

# **Territories, Mega-Mining and the Defence of Indigenous Cultural and Natural Heritage: Case Studies from Mexico**

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**Abstract** This paper addresses the relationship between the defence of Indigenous territories against mining processes and the defence of their cultures and both daily and ritual manifestations. This is a mutually strengthening relationship that is based on the cultural significance of territory and the territorial roots of cultural practices. I describe two cases of the different uses of the demand for cultural recognition as a means for territorial defence in Mexico. The Wixárika people have claimed the sacred territory of Wirikuta as ICH, appealing to national and international institutions for its protection. The peoples of the Montaña Region of Guerrero appealed at Land Law and for the right to free, prior and informed consultation, while rejecting institutional projects of territorial protection.

**Summary** 1 Preliminary Remarks. – 2 Geo-graphies, Territory and Rituals. – 3 Indigenous Geo-graphies and Territorial Looting. – 4 “Wirikuta no se vende, ¡se ama y se defiende!”. – 5 Mining and Community Resistance in La Montaña of Guerrero. – 6 Heritage and Autonomy. – 7 Culture and Territory: Mutual Defence in Contexts of Violence.

**Keywords** Indigenous people. Mining. Mexico.

## **1 Preliminary Remarks**

This paper addresses the relationship between the defence of Indigenous territories against mining processes and the defence of their cultures and both daily and ritual manifestations. This is a mutually strengthening relationship that is based on the cultural significance of territory and the territorial roots of cultural practices, whose interweaving is inseparable and valued in contemporary Indigenous struggles. Territorial protection and cultural heritagisation are controversial mechanisms that at times are sought after (while at other times being rejected) by the Indigenous peoples of Mexico. I will describe two emblematic cases of the different uses of the demand for cultural recognition as a means for territorial defence. In the first case, the Wixárika people have claimed the sacred territory of Wirikuta as ICH, appealing to national and international institutions for

its protection. In the second case, the people of the Montaña Region of Guerrero used a strategy based on Land Law and appealed for the right to free, prior and informed consultation, while rejecting institutional projects of territorial protection.

## 2 Geo-graphies, Territory and Rituals

Ceremonies, rituals and festivals are living and changing expressions of contemporary Indigenous cultures. They include the world view that characterises each group, and reaffirm the close link between people and the territory where they live, therefore invoking a positive relationship with the natural elements on which human survival depends.

In reference to the concept of geographer Carlos Walter Porto-Gonçalves, I understand *territory* as an entity formed by culture and history, a place “in which identity is rooted in that which binds the real, the imaginary and the symbolic” (2001, 9); culture appropriates land, gives it meaning, and co-evolves with nature, defining the collective and individual identity of its inhabitants.

The mutually constitutive relationship between territory and culture has been widely studied within the field of anthropology. Gilberto Giménez coined the definition of *cultural territories* as being “often superimposed in terms of geography, economy and geopolitics, as seen from space-expressive symbolic appropriation” (2000, 26). Giménez demarcates three dimensions in the relationship between culture and territory: territory as a form of cultural objectification; a range of institutions and spatially localised cultural practices (for example ritual and ceremonial practices); and as an object of representation, emotional attachment and a symbol of socio-territorial belonging (Giménez 2000, 28-9). In his definition of *biocultural territory*, Eckart Boege (2008) insists on “domesticated biodiversity” and the “use of natural resources as cultural patterns”. Finally, the interdisciplinary perspective of ethnoecology has defined the *cosmos-corpor-praxis set*, that is the “productive practice (*praxis*) organized under a repertoire of traditional knowledge (*corpus*) and, relating the interpretation of nature with that task, the symbolic system in relation to the belief system (*cosmos*) connected to rituals and origin myths” (Toledo et al. 1993, as quoted in Boege 2008).

According to Zárata, the ritual space is “a privileged area used to show the processes of meaning and symbolic appropriation of a particular territory” (2014, 207). The *geo-graphies* (Porto-Gonçalves 2001) of Indigenous territories are culturally and symbolically marked: mountains, springs and other natural sites are sacred places of worship, where there are natural forces, powers and saints that arrange the world and give meaning to human existence; paths and roads are the busiest pilgrimage routes for many communities during rituals and celebrations.

### 3 Indigenous Geo-graphies and Territorial Looting

In recent years, the indiscriminate exploitation of natural resources has jeopardized not only territorial integrity, but also the survival of cultures and peoples themselves. This ‘predatory capitalism’, based on the plundering of natural resources, is the clear manifestation of the process defined by Harvey (2004) as “accumulation by dispossession”, which is the commodification of natural and cultural commons, and its intensive exploitation (in most cases of a transnational nature and export-oriented for consumption on the world market).

Territorial expropriation connected to the ‘new extraction’ process (Dougherty 2016),<sup>1</sup> where territories are uniformed and converted into enclaves of export, involves the expropriation of ecological, economic and socio-cultural diversity, which are deeply intertwined dimensions (Escobar 2011).

As a form of colonial violence, expropriation is basically an expropriation of livelihood, the means through which life forms emerge and are re-created. (Machado 2011, 147)

In addition to being one of the most aggressive forms of territorial looting, mining represents a paradigmatic expression of the same: “probably more than any other activity, the historical evolution of modern mining is intrinsically linked to the emergence, constitution and political avatars of colonialism/coloniality” (Machado 2011, 141), particularly in Latin America. This renovated colonial process has a particular impact on violence towards Indigenous peoples: in Mexico, 14% of the national territory is under mining concessions,<sup>2</sup> a figure that rises to 17% in Indigenous territories (Boege 2013;<sup>3</sup> López Bárcenas s.d.). The country’s current Mining Law determines that mining is the preferred utility over any other activity on the ground, which can lead to territorial expropriation in order to carry out mining activities over any other interest. This contravenes the provisions of ILO 169 Convention, which raises the fundamental right to consultation (López Bárcenas 2010, 2013).

Today the traditional underground mines, which continue to claim dozens of lives in the explosions and landslides occurring inside, have largely

1 The phrase refers to “industrial transformations in global extractive industries, which encourage the expansion of extractive activity across the global south and elicit greater levels of resistance from civil society across a scalar level” (Dougherty 2016, 3).

2 Gobierno de los Estados Unidos Mexicanos 2015, 533.

3 Boege, Eckart (2013). “Minería: el despojo de los indígenas de sus territorios en el siglo XXI”. *La Jornada del Campo*, 69, 15 junio.

given way to the even more nefarious opencast mining, or ‘toxic megamining’, which uses huge quantities of water and chemicals such as cyanide and arsenic, and causes grave environmental liabilities.<sup>4</sup> Due to this situation, the OCMAL has identified at least 212 conflicts, of which 38 are in Peru and 37 in Mexico.<sup>5</sup>

Indigenous peoples are the ones most affected by this process due to the wealth of the territories they inhabit and the relationship that Indigenous societies have with territory, expressed in the whole of *praxis-corpus-cosmos* (the practices of agricultural use, health-based, social and economic knowledge connected to territory, and the symbolic and ritual universe that give it order). For this reason, territorial expropriation often means cultural destruction and ethnocide.

Moreover, Indigenous peoples are the main protagonists of the struggles of resistance against territorial looting projects. Within the territorial and cultural defence there is a relationship of necessity: ‘biocultural’ territory is a condition for cultural reproduction, therefore the perpetuation of cultural events is a form of territorial defence, as is the explicit defence of cultural corpus by means of immaterial heritage defence. At the same time, the Indigenous peoples’ defence of land and territory involves the defence of cultural corpus as a whole. The defence of holy places for Indigenous spirituality and ritual geography, of biodiversity that is the basis for medicine and traditional food as well as production activities, is the driving force of the struggles that utilise creative mobilisation, direct action and legal struggle.

The struggles for territorial defence are therefore protecting a way of life; these manifestations represent the resistance to neo-colonial expropriation. As an expression of diversity, cultures and their manifestations are a form of resistance practiced by individuals, historical subjects of their own particular cultures, economies and ecologies.

#### **4 “Wirikuta no se vende, ¡se ama y se defiende!”**

The Wixárika people currently live in central-western Mexico, in the Sierra Madre Occidental.<sup>6</sup> Their territory spans over the states of Jalisco, Nayarit, Zacatecas and Durango. In the Wixárika culture, the spiritual plane has

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4 These are “solid or liquid residues that are generally dangerous to the environment and human health that are left as remnants of mining activity” (Infante 2011, p.3).

5 See [http://mapa.conflictosmineros.net/ocmal\\_db](http://mapa.conflictosmineros.net/ocmal_db) (2017-12-15). The conflict in the Montaña Region of Guerrero is not taken into account by the Observatory, therefore the figure for Mexico increases to 38 conflicts.

6 The title of the paragraph is the slogan for the campaign for the defence of the sacred territory of Wixárika people.

a special relevance and articulates the other organisational aspects: self-government, healing and educational processes, administration of justice, as well as material production and reproduction, *i.e.* agriculture and trade.

The 20,000 Wixárika, people living in the five communities and political-ceremonial centres as well as in remote villages located amongst about 50,000 ha of arid mountains and deep canyons, have interwoven their territory for centuries.

They do blood sacrifices, ceremonies and pilgrimages to holy places located throughout western Mexico. These practices relate changing kinship ties and subsistence production sites with a surrounding system of worship, religious posts in native temples and long pilgrimages to sacred sites that are part of what is called a 'root' network. [...] Over the centuries, this system of social organization has spread throughout more than 90,000 km<sup>2</sup> in five states that make up the ceremonial territory or *Kiekari*. (Liffman 2012, 37)

The Wixárika territoriality expresses the ritual relationship between Indigenous families and their gods: *Kiekari* (cultural territory) is constructed within the connection between the shrine (*xiriki*) that exists in every household and the twenty temples (*tukipa*) located on the ancient roads, which lead to the five corners of creation that define the east, south, west, north and center boundaries of the territory (Liffman 2012, 95). Each cardinal point corresponds to a sacred site, the Wixárika centre of "radial territoriality" (Liffman 2012, 37).

The pilgrimages along the sacred *geo-graphy* instituted a spatial order of the lived world while rituals and sacrifices made in every shrine, temple or sacred site maintain reciprocity between the people and their gods, and therefore control natural phenomena and the fertility of the earth and the people.

For the Wixáritari<sup>7</sup> people, pilgrimage is part of their way of life and living in the world and it asserts a logic of territorial appropriation that goes far beyond the territory used for living and production (subsistence and material reproduction), covering a broad range of that which is 'symbolic' and equally necessary to cultural reproduction. Therefore, the Wixáritaris claim cultural rights to a territory that, according to land legislation, belongs to other population centres, which are often non-Indigenous communities.

This is the case of the Wirikuta sacred site, which lies more than 400 km in a straight line from the center of the territorial residence of the Wixárika people. Wirikuta covers a large area (140,200 ha) between the

7 The collective name of the Wixárika people.

plains and the Sierra de Catorce. The Cerro Quemado, home of Father Sun Tatewari and Big Brother Tamatsi Kauyumare, the Deer, “seated above the garden of peyote in the Wirikuta desert” is in the mountainous part (Liffman 2012, 129). Those in charge of the religious Wixárika rituals from each settlement and each temple make an annual pilgrimage to this place. This journey is done on foot and takes about forty days round trip. Upon reaching Wirikuta, the *kawiteros* carry the sacrificial offerings to the rising sun and ‘hunt’ the peyote, a sacred cactus that represents the god-deer, and has entheogenic and psychedelic properties. They take their ‘meat’ back home to renew the life of the whole group, because the peyote-deer will turn into corn following its ceremonial consumption (Liffman 2012). In Wirikuta, there are an array of altars located on hills and springs.

The sacred territory of Wirikuta has been the object of protection and heritagisation policies that are supported by the authorities and representatives of the Huichol people. The strategy that focuses on cultural territory heritagisation is explained by the fact that the Wixaritari do not inhabit many of the territories they claim as part of their own biocultural territory, and therefore cannot defend them by means of demanding compliance with property rights grounded in agrarian legislation.

In 2001, following an express request by the Wixárika people, the state government of San Luis Potosí declared Wirikuta and the Ruta Wixárika Histórico Cultural as a Natural Sacred Site and a ANP, with an area of 140,000 ha. According to the Area Management Plan (212), to “dump or discharge pollutants [...] or divert water flows; and substantially modify the landscape” is prohibited in the core zone. Since 2004, the INAH has requested that Wirikuta be registered on the WHL of UNESCO,<sup>8</sup> but the application has not been successful, as I will later explain. It is evident that the Mexican government does not have much interest in the process, as the eventual recognition of the sacred heritage site would restrict mining activities in the area, particularly those which have been widely favoured by Mexican authorities.

The heritagisation claim of the Wixárika sacred territory has intensified as a defence strategy against mining. Although underground mining has marked the region since the colonial era, this activity reemerged as open-cast mega-mining with an enormous devastation potential. In 2005, the Canadian company *First Majestic Silver* obtained 22 concessions, totalling 6,300 ha, 70% of which are within the ANP (approximately 45 km<sup>2</sup>). But the greatest threat came in 2011 with the Universo Gold-Silver Project, launched by *Revolution Resources* (Canada) and *Frisco* (Mexico), concessionaires of 59,000 ha, which equates to 42% of the total surface area of the ANP.

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8 <http://whc.unesco.org/en/tentativelists/1959/> (2017-12-15).

If allowed to advance in mineral exploitation, such projects could irreparably damage Wixárika cultural reproduction, whose high level of resilience manifested over the course of time could hardly resist the transformation of a sacred mountain into a crater, the ‘garden of peyote’ into a plain to be crossed by endless traffic of cargo trucks, and the sacred springs into poisoned wells.

Using heritage discourse as tool for territorial defence, in 2012 the Unión Wixárika de Centros Ceremoniales Jalisco, Durango y Nayarit A.C., requested UNESCO to register the Wirikuta Pilgrimage on the USL,<sup>9</sup> with which they seek not only the heritagisation of the territory, but also of the lived and performed space that takes part in the pilgrimage.

In 2013, the Unión Wixárika and the Consejo Regional Wixárika released a statement demanding that the Mexican government “initiate and carry out the process for our sacred territory of Wirikuta to receive protection and the effective recognition by UNESCO, not only regarding the 2003 UNESCO Convention, but also the 1972 UNESCO Convention”.<sup>10</sup>

The legal defence strategy held up by the Wixárika people’s representatives against the mining companies, focused on the lack of respect for the right to free, prior and informed consultation, as recognised by the ILO Convention no. 169. They claimed that Indigenous land rights do not only include land and surfaces on which they have established their communities, but that habitat and environment must also be recognised. The right to consultation has also played an important role in the negotiations related to the recognition of Wirikuta’s heritage. In 2013, the ICSICH rejected the registration of the pilgrimage on the homonymous list because the Mexican government did not involve all Wixárika communities in the consultation process; this was done in a way that the right to consultation (that the Wixárika communities made an appeal for) was used against them, and the Mexican government benefitted from their faults. It is important to note the underlying vice in UNESCO’s decision, which limited itself to only lightly pointing out the fact that the government itself put the site at risk by granting mining concessions.

Between 2012 and 2013, appeals filed by the Consejo Regional Wixárika en Defensa de Wirikuta were accepted and all mining concessions within the area were suspended (but not cancelled) in order to resolve the conflict. These concessions will remain valid until 2060.

Like the legal defence, which has appealed to both international law and forums (such as the UN) and to national legislation and Mexico’s own regu-

9 *Declaration of the Unión Wixárika to propose the Wirikuta Pilgrimage as Cultural Heritage of Humanity*, 13 March 2012.

10 <https://cencos.wordpress.com/2013/07/02/el-consejo-regional-wixarika-y-la-union-wixarika-plantean-se-declare-wirikuta-patrimonio-natural-y-cultural-y-no-solo-inmaterial/> (2017-12-15).

latory system, the campaign that was organized to inform, raise awareness and coordinate protests was carried out amongst different social spheres. On the one hand, it opened up the possibility for organisations and solidarity groups to participate in some of the traditional celebrations, thus sharing sacred rituals with those who showed willingness to support the anti-mining struggle. The risk of desacralising the discourses and practices that had previously been covetously concealed, an implicit element of this process, is justified by the imposing risk perceived by the Indigenous people (Liffman, forthcoming). Examples of this process are the recurring invitations to NGOs, the media and 'organized civil society' to participate in the rituals and spiritual ceremonies that give structure to the calendar and take place within the sacred sites of the Wixárika geography. This began with the opening of the collective divination held in Pariteka, the point of the sun's emergence, in February 2012.

Also, the Consejo Regional Wixárika itself has favored "the almost museum-like exhibition of sacred symbols, practices and discourses by Wixáritari ceremonial experts" (Liffman, forthcoming) as well as the spectacularisation of some of the most striking and folkloric artistic manifestations. It has promoted the widespread dissemination of a standardised image of the Wixárika people by using a broad spectrum of media and promoting massive events.

An example of this was the Wirikuta Fest in 2012, which had the intention of socialising the cause and raising funds to support the overall defence of Wirikuta. The event was attended by more than 55,000 people, and a dozen well-known rock bands performed at the show. Between 2010 and 2014, several short documentaries were made and a feature film was released with significant international production and distribution. *Huichol. The Last Guardians of Peyote* (Hernan Vilchéz and Paola Stefani, 2014) tells the history and traditions of the Wixárika people.

## 5 Mining and Community Resistance in La Montaña of Guerrero

The Montaña Region of Guerrero, in southern Mexico, is inhabited by different Indigenous groups, such as the Mè'phàà, Na saavi and Nahua, as well as by non-Indigenous communities.

The territory of the Montaña Region, like the Wixárika *Kiekari*, is socially and politically constructed by the collective subjects who inhabit and claim it, while at the same time being the object of strong ritualisation practices. For example, the Mè'phàà celebration of Tata Bègò or San Marcos, which separates the dry season from the rainy season, is a stage of the ritual cycle that continues with the feast of the Holy Cross, which coincides with the planting of corn, in early May. There is a feast in honour of San



Miguel where the first new corn<sup>11</sup> is received, and in January there is a fire ceremony that celebrates the community authorities taking on their new positions and gives thanks for the harvest (Dehouve 2007, 2010; Guerrero Gómez 2006). This ritual cycle – which is practiced amongst the different Indigenous communities – accompanies the agricultural cycle and shows how material production and social and symbolic reproduction are closely linked and rooted in territory and natural elements. The territory of the Montaña Region is a symbolic map marked by multiple sacred sites, where rituals dedicated to *natural powers and spaces* are held and regulate the lives of women and men: Agu (Fire), Ak<sup>h</sup>a? (the Sun) and Gõ? (the Moon), Mbaa (Earth), Huba (Hill) and the Water Spring.<sup>12</sup>

Festivals and ceremonial dances, with music, costumes and masks that contain the characteristics of each of these elements, are one of the most valuable aspects of Mè'phàà culture. The participation of young people, children and the elderly, women and men, each with their own role, shows that the permanence and reproduction of the celebrations and rituals is not to up for debate, despite intense migration and cultural globalisation (Gasparello, forthcoming; Neff 1994).

For years, the Sierra and Montaña regions have been in the crosshairs of mining companies, since they make up what is known as the 'Golden Belt'. This is the area that houses the largest gold mines in Latin America (Los Filos-El Bermejil and Nukay in the municipality Eduardo Neri, Media Luna in the municipality of Cocula, and others), all of which are opencast and operated by foreign companies. From 2010 to 2014, the mining concessions pertaining to the territory of the state of Guerrero doubled, rising from 10.66% to 22.62%.<sup>13</sup>

According to the Tlachinollan Human Rights Center, in the Costa Chica and Montaña regions "between 2005 and 2010, almost 200,000 ha of land have been turned over by the Federal Government to foreign companies by means of 50-year concessions that allow them to conduct exploration and mining without regard to the Indigenous peoples' rights to territory and consultation".<sup>14</sup>

Two major concessions affect the Montaña Region: the Diana-San Javier

11 This refers to tender, new ears of corn. In Mexico, as in the rest of Mesoamerica, corn is the base of the Indigenous peoples' diet, which is why it has been made sacred and ritualised since the pre-Hispanic era.

12 The phonetic transcription of these words is taken from the *Basic Mè'phàà vocabulary*. SIL-Mexico Electronic Working Papers, 9. URL <http://www.mexico.sil.org/resources/archives/56751> (2017-12-15).

13 Secretaría de Economía (2014), *Panorama Minero del Estado de Guerrero*. México: Servicio Geológico Mexicano.

14 <http://www.tlachinollan.org/Casos/mineria-en-la-montana-y-costa-chica-de-guerrero-simbolo-de-esclavitud.html> (2017-12-15).

concession in the eastern part, and that which came to be known as the Corazón de Tinieblas in the western part. The first of the two is an active mining project led by the Canadian company Camsim Minas on a concession of approximately 15,000 ha. In the second case, the granting of 50,000 ha affects the lands of several Indigenous communities: Totomixtlahuaca, Acatepec, Tenamazapa, Pascuala de Oro, Iliatenco, Tierra Colorada, Tilapa, San Miguel del Progreso and Colombia de Guadalupe. The concession was granted to the English company Hochschild Mining, who left the project in 2016 after being sued by the affected communities; however, the concession is still valid and available.

But the Indigenous peoples of these lands know how to defend their rights. This is where dozens of Mè'phàà, Na Saavi, Nahua and Mestiza communities in 1995 formed the CRAC-PC, an autonomous organisation that is responsible for ensuring security and justice in the region. In November 2010, company officials from Hochschild Mining, which at the time was the holder of the Corazón de Tinieblas concession, presented themselves at the offices of the CRAC-PC to report that they would perform overflights in the region and that they were given permission to do so by the INEGI and the SEDENA.

The CRAC-PC soon began to alert communities across the region by organizing an information campaign and resistance against extraction projects. The mobilisation was immediately joined by productive associations, community radio stations that broadcasted in the area, as well as students and professors at the Universidad de Pueblos del Sur and Universidad Intercultural de Guerrero, which are both based in the region.

Since 2011, regional assemblies frequently took place so as to define a strategy for the integrated defence of the territory. The Indigenous communities of the Montaña Region claimed the need to safeguard ecological, cultural and productive integrity, and expressed their rejection of any extractive intervention, regardless of the compensation offered. At the same time deep internal conflicts impacted the CRAC-PC, which have been interpreted as 'the engineering of conflict', which is a divisive tactic that is often implemented by transnationals to undermine the organisational capacity of those who oppose dispossession by their projects (Mercado Vivanco 2014).

Affected agrarian groups mobilised their community structure (based on the cargo system and the communal assembly) in the organisational process that gradually developed against mining. In 2011 the CRAADT was formed. Through mobilisation, the Council has reached national visibility declared the Montaña Region as a "mining-free territory" in July 2015.

Unlike the heritage claim of the Wixaritari, the CRAADT of the Montaña categorically rejects all mining concessions and the creation of the Biosphere Reserve in the Montaña, which was proposed in 2012 by the CONANP and the SEMAREN, with the institutional support of the Univer-

sidad Intercultural de Guerrero. The Concejo claims that the inhabitants of the twelve villages that would be affected by the Reserve project (with a total area of 157,896 ha) have not been consulted, as in the case of the mining projects.

Therefore, it states that

We, the Native peoples of the Montaña Region, publicly reiterate our opposition to the creation of a biosphere reserve in this region that is forgotten by the government authorities of Guerrero, because it implies that the federal government may take control of our ancestral lands; it would also subject us to legalities that are foreign to our ways of community organization, prohibiting the practices of our traditional activities related to the use and enjoyment of our natural resources. Our concerns about the impact of the conservation and mining projects that the government is promoting on our lands are serious, legitimate and informed.<sup>15</sup>

There is an explicit rejection of conservation policies through which natural commons can be used to access “programs of national or international stimuli, such as payment for environmental services, and access to green or fair markets” (CONANP).<sup>16</sup> The Consejo claimed that “our communities will be in charge of the regulation, monitoring and maintenance of ancestrally conserved lands. No longer will we accept certificates, or enroll in any official figure of our ancestrally conserved lands”, emphasising the collective and historical (ancestral) responsibility of Indigenous peoples in the effective conservation of their territories.

In addition to the mobilisation, the Tlachinollan Human Rights assisted in devising a legal defence strategy against mining concessions. The strategy is based on international laws regarding human rights, and national agricultural legislation. In the first stage, ‘tough’ assemblies were carried out in many villages. In these assemblies, the eligible shared land owners voted on Agreement Acts in which it was stated that exploration and mining were not allowed on their territory. Those Acts were then noted in the Registro Agrario Nacional.

In 2013, the community of San Miguel del Progreso (*Juiba Wajiin* in Mè’phàà), whose territory makes up 80% of the Corazón de Tinieblas concession, filed a petition for relief stating that the delivery of concession titles based on the Mining Law violated the Constitution and international treaties ratified by the Mexican State. The ruling issued in 2014 found that

<sup>15</sup> Consejo Regional de Autoridades Agrarias en Defensa del Territorio, Press Release, 29 April 2013.

<sup>16</sup> [http://www.conanp.gob.mx/que\\_hacemos/areas\\_certi.php](http://www.conanp.gob.mx/que_hacemos/areas_certi.php) (2017-12-15).

the Mè'phàà community's rights had been violated due to the granting of concessions that did not respect their right to free, prior and informed consultation, as provided in ILO Convention no. 169. Finally, the case went on to the Supreme Court after pointing out the unconstitutionality of the Mining Law.

In 2016, with the ongoing trial, Hochschild Mining withdrew the project from the region. The concession, however, is still available for new investors.

## **6 Heritage and Autonomy**

In this context, the question arises whether the characterisation (and the eventual legal protection) of cultural and spiritual expression as ICH and of territory as CNH can be useful tools for their defence.

The arguments in this respect are contradictory. As we see in the case of the Wixárika people, the use of heritage as a means of protection can be a powerful tool for the legal defence of territory and culture. The vision of CH 'from below' refers to a "sense of belonging focused on the constitutive role of ideas and cultural values of individuals, communities and nation states as [...] an event created by the free decision of a group of people to take, carry and transmit cultural behavior" (Arizpe, Nalda as quoted in Machuca 2004, 75).

But the heritagisation of life also has many risks. Heritage is a value-laden representation of a hegemonic project of symbolic domination, a concept which "involves the regulation and negotiation of the multiplicity of meanings of the past, as well as the arbitration or mediation of cultural and social policies of identity, belonging and exclusion" (IUAES-ISCC Commission on ICH 2012, 27). An important limit found in heritagisation processes involving Indigenous peoples and cultures lies in the racist and mononational prejudice (one State = nation = culture) that characterises the institutional participation of many states, as is the case of Mexico. Therefore, to consider Indigenous cultures and cultural territories as 'intangible heritage of Mexico' avoids the explicit recognition of culture bearers as the rightful owners of their cultural manifestations.

In the case of heritagisation processes of natural and cultural goods, the most obvious risk is its 'extractive' use, that is with the aim of dispossessing the inhabitants (in this case Indigenous peoples) of their sovereignty over the territories where they live and with the right to determine their own forms of land use and development plans. This reality is evident in the ruling of the CRAADT in the Montaña Region of Guerrero, which counters State conservationism with Indigenous practices that have 'ancestrally preserved' territories, in a discourse laden with essentialist tones that categorically and unequivocally reaffirms sovereignty and Indigenous col-

lective rights.

Among the risks linked to the heritagisation of culture, Villaseñor and Zolla Marquez show that “the criteria used by UNESCO to determine intangible heritage, privileges the safeguarding of specific cultural products to the detriment of the processes and relationships that determine their production. Thus, the declarations tend to focus on the recovery, protection and promotion of visible and material traits of a cultural practice (such as a celebration, a dance, a ritual or a market), and not on the social logic that gave rise to it” (2012, 83).

In this perspective, it is particularly dangerous to heritagise ritual life (included in the UNESCO 2003 Convention)

because it implies the possibility of generating conflict between cultural values conferred by external individuals and institutions, and the religious meaning established by those who practice them. (Villaseñor, Zolla Marquez 2012, 88)

A risk of this type has been mentioned in connection with the exhibition of Wixárika ritual events and ceremonies, and this is made evident when there is a blurred distinction between intimate rituals and the public sphere, a division that is controlled by the Wixárika spiritual and ritual authorities. According to Liffman (forthcoming), in the case of Wirikuta, the gap between the material features (objects of heritagisation that are exhibited in the public sphere) and relationships (which characterise ritual and social logic) is evident in territorial objectification.

For example, public discourse tends to emphasize the permanence of the sacred in the landscape of a Wirikuta whose boundaries are clearly drawn on a map. On the other hand, the classic shamanistic discourse does not place so much emphasis on stability but rather on variability and other places related to the deified ancestors. (Liffman, forthcoming)

ICH is specifically made up of a system of interlocking elements, ranging from the sociocultural context to specific objects, and includes landscape and territory, “an intangible element that represents fundamental support for the identification of cultural heritage” (Machuca 2004, 83).

The territorial definition of heritage is a problem that has not yet been resolved and that recent research suggests is very important, as several Indigenous peoples in Mexico are struggling to safeguard their holy sites, which are recognized by ILO Convention no. 169. Although they have great strategic value in specific contexts, protection policies often involve vertical and hierarchical decisions; also, “the process of ‘heritagisation’ of human actions always involves the creation of monitoring systems and quality evaluation” (Commission on Intangible Cultural Heritage 2012, 26).

Therefore I believe that, in addition to protecting cultural, tangible and intangible heritage, legislation and public policies should be directed towards the recognition of Indigenous peoples' broader right to autonomy, which includes both the territorial aspects, such as those that are cultural and political by nature, and the power to govern their territories and have full decision-making rights in the projects that are developed within their communities. According to the position expressed by Macmillan, Indigenous struggles for recognition include the claim to political, economic and social rights, and "require something more than just the protection of their cultural heritage"; the protection of TK and TCE's "is first and foremost a question of Indigenous peoples' rights" (see Macmillan, in this volume).

## 7 Culture and Territory: Mutual Defence in Contexts of Violence

The 'personal' and direct relationship between the inhabitants and the natural elements that make up the *geo-geography* or *biocultural territory*, expressed in offerings and pilgrimages, is a supporting element that explains why one should live in a certain place and not elsewhere, and is what gives radicality to community defence against extractive megaprojects. While territory is a space for natural, economic, cultural and organisational production and reproduction, those who live there will not allow for it to be transformed into a 'sacrificial zone', that is an empty space that is functional to private interests by eliminating the population and its previous ways of life (Porto-Gonçalves 2008).

Territory loses the meaning of its identity and fails to produce the imaginary when the close and mutually dependent relationship between people and nature is broken (the disappearance of agricultural activities, implementation of other forms of subsistence and passive welfare programmes, land use as payment for environmental services or monocultures for export) or when conditions do not allow for individual and collective life (pollution or situations of extreme violence such as war, militarisation, paramilitarisation, or occupation by organised crime).

In addition to the processes of resistance to territorial dispossession, there are increased conflict and direct violence in the different regions of Mexico that are affected by extractive projects, which add to the conditions of structural violence already present in those areas. This creates social vulnerability and represents a serious violation of individual and collective human rights, which Rodríguez Garavito (2012) has defined as *mined social fields*. In case studies, there is a direct link between mining megaprojects and disputes such as the fragmentation process of the community's social fabric and the polarisation of the population between those who are in favour of the projects (and particularly those who support the easily bribed local authorities) and those who oppose it. Mining compa-

nies have been known to use paramilitary groups and criminal gangs for intimidation purposes, as well as judicial and repressive actions by the state apparatus against opponents.

Moreover, mining companies will take advantage of situations of violence that lead to community displacement and negotiating with violent actors guarantees the continuation of their activities. An example of this is the situation in the 'Golden Belt' of Guerrero, in the municipalities of Iguala, Cocula and Eduardo Neri, where the terror imposed by criminal groups linked to drug trafficking and colluded political and public security institutions has caused thousands of people to abandon their villages and land. On a larger scale, the mining industry, although formally legal, is optimally developed in situations where legality and state control is weak, because their activities involve a long series of violations of individual and collective rights that would not be permitted in a situation where 'rule of law' was present. Also, the hybrid nature of mining activity that falls between legal and illicit formally allows for negotiations with both institutional representatives and organised crime. This protects their operations in exchange for certain compensations.

In defending their territory, Indigenous peoples also defend their culture and sense of existence, that is their identity as *peoples*. The persistence and strengthening of cultural and spiritual manifestations that are linked to the territory is also a form of resistance as it reclaims the meaning of territory beyond mere economically exploitable resources.

These processes of resistance to exploitation and self-defence are multiplying throughout Mexico. Like the Wixárika peoples' fight to save the sacred sites of Wirikuta from the voracity of mining, the native peoples of Guerrero protect their Montaña Region and assert their right to autonomy. "Mining will never happen on our territory. We will defend our land at any cost, even if it costs us our life" says Pedro, who as a young boy began to participate in the ceremonial dances of his community, Colombia de Guadalupe, in the heart of the Montaña Region. He knows that Tata Bègò, the 'Lord of Lightning and the Mountain', is on their side.

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