.ti* for emerging themes, concepts, and hypotheses (Emerson et al., 2011) during the efforts to participate in the community consultation, the blockade against the mine, and the criminalization campaign. *ATLAS.ti* allows researchers to code data and develop themes iteratively. As new data is analyzed, researchers can constantly compare it to existing codes and themes, refining and expanding the coding scheme as needed. I took steps to validate themes that emerged from the coding through member checking, where participants review and confirm the accuracy of the findings, or through triangulation with archival and observational data.

Following the constant-comparative approach to qualitative research put forth by Strauss and Corbin (1998), these hypotheses were brought back to the field for testing through theoretical sampling. In line with the extended case method positing by Burawoy (1998). Meanwhile, observational and interview data was discussed with relevant literature to refine theories of social movements and political sociology, particularly the mechanisms that enable collective action in violent contexts, like multicultural societies, after periods of mass atrocity. My interview questions aimed at elucidating the rationale to escalate mobilizing actions over environmental justice: growing from a localized concern over Lake Izabal and the irreparable damages to its local flora and fauna in the wake of multinational mining, to the grievance becoming an unifying force for wider preoccupations over models of economic development and historical exclusion.

Additionally, I spent a month immersed in the Visual History Archive (VHA) Center for Advanced Genocide Research, based at the University of Sothern California. I investigated testimonies of survivors of the genocide in Guatemala to decipher the articulations of intergenerational resistance that have woven robust networks of solidarity throughout our turbulent history. It is reasonable to ask how any population can overcome the experience of an orchestrated campaign of extermination when simply remembering the past can be traumatizing. How can momentous events be commemorated to the extent they can even present the opportunity for a cathartic reappraisal on behalf of the survivors? Compiled between 2014 and 2016 by the Guatemalan Forensic Anthropology Foundation (FAFG) and the Shoah Foundation, the 30 testimonies reveal how collective memory is the mechanism that impacts social justice movements in Guatemala. In these sensitive testimonies, past events cease to be disjointed individual memories and become contextualized collective memories, which are then translated into joint civic action. I listened to 50 hours of indexed testimonies in Spanish, which allowed me to transcribe, code, and look for patterns in the discursive elements of their recollections.

Results

AEPDI's legal arm, the Defensoría Q'eqchi', strategically engaged with the State through a community consultation process regarding the illegally operating Fénix nickel mine. The civil society group interpreted the challenges they faced and organized collective action. In El Estor, Q'eqchi' communities have historically leveraged their right to consultation as a political tool, shaping its meaning to align with their objectives. As an Indigenous land rights organization, the Defensoría Q'eqchi' has

developed various problem-solving strategies over time. Beyond the resisting protests' judicialization (Sieder, 2011), the Defensoría employs additional conceptual frameworks, narratives, and perspectives (Warren, 1998) in preparation for the community consultation on the neighboring nickel mine, drawing heavily on collective memory. These narratives are embedded within broader strategic actions, forming a key operational approach for movement actors seeking to advance inclusion, participation, and resistance against settler colonialism.

Don Cristóbal Pop vividly recounted to me when the water suddenly turned red in 2017. Indigenous Maya Q'eqchi' fishers depend on Lake Izabal, the largest body of freshwater in the country, for their livelihoods. When the water changed color, Don Cristóbal Pop had just been elected president of the local fishers' guild. "It [Lake Izabal] had a bad smell," he said, "There were rumors about whether the fish would be affected." The rust-colored patch of water stretched for more than a mile in front of the city. "Our life is fishing, and we did not know what was happening to the Lake. There were many rumors about whether the fish would be affected by what was happening in the water." The Fenix nickel mine, owned at the time by the Switzerland-based Solway Investment Group, is just three miles south from El Estor's urban center. Naturally, the fishers' guild sought answers from the company, given the visible environmental damage. "We wanted things to be done transparently," said Don Raúl Tixaj, a Defensoría member who recalled how he and others urged the government to disclose water testing results to the public. When that did not happen, guild members began protesting the mine in May 2017, and a Q'eqchi' fisherman named Carlos Maaz was killed in the ensuing crackdown by national police. As showed in the following section, the three main historical periods that provide the material grounding for framing the movement's mnemonically-produced messages are linked to the iterative processes of dispossession and expulsion: colonialism, genocide, and extractivism.

Colonialism: The Logic of the State

The group employs *temporal imaginations* that directly reference the colonization process, using collective memory to render State institutions visible and to frame their resistance as an intergenerational struggle. By anchoring their plight in this long historical context, they highlight the enduring patterns of ostracization that shape their present reality. Their exclusion from the community consultation is deeply embedded in a longstanding structure of subjugation. As one Defensoría Q'eqchi' member explained, "the [Guatemalan] State's colonial logic subjects us to second-class citizen status because our opinions do not seem to matter, even if the issues concern our livelihoods and communities." These sentiments place a heavy symbolic weight on the group's purpose in a fractured post-conflict civil society: the transition to democracy has opened up narrow avenues for participation that should be seized. Movement leaders recognize that Indigenous conceptions of environmental justice are not considered or included in consultation processes, generating an "epistemic violence" (Ulloa, 2017, p. 178) against them. "We are hurt and outraged for the racist, oppressive and authoritarian state's exclusion," read a poster at the Indigenous-led demonstration in October 2021.

Indigenous peoples' proposals of environmental justice are based on the concept of "circulation of life" (Ulloa, 2017, p. 179), articulated by militant anti-mining Q'eqchi' that bounds the continuity of life to the *territorio*, understood as the socio-natural space of cultural reproduction (Riofrancos, 2020). The *territorio* must be safeguarded as extractivism pushes the frontiers of environmental destruction deeper into Q'eqchi' territory. As a central axis, Maya Indigenous groups in Guatemala like the Defensoría believe environmental justice should be promoted as an ethical, political, territorial, and reciprocal action with the nonhumans, sustained by Indigenous cultural principles (Ulloa & Prieto Rozo, 2013). By framing the struggle as originating five centuries prior, the group understands its relationship to the contemporary, postcolonial nation-state as a legacy of colonialism. *Figure 4* shows how temporal imaginations feature in the group's repertoire of contention during the 2021 peaceful resistance against illegal nickel extraction at the Fénix mine.

Figure 4

Community Members Display Protest Banners During 2021 El Estor Peaceful Resistance

Note: The banner reads, "When will we have a just and equitable government[?] Every governing power has always favored the interests of the rich. For us Indigenous Mayas, we have always been martyred and massacred just to please foreigners."
Source: Baudilio Choc/Radio Victoria

The Q'eqchi' people's ongoing struggle against land exploitation and in defense of their water and territory reflects the broader issues faced by Indigenous communities in Guatemala. The country's commitment to Convention 169 should, in principle, support the Q'eqchi's right to organize and advocate for their interests without fear of criminalization or reprisal. However, the lack of a clear regulatory framework for implementing the Convention's provisions, particularly regarding consultation and participation, has contributed to ongoing conflicts and disagreements between Indigenous communities and other stakeholders. This situation underscores the need for Guatemala to develop more effective mechanisms for upholding its international commitments and protecting the rights of Indigenous peoples, including the Q'eqchi' community. Defensoría Q'eqchi' team member Martín insists that, "we [Maya Indigenous peoples in Guatemala/Q'eqchi' in El Estor] have always been organizing against the exploitation of the land, the defense of the water, the defense of the *territorio.*" "Always" refers to centuries, in this case.

There is a complex intertwining of corporate and state power that appears to dictate the lives of those living near extractive frontiers. As a result, processes like consultations gain significance, even when they are associated with one of these contentious actors. The Maya Q'eqchi' Indigenous Peoples challenge the blending of judicial and legal procedures in everyday peasant resistance, asserting their own perspective on law and legality. When I asked AEPDI members about the stereotypical criticisms of Indigenous mobilizations—often labeled maliciously by the press as *bloqueos* (blockades) rather than *manifestaciones* (demonstrations) or *protestas* (protests)—they expressed frustration. To this day, the State continues to criminalize participants

in these mobilizations, issuing arrest warrants for what it calls "terrorist actions." Macloni, an El Estor resident and Defensoría member, stated:

> When people say that Indigenous communities are blocking roads, we respond, "No, we are mobilizing for a life of dignity, for profound political changes in how our country is organized." The ones truly blocking the path to a dignified life are the criminal elites who resist change and cling to the Guatemalan State. (Masek 2023a, 2023b)

As the Defensoría launched a resistance campaign, other Indigenous groups from diverse ethnolinguistic backgrounds rallied in solidarity with the Q'eqchi' communities. Identity-based political organizations representing various Mayan ethnic groups, including the Chorti, Kaqchikel, K'iche', Mam, and Poqomam, traveled to El Estor. On October 12, 2021, the Xinka Parliament from Eastern Guatemala visited the resistance site in Izabal. Sharing their experiences of organizing against extractive industries encroaching on their territories, Indigenous organizations pledged to continue their fight. They denounced the centuries-long campaign of dispossession inherent to what Gómez-Barris (2015, p. 3) terms "extractive capitalism." The Xinka, a non-Maya Indigenous Peoples, have also been organizing against the San Rafael Mining Company, which operates the El Escobal mine near Guatemala's border with El Salvador, for decades. Their leadership who traveled to El Estor told the Defensoría:

> We empathize with your struggle, as we have faced similar exclusion. We stand in solidarity with the measures you've chosen and extend our support in this moment of resistance. These companies—San Rafael and CGN/Solway—claim we are responsible for this dire situation, but in truth, it is entirely their doing. We are simply asserting our rights. (Masek 2023a, 2023b)

Genocide: Reivindicating the Legacies of Violence

The group invokes memories of the military dictatorship era to frame their current struggles. The Defensoría claims that the Guatemalan State has "actively betrayed the residents of El Estor" (source, date, page number?)by selling their land to foreign mining companies. This sentiment can be interpreted in multiple ways. Why do these groups push for participatory processes when they see the State as a traitor? The concept of *betrayal* carries a specific, coded meaning that can be traced across different historical moments, revealing patterns or recurring themes. However, it would be inaccurate to treat this idea as a constant or universal meaning, as people also use other frameworks to describe the State's historical relationship with Indigenous communities. Thus, temporal imaginations about the genocide are instrumental in refashioning violence in the post-conflict era that carries the underlying legacies of counterinsurgency as a mobilizing trait.

Following the repression of a peaceful resistance launched after being excluded from the government-led consultation process, the imposition of a state of siege that limits civil liberties for a 30-day period threatened to jeopardize the residents' lives in a heavily-militarized environment. Now, indigenous organizations like Defensoría Q'eqchi' and Xyaab' Tzuultaq'a Community Radio face arbitrary detentions and persecution for having had participated in the peaceful resistance. Security forces raided the offices and private homes of those who allegedly took part, seizing documents and equipment. "They are criminalizing our resistance, as they have done in the past," mentioned Macloni Sicaján Jacinto of the Defensoría Q'eqchi'. The State is once again subjecting unarmed Maya Q'eqchi' residents through excessive military force, triggering obscene images reminiscent of the armed conflict that resulted in genocide, illustrated by the military deployment in *Figure 5*:

> Now, under a state of siege, the consultation seems impossible. Repression is always the means to quell indigenous self-determination. What is happening in Guatemala is shameful. We are not terrorists, but if they want to call us that way as they have been doing for decades, go ahead; our conviction is that the future will bend towards justice. (Masek 2023a, 2023b)

Figure 5

Guatemalan Army Units Deployed in El Estor in October 2021

Source: Nelton Rivera, Prensa Comunitaria, October 25, 2021

The VHA testimonies revealed temporal imaginations linking to the genocide, like those of Domingo Gómez Icoy, a Q'eqchi' genocide survivor whose early memories growing up being displaced by multiple waves of settlers. Narrating a part of his biography where he is explaining to the interviewer the finca situation in the Polochic River valley, Domingo says, "the Spanish divided the lands of the ancestors. The Germans bought the land, displaced us, and stayed there. And now, it is the military who administered it." Placing them sequentially, Domingo later explains in the vicious treatment Q'eqchi' communities have been subject to in their land across a longer, cyclical historical periodization. Violence triggers different temporal landscapes, which serve a purpose in social movements. But violence is also a constant in the Indigenous lifeworld, even in postconflict contexts. For example, in El Estor, the intergenerational legacy of struggle is an element in discursive action during the state of siege after the state security forces repressed the peaceful resistance. Narrating their survival against a counterinsurgent campaign of ethnic extermination by the State can amalgamate an antagonistic front. So, when the Guatemalan Army arrived in El Estor to pacify the "social conflict" generated by "terrorists," Defensoria's director, Macloni, mentions:

> Seeing soldiers patrolling the street brings you back to the years of conflict violence. Now, militarization is intimidating under a state of siege and with a curfew. We distrust their intentions because of the legacy of these types of actions.

The memory of violence remains indelibly etched on the minds of El Estor residents because of the intimate relationship state-led repression has with this community at the edge of the extractive frontier. This is why the framing of the struggle for transitional justice "from below" reaches far back into the past but reverberates vividly in the present. Just as grassroots activists

continue to condemn environmental exploitation in the wake of criminalization, genocide survivors dedicate their lives to the recovery of historical memory in a civil society context depleted of human rights and with a weak rule of law. In short, the VHA testimonies show resilience as a characteristic of subjects facing political violence in Guatemala across historical periods. Indigenous resistance is the most enduring feature across Guatemalan history and the testimonies of genocide survivors also add unparalleled analytical leverage to the theoretical proposition embodying the concept of "temporal imaginations." Memory must be understood as an exercise to document data and a valuable process for the praxis of communities affected by violence. Remembering the brutality serves to typify mass atrocities and prevent their repetition in the future.

Extractivism: The Paradox of Development

As my previous research on the October 2021 antimining resistance in El Estor shows (Masek 2023a, 2023b), the perilous effects of extractivism are collectively remembered by residents who experience them first-hand. In February 2018, the artisanal fishermen's union of El Estor submitted a writ of amparo, a constitutional appeal, to the Supreme Court, challenging the lack of consultation regarding the licenses granted to the Fénix mine. Operated by Compañía Guatemalteca de Níquel (CGN), a subsidiary of the Switzerland-based Solway Investment Group, the Fénix nickel mine began operations in 2014 after years of violent repression, controversy, and community opposition. The fishermen were particularly concerned about the pollution endangering their livelihoods. "Lake Izabal turned red because of the mine's toxic waste," recalls Macloni Sicaján Jacinto:

> Later studies showed the presence of heavy metals in the water. And yet, the authorities paid no mind and looked the other way. How can this be called development? Makes absolutely no sense that flora and fauna—and us—have to suffer for this.

In July 2019, the Constitutional Court ordered a suspension of the Fénix mine's operations for violating ILO Convention 169 (C169). The court ruled that the Ministry of Energy and Mines (MEM) had failed to conduct a socioenvironmental study or consult residents when granting CGN an extraction license in 2006, thereby disregarding Indigenous rights to free, prior, and informed consent (FPIC). Despite the Court reaffirming its decision in June 2020 and imposing stricter measures due to the COVID-19 pandemic, locals reported that the mine continued operating without interruption, as *Figure 6* shows. "That's why, on October 4, 2021, we decided to unilaterally enforce the court ruling by blocking the mining trucks' path; the mine should not be operating," stated Sicaján Jacinto. He further criticized the MEM for systematically excluding communities opposed to the Fénix project from consultations, claiming they were outside the mine's impact zone. "Instead of recognizing the Ancestral Q'eqchi' Council as the legitimate authority, the government accredited individuals who do not represent our interests and instead act as lobbyists for the company," he added.

Figure 6

Aerial View of the Fénix Mining Concession Overlooking Lake Izabal

Source: Joe Daniel Perkins, *The Guardian*, 2023

The MEM's pre-consultation process highlighted a stark divide within the community regarding the Fénix project. While some residents argued that the mine had failed to generate development or employment, others, including mine workers, claimed it had improved living conditions. The Community Councils for Urban and Rural Development (Cocodes), which were accredited as the sole representatives of the Q'eqchi' people in the pre-consultation, supported the mine's operation. However, the four Ancestral Councils, representing traditional Mayan governance structures, were excluded from the deliberative process. Defensoría members argued that this exclusion denied the Q'eqchi' a meaningful voice in the community consultation, undermining the principles of participatory environmental governance and reinforcing what political ecologists describe as the "politics of exclusion" (Acosta, 2011, p. 61) inherent in extractive industries.

The four Q'eqchi' Ancestral Authorities Councils and the Association of Artisanal Fishermen of Lake Izabal, both based in El Estor, firmly opposed the mine in rhetoric and praxis. They insisted, in shared communications, that the consultation "cannot take place until all operations of the nickel company are suspended," as mandated by the Constitutional Court in 2019. Both groups accused the MEM of treating the consultation as a superficial administrative formality rather than a genuine dialogue, further marginalizing legitimate community authorities. "The MEM is looking to carry out the consultation as a mere bureaucratic process, discriminating against the legitimate authorities of the communities and blatantly violating the proper conduct of the pre-consultation," said a representative during a rare press interaction at the resistance site in October 2021. This dynamic reflects broader critiques in political ecology about how states and corporations often co-opt participatory processes to legitimize extractive projects while silencing dissenting voices, perpetuating environmental injustice and dispossession.

The movement against the notorious Fénix mine in Guatemala has begun to yield successes in the legal realm. In February 2022, lawyers for the Maya Q'eqchi' community of Agua Caliente argued before the Inter-American Court of Human Rights

Wednesday in a case that could have far-reaching implications for Indigenous communities throughout the Americas. Agua Caliente is one of 16 Maya Q'eqchi' communities in the El Estor municipality. Following the national trend (Yagenova & García, 2009), the lawsuit demands that the Guatemalan government give them title to their land and the right to determine how its natural resources are exploited. In June 2022, 22 Maya Q'eqchi' communities of El Estor and Panzós, in the department of Alta Verapaz, filed a lawsuit against the State of Guatemala before the Inter-American Commission on Human Rights (IACHR). In it, they indicated that they were not consulted to approve the mining company's operation, that they had been stripped of their lands, and that they had been prosecuted for opposing the project. The Defensoría Q'eqchi' says that due to the denial of access to justice by the State of Guatemala, in the face of the dispossession of our lands, the contamination of their *territorio* and natural assets, and the denial of the right to be consulted, "we had to turn to the inter-American system for justice." Their members assert that the consultation was made "secretly" since "it was carried out outside El Estor and within the framework of a State of Siege. This violates human rights and misrepresents the dialogue that should be opened between the communities and the State."

In November 2022, the U.S. Treasury Department issued sanctions targeting Russian involvement in the Guatemalan nickel sector, according to a statement. The sanctions targeted Compania Guatemalteca de Niquel (CGN), ProNiCo, and Mayaniquel, Guatemalan-based subsidiaries of Solway Investment Group. As part of the same action, the Treasury sanctioned Dmitry Kudryakov, who leads Solway's mining operations in Guatemala, and a Belarusian national for allegedly leading bribery and corruption schemes. These latest sanctions also show how some in Guatemala's mining sector have used their connections to the Guatemalan government to repress Indigenous communities that oppose the exploitation of their natural resources. Human rights defenders in Guatemala have continued to denounce how the army and the National Civilian Police burn their land and use force to evict people. *Figure 7* shows how the incident became front page news in Guatemala.

Figure 7

Prensa Libre Front Page: "US Sanctions Three Guatemalan Mining Companies"

Source: Prensa Libre, November 19, 2022

This case of anti-mining resistance in Guatemala, encapsulated by the events that took place in El Estor back in 2021, resonates with broader patterns of Indigenous mobilization across Latin America, such as the struggles of the Aymara and Quechua in Bolivia against water privatization, the Waorani in Ecuador defending their territories from oil extraction, or the Munduruku in Brazil resisting hydroelectric dams. These movements similarly employ collective memory and transnational networks to challenge extractive industries, often invoking global frameworks like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to assert their rights to self-determination, land, and cultural integrity. However, the Q'eqchi' case also highlights unique divergences, such as the specific role of ancestral governance structures in shaping resistance strategies, which may differ from the communal assemblies prominent in Andean mobilizations or the coalition-building seen in Amazonian struggles.

Discussion

This project shows how civil society groups use collective memory as a mechanism by deploying discourses and symbols as political acts of resistance against settler colonial violence. Using the extended case method over eighteen months, I have used a combination of in-person and digital participant observation to document how an Indigenous rights organization in Guatemala maneuvers the intricacies of deliberative democracy. Findings empirically reveal that, as part of the movement's cultural repertoire, social movements deploy narrative mechanisms that rely on the collective memory of victories against settler colonialism to invigorate its base and defend Indigenous territory in an era of unprecedented climate change. Studying how a multinational corporation colludes with governmental institutions provides an opportunity to look at interlocking systems at work: neoliberal capitalism shows the expansion of the extractive frontier, and while Indigenous recourse to law provides institutional avenues to assert self-determination, sovereignty is delineated within the framework of human rights and democratic citizenship.

The cyclical history of extraction, self-identification through the land and repression are materially grounded through *temporal imaginations*. Movement leaders often leverage collective memory as a tool to mobilize supporters and weaken adversaries, a strategy that can activate transnational solidarity networks crucial for the survival of civil society groups in politically contested environments. This project's theoretical aim is to deepen our understanding of how Mayan conceptions of nature-society integrity are articulated and enacted within the Maya Q'eqchi' community of El Estor, Izabal, building on prior research with grassroots anti-extractivism activists (Masek 2023a, 2023b). Drawing on development sociology and political ecology, the study seeks to demonstrate that a group's position within relations of production does not predetermine their mode of resistance or even how they interpret those relations. Resistance strategies and interpretations of anti-mining activism vary across contexts, shaped by local histories, cultural frameworks, and power dynamics.

Empirical research on questions such as the role of memory in politics reveals that memory operates in multifaceted ways—publicly and privately, among elites and marginalized groups, as personal testimony and as national narrative. Each form of memory, whether reminiscence, commemoration, or collective storytelling, plays a critical role in shaping political action and identity. This underscores the importance of understanding memory as a dynamic and contested process, one that informs how communities navigate and resist extractive industries. By examining these dynamics, the project aims to illuminate the diverse ways in which marginalized groups like the Q'eqchi' reinterpret and resist dominant development paradigms, challenging assumptions about their agency and the universality of resistance strategies. In the case of Guatemala's incipient democracy, memory serves as an antidote against distorted official history. The show of military force in El Estor in 2021 to suppress Indigenous dissent is reminiscent of the armed conflict that resulted in genocide. The military and police crackdown on protest is the latest manifestation of democratic backsliding in Guatemala—amid the ravaging effects of the pandemic and the climate crisis—that builds on a violent legacy of dispossession of Indigenous Peoples.

In moments of recovery from periods of intense social tension—moments of hegemonic rupture, as Gramsci would suggest (1971)—the need for shared emblematic memories becomes even more necessary to provide a sense of community, courage, and hope. In such moments, specific emblematic memories become more powerful and valuable in providing the scaffolding around which a sense of what kind of society is possible is imagined. To contribute to a more democratic mode of social knowledge production, we need to take a deeper look at why and how people use stories to interpret social realities based on their own knowledge.

Recentering inequality complicates the state's transformed amity towards Indigenous populations. While policy alignment and intellectual contribution are important, my research suggests this is insufficient. Rather, the momentum to organize toward climate justice must be channeled to address the complex personal and structural issues that engender violence against land and water defenders. This is a call to not allow attacks on Indigenous self-determination to be an isolated problem of the day, but to be a gateway for improving the overall conditions of subjects of historic injustices. By showing how social movements mobilize against seemingly insurmountable challenges, the study emphasizes the importance of collective agency attempting

to transcend a purely antagonistic stance with the state by reconfiguring local political interactions and making their immediate surroundings more democratic and autonomous.

The case of Maya Q'eqchi' testimonies open new avenues for transitional justice research connected to ongoing emancipatory social struggles. Colonialism and the social sciences have worked together with Indigenous people in that they are "the means through which Indigenous people have been known" (Simpson, 2007, p. 67). Moving away from an understanding of culture through its relationship to "difference" as a unit of analysis and as distinct from the whole, unquestioned "self," the study seeks to pose questions about what cultural analysis would look like if it were to shift from difference as a unit of analysis and to method and analysis shaped by "the goals and aspirations of those we talk to" (Simpson, 2007, p. 68). The ways of knowing resulting from culture as difference have historically undergirded the laws of settler nation-states that dispossessed Indigenous people from the land.

The findings of this study carry significant policy implications, particularly in the context of international debates on Indigenous sovereignty, environmental justice, and transitional justice. By demonstrating how the Maya Q'eqchi' of El Estor have mobilized collective memory and transnational solidarity networks to resist extractive industries, the research underscores the critical importance of recognizing Indigenous rights to self-determination and land as enshrined in frameworks like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). These findings challenge states and corporations to move beyond tokenistic consultations and instead implement genuinely participatory processes that respect Indigenous governance structures and worldviews.

Furthermore, the study highlights the need for transitional justice mechanisms to address historical and ongoing dispossession, particularly in post-conflict societies like Guatemala, where extractive industries often perpetuate violence and inequality. Policymakers and international bodies must consider these insights when designing environmental and social safeguards, ensuring that Indigenous communities are not only consulted but also empowered to lead decision-making processes that affect their territories and futures.

For advocacy groups, the study provides a compelling case for leveraging intergenerational memory and transnational networks to amplify Indigenous voices in global forums, such as the UN Permanent Forum on Indigenous Issues or climate negotiations. Policymakers can draw on these insights to design more inclusive and equitable consultation frameworks that prioritize the participation of legitimate Indigenous authorities, rather than state-sanctioned representatives. For grassroots activists, the research offers a model of resistance that integrates legal strategies, community organizing, and cultural revitalization, which can be adapted to other contexts where Indigenous communities face similar threats from extractive industries. Lessons from El Estor can inspire and strengthen movements for environmental justice and Indigenous sovereignty across the globe. Ultimately, this study not only documents a local struggle but also contributes to a broader vision of justice and sustainability that centers Indigenous knowledge and leadership.

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Appendix A

Timeline of Key Events for the Fenix Mining Project

1960	INCO, a Canadian nickel company (and precursor to Skye Resources and Hudbay Minerals), begins negotiations with successive military governments regarding the construction of an open-pit nickel mine near El Estor, Izabal.
1965	Guatemalan government grants Canadian-owned INCO a forty-year mining lease to an area 385 square kilometers in size near El Estor, on lands and territories where Maya Q'eqchi' communities have lived and worked for generations.
1968-1981	Indigenous Maya Q'eqchi' farmers are regularly, illegally, and oftentimes violently expelled from land near INCO's proposed mining areas.
1970	Members of a committee of Guatemalan lawyers and academics who wrote a 1969 report criticizing the 1965 agreement between INCO and the Guatemalan government are killed, injured, and forced into exile.
1978	On May 28, the first large-scale massacre of the 'scorched-earth' military campaign era took place in Panzós, thirty-five kilometers west of the mining company installations and plant, then owned by INCO and its subsidiary EXMIBAL. Hundreds of Q'eqchi' people from mining-affected communities and other territorial struggles march to the central plaza of Panzós in a peaceful protest for land rights.
1982	General Efraín Ríos Montt was named president of the military junta after a coup in 1982. He continued the bloody campaign of torture, forced disappearances, and "scorched earth" warfare. The country became a pariah state internationally, although the regime received considerable support from the Reagan Administration.
1985	The Guatemalan army deposed Rios Montt in 1983 Constituent assembly elections were held in 1984. In 1985, after nine months of debate, the constituent assembly finished drafting a new constitution, which took immediate effect.
1996	In June, The Guatemalan Congress approves the ratification of the International Labor Organization's 169th Convention on Indigenous and Tribal Peoples, the most important operative international law guaranteeing the rights of Indigenous and tribal peoples. In December, the Guatemalan Civil War ended with a peace accord between the guerrillas and the government, negotiated by the UN through intense brokerage by Norway and Spain.
1999	The Historical Clarification Commission (CEH) attributed more than 93% of all documented violations of human rights to Guatemala's military government and estimated that Indigenous Maya peoples accounted for 83% of the victims. It concluded in 1999 that state actions constituted genocide.
2004	Canadian company announces that it will sell it to Vancouver-based Skye Resources. Guatemalan subsidiary CGN operates conjointly. No consultation carried out with communities.
2007	Over four days in January, hundreds of police, military, and private security forces violently evict Maya Q'eqchi' farmers from various communities near El Estor,
2008	Hudbay Minerals purchases Skye Resources; Skye Resources changes name to HMI Nickel Inc.
2009	In September, during a protest in front of the mine organized by the fishermen's union of El Estor, Adolfo Ich Chamán is shot and killed by security forces employed at Hudbay's Fénix mining project. Germán Chub Choc is shot and paralyzed by Fénix security personnel on the same day.
2011	Hudbay Minerals sells CGN, the Fénix Project, and all of its other Guatemalan assets to a Switzerland-based company, the Solway Investment Group.

2018	Guatemala's Supreme Court ruled in favor of the Fisherman's Union of Lake Izabal, the country's largest expanse of fresh water in the country, saying that locals had not been properly consulted when the Fenix license renewed in 2004.
2019	The Constitutional Court (CC) confirms the sentence and orders Solway/CGN to comply with restitution by carrying out a free, prior, and informed consultation process as outlined by ILO's C169.
2021	*March 22:* CC ruling goes into effect; preconsulta process (where official representatives are selected) starts. Government selects a Council of Q'eqchi' authorities but the Fisherman's Union and the Ancestral Authorities are excluded. *September 28: Preconsulta* process begins behind closed doors. Meeting sites are purposely booked in venues that are miles away from El Estor. *October 1:* The legitimate delegates of the communities present a writ at a Guatemalan court for their exclusion from the preconsulta. *October 4:* Local and national government denies petition; peaceful resistance begins in El Estor. *October 24:* Peaceful resistance is repressed. State of siege, nightly curfew goes into effect in El Estor for one month.
2022	*January 15:* The Government of Guatemala announces the preconsulta has officially concluded and the Fénix Mine begins operations in January. *February 22:* Members of Q'eqchi' community of Agua Caliente testify before the Inter-American Court of Human Rights t, in Guatemala demanding that the Guatemalan government give them title to their land and the right to determine how its natural resources are exploited. *June 8:* Almost six months after the Ministry of Energy and Mines (MEM) announced the reactivation of the Fénix mining project, the Q'eqchi' communities of El Estor and Panzós, in the department of Alta Verapaz, filed a lawsuit against the State of Guatemala before the Inter-American Commission on Human Rights (IACHR). *November 18:* The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) sanctioned one Russian national and one Belarusian national for their role in exploiting the Guatemalan mining sector, as well as three associated entities connected with their corruption schemes.

Appendix B

Letter to Sec. Blinken from U.S. House of Representatives (October 2021)

Statement of the press release by the U.S. Department of Treasury on Thursday, November 22, 2022: https://home.treasury.gov/news/press-releases/jy1118

Congress of the United States
Washington, DC 20515

November 30, 2021

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C. St., NW
Washington, DC 20520

Dear Secretary of State Blinken:

We are writing to request that you publicly condemn the State of Exception declared in the municipality of El Estor as well as related state violence in the region and urge the government of Guatemala to immediately revoke the State of Exception. We have seen concerning reports that U.S.-donated J8 Jeeps that were meant for counter-narcotics purposes may have been used to carry out the repression.[1] We are deeply concerned that U.S. aid may be directly or indirectly supporting human rights violations and the obstruction of democratic processes by the Guatemalan government including public ministry, police, intelligence and military personnel targeting indigenous Maya Q'eqchi' communities and in particular journalists and human rights defenders, including plaintiffs in a case against the mine's previous owner.

In July 2019, the Constitutional Court ordered the Swiss and Russian Fenix Mine to be suspended, which had been operating illegally since 2004 and had failed to consult with indigenous communities as required by International Labor Organization Convention 169. In a June 2020 ruling, the court reaffirmed the illegality of the mine and once again ordered the immediate suspension of the mine until indigenous communities in the affected areas were consulted, and an environmental impact study was conducted. Local indigenous communities and organizations have denounced the mine and assert it has caused significant damage to local waterways and aquatic life. Many in the community depend on the lake for their livelihood. The continued militarization of the region and the extraction of natural resources from local communities has caused significant forced displacement, one of the factors driving migration to the U.S.

Opponents of the mine have been targeted for years, and the community is traumatized. Under the mine's previous owners, opponents of the mine have testified that they suffered gang rape, arson attacks, and the wounding and assassination of indigenous leaders. There is extensive documentation of police, intelligence, and military personnel supported by helicopters and naval vessels using violence and acts of intimidation to support the continued illegal operation of the mine.[2]

[1] https://www.hrw.org/news/2018/08/31/guatemala-president-sabotages-fight-justice

[2] https://grijalva.house.gov/wp-content/uploads/2021/11/CDH-Mision-de-Observacion-y-Verificacion-en-El-Estor-Oct-31-20211.pdf

For the past several weeks, thousands of heavily armed Guatemalan police, intelligence and military personnel have been violently attacking peaceful demonstrators and community members to remove them from the land and escorting mining equipment to the Fenix mine in El Estor. The Guatemalan constitution allows the government to declare "emergency states" and suspend individual constitutional rights during extreme circumstances. The highest level of State of Exception is a declaration of war, followed by state of siege, and state of prevention. Violence against peaceful demonstrators escalated dramatically on October 23, 2021, and on October 24, President Alejandro Giammattei declared a State of Exception for 30 days in El Estor. The State of Exception was extended for 15 days on November 22, 2021, without justification. As you are aware, the State of Exception gives the military special powers to enforce a strict curfew, conduct arrests and house raids without warrant and suspend basic constitutional guarantees.

It is disturbing that since the start of the State of Exception the Guatemalan government has conducted house raids of community organizers and plaintiffs in these ongoing court cases. Equally concerning is the alleged use of sexual harassment as a tactic of intimidation. The United States must make immediately clear that U.S. aid cannot play any role in supporting house raids or other acts of intimidation against plaintiffs in these cases or members of the community. According to witnesses, Department of Criminal Investigation, National Civilian Police, Public Ministry, Army, Army Military Police, Special Police Forces, and Anti-Narcotics Division personnel have participated in these raids. On November 17, there were reports and disturbing videos of the police burning the homes of community members and allegedly displacing 96 families.

Regrettably, human rights and relief organizations have had to suspend much of their operations in this region due to the extreme restrictions of the State of Exception. They report that indigenous leaders and journalists have been targeted for house raids and arrests. Journalists covering the repression have been told by police and soldiers to stop filming and in some instances have had their equipment stolen by police and soldiers.[3]

For those reasons, we urge the Department of State to take the following actions:

- Publicly affirm that the U.S. respects the rule of law in Guatemala and that the Constitutional Court's ruling suspending the Fenix mine until indigenous communities are consulted regarding its operation must be followed.
- Reiterate to the Guatemalan government that U.S. donated equipment and U.S.-funded or trained personnel must never be used to repress nonviolent demonstrators, community members, or support the extraction of natural resources from indigenous land without local consent, including to execute the State of Exception. Congress has already stressed this after donated jeeps were used to intimidate CICIG and the U.S. Embassy in 2018 and were assured the U.S. equipment would not be misused.
- Request the Government of Guatemala provide detailed whereabouts of U.S. donated equipment, including jeeps and other vehicles donated for the use of counter-narcotics operations, portable fingerprint scanners and biometrics data sharing that may be used to identify indigenous leaders, support for Pegasus and other software used to identify activists and political opposition leaders, or any other direct or indirect support. This

[3] http://www.oas.org/en/iachr/expression/showarticle.asp?lID=1&artID=1216

information should include the chain of command that allowed U.S. assistance to be used to undermine democratic processes and any other uses that are against the intent and interests of the United States, as well as an acknowledgement of any false statements or misleading facts provided to the United States by Guatemalan officials about this event.

- Provide specific, detailed information regarding any U.S. coordination with the Guatemalan police, military intelligence units, public ministry, and any other government divisions involved in the State of Exception.
- Evaluate any U.S. funding streams or support through International Financial Institutions for the Fenix mine or related projects in the region that support the mine.
- Evaluate U.S. support and training for the Guatemalan police and military in accordance with human rights conditions placed in the 2021 State and Foreign Operations Appropriations law. We also urge you to fully enforce the Leahy Law, which prohibits assistance to individuals or units of any foreign military or police body that commit gross human rights abuses with impunity. The State Department, including our embassy in Guatemala and the Department of Defense, must take a consistent and public stance supporting those threatened with human rights abuses, and strongly encourage the investigation and prosecution of those perpetuating crimes.
- We also ask that you immediately block assistance to state agents involved in the State of Exception and related repression in El Estor.

The devolving situation in El Estor is deeply concerning and emblematic of the government's disregard for the rule of law. The U.S. must use all diplomatic channels available to help ease tensions, prevent U.S. aid from being used in ways that are counter to our policy objectives, including the undermining of democracy and the violation of human rights. We must additionally ensure the immediate termination of the State of Exception, which has had a disproportionate impact on indigenous Maya Q'eqchi' communities in particular journalists and human rights defenders, including plaintiffs in a case against the mine's previous owner.

Sincerely,

Raúl M. Grijalva
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Norma J. Torres
Member of Congress

Alan Lowenthal
Member of Congress

Juan Vargas
Member of Congress

Ilhan Omar
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Rashida Tlaib
Member of Congress

Joaquin Castro
Member of Congress