



Intersectional Justice in Extractivism for the Energy Transition: Decolonial and Gender Perspectives

Thesis Project Industrial Ecology

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Cover: Two fishermen at Lake Izabal, 2025, taken by Kaatje Bout

Executive Summary

The accelerating global energy transition has intensified demand for the minerals and agricultural commodities required for so-called “green” technologies, driving a rapid expansion of extractive industries. While these processes are commonly framed as necessary and sustainable, they often generate severe social, environmental, and spiritual harms, disproportionately affecting Indigenous communities in the Global South and women. Different harms are not experienced in isolation, but are able to compound and mutually reinforce one another through intersecting structures of power related to race, gender, class, and coloniality, producing intersectional experiences of marginalization.

This thesis examines how extractivism for the energy transition is experienced and resisted, through intersectional decolonial and gender justice perspectives, asking:

“What do intersectional decolonial and gender justice perspectives reveal about the impacts of and resistances to extractive industries, grounded in the case of Iximulew (Guatemala), and how can these inform more inclusive international governance approaches?”

The research is grounded in a qualitative case study in the region around El Estor, Iximulew (an Indigenous name for Guatemala), where Indigenous Maya Q’eqchi’ communities are affected by nickel mining and palm oil monocultivation. This region is particularly relevant, as both extractive activities are closely linked to the global energy transition: nickel is a key input in battery production, while palm oil is widely used for biofuel. The case study in El Estor aims to center lived experiences and Indigenous knowledge systems that are often underrepresented, or actively repressed, in academic and policy debates surrounding extractivism. The study employs a mixed-method approach, combining interviews with community members, human and environmental rights defenders, (female) leaders, journalists, and activists, alongside participatory research and document analysis. Data are analyzed through a reflexive thematic analysis and a constructivist analysis, both grounded in an intersectional decolonial ecofeminist framework informed by critical theories and feminist political ecology.

The findings show that understanding extractivism in El Estor requires first understanding the Q’eqchi’ cosmivision, which offers counter-hegemonic conceptions of Territory, justice, and development. Territory is understood as a living, relational entity encompassing humans, nonhuman beings, ancestors, and spirits, rather than as property or resource. Justice and development are grounded in balance, reciprocity, care, intergenerational responsibility, and a collective vision of Buen Vivir (‘Living Well’). These perspectives stand in sharp contrast to extractivist logics rooted in colonial and patriarchal hierarchies, accumulation, and individual, short-term profit.

From this worldview, testimonies from El Estor reveal extractivism as a multidimensional process of dispossession, harm, and resistance. Beyond territorial loss and environmental degradation, extractive industries erode social fabrics, undermine spiritual relationships with the Territory, and produce long-term psychological and collective wounds. These impacts are deeply gendered. Indigenous women face intersecting forms of marginalization, including systemic exclusion, intensified care burdens, and heightened exposure to gender-based violence, while simultaneously emerging as central agents of resistance who defend and care for communities, territories, and future generations.

Through a constructivist analysis of the case study findings, the thesis demonstrates how extractivism, coloniality, and patriarchy intersect across the domains of the colonial matrix of power: authority, economy, knowledge, subjectivity, and gender. Together, they form an intersectional structure of powers driven by a shared logic of domination. The concept of twin domination of women and nonhuman nature highlights how these power structures converge and interact with one another. At the same time, from these harmful intersectional structures of hegemonic power, intersectional forms of counter-hegemonic resistance and healing emerge.

Finally, the thesis connects local struggles in Iximulew to global governance by examining the UN Binding Treaty on Business and Human Rights as a potential regulatory tool for extractive industries. Using participatory observation at the Treaty negotiations, expert interviews, and document analysis, it assesses how intersectional marginalization and resistance perspectives are represented, or excluded, within the Treaty process. While the Treaty presents a historic opportunity to challenge corporate impunity, the analysis indicates that it is still influenced by colonial, patriarchal, and neoliberal assumptions, which

risk reinforcing extractivist development logics and undermining the rights to development and self-determination.

In response, the thesis proposes three interlinked recommendations for the UN Binding Treaty: critiquing dominant definitions of development in Treaty drafts; meaningfully centering Indigenous, feminist, and other counter-hegemonic voices in negotiations; and adopting the Treaty only in a form that is feminist, ambitious, and genuinely representative of pluriversal, intersectional justice. Indigenous women, experiencing extractivism in intersectional ways, emerge as key agents of change whose perspectives are essential for reimagining just governance and guiding truly sustainable and equitable energy futures.

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Positionality Statement

“To understand other cultures, you must understand your own culture. If you do not understand your own culture, you do not even know who you are, and it becomes difficult to understand other cultures.” - Carlos Ernesto Choc

It was challenging to find my place in a research project focused on a culture that is not my own, within a context that I am not familiar with, and on the sensitive topic of decoloniality. To be very honest, I still do not feel completely comfortable engaging with this research, but I believe that this discomfort is also precisely why it is important. Extractivism, coloniality, sexism, and other forms of marginalization are uncomfortable to write about, especially when you are part of a system that benefits from the oppression of others. As a Dutch, white, middle-class, able-bodied, cisgender student who grew up in a privileged, safe, and economically secure environment, I am aware that many of these privileges have emerged through the exploitation of others. Throughout this research project, this became even more tangible and visible.

As a result, I often questioned why I would have the legitimacy or position to study extractivism, as someone who is more on the profiting side of this model. Through inspiring conversations with people differently situated in relation to this issue (Indigenous and non-Indigenous, academic and non-academic), it became clear that having this position within an extractivist system also entails a responsibility to understand it and to use that knowledge in ways that support social action. I therefore believe it is important to face painful histories instead of looking away, as has been done for too long. In relation to the interview quote cited above, writing this thesis is also a way of understanding my own culture, because it requires asking how my culture is intertwined with extractivism elsewhere.

At the same time, this project involved an attempt to understand other cultures than my own. As an “outsider” to the Q’eqchi’ context and communities, my ability to relate to the situation in El Estor has clear limits. For example, the Q’eqchi’ cosmology is not my own, and I cannot fully understand or embody all that it entails. For this reason, I explicitly address my positionality throughout the thesis, instead of only touching upon it in this statement. Continuously situating myself in the research is a way of acknowledging where my understanding is partial and where my interpretations encounter boundaries.

Moreover, as a white, foreign researcher, there was an ongoing risk of power imbalances between myself and the people I worked with. Colonial legacies can produce claims of expertise and authority, positioning the researcher as someone who brings knowledge or solutions. However, I was not at all the one holding expertise in the context I was researching. I sought to address this through the use of decolonial research methods, continuous reflexivity, and conscious efforts toward power sharing.

Lastly, while I am a woman and could therefore relate to women’s experiences to a certain extent, my own lived realities differ greatly from those of Indigenous women, due to the intersectional system of domination that this thesis centers. My social position is shaped by multiple, intersecting factors such as race, class, gender, and citizenship, which situate me differently across structures of power. These positions do not operate along a single line of privilege or oppression, but interact in complex ways that shape lived experiences, access to resources, and exposure to vulnerability. I recognize that, in some situations, my own assumptions about gendered experiences may have influenced how I understood the stories shared by women in El Estor. I tried to mitigate this through continuous dialogue with the ones involved, aiming to be transparent about my own biases and to reflect on where my perceptions of patriarchal systems diverge from the systems in Iximulew.

Taken together, while I cannot detach myself from certain positions or the historical and structural meanings they carry, I can remain attentive to how they influence the research process. Throughout this thesis, I therefore seek to engage with perspectives and methodologies that challenge hierarchical knowledge production and emphasize power sharing. In doing so, I aim to use the insights that I have gained throughout my education and lived experiences, while continuously questioning the assumptions and mechanisms that underpin them.

Author’s note on language

Throughout this thesis, careful attention is paid to language and naming. Indigenous names are used where possible, such as Iximulew for Guatemala and Abya Yala for the American continent, to acknowledge Indigenous self-identification and the political nature of naming practices. In line with the Q’eqchi’ cosmovision, which recognizes the Territory, the Earth and Lake Izabal as living entities, these terms are capitalized. While an effort has been made to extend this practice to other more-than-human entities, it is acknowledged that not all places or terms may have been referred to by their original names or consistently capitalized.

Moreover, in line with Q’eqchi’ cosmovision, this thesis contests a strict human–nature divide. Humans are understood as part of nature and therefore, the terms ‘nonhuman nature’ and ‘more-than-human beings’ are used to refer to natural entities beyond the human.

In this thesis, the term ‘development’ is used critically. While it is a political concept, with colonial and neo-colonial histories that frame development as a linear and universally desirable form of progress (Esteva 2010; Ziai 2016), I still use the term because it remains central to lived struggles. My use of ‘development’ is informed by interviews in which participants strongly critiqued the dominant narrative of development that is used by extractive corporations. However, several interviews highlighted that there are other ideas of what development entails, as emphasized by the interviewee Cesar: “We are called ignorant, anti-development, but we are against ‘development aggression’ by plundering corporations.” Instead of treating development as a singular project, this thesis understands it as a site of ontological tension, where different and conflicting visions of the future are articulated, while remaining attentive to its colonial entanglements (Narayanaswamy 2024). The following quote of the interviewed community leader Pedro Cuc underscores development as a pluriversal concept: “The basic right for an Indigenous person is access to Mother Earth... So, having this right, this access to Mother Earth, we have everything. We have life, we have food, we have freedom, we have our development.”

Lastly, throughout the thesis, the first-person singular (‘I’) is sometimes used, mainly when discussing positionality or reflexive insights.

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1 Introduction

1.1 Problem Statement

The Dark Sides of the Energy Transition: a Global Issue of Extractivism

As climate change becomes widely recognized as an urgent global reality, governments and institutions have placed increasing emphasis on accelerating the transition toward low-carbon energy systems. However, realizing current global ambitions for sustainable energy technologies requires an enormous amount of materials, leading to rapidly accelerating extraction processes in recent years (Muller et al. 2024). These processes take various forms, including the industries central to this thesis: critical raw material mining for batteries and monocultivation for biofuel. Policies such as the European Critical Raw Materials Act (European Commission 2026) and incentives to scale up biofuel production (Souza et al. 2023) illustrate the acceleration of extraction, in the name of generating more sustainable energy.

However, extraction for the energy transition, such as mineral mining and monocultivation, raises social concerns across multiple scales, involving the destruction of nonhuman nature, cultures, worldviews, ancestral origins, and sacred places (Hanaček et al. 2024). While consumption of energy- and resource-intensive goods is concentrated in the Global North, extraction primarily occurs in the Global South, often in Indigenous territories and without Free, Prior and Informed Consent (FPIC) (Luckeneder et al. 2021; Owen et al. 2022).

For instance, although the European Union comprises only about 6% of the world’s population, it consumes between 25–33% of global metals and remains 75–100% import-dependent for many of these resources, relying heavily on China and countries in the Global South (Muller et al. 2024). As extraction for Global North consumption expands, Indigenous territories are harmed, conflicts intensify, communities are displaced, and human rights violations increase (Alford-Jones 2022). In this way, extractive operations often reinforce colonial legacies and structural inequalities (Bogojević 2024).

These extractive practices are encompassed by the concept of extractivism, which refers to the logics and structures of exploitation that underpin and justify environmentally and socially destructive forms of economic organization (Lawrence 2024). Traditionally focused on mineral and fossil resources, extractivism has expanded in recent years to include agro-extractivisms, such as large-scale monocultivation and other forms of resource-intensive agriculture that similarly exploit territories, communities, and ecosystems (Giraldo 2015).

In the rush to decarbonize energy systems, the consequences of these different forms of extractivism are often overshadowed by the claim that the materials and processes involved are “green”. The risks and benefits associated with sustainable energy technologies are often presented as universal, while in practice they are shaped by specific political and economic interests. This raises critical questions: who sets the agenda for the energy transition, whose problems are prioritized, and whose knowledge and experiences are marginalized?

Despite its progressive narrative, the green energy transition remains fundamentally driven by development logics rooted in dominant, male, settler-colonial worldviews (Lieu et al. 2020). These frameworks depend on hierarchical relations that enable the exploitation of some by others, such as women by men, nonhuman nature by humans, and Indigenous knowledges by Western epistemologies, thereby normalizing both environmental extraction and social domination. These forms of exploitation do not operate in isolation, but compound and reinforce each other through intersecting structures of power related to race, gender, class, and coloniality, and are therefore understood as intersectional. Ecofeminist and decolonial scholarship locates the roots of these intersecting extractivist dynamics in intertwined patriarchal and colonial systems in which nonhuman nature, as well as racialized and gendered bodies, are treated as resources to be controlled.

It is therefore necessary to reassess the assumptions and power dynamics that underlie the dominant narratives of a “green” energy transition, especially as global debates increasingly call for just transitions. Still, Indigenous, (eco)feminist, and decolonial analyses of extractivism are too often treated as “add-ons” to mainstream sustainability debates. Instead, these perspectives should be seen as inextricably linked frameworks that expose the colonial-patriarchal roots of extractive harm, and propose transformative

alternatives for just energy futures.

From a Global Issue to Local Realities: El Estor

While these dynamics may appear abstract at a global scale, this thesis grounds its analysis in a local case study in El Estor, Iximulew (the Indigenous name for Guatemala). In this region around Lake Izabal, the largest lake of the country, Indigenous Maya Q'eqchi' communities have long struggled for justice related to territorial, environmental, and human rights violations caused by extractive industries. In the northern part of Lake Izabal, nickel mining is expanding in the El Estor highlands, while south of the Lake, between the Sierra de las Minas Biosphere Reserve and the Bocas del Polochic Wildlife Refuge, extensive African palm monocultivation produces palm oil. Therefore, this region is particularly relevant, as both activities are linked to the global energy transition: nickel is a key input for batteries, while palm oil is widely used for biofuel.

Much of the land now occupied by the mining and palm oil companies was obtained through different forms of land grabbing, including coercive purchasing, violence, and illegal evictions. Indigenous communities are claiming ancestral rights to their territories, but they are up against powerful companies that have access to large amounts of economic, legal, and political resources.

The nickel and palm oil produced in the El Estor region are largely exported to meet global material demand. While companies and consumers benefit, mainly from the Global North, local Q'eqchi' communities experience severe harm, including land dispossession, loss of livelihoods, labor exploitation, violence and repression against human rights defenders, and violations of Indigenous and women's rights. Research consistently documents gendered impacts, including limited employment opportunities, intimidation, increased care burdens, and health impacts from polluted areas (Catalán-Vázquez and Riojas-Rodríguez 2015; Caxaj et al. 2013; Deonandan et al. 2017; K. Jenkins 2014; Macleod 2016; Talbot and ActionAid 2022; ActionAid International 2022). Beyond the economic, social, and environmental implications, these communities are suffering in spiritual and existential ways. In Q'eqchi' cosmivision, there is a strong connection with all surrounding entities, such as the rivers, mountains and forests. The removal from, and destruction of, their territories means harming this deep connection, their culture, and their sense of belonging.

The presence of these two different extractive industries makes El Estor a relevant case study for this thesis, centering the local experiences of Q'eqchi' women, communities, defenders, and leaders. Drawing on these perspectives, it adopts an intersectional decolonial ecofeminist framework to emphasize that gendered and colonial injustices are deeply interconnected and cannot be addressed in isolation. However, instead of focusing solely on harm or portraying affected groups as passive victims, this thesis foregrounds their ideas as visions for transformation. Despite repression, these actors actively imagine and enact transformative pathways that should play a central role in reshaping the governance of extraction for the energy transition.



Figure 1: Left: the position of El Estor within Iximulew. Right: El Estor and Lake Izabal (both in yellow), with the locations of the nickel mine, the palm oil plantations (in gray), and the visited areas around El Estor (in red).

1.2 Academic Knowledge Gap

The societal problem outlined above underscores that regarding the topic of this thesis, there might not be so much of a knowledge gap, but more a lack of recognizing existing knowledge. Therefore, there certainly is an ‘academic’ knowledge gap when it comes to intersectional decolonial and gender perspectives on extractivism. Knowledge held by Indigenous Peoples and by women has long been excluded from academic spaces, and non-written forms of knowledge are still too often dismissed as invalid.

At the same time, there is a growing call within academic and policy circles to expand justice frameworks in sustainability governance, ensuring that transitions are not only green but also equitable and inclusive (Cerchione et al. 2025). However, settler-colonial and male perspectives on energy and development remain dominant, shadowing both decolonial justice and gender justice (Lieu et al. 2020). While existing literature addresses each of these dimensions separately, research on their intersectionality remains limited.

This research addresses a critical gap in academic, published research on extractive processes for the energy transition: the decolonial and gendered perspectives on these processes, and particularly how these perspectives intersect and relate to one another. Specifically, this thesis explores how the impacts of mining and palm oil cultivation are experienced by marginalized groups, and how these industries are resisted. It does not seek to “discover” new knowledge, but rather to foreground ways of knowing and being that already exist but remain underrepresented or insufficiently acknowledged within academia and governance.

1.3 Objective

As a white researcher raised and educated in the Global North, this thesis can only engage with underrepresented ways of being and knowing within extractive processes to a certain extent. Nevertheless, it aims to deepen understanding of perspectives and visions that have been historically marginalized, through conducting this research together with Indigenous Q’eqchi’ communities and individuals in the region around El Estor. Through the case study, it investigates how multiple axes of power interlock to shape the lived realities of extractivism, and how these forms of power are resisted. A constructivist analytical approach is employed, informed by both participant perspectives and reflexive engagement with my own positionality.

Furthermore, the thesis considers how these insights can inform more just international governance of extractive industries, with a focus on the UN binding Treaty on Business and Human Rights (hereafter also ‘Binding Treaty’ or ‘Treaty’). It argues that a truly just and inclusive energy transition, including its governance, should not only reduce carbon emissions, but should also overcome the colonial-patriarchal logics that continue to underpin global extractivism. The thesis aims to actively strive towards this goal, by formulating recommendations and reflections on the UN Treaty to enhance its intersectional decolonial and gender justice.

The last objective of this thesis is to critically assess the research methodology itself on its colonial aspects. As mentioned, knowledge production has historically reproduced the same hierarchical systems that enable extractivism. Therefore, both the content and the research process of this thesis are approached through ‘decoloniality in praxis’, aiming to minimize the reproduction of colonial academic practices.

1.4 Industrial Ecology Relevance

As a discipline that examines the material and energy foundations of society through systemic, socio-technical, and environmental lenses, Industrial Ecology evaluates pathways toward sustainability. This thesis contributes to this field by questioning the assumptions that guide how sustainability problems are defined in the first place. By foregrounding intersectional decolonial and gender perspectives, it highlights how the ‘sustainable’ energy transition, and the extraction it requires, can better account for counter-hegemonic ways of knowing and being. In doing so, the research illustrates how Industrial Ecology can enhance intersectional justice into its governance of a sustainable and just energy transition.

1.5 Research Questions

1.5.1 Main Research Question

To fulfill the research objective for this thesis, the following main research question was formulated:

“What do intersectional decolonial and gender justice perspectives reveal about the impacts of, and resistances to, extractive industries, grounded in the case of El Estor, Iximulew, and how can these inform more inclusive international governance approaches to extractive processes for the energy transition?”

1.5.2 Subquestions

To answer the main question, a breakdown was formed consisting of a set of five subquestions:

1. What are lived experiences of extractive industries (nickel mining and palm oil cultivation) in Q’eqchi’ communities around El Estor, Iximulew?
2. What are the gendered dimensions of the lived experiences from the El Estor case study?
3. In what ways do Q’eqchi’ knowledge systems and ontologies form alternative understandings of territories and justice?
4. How do intersecting structures of coloniality, patriarchy, and extractivism shape the lived experiences from the El Estor case study?
5. What ethical, methodological, ontological and epistemological principles can be used to include intersectional decolonial and gender justice in the UN Binding Treaty on Business and Human Rights?

1.6 Thesis Outline

This first chapter introduces the thesis, situates its rationale, and outlines its structure. It is followed by a methodology chapter, three chapters containing findings, and a final conclusion and discussion.

Chapter 2 explains the methodologies used throughout the project. Because a central aim of the research is to critically assess and decolonize its methodological approach, the chapter describes how ‘decoloniality in praxis’ overarches the entire process. It also introduces the paradigmatic framework, drawing from decolonial, ecofeminist, and feminist political ecology perspectives. This framework underpins the subsequent research steps, including data collection and analysis of both the El Estor case study and its application to the UN Binding Treaty.

Chapters 3, 4, and 5 present the core findings. Chapter 3 provides an overview of the Q’eqchi’ relationships with their territories around El Estor, the historical context of dispossession and extractivism in this region and Iximulew, and an analysis of how Q’eqchi communities and women experience and resist extractive industries. Chapter 4 interprets these experiences through an intersectional decolonial ecofeminist lens, examining how global structures of extractivism, coloniality, and patriarchy shape local realities, and identifying how forms of resistance constitute proposals for counter-hegemonic systems and futures. Chapter 5 then analyzes how these proposals can be represented within the UN Binding Treaty on Business and Human Rights.

The thesis concludes with a conclusion and discussion that evaluate the methodology, reflect on the implications of the findings, and offer recommendations for future research and action.

1.7 Introduction of Key Terms

This section introduces key terms of this thesis and outlines how they are interpreted and used. These introductions are not intended as exhaustive definitions, given the complexity and multivocality of the concepts, which are discussed in greater depth throughout the thesis.

1.7.1 Extractivism

Extractivism can be understood as a historically rooted and structurally embedded model of exploitation that emerged with colonialism and the rise of global capitalism (Svampa 2019). Through successive phases and forms, extractivism has been used as a development model for the Global North, depending on accumulation and appropriation of territories in the Global South, including the ecosystems and the communities that inhabit them. As described by the Argentine political scientist Horacio Machado Aráoz, it is “a historical-geopolitical product of the differentiation – the original hierarchization between colonial territories and imperial metropolises; the ones thought as mere spaces of looting and plundering done for the provisioning of the others” (Machado Aráoz 2013, p. 131). This mode of appropriation treats territories and nonhuman nature as exploitable resources, overwhelming local ecosystems and communities, for example through large-scale mining, oil extraction, and monoculture. Moreover, this looting of large volumes of minimally processed natural goods for international markets produces economies that are highly dependent on global demand for raw materials, therefore strengthening the hierarchization and inequality that Aráoz describes (Gudynas 2015). Extractivism is therefore a defining characteristic of capitalism as a world system, grounded in colonial hierarchies. In Abya Yala (an Indigenous name for the North and South American continents), extractivism has taken successive forms since the colonial era, and was significantly intensified by neoliberal reforms in the 1990s, positioning it as a dominant development paradigm (Valverde 2025).

1.7.2 Coloniality

Coloniality refers to the enduring structures of power, such as global capitalism and western modernity, through which Eurocentric ways of being and knowing continue to shape the world beyond formal colonial rule (Mignolo 2018). Central to this is the colonial matrix of power, which organizes race, labor, space and peoples in ways that serve capital accumulation and privilege Global North interests (Mignolo and Escobar 2010; Quijano 2000). Rooted in the colonization of Abya Yala, these interconnected domains of control remain visible in extractivism, where racialized and gendered hierarchies are reproduced through resource exploitation (Gain 2023). This dynamic is elaborated upon in the paradigmatic framework (§2.3.1).

Where colonialism refers to historical territorial domination and neocolonialism to its contemporary economic and political reproduction (Taiwo 2025), coloniality captures the deeper, ongoing logic of domination based on colonial hierarchies. The focus of this thesis is on intersectional forms of coloniality, including intangible and spiritual forms. Therefore, coloniality is mainly used as a term to describe the underpinnings of extractivism, rather than (neo)colonialism.

1.7.3 Decolonial Justice

Decoloniality seeks to undo these enduring colonial power structures by challenging dominant Eurocentric perspectives and centering the knowledges and experiences of those historically marginalized by colonial domination (Smith 2008; Mignolo 2018). It rejects capitalist extraction framed as development and draws upon alternative relations to natural goods, such as Indigenous and Campesino worldviews.

Decolonial justice therefore aims to address and overcome injustices that result from patterned forms of colonial behaviour (Samset 2021). In this thesis, an important aspect of decolonial justice is embracing ways of being and knowing that have been “othered” by colonial power structures. It calls for the recognition of Indigenous epistemologies, even where they challenge dominant techno-scientific paradigms, for example through holistic understandings that integrate the heart, mind, body, and spirit, as well as the interconnected relationships among these realms and oneself, family, community, environment, and wider society (Archibald 2008). Therefore, a decolonial justice perspective on extraction practices and their governance challenges the narrow, mainly Global North-derived definitions of sustainability and development.

1.7.4 Patriarchy and Gender

When talking about genders and gendered impacts, the definition used for gender is the constructed roles, behaviors, expressions and identities of girls, women, boys, men, and gender diverse people (CIHR 2023).

However, in existing literature and research, a binary division between men and women is often used. It is important to note that in this research, ideally impacts on all gender-diverse individuals would be included. However, eventually there is a focus on women due to methodological and empirical limitations of including a larger variety of genders.

Patriarchy is a structural system of power that organizes society through hierarchy, domination, and control, systematically favoring males and subordinating non-males. It shapes ways of knowing, works through in institutions, and is closely intertwined with other power structures such as coloniality (Kaiser et al. 2025). Like coloniality, patriarchy relies on hierarchical binaries, in this case of men versus women, through which those placed on the devalued side are treated as exploitable (Cirefice 2025). However, as a complex system, the patriarchy operates across multiple layers of society and shapes the lives of all genders in intersecting and uneven ways. For example, one consequence of this system is the emergence of toxic forms of masculinity, which are reinforced by rigid gender binaries that prescribe specific roles, and expectations for what is labeled as men and women (Davies 2020). These norms are socially constructed and continually reproduced within patriarchal societies, limiting how people of all genders can express themselves and relate to one another.

Ecofeminist analyses locate extractivism within this patriarchal worldview, in which both women and the Earth are objectified and exploited for profit, making patriarchy a central analytical lens for understanding extractive dynamics (Cirefice 2025). Gendered power relations shape who is most exposed to extractive harms, who has access to justice, and whose agency is recognized. These issues will be further discussed in the paradigmatic framework (§2.3.2). The dominant discourse surrounding the energy transition itself is largely patriarchal, reproducing male-centered norms and shadowing non-male genders (Bosman et al. 2014; Isoaho and Karhunmaa 2019).

1.7.5 Gender Justice

Gender justice refers to a world where all genders enjoy autonomy, freedom and equality, and where everyone is able to share equitably in the distribution of power, knowledge and resources (FoEI 2020). To achieve this, patriarchy and its hierarchization-based domination need to be dismantled. Thus, gender justice is inseparable from the broader struggle to transform the intersecting power structures that sustain inequality and oppression, as studied in this thesis. Therefore, the understanding of gender justice of this research is grounded in intersectionality: women and other marginalized genders experience oppression in ways that are shaped by intersecting factors (Global Fund for Women 2025).

1.7.6 Intersectionality

Intersectionality was as a concept introduced by Kimberlé Crenshaw, highlighting how systems of discrimination and disadvantage do not operate along a single axis, but intersect across multiple aspects of identity, such as race, gender, class, and ability (Crenshaw 1989). It emphasizes that experiences of oppression cannot be fully understood by examining each identity separately, as compound forms of discrimination emerge at their intersections.

When looking at the different justice issues related to extractivism, there is indeed a need to understand the relationship between them, since they converge and transform one another (Skrzypek et al. 2022). The intersection of decolonial and gender justice reveals how systemic forces like coloniality, patriarchy, and capitalism interact to shape the lived realities of extractive practices. These power structures interact and amplify each other in how they impact lives of Indigenous and gender-diverse people (Gain 2023). Recognizing and increasing understanding of this intersectionality is key to understanding how extractivism is experienced in El Estor.

2 Methodology

Intended audience

The audience for this chapter is anyone reading this thesis, because its focus on ‘decoloniality in praxis’ is a topic that we all can (and should) engage with. The methodology itself has been a crucial part of the research process and can even be seen as one of its main outcomes. Reflexivity in conducting research and attempting to decolonize the process wherever possible has been one of the most important aims of this thesis. Still, this methodology is far from all-encompassing in its aim to move toward decoloniality. Unlearning and untangling coloniality from our research practices, our thinking, and our societies requires much more than the scope of a single thesis project.

As a reader, I also invite you to think critically about what is presented below. What resonates with you? What would you approach differently? If you have ideas, suggestions, or thoughts you would like to share, please feel free to reach out.

The methodology chapter provides an overview of the approach and employed methods of this thesis. First, the overall approach is presented. Then, the guidelines for decoloniality in praxis that were used throughout the project are discussed. The paradigmatic framework guiding the data collection and analysis of this research is explained, grounded in intersectional decolonial ecofeminism and feminist political ecology. Subsequently, the methodology of a case study in El Estor, Iximulew is presented. Through this case study, narratives of lived experiences were collected through semi-structured interviews rooted in decolonial critical narrative inquiry. A discussion on recruitment, sampling, study sites, language and translation is included. Secondary data was collected through a document review, mainly to provide additional context on the historical background of the interviews. The case study data were analyzed through a reflexive thematic analysis and a constructivist analysis, resulting in a thematic synthesis of the lived experiences and an analysis of underlying power structures. These findings were then used as an input for the last part of this thesis, coupling them to international governance of extractive industries, specifically the UN Binding Treaty on Business and Human Rights. Hence, as a final part of the methodology chapter, it is described how a second set of data is collected through participatory research, interviews, and a document review. This data was analyzed through a second constructivist analysis, integrating new information with the earlier research findings.

2.1 Research Approach

The focus of this thesis research is on underrepresented perspectives, in particular those of Indigenous communities and women affected by extractivism. A purely theoretical approach would not effectively deepen understanding of complex issues in real world settings. Therefore, a case study approach is adopted (Harrison et al. 2017), rooted in constructivism and qualitative methods. Constructivism is way of conducting research that views reality as socially and cognitively constructed, meaning that multiple realities exist based on individuals’ lived experiences and interpretations. Knowledge is therefore seen as co-created through the interaction between researcher and participants, instead of objectively discovered (Shannon-Baker 2023). This type of research allows for the exploration of alternative forms of knowledge and actively challenging dominant ideas, in line with decolonial methodologies (Denscombe 2025).

The approach is descriptive in its aspect of learning from Indigenous communities and in identifying key gendered impacts of nickel extraction and palm oil cultivation. It aims to analyze and explain the intersectionality between the identified colonial and gendered impacts and how they are shaped by various power structures. Moreover, it tries to question the dominant energy transition perspective and its epistemic and ontological assumptions. Lastly, it integrates the case study findings to formulate recommendations to create more ethical, inclusive, and just governance approaches for the energy transition, through the UN Binding Treaty of Business and Human Rights.

In the following ways, the five subquestions align with the described research approach. Subquestions 1 and 2 focus on the (gendered) lived experiences of extractive industries within Q’eqchi’ communities in

Iximulew. These questions have a descriptive character, since they provide a foundation for understanding *which* realities in El Estor we are looking at.

Subquestion 3 shifts the focus toward agency and knowledge systems, exploring how local communities conceptualize territories and justice in ways that are different from dominant extractivist perspectives. Moreover, it aims to rethink epistemic and ontological assumptions that are bound to these dominant views. This question centers the *“how”*: how alternative worldviews are lived, expressed, and mobilized from within the communities themselves.

Answering subquestion 4 provides an analysis of the intersecting powers, such as coloniality and patriarchy, that drive these extractive industries and shape their impacts. Answering this question should explain *why* the identified experiences and impacts are occurring.

Finally, subquestion 5 brings the insights from the previous questions together to formulate governance recommendations for post-extractivist futures. It addresses the *“what now?”* by inductively asking how this situated knowledge can inform more inclusive and just governance approaches within the UN Binding Treaty on Business and Human Rights.

Figure 2 outlines to which chapter the subquestions respond to, and how their insights inform the next. Appendix A shows the overall research flow diagram, including the specific methods that were used per chapter.

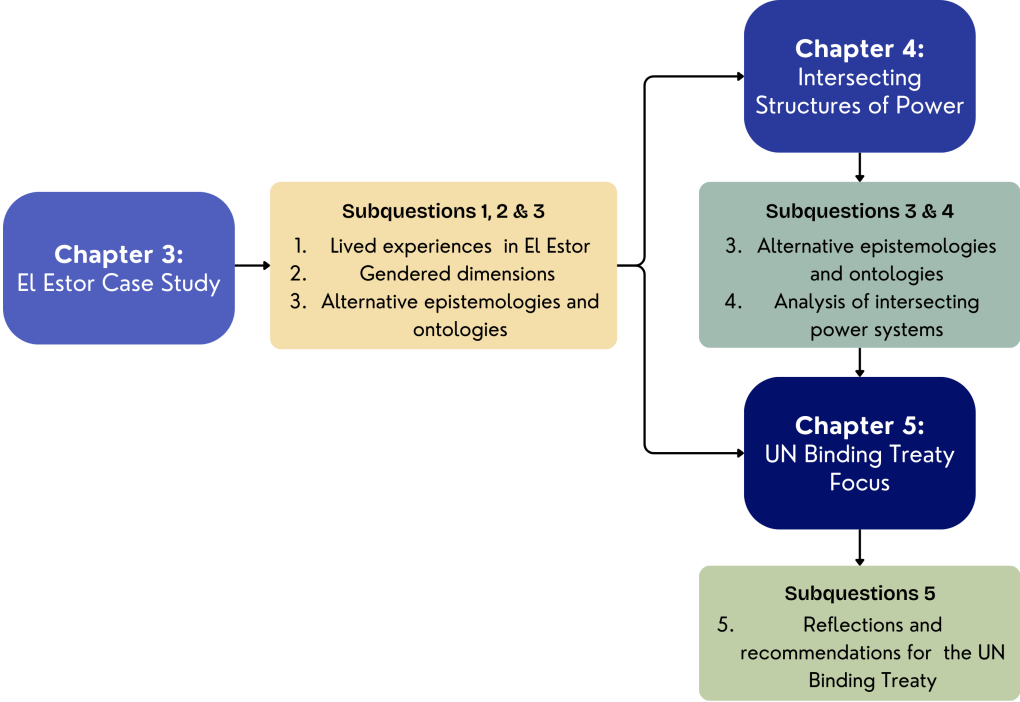


Figure 2: Overview of the chapters and their corresponding subquestions

Throughout this research, it has been attempted to decolonize the methodology as much as possible. Centering Indigenous perspectives on extractivism as a Dutch researcher poses risks of extracting knowledge for the research itself. This risk has been mitigated by seeking to implement methods that challenge extractivist logics within knowledge production, in line with decolonial research practices. The research design emphasized relationality, reflexivity, reciprocity, and participant agency, aiming to create a process grounded in dialogue rather than extraction of information. The various ways in which the decolonizing of methods has been addressed will be explained throughout this chapter. In the first section, decoloniality in praxis efforts will be explained, since this process overarched the whole research process.

2.2 Decoloniality in Praxis

Scientific tools and methods to assess environmental sustainability are not neutral. As argued by Smith (Smith 2008), research is intrinsically colonial, both regulating and realizing colonial legacies. ‘Research’ is often considered a ‘dirty word’ in many Indigenous contexts (Smith 2008), because its instruments reflect the worldviews of their creators, who are mostly Western scientists and scholars. Therefore, these instruments reflect the values they prioritize, the explanatory theories they use, and the futures they envision (Requena-i-Mora and Brockington 2021). Through scientific tools, notions of sustainability and progress are shaped, which can therefore colonize minds and systems.

By moving toward decolonial research practices, this study seeks to position Indigenous lived experiences and knowledge systems as the starting point for analysis, instead of as an afterthought. Decolonizing research requires critically reassessing the theoretical and epistemological assumptions underpinning scientific methodologies, including assumptions about what nature is, how societies are constituted, and how humans relate to the more-than-human world. While the method-specific subsections of this chapter explain how decoloniality was applied to individual methods, this section outlines the overarching approach to decoloniality in praxis throughout the entire thesis.

As a white, Dutch researcher, educated at a Dutch university, I believe that my personal and academic wiring is inherently shaped by colonial legacies. On a personal level, this includes a perspective that is based on the multiple ways in which I am privileged, resulting in certain biases and worldviews that can be very different from the perspectives that are central to this research. For example, living in a neoliberal system has shaped a connection with nonhuman nature that generally differs from the Q’eqchi’ cosmivision. Academically, I have been trained within a Western techno-scientific knowledge system that has historically been used to justify social and environmental control, including extractivism and the dispossession of colonized peoples, while dismissing and actively repressing their knowledge systems (Trisos et al. 2021). This has been historically reproduced through institutions, among which academic ones.

In any type of research, but especially when centering historically shadowed perspectives, it is important to actively undo the hegemonic systems and ways of thinking that have shadowed them. Increasingly, scholars recognize that a diversity of worldviews is necessary for just and sustainable transitions. Beyond calls for pluralism, this requires addressing power relations within academia and coloniality within ourselves. This calls for practices of deep listening, being humble, reflexivity, and fighting institutional racism and biases (TAPESTRY 2022). These commitments are captured by the concept of ‘decoloniality in praxis,’ which emphasizes not only alternative modes of knowledge production but also transformative action. Decolonial research seeks to generate outcomes that benefit marginalized communities and links knowledge creation to social change (Denscombe 2025).

Moreover, decoloniality in praxis highlights the importance of relationality. As described by Sylvia Wynter, this is a continuous process of acting, reflecting, and acting again, but also of connecting the present with the past (Andersson 2024). This sense of relationality is central to many Indigenous and non-Western ways of knowing and living, helping to imagine more connected and sustainable ways of being with and in the world (Walsh 2018). Guided by decolonial literature, Indigenous scholars, and conversations with local organizations, Q’eqchi’ individuals, and the MABIKA Foundation, this research developed context-specific practices of decoloniality in praxis. To this end, the framework proposed by Trisos et al. (Trisos et al. 2021) was adopted, encompassing four interconnected principles: decolonizing the mind, knowing histories, decolonizing access, and decolonizing expertise. Based on conversations with the mentioned actors, this has been expanded to include a fifth guideline on humility and honesty.

2.2.1 Decolonizing the Mind

Decolonizing the mind involved deliberate efforts to unlearn dominant epistemologies and remain open to Q’eqchi’ worldviews, values, and relationships with the environment. A first step was spending five months in Iximulew, allowing Q’eqchi’ perspectives on Territory and nature to shape the research design and agenda. During this time, I sought to learn Q’eqchi’ place names and terms where possible and engaged with relational ways of knowing, for example by participating in Maya ceremonies and community activities.

Speaking Spanish was essential for communication, but ideally the research would have been conducted in Q'eqchi', as Spanish and its institutionalization are themselves colonial legacies. Some interviews were conducted in Q'eqchi', with the help of a translator, but it must be acknowledged that translation is never neutral and that linguistic nuances shape meaning (the different considerations around this theme are further addressed in §2.4.1.2).

Upon returning to the Netherlands, I continued my efforts to decolonize the mind by engaging in ongoing learning opportunities. For example, I attended workshops organized by the TU Delft 'Decolonial Working Group' and the MABIKAs Foundation on Just Transitions and Indigenous perspectives, which allowed me to continue this process as an active, ongoing practice.

As another tool in 'decolonizing the mind', a weekly reflexive diary was maintained throughout the research. Reflexivity entails responsibility and continuous reflection on one's positionality within power structures (2020). Instead of confining reflexivity to a single separate section, reflexive insights are integrated throughout the thesis to continuously remind readers of researcher positionality and relationality.

2.2.2 Knowing Histories

Understanding the history of Q'eqchi' communities in the El Estor region was essential for situating contemporary extractivism. This required embedding the research within histories of invasion in Iximulew and the ongoing inequalities these created. As noted by Chilisa (Chilisa 2020), addressing the history and context of research is essential in decolonizing its methodology. In this study, this included acknowledging the long history of land dispossession, violence, and resistance experienced by Indigenous communities, as well as recognizing my own position within these global power structures. Historical analysis in this thesis traces the colonial and postcolonial dynamics shaping extractivism in El Estor and Iximulew more broadly.

Territorial acknowledgement was central in recognizing the ancestral rights of the Q'eqchi' communities. Furthermore, nonhuman entities such as the Territory, rivers, the Lake, and mountains are understood as living beings within local ontologies. As explained in the initial note on language, this is also the reason that Territory is capitalized when referring to a specific living entity, emphasizing its subjecthood (Izquierdo Torres and Viaene 2024).

2.2.3 Decolonizing Access and Reciprocity

Decolonizing access within this research involved ensuring ownership and outlining research benefits. Participants were given full sovereignty over their contributions: interview transcripts were shared for review and participants could modify or withdraw their statements at any point.

Moreover, as pointed out by Smith (2008), reciprocal and decolonial research should be designed to create meaningful benefits for the communities involved, whether immediate or long-term. This requires recognizing that research has historically failed to serve Indigenous Peoples and instead committing to approaches grounded in respect, collaboration, and shared control. Such methods involve ongoing dialogue, collective decision-making, and attention to community priorities. By asking for consultation and feedback, it was actively sought how findings could be used in mutually beneficial ways, leading to adjustments in the research focus to better reflect local priorities. Knowledge sharing was prioritized through presentations at the local organization involved in this project and through sharing insights with audiences in both Iximulew and the Netherlands.

2.2.4 Decolonizing Expertise

Decolonizing expertise meant questioning who is considered an expert and whose knowledge counts. I actively reflected on my positionality and the epistemic authority embedded in the academic structures of the Global North that I am a part of as a researcher. This required critically evaluating my sources and amplifying voices from Indigenous scholars and local actors. For example, I used the input of Q'eqchi' individuals for recommendations on valuable sources and thinkers. Working closely with local organizations helped to ensure that knowledge production was grounded in the lived experiences of Q'eqchi' communities and that the outcomes would remain relevant beyond the scope of this thesis.

Moreover, Iximulew artistic creations are also regarded in this thesis as forms of expertise and knowledge. This is connected to the idea of '*ts'íib*' as recorded knowledge: a Maya concept that recognizes artistic and non-written expressions as a legitimate form of recorded knowledge (Palacios and Worley 2019). *Ts'íib* refers to a wide range of creative practices (including weaving, codices, painting, poetry, and performance) that hold knowledge, moving away from a rigid focus on literature. It offers a decolonial lens that aligns with Indigenous Maya ways of recording and transmitting knowledge. These expressions are not treated as illustrations but as legitimate sources of knowledge. At the same time, art is relational, multi-layered and it is challenging to directly reference its content and what is taken away from it. Many of the *ts'íib* that has been engaged with provided me with gradual, more embodied learning, which has guided the research in more subtle ways than can be expressed in for example a quote. Therefore, I chose to report on these expressions in combination with my own reflexive writings in Appendix D. Here, I aim to show what these artistic encounters taught me, while also highlighting the expressions themselves, allowing readers to form their own interpretations.

To give some examples of engagement with *ts'íib*, I visited local art (such as a documentary night on Indigenous women during the civil war), museums (such as *Museo de la Memoria* in Guatemala City and *Nueva Fábrica* in Antigua), and community events (such as a festival on reproductive rights). This methodological choice therefore acknowledges these non-written sources of knowledge and recognizes that creativity and embodiment are essential in understanding the realities central to this research.

2.2.5 Decoloniality as More Than a Buzzword: Honesty and Humility

Lastly, it is important to avoid talking about decolonizing research while leaving European and Western frameworks fundamentally unchallenged. Therefore, it is important to remain honest and transparent about how these frameworks are still present within this research. The decoloniality in praxis framework used here is not all-encompassing, and fully decolonizing research within colonial academic institutions may not be possible. Moreover, due to the continual and iterative nature of the decoloniality in praxis, there is a difference between the decoloniality of this project at the start and at the end. Initially, I approached El Estor with linear expectations of data collection and analysis, still seeing myself in a way as the primary researcher investigating the realities of Q'eqchi' communities. Through listening and meaningful exchange, this perspective shifted. It became clear that Q'eqchi' communities do not require externally imposed solutions: their resistance embodies essential knowledge capable of transforming hegemonic systems, including governance structures. Accordingly, these communities are the primary knowledge holders in this study, positioned as co-researchers instead of as objects of research.

This example underscores that it is essential to remain transparent about the tensions, limitations, and contradictions encountered throughout the process, instead of presenting these guidelines as complete or flawless. Besides reflexivity, honesty and humility should therefore be important pillars to the work. This extends beyond this thesis report, but also includes how the research is communicated in both academic and personal settings.

2.3 Paradigmatic Framing

As part of the research, a paradigmatic framework was developed through which the case study data is analyzed. Traditional data analysis often avoids explicit engagement with theoretical paradigms in an effort to enhance neutrality (Gain 2023). However, in Indigenous research paradigms the researcher cannot be separated from the research process, as knowledge is relational (Chilisa 2020). Decolonial methodologies therefore require the researcher to be in relation to the research and to recognize its ways of knowing and being (Back 2019). Building on Gain (2023), the paradigmatic framing of this research was informed by decolonial and ecofeminist theories, as well as feminist political ecology as a field with a strong application in extractivism.

While decolonial and ecofeminist theories each offer valuable insights, their intersectional application is essential for understanding extractivist harm and resistance. Intersectionality serves as a useful analytical lens, highlighting how inequalities emerge from overlapping systems of power, such as race, gender, class, religion, and ethnicity, rather than from a single source (Denscombe 2025). This thesis therefore applies an intersectional decolonial ecofeminist framework to extractivism.

This paradigmatic position shapes both data collection and analysis in El Estor. It informed the interview questions, the focus of the historical context and guides the data analysis methods by situating community narratives within their broader context, examining how colonial histories, patriarchal power relations, and extractivist frameworks intersect in shaping lived realities. In the following subsections, the critical theories are introduced. While these introductions are nowhere near exhaustive summaries of what the theories entail, it is explained which insights are specifically used for this thesis.

2.3.1 Decolonial Theory

A decolonial focus is essential when doing research with Indigenous Peoples, since their experiences cannot be understood without understanding legacies of colonialism, neocolonialism and coloniality. The implemented decoloniality in praxis aims to place decoloniality as a starting point for every step of the research process: from setting its agenda and objectives, to the methodology, to the data analysis. Engagement with decolonial theory as a part of the paradigmatic framing is part of the cyclical implementation of decoloniality in praxis. Therefore, decoloniality becomes both a practice and a lens. Here it is explained which core insights from decolonial theory are used to inform the paradigmatic foundation for the case study data collection and analysis.

Decoloniality is not a recent movement but one that has developed over more than five centuries of resistance to colonial domination. In Abya Yala, it emerged in response to the violent imposition of European rule and evolved as a continuous and adaptive struggle against the *Colonial Matrix of Power* (CMP). While colonialism ended in Iximulew and the rest of Abya Yala with political independence, the CMP still manifests in our world today.

The concept of the CMP (Quijano 2000) provides a critical foundation for understanding extractivism and its impacts. Originally named the *'patrón colonial de poder'*, this framework comprises four interconnected domains of control: economy, authority, gender and sexuality, and knowledge and subjectivity. These four spheres constitute the “heads” and are supported by two “legs”: the racial and patriarchal foundations of knowledge. These legs uphold the legitimization and reproduction of the world order (Figure 3) (Mignolo and Escobar 2010). Within this matrix, economic control encompasses the appropriation of territories, the exploitation of labor, and the extraction of natural resources. These processes are deeply rooted in capitalist systems controlling both human and ecological life. Control of authority encompasses political and institutional mechanisms such as the state, legal systems, and the military. The control of gender and sexuality refers to the imposition of Eurocentric hierarchies and heteronormative social structures. Finally, the control of subjectivity and knowledge concerns education, epistemology, and formation of subjectivity. Therefore, this sphere highlights how colonial hierarchies of thought and being are reproduced (Quijano 2000; Gain 2023).

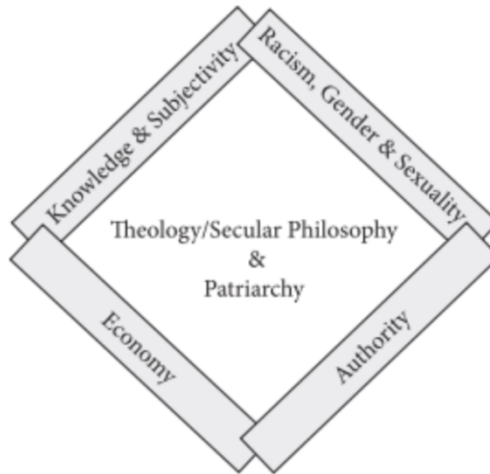


Figure 3: Colonial Matrix of Power, taken from (Mignolo and Escobar 2010)

The CMP is still present in today's world, with the new face of 'modernity', and capitalism as its economic domain (Mignolo 2018). Mignolo sees modernity and coloniality as two sides of the same historical coin. In this view, the narrative of modernity (the era of progress, civilization, and development) is only the visible side of this coin. The hidden side is coloniality: the ongoing system of domination, exploitation, and hierarchy that made modernity possible in the first place. He argues that modernity's promises of development, progress, and universal well-being are built on exclusion and colonial control. The 'rhetoric of modernity' hides the violence and dispossession that it requires. It hides its underlying CMP, which still organizes the world based on racialized and patriarchal hierarchies.

In Mignolo's view, the dominant narratives of modernity are built on the assumption that the world consists of binary oppositions, which is the same logic of coloniality. Examples of these binaries are modern versus traditional, but also civilized versus uncivilized, human versus nature, man versus woman (Mignolo and Escobar 2010). These stem from the Western logic of noncontradiction (*either/or*), which separates and hierarchizes. In contrast, many Indigenous cosmovisions, such as that of the Q'eqchi', are grounded in complementary dualities (*and/and*), where life depends on balance and relationality. Through the binary logic of coloniality and modernity, the white man positioned himself above others. Hierarchies are created based on species, race, ethnicity, culture, and gender, thereby justifying domination in all domains of the CMP. Modernity and coloniality have resulted in oppression of these 'others', a dynamic central to this thesis, which examines how extractivism functions as an expression of this binary logic by reproducing processes of 'othering'.

Decoloniality is the move away from this matrix, constructing paths and praxis toward other forms of thinking, sensing, believing, doing, and living that have long been marginalized or suppressed (Walsh 2018). Because of the inherent connection between coloniality and modernity, decolonial theories state that to achieve decoloniality, alternatives to modern capitalism and neoliberalism must be found (Mignolo and Escobar 2010). In line with complementary thinking, decolonial theory advocates for epistemic justice: recognizing Indigenous, local, and other alternative knowledge systems as valid. It also promotes ontological plurality, which acknowledges that multiple worldviews can coexist.

As a paradigmatic lens in this research, decoloniality aims to study extractivism as an expression of coloniality. By using decolonial theories, this research seeks to uncover how extractivist practices continue to reproduce colonial hierarchies and ideologies, while also highlighting the alternative epistemologies and resistances of the Q'eqchi' communities. The CMP shows how extractivism operates through all its domains simultaneously, going beyond material exploitation in the economy domain to immaterial exploitation in the domains of authority, gender, knowledge and subjectivity. This highlights the interconnectedness of how marginalized groups are oppressed and the relevance of studying intersectionality. To deepen this understanding, engagement with ecofeminist and intersectional theories was sought.

2.3.2 Ecofeminist Theory

Decolonial theory provides a first step in showing why the world is dominated by human, Western, male views. Ecofeminist theory is used to unveil interconnections between the domination of women and nonhuman nature. Therefore, it is an important pillar of creating a decolonial ecofeminist framework, which also connects marginalization of women and nonhuman nature to that of colonized peoples.

Emerging from the social justice movements of the 1960s and 1970s, many feminists began to draw connections between militarism, corporate power, environmental degradation, and gendered oppression. There was a growing call to dismantle patriarchal structures, to overcome ecological and social injustices (Parameswaran 2022). Ecofeminism as a term was introduced by Françoise D'Eaubonne in 1974, who explained that oppression of women and of nonhuman nature are deeply connected and mutually reinforcing. Ecofeminist theory states that the patriarchal system takes control over both, resulting in their mutual exploitation. For one to be freed from this oppression, the other also has to be liberated, thereby placing feminist struggles in a larger struggle for the preservation of life on Earth (Eaubonne 1974).

While D'Eaubonne launched the term 'ecofeminism', this is a "new term for an ancient wisdom" (Mies et al. 2014). Ecofeminist struggle is as old as capitalist patriarchal systems and has persisted ever since. However, since Françoise d'Eaubonne manifested the term ecofeminism into Western academic discourse, the range and diversity of ecofeminist theories have expanded significantly. While ecofeminist perspectives differ, Warren (1990) proposes an 'oppressive patriarchal conceptual framework' that she sees as fundamental to the movement. This logic grounds the exploitation of nonhuman nature and women in a framework that explains, justifies, and maintains this subordination, through its three main features (Warren 1990, pp. 1, 2):

1. The first feature is value-hierarchical thinking, or "up-down" thinking; this places higher value or status on what is "up" than on what is "down".
2. The second characteristic is that value dualisms are created; disjunctive pairs in which two things are seen as oppositional and exclusive, instead of complementary and inclusive. Higher value is given to one disjunct, thereby automatically giving lower value to the other. For example, a human, especially a white man is seen as 'higher', thereby placing nonhuman nature, or a nonwhite female 'lower'. This feature is in line with the modernist Western logic of noncontradiction which separates and hierarchizes, as described in decolonial theory.
3. Thirdly, the framework contains a logic of domination, which is an argumentation structure used to justify the subordination of women, other-human others and nonhumans, based on assumed superiority.

With this conceptual framework, Warren recognizes different forms of oppression and domination to be interconnected, which is in line with the underpinnings of the CMP. In her own words (Warren 2001, pp. 99, 155):

"The boundary conditions specify that an ecofeminist ethic must be anti-sexist, anti-racist, anti-classist, anti-naturist, and opposed to any 'ism' that presupposes or advances a logic of domination [...] The basic starting point of ecofeminist philosophy is that the dominations of women, other human Others, and nonhuman nature are interconnected, are wrong, and ought to be eliminated."

Ecofeminism describes 'the problem', by its analysis that different forms of exploitation and domination are connected conceptually, as in this framework. Besides the conceptual realm, as stated by Cuomo (2002), ecofeminism also recognizes how in reality gender, race, class, and nonhuman nature are interwoven. Their domination through complex and interwoven systems of identities, economies, social institutions, and practices are key to understanding social truths, and interfaces of 'nature' and culture. For example, capitalism and its material, profit-driven economy has marginalized women by reducing them to reproductive labor. While at the same time, capitalist structures devalue this reproductive work by diminishing it to a free resource (Mies et al. 2014). Maria Mies explains that capitalism relies on a relationship between owners of labor power and the owners of the means of production. However, this

system could not exist without the unpaid or coerced labor of women and colonized peoples. These groups were treated as property or as part of “nature,” instead of as free individuals able to enter fair contracts. Therefore, capitalism enforces their subordination through domination and violence (Mies 2014).

From these descriptions, the beating heart of ecofeminism might be seen as a critique of the described problem of domination. However, Cuomo describes ecofeminist theory as more than only a theory of oppression. Ecofeminism begins with recognizing the intrinsic value of the natural world and humanity’s capacity for care and compassion. It seeks not only to critique systems of oppression but also to imagine and promote alternatives. Its true strength lies in revealing the possibilities that exist beyond domination (Cuomo 2002).

Expanding on this perspective, many ecofeminists have identified ecofeminism and activism as closely connected. Alternatives to oppression are not only imagined, but also actively striven towards. For example, Mies and Shiva describe ecofeminism as a movement that “in defying the patriarchy we are loyal to future generations and to life and this planet itself.” (Mies et al. 2014, p. 18). They situate ecofeminism as a call for planetary and intergenerational responsibility, through resistance and activism. Another example is Anna-Lena Glesinski, who argues that ecofeminist action must be combined with social actions. With her reference to Brazilian Indigenous ecofeminism, she sees Indigenous and ecofeminist movements coming together in their activism. She talks about how “extractive industries have demanded that depatriarchalizing, decolonizing struggles and fights for collective rights have found their way onto the agenda of worldwide ecofeminist concerns, especially in Latin America.” (Glesinski 2023, p. 259)

Ecofeminist theory resonates with this research and its focus on (resistance to) the different forms of extractivism in El Estor. Using an ecofeminist approach and its conceptual framework deepens understanding of how Indigenous Peoples, women, and nonhuman nature are interconnected dominated groups in this case study. Moreover, it recognizes extractivism as an expression of this patriarchal capitalist domination. But most importantly, it shows how these groups are sources of inspiration to imagine and create alternative realities, grounded in care and compassion instead of oppression.

2.3.3 Feminist Political Ecological Theory

Feminist Political Ecology (FPE) as a term was launched by Rocheleau et al. (2005). From that point onward, FPE has often been used to assess feminist theories of subordination in issues of dispossession, resource access and control (Mollett and Faria 2013). However, again the introduction of the term does not mean that FPE began in 1996. Its theories can be seen from different starting points, and include the relationship between gender and development studies and activist ecofeminisms, narrations through queer ontologies and post-humanist body politics, and challenging of hegemonic worldviews through environmental justice and critical race theory. These different expressions of FPE in activism, academia and policy arenas, are the results of differently situated conversations. Harcourt et al. (2023) describe the following four main conversations within FPE.

A first starting point of FPE lies in its emergence from political ecology and critical development studies, with a focus on how power operates within socio-environmental relations. Ecofeminist theory has been an important inspiration in this trajectory (Seager 2019; Shiva 1995). It integrates intersectionality to move beyond gender binaries and instead examines how race, class, ethnicity, sexuality, age, and other dimensions intersect within specific ecological and political contexts (Cho et al. 2013; Mollett 2018; Rocheleau et al. 2005). This approach closely connects FPE with decolonial and ecofeminist theories through its intersectional analysis of how systems of oppression shape dispossession and extractivism (Mollett 2018; Sundberg 2004). This way, FPE provides a valuable addition to the other theories within this framework to analyze how axes of power and structural forces shape lived experiences of extractivism in El Estor.

A second key dimension of FPE concerns the everyday, embodied, and emotional aspects of environmental experiences. FPE scholars highlight that perceptions of nonhuman nature are situated and shaped by lived and felt experiences (Sultana 2011; Harris 2015; Singh 2013). There is a call within political ecology to focus on “what one is allowed to remember, feel, enjoy, or live” (González-Hidalgo and Zografos 2020, p. 236). This aligns closely with the narration and recognition of lived experiences in this thesis. This strand of FPE also critiques ‘scientific objectivity’ and emphasizes that knowledge is situated within the social contexts in which it is produced (Nightingale 2003; Sundberg 2017). Therefore, it promotes ethical

and responsible research practices that acknowledge researcher positionality and aim to avoid reproducing power hierarchies. While this insight of FPE is not directly applied in the paradigmatic framing of the data analysis, it informs the broader research process of this thesis and is further developed through its decolonial praxis.

A third key strand of FPE critiques capitalism, growth narratives, and extractive nature-society relations, linking them to ecological degradation and crises of social reproduction (Barca 2020; Federici 2004; Fraser 2016). FPE scholars and activists promote care-based, life-sustaining economies over extractive, profit-driven models (Tronto 2015; Wichterich 2015). Again drawing from ecofeminism (Mellor 2006; Shiva 1988), this relation applies ethics of care to more-than-human species and ecological systems (Di Chiro 2017). This aligns with degrowth movements (Gibson-Graham et al. 2020; Dengler and Seebacher 2019) and Indigenous worldviews such as ‘Buen Vivir’ (‘living well’), emphasizing community, balance, reciprocity, and ecological relations (Kothari et al. 2014; Nirmal and Rocheleau 2019). In the El Estor case study, these insights help critically assess extractive industry logics and imagine alternatives grounded in Q’eqchi’ cosmovision.

Lastly, FPE also engages with decolonial perspectives in challenging Eurocentric epistemologies and their control over nonhuman nature as well as racialized and gendered bodies (Fanon 2001; Quijano 2000; Lugones 2010). Concepts such as *cuervo-territorio* (body–territory) illustrate how racism, capitalism, and patriarchy intersect with colonial dispossession and extractivism (Nirmal and Rocheleau 2019). Decolonial perspectives in FPE open possibilities for pluriversal ways of being and knowing, recognizing that different worldviews can co-exist (Candraningrum 2018). Everyday anticolonial feminist ecological practices, such as those of the Q’eqchi’ communities, serve both as subjects of analysis and as contributions to FPE itself. In this research, these lived experiences are viewed through a decolonial FPE lens, while at the same time forming a contribution to FPE theories and practices.

2.3.4 Conclusion Paradigmatic Framing

In conclusion, these theories together form the paradigmatic lens for collecting and analyzing the case study data. Decolonial theory provides the epistemic and ontological grounding, critiquing the CMP and exposing marginalization based on binary oppositions, highlighting the importance of intersectionality. It also links colonial hierarchies to modernity, including capitalist and neoliberal structures. Ecofeminism complements this by showing how patriarchal capitalism oppresses women, nonhuman nature, and other marginalized groups in intertwined ways, through a shared logic of domination. Both theories go beyond only critiques of oppression, and also actively strive toward epistemic justice and ontological plurality. They are used to rethink the assumptions and foundations of colonial, patriarchal modernity, to imagine futures without subordination.

Feminist Political Ecology (FPE) adds a more practical dimension. Where decolonial ecofeminist theories provide the politico-ethical foundation of the paradigmatic framing, FPE connects these insights on intersectional oppression to political-economic processes across local and global scales. In this thesis, this connection is reflected in the application of the local case study to the global UN Treaty level. FPE foregrounds how dispossession, extractivism, and the unequal distribution of benefits and harms are embedded in development narratives (Elmhirst 2018), thereby offering a concrete analytical lens for this thesis and its assessment of international governance processes.

While the literature used for this paradigmatic framing offers a strong theoretical foundation, it must be noted that many perspectives, such as those from Q’eqchi’ communities, remain underrepresented in written publications. This theoretical positioning is therefore biased toward written and published sources. However, by combining it with embodied and relational forms of knowledge, such as interviews, conversations, ceremonies, and *ts’iib*, this thesis seeks, within the limits of my positionality, to represent these perspectives.

2.4 Data Collection

2.4.1 El Estor Casy Study

The objective of the case study is to deepen understanding of lived experiences within Indigenous Q'eqchi' communities, with a focus on the gendered dimensions of extractivism. Using an intersectional decolonial ecofeminist lens, it employs qualitative methods to capture perspectives that cannot be addressed through theory alone. Primary data collection consisted of participatory research conducted while working at a local NGO, and semi-structured narrative-based interviews in the El Estor region. This was complemented with a review of documents on the historical context of land tenure, dispossession, and extractivism in Iximulew and the El Estor region. Together, these methods aim to center underrepresented voices while situating lived experiences within a broader context.

2.4.1.1 Participatory Research at Local Organization

The research began with a three-week period of participatory work with a local supporting NGO, meaning that the study was conducted collaboratively with experienced actors in their own environment. The organization, which has a branch in Guatemala City, focuses on environmental justice, Indigenous rights, and gender equality. Its real name is not disclosed in this thesis for privacy reasons. The participatory research encompassed a range of activities, including desk research, preparing and conducting interviews, drafting informational materials, and delivering a presentation and workshop on energy transitions.

These experiences provided an important foundation for the research process. Working with the local team allowed to gain a deeper understanding of the socio-political landscape surrounding extractive industries in Iximulew, and situate the research within its broader historical context. The participatory nature of this collaboration not only helped to deepen understanding of local dynamics but also allowed to approach the following research phases more informed and respectfully.

2.4.1.2 Semi-structured Interviews

The primary data for this research were collected through semi-structured narrative-style interviews with community members, local leaders, defenders of human and Earth rights, journalists, academics and representatives of local NGOs. This approach was chosen because it enabled participants to shape the conversation in ways that reflected their priorities and lived realities. The interviews were conducted in the El Estor communities, Guatemala City, or online, depending on the participants and their preferences. Below the interview participants are introduced, after which the interview methods and related methodological details are discussed.

Participants

The Ancestral Authorities of Sexán: Otilia Chon, Gilberto Ichich, Jorge Coc, and Javier Horlando Cap Sexán is a sector in the highlands around El Estor, comprising around 22 Q'eqchi' communities. Four ancestral authorities from the sector were interviewed in a group setting. The group consisted of three men and one woman, and they were from three different communities. The authorities first shared how they connect with their surroundings, a strong connection rooted in the Maya Q'eqchi' cosmovision. They talked about how they have been fighting for their territories for decades, because they have been severely harmed by the mining activities in the region. The rivers, mountains, and soils are being destroyed, impacting the livelihoods of their communities. Demanding community consultation for the mining operations is answered by intimidation, criminalization, and forced displacement, but the communities continue their resistance.

Chapín Abajo: Don Pedro Cuc Pan and Doña Isabel

In the southern part of Lake Izabal, accessible only by boat during the rainy season, 16 Maya Q'eqchi' communities live surrounded by palm plantations owned by the company NaturAceites. The Chapín Abajo community for example, with around 200 families living on just four hectares, faces military raids, constant surveillance, and eviction attempts. The community members mainly depend on agriculture and fishing for their livelihoods, which is threatened by the environmental degradation caused by palm

cultivation. Two community members from Chapín Abajo were interviewed from this community: Don Pedro Cuc Pan and Doña Isabel (Don and Doña are polite forms of address in Spanish). Don Pedro is ancestral authority of the community who, along two other community leaders, has been criminalized and has an active arrest warrant issued against him since 2021, following the anti-mining resistance they led in El Estor. Despite the repression, the community of Chapín Abajo continues defending its ancestral Territory.

Juan Bautista Xol

Juan Bautista Xol is a community journalist for the community press ‘Prensa Comunitaria’, as a correspondent for El Estor, Izabal and Alta Verapaz. Prensa Comunitaria is an independent, alternative media outlet. Their focus is on community mobilization in social, cultural, and political spheres, as well as on memory, history, and issues such as violence against women and diverse feminist movements. They are, as described on their website “a narrative within the dominant narrative” (AEPDI n.d.). This interviewee is also a defender of human and Earth rights. As a son of a large family depending on Lake Izabal for their livelihood, he described how he and his family respect and value the Earth as something sacred.

Carlos Ernesto Choc

Carlos Choc is a journalist who worked on the project ‘Mining Secrets’, an investigation looking into the environmental impacts of mining activities all over the world. The project revealed how journalists and activists investigating these impacts have been harassed and repressed. This interviewee was, after his work for Mining Secrets, criminalized and forced to go into hiding. He describes a deep and profound connection with his surroundings, calling the El Estor region a ‘paradise’. Communicating with the Lake and the rivers brings him peace and clarity of mind. He expresses a profound love for his surroundings, motivating him to continue defending.

Baudilio Choc Mac

This interviewee is active in alternative journalism, works with community leaders throughout the region, and defends the rights of Q’eqchi’ communities and of the Earth. His Nahuatl (spiritual sign) is *Q’anil*, which represents everything beautiful, the harvest that is given by what Mother Earth produces, and the beginning of life. As the son of a spiritual guide, the interviewee values gratitude and reciprocity towards the Earth, spirituality, and a society grounded in Buen Vivir. Furthermore, he is a strong believer in the strength of community, where everyone lives and contributes as equals.

Robin Macloni Sicaján Jacinto and Angela Maribel Caal Ajtul

These interviewees are part of the organization ‘Defensoría Q’eqchi’’. This organization promotes social processes aimed at empowering the Q’eqchi’ Maya communities in the departments of Izabal, Alta Verapaz, and southern Petén, through actions for social justice. Since 2000, they have provided support and guidance in high-impact cases related to land tenure, the use and conservation of natural resources, the defense of individual and collective rights, and the restoration of ancestral social structures and territorial governance. They empower the communities to affirm their identity and to be protagonists of their own ways of developing¹ with equality, equity of conditions, and opportunities to maintain and strengthen their own institutions, culture, and traditions. The organization also considers the priority and leading role of women in these processes to be essential.

Juana Toledo

Juana Toledo is a Maya Q’anjob’al woman. She comes from an ancestral town, speaking an Indigenous language stemming from ancient Proto-Maya. She describes how the town has been forgotten by the state in terms of public policy. Many from the community migrated to the US; not only now but also during the armed conflict in the 1980s. While this interviewee is not from the El Estor region, but faces similar struggles related to extractivism in her own Territory. Moreover, she works with Indigenous communities from all over Iximulew as part of her work for the organization ‘Consejo del Pueblo Maya’. She is a defender of human and Indigenous rights and focuses particularly on rights of women. She has helped to create spaces for women’s participation in political and community decision-making, for example through the ‘Consejo de Mujeres Ix Nab’il’. Furthermore, she feels a strong connection with the Earth, whom she regards as her sacred Mother. She actively strives towards the recognition of the rights of the Earth; through her work in organizations, but also through vouching for this in the negotiations of the UN

¹While development is a contested term, it is used in this thesis as a pluriversal concept. A more elaborate substantiation of this can be found in the ‘author’s note on language’

Binding Treaty on Business and Human Rights.

Laura Hurtado

The last interviewee is Dr. Laura Hurtado, a sociologist from Iximulew and currently a researcher at the Institute for Research in Socio-Humanistic Sciences (ICESH) at the Rafael Landívar University in Guatemala City. After the armed conflict ended in 1996, she worked for five years advising displaced communities and participated in the commission monitoring resettlement agreements. This allowed her to connect with many Q'eqchi' communities, especially those who had fled to Mexico, were displaced within the country or hid in the highlands or jungles. Later, she worked on environmental policy, engaging with negotiations of agrarian conflicts, formulating public policies to address rural development issues, and in the field of international development cooperation. Subsequently, she worked for an NGO and eventually she moved into academia to study and write about the Q'eqchi' Territory, especially between Cobán and the Polochic region. Her research has focused on contemporary problems associated with the extractivist model and capitalist modernization processes in agriculture, particularly land grabbing and the expansion of monocultures in agricultural frontier zones, the impact of land regularization programs on collective land tenure, and the imposition of "new rights" over land and natural resources.

Narrative Inquiry

The style of the semi-structured interviews was based on the principles of critical decolonial narrative inquiry, following the methodological approach articulated by Klaire Gain (2023). Narrative inquiry focuses on storytelling as a process of meaning-making and centers the own terms and priorities of the interviewees (Josselson 1993). As Gain argues, decolonial narrative inquiry should focus on dialogue, community, self-determination and cultural autonomy and "must be unruly, disruptive, critical, and dedicated to the goals of justice and equity" (Denzin and Lincoln 2008, p. 3).

Critical decolonial narrative inquiry uses counternarratives to foreground marginalized experiences and to challenge dominant representations of Indigenous Peoples and territories. These counternarratives are described as telling a "counter-reality that is experienced by subordinate groups, as opposed to those experiences of those in power" (Delgado and Stefancic 2000, p. 194). Counternarratives align directly with the intersectional focus of this thesis, because they have the ability to shed light on the complex "intersections of gender and voice, border crossing, dual consciousness, multiple identities and selfhood in a postcolonial and postmodern world" (Matua and Swadener 2004, p. 16).

In line with the method that Gain proposes, the interviews were designed as conversations grounded in respect, listening, and reciprocity. Each interview began with an introduction about the research purpose, followed by an open invitation for participants to share their perspectives. Early questions often explored participants' cosmovisions; their worldviews and relationships with the Territory. Depending on how the conversation developed, more specific topics were addressed related to harms, resistance and gendered dynamics.

Following practical recommendations from Indigenous research methodologies (Chilisa 2020), careful attention was paid to creating a comfortable and respectful environment for dialogue. This included allowing time for silence and avoiding interruptions. Each session ended on a positive note, often by discussing hopes for the future. In one case, a 'talking circle' format was used with four participants. This allowed for collective reflection and narration of experiences, an approach rooted in Indigenous ways of sharing knowledge. This focus on power-sharing and relational dialogue is in line with decolonial research ethics that value context and promote collective meaning-making (Woodiwiss and Lockwood 2017).

Sampling

Participants were recruited through a combination of purposive and snowball sampling. Initial contacts were made through the supporting NGO, whose trust within local communities facilitated access and legitimacy between researcher and participant. From there, participants sometimes recommended others within their networks who could offer relevant perspectives.

Recruitment procedures emphasized voluntary participation and the avoidance of any form of pressure (Gain 2023). It was clearly communicated, verbally and in written form when feasible, that participation was entirely voluntary and that choosing not to participate would have no negative consequences for any existing relationship with the researcher, the supporting NGO, or other organizations. Informed consent

was obtained in Spanish or Q'eqchi', and all participants were informed about the study's purpose, methods, potential risks, and confidentiality measures.

Study Sites

Interviews took place both in Guatemala City and around El Estor. One participant opted for an online interview. Consistent with decolonial principles of agency, participants were given control over where and when interviews were conducted, helping to ensure comfort and trust.

Language and Translation

All interviews were conducted in Spanish or Q'eqchi', depending on the preferences of the participants. Language is more than a communication tool: it shapes how people organize and express their realities (Kapborg and Berterö 2002). Therefore, conducting interviews in a language that the participants are comfortable in is essential to capture their perspectives.

While the Spanish conversations did not require translation, a translator assisted with the Q'eqchi' interviews. Working with translators can risk the distortion of meaning, for example when the translator is not fully aware of the research aims (Liamputtong 2010). To mitigate this, the translator was an individual with extensive experience in the field and familiarity with the local contexts. This translator also helped with communicating intermediate findings to the participants only speaking Q'eqchi'.

All interviews were audio-recorded, transcribed in Spanish, and subsequently translated into English for analysis. It must be noted that though I am proficient and able to conduct and understand conversations in Spanish, there is a risk that as non-native speaker a lack of fluency threatens validity of the interpretation. To mitigate this risk, the following debrief steps were taken.

Debrief

In accordance with decolonial research principles, particular emphasis was placed on maintaining participants' agency and ownership over their narratives throughout the research process. Interview participants were invited to review, validate, and possibly alter their interview transcripts and interim findings to ensure accurate translation and interpretation of their stories. In this process of member-checking, the documents were shared in Spanish, and translated to Q'eqchi' by the translator when required. Interviewees were thus able to provide feedback on how their voices were interpreted in the thesis, and confirm that the representations of their perspectives remained accurate. This process aimed to give the participants a continued control over their data until the end of the project.

As a final step, participants in Iximulew were invited to an online presentation and discussion at the beginning of 2026, which also provided another debrief moment. In the presentation the main findings of the thesis project were shared back with the participants. It was given in Spanish, since all participants who joined were comfortable in this language. After the presentation there was room for discussion, serving as a concluding dialogue and moment for debrief points. While individual feedback had already been gathered earlier in the process, this collective session created space to exchange final reflections, questions, and ideas.

2.4.1.3 Document Review: Historical Context

A document review was conducted to complement the narratives gathered through the interviews and to support the construction of the historical context. The aim was not to produce a neutral or linear chronology, but to situate the Q'eqchi' realities within a broader historical and relational context, focusing on land tenure in Iximulew and the development of extractivist activities in the El Estor region.

The review included academic and gray literature, policy documents, and reports from civil society and alternative media. A key source was *La Cuarta Invasión* (Batz 2022), recommended by several interview participants. Sources were selected to contrast dominant historical narratives with perspectives foregrounding Indigenous, local, and women's experiences. In this way, the document review formed part of a decolonial ecofeminist methodological effort to recognize historical interpretations that have been shadowed.

Hence, the construction of the historical context was guided by the idea that history is shaped by rela-

tionships, power, and interpretation. The literature was treated as one way of knowing that interacts with the experiences shared by participants, instead of as a fixed record. This approach enabled connections between documented histories and lived experiences, centering Q'eqchi' territories as places already inhabited and cared for, instead of defining them through an extractive lens viewing them as resources.

Following Indigenous scholars, time is approached as cyclical instead of a linear process, where past and present are interconnected (Rivera Cusicanqui 2010). This is reflected in the description of different waves of invasion, inspired by the Maya Q'eqchi' concept of *t'ot* (the snail), which illustrates extractivism and resistance as a spiraling pattern of life and destruction (Carrillo and Posocco 2020). While challenging to express fully in writing, this understanding informs how historical processes are interpreted and presented throughout the thesis.

It must be noted that the historical context does not aim to be all-encompassing but to provide context that highlights Indigenous relationships with the Territory as the starting point of the story, instead of beginning with the arrival of extractive industries.

2.4.2 Data Collection on the UN Binding Treaty

For the research step focused on the Binding Treaty, data was collected through participatory research at the Treaty negotiations, semi-structured expert interviews, and a document analysis of Treaty drafts and other relevant secondary sources.

2.4.2.1 Participatory Research: Treaty Negotiations

From the 20th to the 24th of October 2025, the eleventh session of the 'open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights' took place in Geneva, Switzerland. This working group has been negotiating since 2014 about a UN Binding Treaty on Business and Human Rights. The process of developing this Treaty started when the UN Human Rights Council (HRC) adopted resolution 26/9 by which it decided to establish the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises (OEIGWG), "*whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.*" (Human Rights Council 2025).

The five-day negotiations took place at the UN office in the 'Palais des Nations', attended by state delegations and representatives of civil society. A participatory research approach was taken, meaning that research was conducted within the environment of the Treaty negotiations, together with other actors in the process. Being with the delegation of the supporting NGO, which is a part of the Global Alliance and the Feminists for a Binding Treaty (F4BT) coalitions, the main interactions were with NGOs and other civil society actors. During the five days, notes were taken of the negotiations and side-events organized by civil society organizations, focusing on overall dynamics, clashes in perspectives, and specific proposals.

2.4.2.2 Semi-structured Interviews

After attending the negotiations, expert interviews were conducted to inductively apply the findings from the case study and the observations in Geneva to the Binding Treaty. All interviews followed a semi-structured approach.

Participants

Cesar

Cesar is an Igorot elder from the Cordillera region of the Philippines, where large amounts of ancestral lands were opened to foreign mining, logging, agricultural, and energy corporations, in the name of globalization and neo-liberalism (MABIKAs 2018). From his current home in the Netherlands, Cesar has persistently been advocating for Indigenous rights for the past decades. Through the MABIKAs Foundation and together with other diasporas, he continues to promote and pass on this culture. He

has been vocal on the right to self-determination for Indigenous Peoples, including through involvement with the United Nations Permanent Forum on Indigenous Issues, one of the three UN bodies focused on “dealing with Indigenous Peoples’ issues” (United Nations 2026).

Raffaele Morgantini

Raffaele Morgantini is a representative of CETIM to the UN. CETIM (Centre Europe-Tiers Monde) is a Geneva-based human rights organization working primarily on economic, social, and cultural rights from a people-centered perspective. Its core role is to act as a bridge between grassroots struggles and UN human rights mechanisms, using international processes to denounce corporate human rights violations and support access to justice when national systems fail. CETIM participates in the Treaty negotiations as part of the Global Campaign to Reclaim People’s Sovereignty, Dismantle Corporate Power and Stop Impunity, a network of over 250 social movements, civil society organisations, trade unions and communities affected by the activities of Transnational Corporations (TNCs). Collective participation is seen by CETIM as crucial to counter corporate influence and center the voices of those most affected by corporate human rights violations.

Jessica Lawrence

Jessica Lawrence is a senior attorney at Lawyers for Human Rights (LHR), a South African public interest law firm founded in 1979, where she leads the Environmental Rights Programme. The programme focuses on the intersection of environmental and socioeconomic rights, recognizing their deep connections to health, livelihoods, well-being, and dignity. Given South Africa’s longstanding reliance on mining, LHR’s environmental rights work is closely tied to extractivism, which has consistently produced rights violations, particularly affecting rural communities. Through sustained engagement with affected communities, LHR has focused on business and human rights within the extractive sector for years. Its work combines legal support, community legal empowerment, education, advocacy, and research. A key concern emerging from this work has been the existence of significant legal protection gaps, especially where transnational corporations operate across jurisdictions. LHR’s engagement with the UN Binding Treaty on Business and Human Rights emerged directly from these gaps. LHR’s Treaty submissions are grounded in community experiences and apply an explicit intersectional lens, including gender, Indigenous Peoples, and the protection of human rights defenders.

Lieselotte Viaene

Lieselotte Viaene is a Belgian-Flemish legal and environmental anthropologist and Senior Fellow at the Human Rights Centre of Ghent University, holding a PhD in Law. She has nearly two decades of collaborative research experience with Indigenous communities in Abya Yala and Nepal, including genocide survivors and networks of Indigenous lawyers. Her work spans legal pluralism, Indigenous rights, transitional justice, decolonial approaches to human rights, and natural resource governance. She is the lead researcher of the RIVERS project, which critically rethinks human–water relations and challenges anthropocentric human rights frameworks of the UN through comparative, interdisciplinary research. Lieselotte also has worked as a human rights practitioner, including with the UN Human Rights Office in Ecuador.

Sampling

Interview participants were selected using purposive sampling, with elements of convenience sampling, reflecting the field-based nature of the research. The participants were sampled based on their expertise and involvement in UN human rights frameworks. Initial contacts were made at the Treaty negotiations, events of the Indigenous Liberation Month in the Netherlands (KIN 2025), and at events of the RIVERS project in Ghent.

Language, Transcription and Debrief

All interviews took place in English, were audio-recorded, and transcribed. Used quotes and summaries of the interviews were shared with the participants for member-checking.

2.4.2.3 Document Review

Lastly, to formulate specific recommendations on the Treaty, its drafts and the proposed amendments of different states were reviewed. Moreover, documents and websites containing various analyses of the Treaty process and its content were consulted.

2.5 Data Analysis

The qualitative data analysis was guided by the study's decolonial ecofeminist framing, which understands analysis as a relational and interpretive process shaped by positionality, participants' worldviews, and the broader power structures in which both are situated (Gain 2023). Following McGuire (2018), theory and analysis were treated as closely connected, allowing narratives to be examined in relation to systems of power. Accordingly, the analysis followed two different methods that are in line with this approach: first, reflexive thematic analysis was used to interpret the case study data (Chapter 3). Secondly, a constructivist analysis was used to situate the thematic findings within intersecting structures of power (Chapter 4), and the same method was employed to analyze the UN Treaty research data (Chapter 5).

2.5.1 Case Study: Reflexive Thematic Analysis

The case study data were firstly analyzed through a reflexive thematic analysis, using iterative listening, without using digital coding. The goal was not to generalize or categorize experiences into predefined codes, but to deepen understanding of how systems of gendered and colonial power are lived and resisted by the communities in the El Estor region. Decolonial methodologies emphasize that knowledge creation is rooted in relationality and sharing, instead of in data reduction or abstraction (Gain 2023). While coding can be useful to organize data, the analysis process of this thesis followed decolonial critiques of coding as a method that risks imposing Euro-Western categories and presenting situated knowledge as 'neutral' (Smith 2008; Chilisa 2020).

Accordingly, the analysis of the interview data was approached through several rounds of careful reading. Each time, there was a focus on the stories as a whole by listening for connections and meanings instead of just tracking repeated words. Key insights from the interviews were manually marked and iteratively reflected upon before being combined into the thematic synthesis, deliberately using many direct quotes to avoid diluting the participants' testimonies. Throughout this process, special attention was paid to how participants described their worldviews, feelings, and forms of resistance. There was a specific engagement with gendered dimensions: not only as stories of unequal impacts but also as expressions of agency and resistance.

As mentioned, member-checking was carried out throughout the data analysis. Preliminary interpretations and key insights were shared for their feedback and confirmation, forming a part of the iterative analysis process. Reflexivity and decoloniality in praxis were also essential to this process: at each stage, I asked myself questions regarding my positionality, the assumptions guiding my interpretations, and the potential reproductions of colonial or academic hierarchies within the analysis itself. This reflexive practice was not a separate step but an ongoing interaction between researcher, participants, and theory.

2.5.2 Case Study and UN Binding Treaty: Constructivist Analysis

A constructivist analysis was performed to analyze both the case study data and the UN Treaty data. Constructivism argues that the meanings of concepts such as coloniality, patriarchy, and resistance are socially shaped through different lived experiences (Denscombe 2025). This analysis also recognizes that findings are co-constructed between researcher and participants, reflecting various situated and relational understandings.

Thus, the outputs of the El Estor case study (the insights on the Q'eqchi' cosmovision, historical context, and thematic synthesis) were constructively analyzed through the intersectional decolonial ecofeminist lens and engagement with these theories, to examine how they are shaped by different structures and axes of power.

For the research step assessing the UN Binding Treaty, the different data sets (derived from participatory research at the Treaty negotiations, expert interviews, and document review) were likewise constructively analyzed. The previous insights from the El Estor case study (as presented in Chapters 3 and 4) were integrated with this new material to formulate specific recommendations for the UN Binding Treaty that reflect the findings of the case study. For this research step, member-checking of interview transcripts and interim findings was also conducted with all interviewees throughout the data collection and analysis.

3 Insights: El Estor Case Study

Intended audience

The historical context has been written for anyone interested in learning more about the historical context of extractivism in Iximulew and El Estor. They may also help to connect this case study to other examples of extractivism. Unfortunately, El Estor is not an isolated case. Across Abya Yala and other colonized regions, similar stories of extractivist activities can be found.

The lived realities described in this chapter are the core of this thesis. While some analytical notes have been added to synthesize the testimonies, they are aimed to keep close to the original wording from the interviews. In order to preserve the integrity of their narratives, this chapter includes a large number of direct quotations, with additional excerpts provided in Appendix C.

I want to encourage you as a reader to connect these lived experiences to your own surroundings and daily lives. Especially if you are a reader from the Global North, try to think about how historical legacies of inequality and extractivism are still shaping today's world.

In El Estor, Iximulew, Indigenous Maya Q'eqchi' communities, and women disproportionately, have long struggled for justice in relation to nickel mining and palm oil cultivation. This thesis focuses on territories used by the Solway Investment Group for nickel extraction and by NaturAceites S.A. for palm oil, whose products are largely export-oriented and whose operations extend beyond Iximulew. These activities are marked by ongoing land rights disputes, as Q'eqchi' communities assert ancestral territorial claims against companies with significant economic, legal, and political power. While corporations profit, communities face land dispossession, violence, rights violations, and environmental and spiritual harm to territories understood as living and culturally vital entities.

The presence of these two different extractive industries makes El Estor a relevant case study for this thesis. One week was spent in the region in which interviews were conducted with women, journalists, ancestral authorities, Q'eqchi' community members, rights defenders and local organizations. Communities in the Sexán sector affected by mining activities, as well as Chapín Abajo, a community impacted by palm oil cultivation, were visited. These conversations form the foundation of the different elements of this chapter, which provides answers and insights to subquestions 1 to 3:

1. *What are lived experiences of extractive industries (nickel mining and palm oil cultivation) in Q'eqchi' communities around El Estor, Iximulew?*
2. *What are the gendered dimensions of the lived experiences from the El Estor case study?*
3. *In what ways do Q'eqchi' knowledge systems and ontologies form alternative understandings of territories and justice?*

First, section 3.2 discusses the territorial connection within the Q'eqchi' cosmovision, forming a foundation to answer subquestion 3 about the Q'eqchi' understandings of territories and justice. Together with section 3.3 on historical context of the territorial struggles, this provides a necessary foundation to enhance understanding of the El Estor realities and address subquestions 1 and 2. Sections 3.4, 3.5 and 3.6 represent the lived experiences of extractive industries by Q'eqchi' communities in the El Estor region, thereby touching upon subquestion 1. The focus on their gendered dimensions answers subquestion 2.

3.1 Relation to Other Findings

The research flow and its different outputs from this chapter are shown in Figure 4. These outputs are described below, and are used as inputs for further research steps of which the findings are presented in chapters 4 and 5.

Context: Territorial Connection and Waves of Invasion

The history of territorial disputes in this region cannot be understood as a single, objective chronology. Therefore, sections 3.2 and 3.3 provide context on territorial connections, land tenure in Iximulew, and on extractivism in the El Estor region, drawing from interviews, literature, and alternative media. This context is not representative of the full history of the region; it reflects a relational understanding of its history and a deliberate focus on Indigenous and women’s perspectives that have been (and still are) shadowed. The texts were reviewed by local experts for completeness and correctness.

The historical narrative aims to situate extractivist activities within the lived realities of Indigenous Peoples, rather than the other way around. Extractivism in El Estor is thereby regarded as an invasion to a Territory that was already lived with and loved, an invasion to a reality that was already there. Therefore, the chapter does not begin with the arrival of extractive industries, but with ancestral relationships to the Territory as the starting point of the context of the communities.

These lived connections are then juxtaposed with successive invasions of Indigenous territories in Iximulew, such as through the institutionalization of land tenure and property. These invasions are not presented as linear events, but can be seen as a spiraling pattern in which different ‘waves’ connect past, present, and future invasions. This is in line with the Q’eqchi’ concept of *t’ot*: the snail (further discussed in §2.4.1.3). Since colonial invasion, large injustices related to land ownership have been reproduced through other waves of dispossession. The fourth invasion represents the current phase of extractivism and is therefore examined in greater detail, focusing on mining and palm oil expansion in El Estor as reported in literature, local media, and by interviewees.

El Estor Realities: Thematic Synthesis

The historical context leads up to descriptions of the current situation by local voices; how they experience the land dispossession, how they live the impacts of extractivism, and how they resist these industries. These perspectives are given in sections 3.4, 3.5, and 3.6 in the form of a thematic synthesis that combines the interviews per identified theme. This aims to describe the various voices, while combining them into one synthesized narrative that contextualizes the different territorial disputes, harms, and resistances in the region.

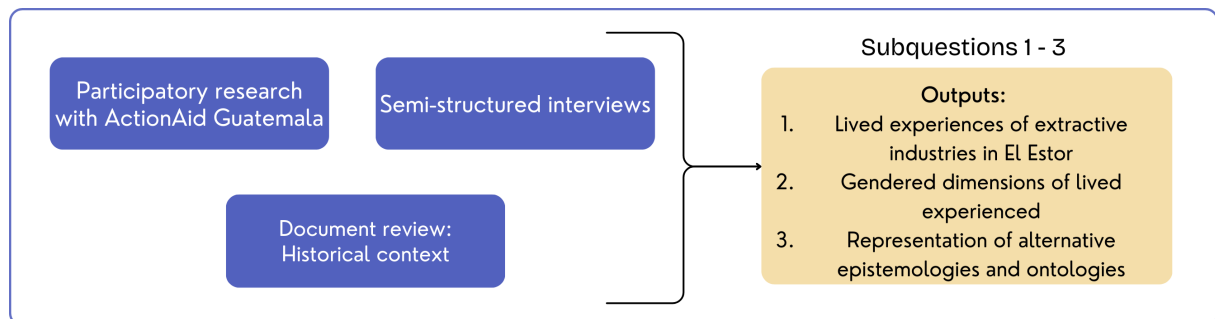


Figure 4: Research Flow of Chapter 3

3.2 The Connection with the Territory

Throughout the conducted interviews, as well as in other sources of knowledge such as the forms of *ts'ib* presented in Appendix D, it was emphasized that the Q'eqchi' people have a deep connection with their Territory. They refer to themselves as *Aj Ral Ch'och* (children of the Earth). This bond is spiritual and existential. It views the Earth as a mother, not only of us as humans but of non-human elements as well.

“I identify myself a lot with *Aj Ral Ch'och*: as being a child of Mother Earth. And something beautiful about our language is that it is very inclusive. When we say it, it means you are a daughter, a son, a child. We're all part of it. And that's why we can't live without Mother Nature.” - Carlos Choc

In the Sexán communities, the ancestral authorities shared how they connect with their territories that are being threatened. In the Maya Q'eqchi' cosmovision, there is a deep connection and a profound respect for their surroundings. In its communities, humans feel as being a part of nature together with non-humans, and that the Earth is mother to all of us. Nonhuman entities such as hills or mountains are described as having a certain energy or spirit that humans need to respect and care for.

“These hills are our grandfathers and grandmothers. In Maya philosophy and in our community, we have this respect for Mother Earth. We believe that we owe a lot, we owe everything we do, to our Mother Earth.” - Otilia Chon

“Our cosmovision is that mountains are not just mountains, not just hills, not only trees, birds, animals or biodiversity, but also in the mountains there is a guardian spirit. We connect, we communicate with it. So every mountain has a name... it is an energy. For us, it is not only a mountain, but there are guardian spirits of the mountains that we call 'Tzuultaq'a'... The Lake is also a guardian, there is an energy, so we connect. And it is beautiful, because you create a strong connection and you begin to understand and have clarity in your thoughts. And that is why we love and care for the Lake.” - Carlos Choc

This connection is described by another interviewee as something that surpasses respect, and extends to a spiritual bond.

“I believe that we have that spiritual connection because we believe that our Mother Earth is alive, she is feeding us day by day... I think it is very necessary to make offers to her and to thank her. To be grateful, to be reciprocal. So we make offers and we believe that this is a way of giving thanks.” - Javier Horlando Cap

The Sexán ancestral authorities also describe the ancestral Q'eqchi' practices centering reciprocity and gratitude towards the Earth.

“We do a ceremony before we plant our crops. We do not just start to sow our seeds, but we organize an evening, do a ceremony to thank Mother Earth and ask for permission... You need to respect her, and love her especially... When we build our houses, we do a ceremony because of all the materials we use. They are trees that had life, which we cut off. So that is why we believe that when we do this, above all we also must start sowing again, to always keep that balance. Also in society, right?” - Javier Horlando Cap

This quote describes how the Q'eqchi' cosmovision centers balance and equilibrium. The balance that is sought goes beyond a balance within the community, society or humankind. It encompasses all elements in the cosmos, and it is believed that maintaining an equilibrium between these elements is essential. The testimonies underline how the Q'eqchi' cosmovision stands in sharp contrast with the extractive activities. It is a contrast between thinking about nonhuman nature as natural goods and natural resources, a contrast between balance and destructive exploitation.

“We don’t call it natural resources, we call it natural goods [*bienes*]. So, in that way it is considered that the entire cosmovision, the entire worldview flows through the forests, the rivers, the animals that are in the mountains; everything has an element of life. Even the stones, everything that is inside the mountain is part of the energies where the Q’eqchi’ go and offer at the altar that is there. So this is the essence of the Q’eqchi’ people. But when mining and the extensive crops came, we came to understand that they come to destroy. They do not seek a balance with nature.” - Carlos Choc

Hence, the Q’eqchi’ worldview values everything that is seen to have an element of life, without directly relating this value to human well-being. Nonetheless, because of the vision that everything in the cosmos is interconnected, there is a strong recognition that the protection of the Earth is also essential for the protection of humans.

“Life on Mother Earth includes human beings, animals, forests, water, air, everything. The whole cosmos, everything surrounding us... As Maya peoples, Indigenous Peoples, we say that the Earth is our mother. That’s how I was taught by my mother; that I must protect and care for the Earth, the water, the trees, to respect those natural goods, because they serve us. If I contaminate them or cut them, it all comes back, because all is a cycle.” - Juana Toledo

This respect for the Earth, together with the cultural and spiritual connection to the Territory form a foundation to the resistance to land grabbing by the extractive industries in the region. There is a sense of necessity within the communities to defend and take care of the Earth and the Territory.

“There is a large respect for Mother Earth, for forests, because we consider that within the forest, the rivers are born that supply us as communities. And I think that’s a very important thing to keep doing and practicing. It is like the connection that exists between Mother Earth and the communities, so I believe for that reason we are willing to defend it and take care of it, to respect it. It is like a way of sharing with Mother Earth.” - Otilia Chon

Now that the ontological dimension of the struggles around extractivism in El Estor has been touched upon, the following section turns towards its temporal dimension. It does this by placing territorial invasion, dispossession, and harm by extractive industries within a larger historical context.

3.3 Invasion of the Territory: Historical and Contemporary Structures in Iximulew

“Once in a while I walk backward: it’s my way of remembering. If I only walked forward, I could tell you what forgetting is like.” - Humberto Ak’abal

The previous section illustrates the spiritual and ontological depth of territorial dispossession in El Estor, as the connection with the Territory forms an important part of Q’eqchi’ ways of knowing and being. The following section builds upon this understanding by discussing the temporal dimension of dispossession, showing that this is a longstanding and ongoing struggle for these communities. Where this chapter contains a more concise version of this historical context, Appendix B presents a more detailed version.

3.3.1 The First Invasion: Colonial Conquest and the Foundations of Land Inequality

Before the Spanish conquest, Indigenous Maya peoples, including the Q’eqchi’, held land and Territory communally. Land was not treated as individual property but as a collective possession, encompassing relations among human and non-human nature. Territory in Mayan Q’eqchi’ philosophy is both a physical and spiritual space, and the basis of livelihood, culture, and community. As anthropologist Laura Hurtado explains: “Territory includes roots, water sources, forests, animals, plants; it’s the foundation of their culture.”

The Spanish invasion of the sixteenth century violently restructured Indigenous communities and territories. Campaigns led by Pedro de Alvarado combined military conquest, forced displacement, and the imposition of new institutions (Batz 2022). The Crown asserted ownership through the “right of conquest,” while nominally recognizing Indigenous rights to land held “*desde tiempos inmemoriales*”. This dual narrative justified dispossession and Indigenous labor exploitation through *encomiendas*: the Spanish labor system through which conquistadors were granted control over the labor of conquered non-Christian peoples.

After 1542, slavery gave way to a feudal regime of coerced servitude, where Indigenous workers maintained small plots (*minifundios*) in exchange for laboring on large estates (*latifundios*) owned by colonial lords (Trackman, Fisher, et al. 1999). While some communities repurchased land, most remained possessors without titles. The colonial project also involved a “spiritual conquest,” including the destruction of sacred sites and imposition of Christianity (Firmino Castillo et al. 2014). However, despite repression, Indigenous governance and land regulation persisted, demonstrating early resistance to colonial hierarchies (Batz 2022).

Altogether, this first invasion laid the foundations of Iximulew’s racialized land inequality, with colonial hierarchies of race, gender, and class producing a worldview that still informs social and economic relations in Iximulew today.

“I would say that racism crosses all of society. It has historical roots, but it is constantly reproduced. Indigenous communities that are being dispossessed or affected by extractive industries are not considered in their rights... But this racism begins with the colonial period. There had to be a justification for land appropriation and labor exploitation. And that was only possible if the Indigenous population was considered inferior; a people that needed to be colonized and Christianized. And that logic has continued to this day.” - Laura Hurtado

3.3.2 The Second Invasion: Liberal Reforms and Institutionalization of Private Property

After independence, colonial hierarchies were reproduced through liberal reforms. In 1877, President Justo Rufino Barrios institutionalized private property through the General Property Registry, requiring land to be formally titled and effectively erasing collective Indigenous claims (Batz 2022). Hurtado identifies this as an important change: “Before, land was a possession: it was used and lived on, but not owned. Now, the institutionality [*of the property registry*] was created.”

These reforms facilitated the transfer of communal lands to elites and foreign investors, institutionalizing the *minifundio*–*latifundio* system and reinforcing land inequality (Tramel 2019). Lands were registered to

elites or the state, even when not occupied, rendering Indigenous communities dependent on plantation labor and vulnerable to eviction.

Under the presidencies of Estrada Cabrera and Jorge Ubico, extensive concessions were granted to foreign investors, including the United Fruit Company (UFC). In the 1930's the UFC expanded its landholdings to 42% of all of Iximulew's land, operating tax-free and benefiting from forced labor policies that targeted Indigenous workers and vagrancy laws that criminalized Indigenous mobility and compelled Indigenous workers to labor on plantations (Taylor-Robinson and Redd 2003; Batz 2022). Especially for Indigenous women, there was little change since independence, as they continued to face sexual violence and appropriation of their bodies (Casa de la Memoria 2025).

Indigenous resistance, however, continued through local uprisings and protests. This led to the 1944 October Revolution and the subsequent 1952 Agrarian Reform (Decree 900) sought to redistribute land, including underutilized UFC holdings, and address extreme land ownership concentration. However, these reforms were short-lived. Following a CIA-backed coup in 1954, that was connected to intervention sought by the UFC, the reform process was reversed, agrarian policies were dismantled, and land was returned to domestic elites and transnational corporations. Years of military regimes followed in which dissatisfaction and frustration grew among the population. After the social reforms of the 1944 revolution were not being realized, guerilla resistance increased throughout the country.

3.3.3 The Third Invasion: Internal Armed Conflict of 1960–1996

An unstable and violent period started in Iximulew in which military regimes and guerilla groups entered into armed conflicts throughout the country. During this time, a “third invasion” occurred, where the national military and state engaged in genocidal campaigns against Indigenous communities (Batz 2022). It was marked by forced disappearances, large-scale massacres and slash-and-burn campaigns targeting the rural Maya population (Viaene and González-Serrano 2023). Over 200,000 people died, 45,000 forcibly disappeared and at least 400 Indigenous villages were destroyed, with 83.3% of the victims being Maya Indigenous (Comisión de Esclarecimiento Histórico (CEH) 1999). Under the military regimes, ownership of Indigenous lands was transferred to military officials, large landowners, investors, and actors closely linked to the state, while Indigenous communities were displaced and forced to escape the violence.

In El Estor, this period enabled the expansion of extractive industries examined in this thesis. Nickel mining began in 1965, when Q'eqchi' land was leased to the Canadian company INCO. Indigenous resistance intensified throughout the country, through Campesino committees and support for guerrilla movements, culminating in the 1978 Massacre of Panzós, where more than 100 Q'eqchi' protesters were killed. After the Massacre of Panzós a time followed in which the army systematically persecuted organizations that demanded territorial rights. Many Indigenous communities were persecuted, violated and displaced throughout the following decades.

An escalation of the conflict stalled full-scale mining operations, but land appropriation continued through violence and displacement, reportedly involving the mining companies (Rodríguez 2021). Besides mining, the armed conflict also laid the foundations for agro-industrial extractivism in El Estor, particularly African oil palm. Elites, such as the Maegli Müller family, expanded their landholdings in the El Estor region, as part of the broader extractivist development vision.

The 1996 Peace Accords formally ended the war and introduced mechanisms recognizing Indigenous rights, such as the National Land Fund (*'FONTIERRAS'*) and ILO Convention 169 recognizing Indigenous rights such as Free, Prior, and Informed Consent (FPIC) (Batz 2022). However, in practice they did not undo the extractive land structures consolidated during this invasion, which continue to shape conflicts over mining and palm cultivation in El Estor during the current fourth invasion.

3.3.4 The Fourth Invasion: Post-War Extractive Projects and Expansion in El Estor

Despite the Peace Accords and attempts at reform, land inequality persisted in the post-war period. Neoliberal and market-driven economic policies reinforced inequality and facilitated the expansion of extractive industries (Batz 2022). This subsection introduces the “fourth invasion” of post-war extractivism, focusing on how mining and palm oil expanded in the El Estor region, intensifying land disputes.

1996–2004

After the 1996 Peace Accords, post-war governments identified extractive projects as a development priority. In mining, this led to the revival of the Fénix project. In 2004, shortly before the expiration of INCO's forty-year lease, former directors formed Skye Resources and extended the mining license through its subsidiary CGN, restarting exploration (Rodríguez 2021). Ancestral authorities in the Sexán area recall how mining returned to the Territory after years of inactivity, with companies reappearing under new names (see Appendix B).

At the same time, palm oil cultivation expanded rapidly. Trial crops from previous decades grew into large-scale plantations, often on lands whose ownership rights had been promised to Indigenous communities under the Peace Accords. Interviewees describe how returning displaced communities found their ancestral lands converted into pasture or palm plantations, particularly in the Polochic Valley and around Lake Izabal (see Appendix B).

In 1998, NaturAceites was founded through the merging of INDESA and Grasas y Aceites (Salgado 2022). By the early 2000s, plantations expanded into Alta Verapaz, the Polochic Valley, and the Lake Izabal region, including areas near the Sierra de las Minas buffer zone. A group of 14 different communities attempted dialogue with Juan Maegli Müller, owner of NaturAceites, contesting land invasions and the monopolization of ancestral, communal, and national lands by the INDESA farms. When dialogue failed, communities began reclaiming land by cutting palm crops, which was followed by criminalization, arrest warrants, and intimidation. Despite resistance, NaturAceites kept expanding and became the largest palm oil producer in Iximulew. The expansion of NaturAceites was part of a national pattern of increasing land inequalities: by 2003, 78% of arable land was controlled by just 8% of landholders, a figure that continued to rise (Tramel 2019).

2005–2010

Following the revival of the mining project by CGN, Q'eqchi' communities resisted, claiming ancestral rights to the land. This resistance was met with violent and illegal evictions in 2006 and 2007, involving state forces and soldiers, in direct violation of the Peace Accords. One of the evicted communities in 2007, was the community of Lote Ocho. Alongside the eviction, houses and crops were destroyed. Eleven women from Lote Ocho reported that they were raped and sexually assaulted by private security personnel from Skye Resources Inc., now part of Hudbay Minerals (OpenGlobalRights 2020). The women filed complaints in Canadian courts in 2012, against CGN and HudBay minerals claiming the company to be negligent, as it was aware that its subsidiary in Iximulew outsourced private security for the mining project to a company that was not legally authorized to operate in that manner (OpenGlobalRights 2020).

In 2008, HudBay Minerals acquired the Fénix project. Continued dialogue attempts failed, and in 2009 community leader Adolfo Ich Chamán publicly rejected further negotiations. That same year, during an illegal eviction attempt in Las Nubes, Ich Chamán was killed by the head of CGN's security. His killing became a symbol of the violent repression of Indigenous resistance.

Palm oil cultivation simultaneously expanded throughout the Polochic Valley. Between 2003 and 2010, large areas of forest were cleared to plant palm monocultures, displacing small-scale farmers and wildlife. During this period, NaturAceites grew rapidly and became a dominant agro-industrial actor in the area around Lake Izabal.

2011–2018

In 2011, the Fénix mine was acquired by the Russian-Swiss Solway Investment Group. The mine was inaugurated in 2014 without a valid license, which was granted only two years later. From 2017 onward, after several years of mining operations, artisanal fishers reported heavy pollution of Lake Izabal. Despite protests and formal complaints, authorities failed to act. During demonstrations, fisherman Carlos Maaz was killed, and journalists and community leaders documenting the events were criminalized and displaced, including Carlos Ernesto Choc, who was interviewed for this research.

In 2017, the government established a dialogue process involving the artisanal fishermen, the impacted communities and government officials, but later stopped this process (ActionAid International 2022). The Ministry of the Environment and Natural Resources (MARN) and the Mining and Energy Ministry (MEM) blamed the pollution on growth of algae instead of on the mining company. Affected communities were left without solutions to the pollution of the Lake, facing continued repression and criminalization

for their activism.

During the same period, palm oil production expanded further. From 2009 to 2019, national palm production increased by 191%, accompanied by deforestation in Alta Verapaz and Izabal, including protected areas of the Sierra de las Minas (Figueroa 2024). NaturAceites consolidated its corporate structure and expanded partnerships with smallholders, integrating communities into supply chains. While this provided income opportunities, environmental organizations warned that the extensive use of water and pesticides was affecting nearby ecosystems and rivers that also feed into Lake Izabal, adding up to the region's environmental stress from mining activities (Figueroa 2024).

Moreover, labor rights violations led to an international case against Iximulew in 2014, with NaturAceites cited for low wages, lack of social security, and unsafe conditions (CMI 2016). In 2016, workers occupied company facilities demanding higher pay. The company did not comply and denied accusations, while reports documented ongoing violations, river diversions, and water scarcity near plantations.

2019–2025

In 2019, Q'eqchi' communities initiated legal proceedings demanding consultation under ILO Convention 169. In 2020, Iximulew's Constitutional Court ordered the suspension of mining operations until consultations with the local communities were carried out. However, communities reported that operations continued and that consultations were not taking place properly. They were taking place outside of El Estor, were not clearly communicated, and excluded ancestral authorities, women, and fisher organizations. These failures sparked protests and a two-week encampment in 2021, which was answered by police officers and riot police firing tear gas at the demonstration. The government declared a state of siege, suspending civil rights and deploying military forces. Community leaders, journalists, and organizations such as the Defensoría Q'eqchi' were raided and subjected to intimidation and persecution for their involvement in or coverage of the anti-mining movement (NACLA 2021).

During this period, the legitimacy of the mining license remained contested. In 2022, the MEM reauthorized the license, declaring the consultation process completed despite widespread allegations of illegality and exclusion, as the consultation had taken place during the 2021 state of siege (Prensa Comunitaria 2022; Cultural Survival 2022; Xol 2024). Later that year, US sanctions temporarily halted the Fénix mine due to suspected corruption (Dominguez 2025), and in December 2023 the IACHR ruled against Iximulew for allowing operations on Q'eqchi' communal land. However, the US sanctions were lifted in 2024 and Solway announced plans to resume full production in 2025.

Despite zero-deforestation commitments by NaturAceites, deforestation and water scarcity persisted in the Polochic Valley and Izabal lowlands. Evictions also continued, such as the violent eviction of the Palestina Chinebal community in 2020 (Albani 2021). By 2024–2025, communities reported intensified heat waves, drying rivers, and declining rainfall, which researchers linked to the deforestation for the palm cultivation (Figueroa 2024).

During the fourth invasion, the expansion of extractive industries such as nickel mining and palm cultivation in El Estor became both a product and a driver of structural inequalities in land access between companies and Indigenous communities at the national level. The recognition by the Guatemalan state of only private and state-owned land regimes plays a role in this, leaving communal systems unprotected and vulnerable to dispossession. Evictions and land grabs associated with extractivist projects have accelerated, often backed by public prosecutors and police forces acting on behalf of private parties claiming land ownership.

This fourth invasion shows that extractivism in El Estor is not an isolated phenomenon but part of a historically continuous process of racialized land inequality and dispossession of Indigenous territories. Q'eqchi' communities in Iximulew face a paradox, in which they are required by land tenure regulations to obtain property titles while being systematically excluded from the institutions responsible for issuing them. As a continuation of this struggle, the next part of this chapter shifts to a thematic synthesis of lived experiences related to the current invasion of extractivist companies into El Estor territories.

“The Q'eqchi' Maya people are foreigners in their own land.” - Robin Macloni Sicaján Jacinto

3.4 The Dispossession of the Territory

Both the mining and palm oil industries in El Estor illustrate how extractivist expansion in Q'eqchi' territories has occurred through processes of territorial dispossession and lack of consultation that disregard Indigenous rights to land, development and self-determination. Despite differences between the two industries involved, the following testimonies reveal overlapping patterns of dispossession and displacement.

3.4.1 Land Grabbing Without Free, Prior and Informed Consent

Communities affected by mining and palm cultivation highlight that extractive projects were imposed without free, prior, and informed consent (FPIC), as required under international human rights frameworks and the national constitution. This initial occupation coincided with the period of counterinsurgency violence, in which thousands of Indigenous people were displaced from their lands. When they returned after the peace accords of 1996, another wave of land dispossession would follow for the communities around El Estor. The local communities questioned the legality of the mining practices, as they were not consulted by the company.

“Does this company really have an operating license? And if so, who was consulted? Because we understand for a company of that nature to start operating, there must be a free, prior, and informed consultation for the peoples, according to Convention 169 of the International Labor Organization.” - Baudilio Choc Mac

As described in the historical context, the early 2000s marked the region through land disputes and illegal evictions, resulting in a halt being ordered to the Fenix Project by the Constitutional Court in 2021. Three years followed in which the mining licenses were alternately taken away and regranted. The communities recall that in reality, the mining activities in the region remained active. Currently, new licenses are still being granted, while the communities are denied access to land title registration (Xol 2024).

When the Constitutional Court ordered a halt to the Fenix mining operation in 2021, it was due to a lack of community consultation and environmental impact report shortcomings. However, though these new licenses have been granted to expand the mining area, the ancestral authorities share that this time the communities have not been consulted either. While the official authorities are being consulted (such as the auxiliary mayors or ‘COCODE’ presidents) the rest of the Indigenous communities, including the ancestral authorities or Indigenous leaders are excluded from the process. The problem described below is that the individuals consulted by the company do not represent the local Q'eqchi' voices, because of an (economic) tie with the company.

“Despite the fact that the license of this company has been canceled, it wants to reactivate an operation again. Illegally, because there has not been a community consultation... It is a permit without the consent of the population; they do it only with the authorities, with one person who has a stamp, stamps the document and exceeds the process. But that is an illegal way, because it is not consulting the people.” - Juan Bautista Xol

Similarly, in the palm oil region south of Lake Izabal, ancestral authorities describe how palm plantations were established on their ancestral lands without a well-informed consultation process by NaturAceites.

“Here the communities were never consulted. A community consultation should explain the benefits and harms that are brought, and then the community says yes or no. But NaturAceites never informed us about the damages, such as the river diversions, the sewage channels reaching the Lake, polluting the rivers... That was never explained.” - Pedro Cuc Pan

Testimonies reveal that Indigenous governance structures are systematically undermined. The RSPO certification of NaturAceites claims social sustainability and legitimizes the extractive practices, while in reality communities are not properly consulted.

3.4.2 Violent and Illegal Evictions

Besides the lack of consultation, the mining licenses are granted without sufficient environmental impact studies or commitment to measures for environmental protection, as described by journalist Carlos Choc: “The problem is that everything is illegal. The license is given in an illegal context, they do not have an environmental impact study that is going to withstand the destruction they are doing, and they are not going to commit to doing it.”

Furthermore, the evictions and the court orders authorizing them are often illegal in several respects. The testimonies highlighted the extrajudicial nature of the evictions in the region, particularly due to the use of violence and the absence of authorization by a competent judge: According to Choc: “These evictions are illegal and arbitrary. They often happen without prior notice to the communities or with fake court orders; documents that carry a judge’s name but no signature. During the evictions, civilians hired by companies or landowners accompany the police, La Policia Nacional Civil, and use violence. People have been shot at, their homes burned or destroyed with machinery, families forced to flee. The army’s presence in evictions is prohibited, yet they continue to participate, violating human rights and the peace agreements.”

In the palm oil area, communities attempting to reclaim their lands have faced repeated eviction attempts, several carried out without legal authorization, according to community members.

“So we came [*back to our Territory*], we took action on the matter, to remove the African palm, cut it down and occupy it ourselves... But then they tried twice to evict us... The first eviction they did not manage to enter, since they did not bring such a forceful order to us. But the second time, they did enter. That’s when they stole several things from the community. They took cash, belongings... They also wounded several of us with a high-caliber weapon.”
- Pedro Cuc Pan

3.4.3 False Promises of Development

Across both industries, extractive projects entered the territories not only with force but also with false promises of development and employment. These narratives show extraction as a form of progress, while in practice Indigenous communities have been excluded from the profits and burdened with the harms.

“There is a neoliberal capitalist ambition imposed on us in the name of development. But development for who? Only a few people benefit, most of it goes to other countries, while we remain poor and our rights are violated. They destroy our rivers and our Lake, and when these dry up or are polluted, we can no longer go fishing, we will have no food. We need to live well. Buen Vivir [*living well*] means having water, forest, and the food we produce. Society right now wants to accumulate, without realizing the damages it is causing. It is destroying our common home and it leaves us with nothing.” - Baudilio Choc Mac

In the mining sector, ancestral authorities recall that promises of jobs and infrastructure have circulated without being realized, already starting in previous generations. Employment opportunities have largely been given to individuals from other municipalities or skilled laborers, excluding most local residents who lack formal training.

“Maybe we don’t know in what year this company started, but my dad (may he rest in peace) told us that this company began to come. And he said that they would give work, so that our parents would have work to support their children, their wives. But they did not do what they told our parents.” - Gilberto Ichich

“They said that they were going to give work to the campesinos, that there would be development, schools, and roads, but again they were lies. Still now, there is nothing here in this city. They did not accept our Indigenous compañeros to work.” - Jorge Coc

In the palm oil zone, similar patterns can be observed. NaturAceites established ‘dialogue tables’, where only selected community members attended, who are in good contact with the company. Thus, instead of succeeding as an instrument of participation and negotiation, these tables are regarded as serving primarily to control dissent.

“There is no communication with us. The only contact of the company with the community is via the auxiliary mayor or the COCODE president. They are summoned every month at a dialogue table in the extraction plant. There they tell them: ‘Keep people calm, tell them the company is good. If the company is not here, there is no development’... But none of their business offers were true. Everything was deception, just so that we would leave the land.” - Pedro Cuc Pan

Both cases of extractivism in El Estor demonstrate that the “development” discourse is used to justify extraction in Indigenous territories.

3.5 The Harm to the Territory

The expansion of extractivist activities has dispossessed Indigenous Q’eqchi’ communities of their ancestral lands. Moreover, in areas where communities continue to inhabit their territories, these lands are severely affected. Extractive industries damage the different elements that make up the Territory; soil, air, water, and biodiversity, including human health. The collected testimonies reveal an integrated understanding of the Territory, in which territorial degradation is inseparable from social, economic, cultural, and spiritual harm. This holistic perception reflects how Q’eqchi’ communities conceptualize their Territory as both a living space and a source of identity, sustenance, and spiritual connection. As community members explain, destruction of their Territory directly undermines their rights, the right of the Earth and their intertwined ways of life.

3.5.1 Harm to the Environment

In both the mining and palm oil zones, communities report severe environmental damages. Continuous excavation of the mountains, deforestation, and degradation and pollution of soil, air and water are extensively described in the interviews, revealing how deeply these harms to the Territory are felt by the communities. To understand the pain that is caused, it is important to keep in mind how profound the connection is between the Q’eqchi’ people and the Territory.

“They diverted the rivers, made sewage channels so that it reaches the Lake, polluting the rivers. That was never explained [*at the dialogue tables*]... There were beautiful, blue rivers, but now they don’t even have water. The palm companies came, and a river that had several turns, they made it straight with machinery. They uncovered the river and it dried up. Many rivers disappeared because of those diversions.” - Pedro Cuc Pan

Grounded in the love for the Territory, the interviewees describe these harms as a profound injustice against the Earth itself. As stated by Baudilio Choc Mac: “One thing is human rights and another thing is the rights of our Mother Earth. Because we believe that she has the right not to be contaminated, not to be destroyed, not to be looted, because that’s what happens in the end. Nowadays, we believe that only people have rights, and we believe that we are superior to what else exists. But it is not like that, we are simply passengers in this life.”

Beyond being perceived as a violation of the rights of the Earth herself, environmental degradation is, according to the testimonies, inherently interconnected with violations of human rights. Not only because they feel existentially and spiritually connected to the Earth, but also because they depend on her. The livelihoods of the Q’eqchi’ communities are directly affected by the declining productivity of their territories. The different environmental damages caused by mining and palm activities have severely reduced the availability and quality of the soil, water and air in the El Estor area and contributed to rising temperatures. This is threatening the livelihoods of communities dependent on agriculture and fishing.

“In the past 2 years everything went away. All of our crops, our cardamom. And why? Because of the heat that raised the temperature a lot. Because they mounted the whole mountain that was there... Before, it was not like that, the temperature of the weather was always quite normal. But now, look at the sun; you feel it quickly, it’s a strong sun.” - Gilberto Ichich

“What we normally saw is that the Lake was the one giving work to many people, so people depend on that. The fishermen go fishing, they sell to the town and those who buy it there sell again [*elsewhere*]. It is a way of generating. So, the results of the mining operation, polluting the water, is that it damages the Lake... there are not many people fishing anymore.” - Juan Bautista Xol

Hence, mines and palm plantations are either replacing native crops or hurting agricultural and fishing practices through environmental damage. Therefore, these industries are also impacting the food sovereignty of these communities. They used to grow produce for consumption, to feed the communities, such as corn and beans. However, palm fruit does not fulfill nutrition demands, as described by Robin Macloni from Defensoría Q’eqchi’: “We cannot consume palm or the fruit of the palm.” Alongside impacts on food availability, access to drinking water is undermined by the drying up of springs and contamination.

Thus, even when communities are not being displaced, their territories are often still being environmentally harmed by their activities. For the impact on their livelihoods, Macloni argues that communities should be compensated, which is currently not happening:

“There is no talk of compensation or those protocols to receive something in exchange for the fact that the land is no longer useful. As compensation for what is lost. That will never happen.” - Robin Macloni Sicaján Jacinto

3.5.2 Harm to Health

Environmental pollution translates into direct harm to human and nonhuman health, according to the testimonies. Mining waste and rising temperatures are linked by the Sexán ancestral authorities to new diseases and respiratory problems, for which they often do not know the cure. Similarly, in Chapín Abajo interviewees describe how human and animal health are affected as a result of environmental degradation.

“We also get sick from the temperature, and that is even worse for our children. Many diseases that we have not encountered before are now entering our communities, the children are getting sick. Sometimes we don’t find medicine for that... You can’t know anymore what diseases are occurring and how you can be cured. They [*ill people*] don’t know what they are going through. Because we no longer understand what is bringing us the temperature. And because of the companies, that is the effect here in our Territory.” - Gilberto Ichich

“No, we can’t say it’s healthy for us. This pollutes rivers, lakes, and the air. I had a friend who worked there [*at a palm plantation*], and he told me a person can endure only 25 years before falling ill, getting cancer in the eyes, stomach, or brain. I believe it, because there’s a field manager who worked there for about 20 years, and today he is hospitalized. There is someone from our community who got blind in one eye because he got the palm oil in his eye.” - Pedro Cuc Pan

Evictions also have serious health consequences, particularly for criminalized community members who are already vulnerable due to restricted access to basic healthcare services. Those who are accused or targeted can no longer move freely within their own territories.

“Pregnant women and people who are suffering from an illness no longer have that opportunity to go to the public health center, because they have an arrest warrant, they are afraid that they are going to be arrested.” - Carlos Choc

These health impacts are not limited to physical ones. The people in resistance suffer psychological harms, for example due to the constant insecurity and threat of evictions. Ancestral authority Gilberto Ichich describes a feeling of insecurity: “So that is what I feel in my heart; how can we get out of those things that those companies that are coming to us are doing to us?” Moreover, a feeling of fatigue is shared by fellow authority Otilia Chon: “There are times when we get tired, we do not have our resources in our home, so there are moments that we are tired.”

Whether caused by environmental harm, fatigue, criminalization, or forced displacement, these psychological impacts are frequently mentioned as having long-lasting consequences, for example by Robin Macloni: “Along with everything that happens within the space of extractivism, of criminalization, no one cures the psychological issue, with the criminalized ones, those who were persecuted, those who left, even those who went to another country, because there are people who left El Estor to go elsewhere.”

Several interviewees also made connections between the current mental burden of defending land and Territory for the Q’eqchi’ communities and the historical trauma inherited from the country’s internal armed conflict.

“There was an internal war in Guatemala for more than 36 years. And that has marked the lives of women and men. It has marked them in defending their rights. For the people, defending rights means they might not live, because they are going to be murdered, kidnapped and silenced. And it’s better if they don’t get involved. But that is caused by that fear, stemming from the internal war. We don’t say anything, we stay silent. We live even though we’re oppressed. So that also must start to get out of our minds. It’s systematic.” - Baudilio Choc Mac

The historical and current traumas, psychological damages and social divisions (as will be elaborated upon in the next subsection) are often described as deep wounds. Placing the current extractivism in El Estor in the context of earlier invasions and conflicts, these ‘wounds’ are not getting the right tools or sufficient time to heal. The continuous struggle for the Territory and the psychological toll that this is taking leaves little space for healing processes. One interviewee describes how no reparation efforts are being made by companies or the state, while also recognizing that many things cannot be repaired with money or resources.

“Amid the extractivism and criminalization, no one addresses the psychological harm suffered by those who were persecuted, displaced, or forced to leave El Estor. Meanwhile, the companies resume operations as if nothing happened. Many losses have been ignored: people became ill, families lost the tools they needed to work, and groups like the fishermen’s union were forced to sell their engines, boats, and nets to pay legal fees, but they have never been compensated... So strong work is needed on the repair issue. If I talk about reparation; sure there is maybe something that money can give you, but how to reunite those ties that existed, the cordiality that existed before all the mining arrived?” - Robin Macloni Sicaján Jacinto

This quote forms a bridge to the next theme by the extractive companies, which is the harm to social fabric within and between Q’eqchi’ communities.

3.5.3 Harm to the Social Fabric

Social Division

Beyond the environmental, material, and health damage, extractive projects have affected the social fabric of the communities. Mining and palm oil projects have introduced divisions and damage to communal practices within the interviewed communities. Ancestral authorities in the mining affected area describe how extractive companies manipulate relationships, suggesting that this could be done on purpose to weaken resistance. They use selective employment or benefits as strategies to create divisions.

“Since the beginning of these companies, they have always generated a lot of conflict with the population, with the communities. They create divisionism between authorities and between

peoples, because companies come to work illegally in the territories, and they seek support from community authorities.” - Juan Bautista Xol

Hence, it is described that when local authorities are employed by the mining companies, this divides the communities internally. Moreover, other community members working for the mine would have a shift in mindset, no longer prioritizing communal wellbeing.

“In a few cases they give work to the people of the community, but when they return they are already rebels, they no longer participate in the meetings. They no longer contribute to their communities, they are no longer going to do collective work. And this practically breaks that social fabric... So that is what they find with these companies, losing the sense of community.” - Javier Horlando Cap

Also in the palm zones, interviewees recall how internal conflicts have emerged between those who align with company interests and those who defend the Territory. These divisions are deepened even further by the criminalization of community leaders.

“The first thing the company does is give work to community authorities; the mayor, the COCODE president, so they will be in favor of the company and never protest. That’s how the divisions start. Those who resist are mostly elders and ancestral authorities who continue defending the territories... Then, it began with persecution and denunciation, and then manipulation of different leaders, dividing the communities politically.” - Pedro Cuc Pan

In the Q’eqchi’ worldview, community is not only a social structure but a living collective entity. It is seen as a body that sustains and protects. When that body is divided, the harm extends to the capacity of the community to maintain its social and spiritual identity. Therefore, the defense of the Territory becomes also a defense of social cohesion, of the ability to live together and decide collectively as a community.

Physical Division

Besides the social division within the communities, based on shifting values or opinions, there is also a physical division being created. Interviewees describe how the evictions and degraded livelihoods force people to move out of the area. Sometimes families are divided, when for example one family member migrates to search for other opportunities because they cannot live from farming or fishing anymore.

“So that [*talking about declining harvests*] is where migration begins, migrating to another department, to another municipality, even migrating out of the country. To look for an opportunity, because there are families who need to send their children [*away*]... All this is because of the change, and all this is because of the impact of the company.” - Juan Bautista Xol

Forced migration is also described by one interviewee as a long-term consequence of long term intimidation and criminalization in resisting communities. Fear of persecution of the parents disrupts in some cases the administration of their children in the national registry. If children go unregistered, and therefore grow up without official identification, they are excluded from state institutions. The interviewee reported that these people sometimes need to migrate, for example to the United States.

“Months go by and parents can’t register their children because they have arrest warrants and fear the police. Some young people who were evicted have turned 18 without ever getting an ID card. They’re not registered with the state out of fear of being arrested. What follows is displacement; many have no choice but to migrate to the United States. In my own community, there are already more than a dozen who have left.” - Carlos Choc

3.5.4 Harm to Women

Women experience extractivism in specific and disproportionate ways. While the harm to the Territory affects all community members regardless of gender, testimonies reveal gendered impacts on women, for example linked to their roles as caregivers, food producers, and protectors of water and life.

Exclusion from Decision-making, Employment and Land Rights

In both the mining and palm oil zones, women are systematically excluded from decision-making and consultation processes. As stated by ancestral authority Jorge Coc: “When there is a consultation, women are not taken into account by them. The representatives of the communities or COCODES are the only ones and most of them are men. Women have always been ignored. They have no rights... The compañeras are directly affected because they are invisible in any decision-making.”

Several interviewees also place the exclusion of women in a historical context of imposed ideologies during the waves of invasion in Iximulew, enforcing the culture of machismo. Carlos Choc linked this to the colonial era: “Here they have colonized us, they have introduced a rather ugly education system, forming us to be machos.” Journalist Juan Bautista Xol also describes how militarism has shaped a culture of machismo and of discriminating against women:

“The issue of decision-making is historical; it comes from a militarized ideology... Many of the parents, who are now grandparents, were forced into the military, and that mindset shaped this ideology within families. That’s where machismo comes from... Now the companies are seeking strategies to discriminate against women, because they know that women don’t have the power to make decisions... So, there is manipulation, neglect, and exclusion of women.” - Juan Bautista Xol

This exclusion applies not only to decision-making processes, but also to employment. As repeatedly emphasized by interviewees, including Robin Macloni, in mining and palm oil companies the limited employment opportunities available to local communities are predominantly offered to men. As Macloni explains: “Most of the workers in the palm and mine are men. The percentage of female workers is very low. And if they are working, they are not working in strategic positions; they are working as laborers, as a janitor, as a cook, but not, for example, as an administrator or a manager, a director, or similar roles.”

Furthermore, it is important to recognize that discussions of territorial disputes and legal uncertainty over land rights for Q’eqchi’ communities are excluding women. Even in cases where Q’eqchi’ communities in the El Estor area have obtained legal recognition of their territories, these rights have historically been denied to women. Recent years have seen some institutional changes aimed to improve women’s access to land ownership and participation in land governance. However, in practice, the land rights of women are not always respected. Angela, from Defensoría Q’eqchi’, again linked this form of exclusion to the machismo culture in the country.

“We received a case where a woman received her title and the man did too, each had their document. But when the couple separated, the man snatched the title, the physical document, from the woman and gave it to the auxiliary mayor of the community. So when the woman went to ask for her title, they told her no because the man said it couldn’t be given to her. Even though the Land Fund had issued the titles 50/50, with both having the same rights. Unfortunately, the auxiliary mayor did not want to hand over the document to the woman... That is machismo, right? It still prevails, they still cannot accept that a woman also has that power, that ability to lead and manage what belongs to her.” - Angela Maribel Caal Ajtul

Increased care burden

The interview testimonies show that damages of the Territory increase care burdens for women. As emphasized by one interviewee, this caregiving is not only domestic, but also concerns the Territory itself, including all its nonhuman elements.

“We need to make the contributions of women, both Indigenous and non-Indigenous, visible;

the struggle they've had for the preservation of life on the planet, water, caregiving. We argue that "caregiving" isn't only domestic but also women's care for water, forests, and Territory... Urban women, academic women and rural women have different forms of this struggle." - Juana Toledo

Thus, increased care burden for women indicates various forms of care, and caring for various groups. One way in which these different forms come together, is through women's roles as providers and care-takers of water. It was mentioned several times that women are directly impacted by the pollution and decreased availability of water. In many Q'eqchi' communities, women are closely linked to the water, both spiritually and through their daily activities, such as cooking or washing. Therefore, when water access is threatened, it increases the workload for women when they need to look for new or further water sources.

"The women are most linked to the water. She is the one responsible for washing clothes, for getting water. With these extractive companies, for example here in the southern area of El Estor it is African palm, the beautiful rivers that were there 15 years ago, they are just streams now. Dried up because there is no longer water. So women no longer have access to water." - Angela Maribel Caal Ajtul

Moreover, the conflicts and impacts that arise from the territorial dispossessions affect women disproportionately in their responsibility for taking care of the children and family. Laura Hurtado explains how "Women suffer disproportionately. When evictions happen, men often migrate for work, leaving women behind to maintain households, secure water, cook, care for children."

This also applies to situations where women become single mothers after male employees of palm companies are injured at work or fall ill, while companies fail to provide any support to the women or families they leave behind. In other cases, women are left as single mothers after having children with temporary company workers from other municipalities.

"Workers from other municipalities here managed to have babies that they left, without a father. Today, there are many single mothers with children, who have to work to contain them. So, that is also an impact that mining leaves." - Robin Macloni Sicaján Jacinto

Education and language

Many Q'eqchi' women do not speak fluent Spanish, which is the language in which most official and juridical processes in Iximulew are executed. When Spanish is spoken in the Indigenous communities, it is mainly by men, because they have a higher education level (Pérez 2021). Hence, illiteracy or monolingualism is making women more vulnerable to exclusion. Not only the forms of exclusion that have been described related to decision-making, employment and land rights but also the exclusion from the justice system.

"We have found that women sometimes do not report violence against them or that women, for example, do not have access to education. Some are illiterate, monolingual and it is difficult for them to speak Spanish, which is the official language of Guatemala, no other languages in the country [*are official*]. There are, for example, no translators in the courts, the judges do not speak the language of the victims. It's very complicated." - Robin Macloni Sicaján Jacinto

Access to justice

Additionally, in cases where women are harmed or violated, or when they are looking for child support, there are various obstacles for them to access justice through legal and institutional channels. It is reported that women are often neglected or not taken seriously when they denounce violation or attempt to obtain child support.

“What happens sometimes is when women go to the peace court they are not explained how the process works. Often, they aren’t listened to, or they’re simply told: ‘Look, it’s better if you just take care of your children and not fight for child support.’ So, right there, they’re limited, they don’t get the space or guidance to understand the process.” - Angela Maribel Caal Ajtul

Then there is the issue of where these processes take place. The physical distance between the communities and legal institutions is often large, forming another obstacle for women to seek justice. Moreover, women often are not financially independent, prohibiting them from seeking legal support from a lawyer.

Health and Safety

The systematic inequality and exclusion of women reinforces their increased risk to multiple forms of harm. For example, women being excluded from rights, language and judicial systems makes their position more vulnerable in the forms of conflict and violence that have been occurring in the El Estor region. One interviewee recalls how during a state of siege in El Estor, women were violated, leaving not only physical but also psychological harms.

“In the state of siege, many women were violated, many women were beaten by these companies, they were being pointed out, accused. They beat one of my sisters, and they beat my mother. Psychologically there is a lot of damage.” - Juan Bautista Xol

Furthermore, in the Sexán communities it was mentioned that women face an increased risk of road accidents, as they are often responsible for traveling to town for chores or groceries. According to ancestral authorities, the number of accidents has increased due to mining company trucks driving at high speeds.

Lastly, one interviewee noted that extractive companies open canteens as entertainment spaces for company workers. He described how women are recruited to work there under false pretenses, exposing them to dangers of human trafficking.

“Where there is mining, where there is monoculture of palm; do you know what the companies do first? They open canteens, bars, where not only alcoholic beverages are sold, but there is also human trafficking. They deceive the women. Because they think that they are only going to sell alcoholic beverages, but in the end, they are forced, they have to sell their bodies while they did not come to work for that.” - Carlos Choc

3.6 The Resistance for the Territory

The different aspects of dispossession and harm affecting Q’eqchi’ territories, as described in the previous sections, illustrate the multi-layered and complex nature of territorial pressures and environmental degradation impacting both humans and nonhuman nature in the region. However, the interviews also made clear that these impacts spark strong resistance. Authorities, defenders, journalists, and organizations have described different forms of resistance, motivated by a determination to defend their territories for future generations and by a sense of responsibility toward their surroundings.

3.6.1 Information, Alternative Communication and Collective Organization

Information-sharing is seen as an empowering form of resistance. Both within the affected communities, between these communities, and with a larger audience, it is shared how the impacts of the extractive industries in the El Estor area are experienced and lived. Alternative journalist Baudilio Choc Mac stated that “Sharing information is a form of resistance. To make known and to publicly denounce what the company does. These are actions as a protest in terms of the non-acceptance of the mining company in El Estor.”

El Estor’s independent, alternative journalism is a distinct form of communicating and denouncing the impacts of the extractive activities in the region. Publishing on what is happening in the communities

and what people are experiencing is used as a powerful form of resistance. For this thesis, several journalists from the region were interviewed. Through their work they have become strong defenders of interconnected human and environmental rights. They report through independent news agencies and social media, which they refer to as “alternative communication.” For them, sharing the impacts of mining and palm cultivation on their Territory is a way of sharing resistance both within their communities and with a wider audience.

“Alternative communication has given us a space to denounce all the violations that exist in our Territory, and I believe that it is the only weapon we can use to achieve the impact that we currently want. Communicating via social media has an enormous reach. With the corporate media, they are always inclined towards the big pharmaceutical and financial companies, the capitalist system. That media comes and speaks nicely about the company, but we know that the company is destructive and will never be in line with how we view the environment; with what we propose here about Buen Vivir and not polluting or destroying.” - Baudilio Choc Mac

Thereby, sharing information within and between communities plays an important role in their organization and mobilization. In the mining areas, leaders and defenders meet to exchange knowledge and organize themselves, in some cases with the support of local organizations: “We, the leaders, gather every moment. And every month we also meet [*the local support*] organization. They are teaching us new knowledge, new thoughts” (- Otilia Chon). Similarly, in the palm-affected region, Don Pedro describes how communities share spirituality and information: “We meet with other community leaders, sometimes to do spiritual activities or to hold meetings, to see how the areas are recovering.”

Promoting knowledge-sharing and awareness through journalistic publications is an important tool for the Q’eqchi’ communities to defend their rights. It equips them to know what these rights are and how to stand up for them. The Defensoría Q’eqchi’ is for example seeking to do this through their radio outlets:

“Recovering the language is important, promoting culture, promoting the rights of children, promoting the rights of women, seeking to reduce violence against women, promoting art, music, dance, Q’eqchi’ gastronomy; let’s say the day to day of knowing what is happening in the country. Promoting this makes people able to demand and know their rights.” - Robin Macloni Sicaján Jacinto

As this testimony shows, there is an increasing awareness within the Q’eqchi’ communities that they have the right to their own language, cultural identity, customs, and forms of representation.

“Now, thanks to community organization and education, we’ve seen that communities have started to organize themselves and establish their own local authorities. And I think that’s also a form of resistance, because they are starting to recover, to reclaim the value of saying: ‘The community decides to have its own authority, and that authority must be respected, must be taken into account, and must participate in spaces where it can express opinions’.” - Juan Bautista Xol

This collective organization of different communities stems from a sense of community and solidarity. This motivates them to support one another, as is highlighted by Carlos Choc: “What other communities do is show solidarity, the people are very supportive. The Q’eqchi’ people are very supportive, and I think we have ancestrally practiced that. When one community is affected, then the other community says ‘comes here, we have a place for you’.”

This is even expressed as a sense of forming one Q’eqchi’ *body*. Within and between communities there is sense of communal struggle, but also of communal responsibility and care, as explained by Hurtado: “There is also a feeling of one body; the ‘cuerpo - pueblo Q’eqchi’ (body - Q’eqchi’ people) of the Q’eqchi’ communities that are being attacked and threatened. That is a form of resistance.”

3.6.2 Maintaining Ancestral Practices

Spirituality and Rituals

Keeping ancestral practices alive is in itself a form of resistance. Spiritual guides and elders sustain the collective strength of the communities through ceremony, memory, and connection with the Territory. Their role in the struggle is grounded in the maintenance of ancestral knowledge and balance.

“They are elders, elders who are connected to the worldview, and they too are part of the resistance. They may not go out onto the street, but they are from an altar lighting candles, sending energies, so that the guardian spirits of the mountains accompany the resistance, that they have courage.” - Carlos Choc

Despite the forced displacements, divisions within communities, and the imposition of Western ideas, the Q’eqchi’ spirituality persists. While it was mentioned that these factors can at times influence expressions of spirituality, most interviewees described how the Q’eqchi’ cosmovision and spirituality will maintain. One interviewee describes that when other cultures and ideas are introduced to the communities, they do not give up their own. The communities recognize that ways of knowing and being can exist alongside each other.

“We continue to have the territorial connection, wherever we go as Q’eqchi’ people. Wherever we are displaced... When we have to look for other ways of living, of surviving, then we continue to maintain our worldview, wherever it is. That is, I think, the strength of the Q’eqchi’ people. That wherever we go the moon is always our grandmother Moon, the sun is always our grandfather Sun... And of course there are different, distinctive cultures.” - Carlos Choc

Agroforestry

Moreover, ancestral practices of agriculture are being used as an alternative to mining and monocultivation. In the El Estor region, communities are attempting to implement agroforestry plots, with the aim of enhancing food sovereignty, income, soil health, and biodiversity.

“We are implementing diversified agroforestry plots with native trees, citrus, and cocoa to create well-balanced systems that provide food throughout the year. The goal is not only food security but also food sovereignty; so that we depend less on outside sources and more on what we produce within our communities. We are already implementing it in forty communities, where we provide seeds, promote the creation of local seed banks, and we are talking about a weekly peasant market in El Estor where families sell their surplus production in the municipality. Through these agroforestry practices, we aim to resume the traditional milpa system used by our ancestors, while complementing it with crops like cardamom or cocoa. At the same time, we are working to protect and restore soil health by avoiding chemical fertilizers and pesticides imported from abroad, and by implementing soil conservation techniques such as contour lines and live barriers of lemon trees and grasses. In this way, we seek to care for the land, so it remains fertile.” - Robin Macloni Sicaján Jacinto

3.6.3 Legal Action

Communities often face large structural barriers to access justice through administrative and legal routes. However, collaboration with legal professionals and organizations is sought to defend their rights and territories through formal institutions, as stated by ancestral authority Jorge Coc: “We have some lawyers who support us as Indigenous Peoples. We don’t know where it will get us in this struggle”. In this context, legal action has become both a form of defense and a struggle. Some communities in the mining-affected area have managed to obtain (partial) land titles, while others are left with legal uncertainty. Jorge Coc specified that: “Many communities still do not have legal certainty... Here in Sexán, only four communities have legal certainty.”

Similarly, in the region south of Lake Izabal where palm cultivation is expanding, there are only a few communities that have established legal certainty. Communities, together with local organizations such as Defensoría Q'eqchi', are trying to obtain property titles. However, it is economically challenging to pay for legal support, and to find parties that are willing to support their cases. Currently, the only communities in the region south of El Estor that have obtained legal certainty are the ones that are located in nationally protected lands.

“Five communities have obtained legal certainty, they were not near the palms, but they are among the protected area of the natural reserve ‘Sierra de las Minas’... There we managed to establish this because it was between the palms and the protected area. And it was established that they had their property titles, but only those five were granted... Here what we have done is organize the communities, find a legal route, do registry and cadastral studies to be able to show the government or the state that they are the legitimate owners of the land they are demanding. And not the palm company or the mining company that is present in their Territory... At some point we have obtained funds, but it has been very difficult later to continue supporting with lawyers, because it is very expensive and sometimes no agency wants to pay lawyers to defend someone who is criminalized by a company.” - Robin Macloni Sicaján Jacinto

Even when courts or international bodies such as the Inter-American Court of Human Rights rule in favor of consultation, its implementation remains limited. While the communities feel that the law often serves those in power, they still aim to use it strategically, seeking to make it serve their defense instead of their dispossession.

3.6.4 Women as Agents of Change

Despite facing disproportionate harms, women are not passive victims, but they can be central actors of resistance. Laura Hurtado explains how during evictions, the community reacts by forming rows, and women are usually the first line of defense: “Because women feel strongly about being evicted; they lose everything. They defend the land, their livelihoods, their families, where they get food, water, firewood, and forest products. We’ve seen women block police from entering.” The special role for women as defenders is reflected upon by Doña Isabel: “There are many women in resistance, because we feel a strong connection with our Earth. Even though we are discriminated, it will not be taken from us.”

The courage and determination of women in these moments demonstrate a deep attachment to the Territory, being described as feeling a strong connection with the Earth. The testimonies show the centrality of women’s roles in defense of both the Earth and their communities. Besides their role in direct defense during conflicts, women organize meetings, trainings, and are increasingly getting involved in decision-making processes.

“In some communities, through a lot of awareness-raising and training with women, we’ve managed to make progress. So, in some communities, women are representing the COCODE or they belong to the authorities of the community... These circles are starting to form, and then again, these start other circles of influence for other women to start to know their rights and values. Now there are women human rights defenders, there are women defenders of the environment.” - Juan Bautista Xol

An interviewee who works with women all over the country through the organization ‘Consejo del Pueblo Maya’ affirms the importance of women-led mobilization.

“We, as women, began organizing, to create a space where we could support each other, and feel. I started participating in spaces about the importance of women’s participation in political and community decision-making. In the broader organization I’m part of we propose structural political, economic, cultural change: a new plurinational state for Guatemala. We insisted that such a state cannot be built with only male participation, women must be included for any real change.” - Juana Toledo

Angela of Defensoría Q'eqchi' also highlighted how women have been working on structural strategies to fight gender-based violence, by educating (young) people on destructive behavior against women.

“At one point, we were also involved in giving talks in high schools and other educational institutions, working with young people to prevent destructive behaviors, which are very common in the urban areas of the municipality. We also participate actively through radio programs, raising awareness among the population, always focusing on the issue of violence.”
- Angela Maribel Caal Ajtul

However, Juan Bautista Xol emphasized that female leadership is not always accepted in an ideology and culture where women are still not seen as equal to men: “But whenever this arises there is this misunderstanding, this idea of: ‘Why is a woman coming here and trying to be in charge? Why is a woman trying to lead us?’ That ideology, that machismo, is still always present... The goal is to bring about change, so that the new generations already grow up with the initiative to take women into account.”

3.6.5 Reactions to Resistance: Repression, Intimidation, Criminalization and Stigmatization

As already touched upon in the subsection on alternative journalism, many forms of resistance are answered with repression, intimidation, and criminalization. The interviewees describe direct and structural barriers to their activism.

Repression

While the communities are determined and persistent in their resistance, the interviewees also described the structural and political obstacles they face. For example, they feel repressed in trying to exercise their right to self-organization as Indigenous Peoples. Several authorities emphasized that, although national laws formally recognize these rights, in practice they are often denied.

“The thing that bothers me the most is about our rights to educate and organize ourselves. In the political constitution of the Republic, in Article 66; there it is explained that we, the Indigenous Peoples, have our own ways of organizing ourselves. But those who are in the Congress of Deputies do not read the articles, which is why they do not give us rights to organize ourselves as Indigenous Peoples.” - Javier Horlando Cap

Intimidation

Several interviewees described intimidation tactics used against communities in palm oil-producing regions who are resisting plantation expansion. One cited example is the establishment of a military detachment near their territories. Near Chapín Abajo, a military base has been set up, and community members report that multiple raids have been carried out from this base into their community.

“They put a military detachment where there is palm monoculture by NaturAceites, near El Estor, in the southern area in Pataxte. And they put the military detachments closer to communities that are in resistance against the palm monocultivation.” - Carlos Choc

Criminalization and Stigmatization

Besides repression and intimidation, participants also highlighted the criminalization and stigmatization of those who attempt to defend their territories. Several ancestral authorities, for example, spoke about their criminalization as community leaders.

“They don't give us the right to organize ourselves as peoples and as communities, or as ancestral authorities... As community leaders they threaten us, they point us out as some terrorists. As ancestral authorities, we need to organize ourselves to defend what is ours, because this is ours. It is not from other countries, no, our parents fought for it to leave it to us.” - Javier Horlando Cap

Don Pedro shared several examples of communities where many arrest warrants were given: “After these actions of the communities [*the clearings of palm plantations to recover their ancestral lands*], the denunciation, the persecutions, the intimidation in different communities began. There are communities that were confronted with arrest warrants for 35 or 36 people.” Moreover, Don Pedro shares how attempts have been made to capture him, and that he currently still has an arrest warrant on his name, which means that he cannot leave his community.

Furthermore, the interviewed journalists shared stories of severe criminalization because of their publications. For example, Carlos Choc worked on investigative projects in which Solway is accused of causing environmental scandals, avoiding responsibility, hiding damning scientific studies from the public, marginalizing community leaders, and systematically profiling journalists (Forbidden Stories 2024). Carlos is also the journalist who took a picture of Carlos Maaz, the fishermen who was killed during mining protests in 2017. After this event, he was harassed, was faced with an arrest warrant and had to go into hiding. Because of his investigative work, he later got a second arrest warrant and his house was raided.

“For investigating the environmental damage of the mining company here in El Estor, which is an open-pit mine, not only did I have 2 arrest warrants, but they also raided my home once. Suddenly a group of unknown people appeared, they came to my house and took all my equipment. They left me without my cameras, without a phone, my computer; they took everything. It is not easy for a human rights defender, and it is not easy for an organization that accompanies defenders or communities in resistance. Because they are repressed. The Defensoría Q’eqchi’ radio station, was raided, controlled by the police itself, by the state. Human rights are violated, freedom of the press is violated... But it is also a clear message to the communities that it does not matter who; you will be prosecuted.” - Carlos Choc

As mentioned in the testimony above, the local radio station and organization ‘Defensoría Q’eqchi’ was raided during a national state of siege in 2019. The interviewees working at Defensoría Q’eqchi’ recall how this happened, because of their outspoken resistance to NaturAceites.

“We were raided 2 times by the police, the army and the Public Prosecutor’s Office. They searched us, because we are against the NaturAceites company. In the same way, the representatives of the communities are criminalized, because of complaints filed by NaturAceites, for being against the palm industry. They are criminalized because they seek to have a property title for the community and to mark the lands that the palm company takes from them.” - Robin Macloni Sicaján Jacinto

In the state of siege, in which constitutional freedoms such as the rights of assembly and protest were suspended, the raids could be freely executed without having to explain the reason. The same happened during the local state of siege in El Estor in 2021, after the October encampment. Juan Bautista Xol, a community journalist of ‘Prensa Comunitaria’ talks about how his house was raided after he reported on the encampment. He was criminalized, forced to leave El Estor for several months and stigmatized, all damaging him psychologically.

“In 2021 they raided my house. It happened because the mining company and the municipal mayor requested a state of siege, through certain strategies or channels. They repressed demonstrators who were calling for a community consultation. I documented that moment for 20 days. As a result, they raided my house. I was in there, locked in as the police entered. They broke a computer and took a phone where I had everything documented. On top of that, they forced me to leave my house. Because of my documenting and evidencing human rights violations, they singled me out and they sentenced me as a person generating problems in the town. They didn’t give me a job around here anymore; I was treated like a criminal. For the simple fact of covering, publishing the human rights violations that are experienced... That fear affected me deeply. It affected me for a long time, maybe a year, a year and a half. I was living in fear, until now. Until I was able to regain courage...” - Juan Bautista Xol

This illustrates that forms of resistance are taking place under difficult conditions. Even as communities inform, organize, and mobilize themselves, they must navigate a system that both restricts and punishes their territorial defense. Despite these barriers, their persistence demonstrates an ongoing effort to reclaim their ancestral territorial rights and to make their voices heard within and beyond institutional structures.

It is important to note that several interviewees mentioned a difference between criminalization of men and women. It was mentioned that criminalized women suffer from the additional worry of what will happen with their children. Moreover, Juana Toledo, who works with Maya women all over the country for the ‘Consejo de Mujeres Ix Nab’il’ organization, noted that when women are criminalized, the support from people around them was lagged behind support for criminalized men: “When men were arrested, there was more support. When women were criminalized, support was less, perhaps due to patriarchy and machismo. Criminalized women were more vulnerable, frowned upon, and stigmatized.”

3.6.6 Hopes for the Future of the Territory

Both mining and palm oil resistances are framed not only as struggles for present survival but as acts of intergenerational responsibility. For many interviewees, defending the Territory is an expression of love and duty toward the Territory itself, as well as toward their children and future generations. Resistance is seen as part of a larger, continuous process in which past, present and future play a role. In line with the Q’eqchi’ cosmovision of interconnectedness in time, communities view their struggles as part of an ongoing cycle of life and responsibility.

“Maybe we won’t be here anymore because we don’t know our time on Earth; we are travelers, just passing through. Maybe next year we won’t be here, but our children, who come after us, will see what we are doing now.” - Gilberto Ichich

The Q’eqchi’ awareness of interrelation in time and between elements, the idea of being part of a larger cycle, strengthens the foundation of the resistance of the communities. The protection of land, water, and forests is thereby also the protection of both memory and future life. The cosmovision and its perception of a strong connection between human rights and the rights of the Earth itself forms a central motivation for collective resistance.

“Our connection is very important; and we survive so much in the face of all the dispossession of lands, all the evictions, criminalization, because our cosmovision is giving us strength. My work in defense of Mother Earth, in environmental issues: I do it out of passion, I don’t do it because it’s imposed on me. I don’t do it because I want awards. I’m passionate about doing it, and I do it out of conviction to be a part of Mother Earth.” - Carlos Choc

Despite the harm experienced, hope persists as a lived practice of care and reciprocity. For the interviewed communities, hope is for example expressed through acts of planting, organizing, and teaching. It is also present in the vision of balance that is central to the Q’eqchi’ cosmovision, a balance between modern needs and ancestral wisdom that they seek for the future.

“For the development of renewable technologies, for batteries for example, we need nickel and lithium. But we must find balance in recycling and reuse. I’m not talking about going backwards, but we need to find ways to achieve some balance... We can’t just say, ‘let’s abandon technology,’ because we need it now, it has become a necessity. But that doesn’t mean that every time a new phone comes out, we have to buy it immediately. The point is to have what’s necessary, to stay connected, but no more than that... I think that’s the line I want to follow; not to be consumerist, but to live with balance and necessity.” - Baudilio Choc Mac

This sense of balance extends beyond technology to a broader perspective on Buen Vivir; of living well without excess, respecting nature and the interdependence of all beings.

“Good living doesn’t mean seeking luxury. It means seeking balance with Mother Earth: not polluting, not destroying what has life. If we cut down a tree, we must plant another, or even five, to restore what we’ve taken... We believe that young people can make good decisions; to defend their rights and, above all, to leave behind a meaningful legacy. The legacy I’m living today is the one left by my father; to build our dream of Buen Vivir.” - Baudilio Choc Mac

That legacy of previous generations also takes on a spiritual form, as younger generations begin to reconnect with ancestral practices and meanings. Juan Bautista Xol expresses as a hope for the future that this will be passed on: “I’d like future generations to connect more with spirituality. My father is part of a group of spiritual guides, and I’m glad to see young people today wanting to follow this path. It’s an ancestral value that represents us.”

In these visions, keeping this ancestral knowledge alive is, beyond a form of resistance, a form of hope. It is motivated by not only the defense of the Territory, but also by maintaining relationships with the Earth and with one another. A future of balance and interconnection is imagined in which past, present, and future life on Earth is cared for.

3.7 Conclusion Case Study Insights

Chapter 3 consists of many different pieces of information. Starting with the Q’eqchi’ connection with the Territory (§3.2), it aims to foreground Q’eqchi’ ways of knowing and being. Only when centering the Q’eqchi’ cosmovision, it can be understood how many layers and dimensions the harm and defense of the Territory have. Therefore, this chapter presented some of the main insights related to subquestion 3:

3. In what ways do Q’eqchi’ knowledge systems and ontologies form alternative understandings of territories and justice?

The answer to subquestion 3 cannot be given directly and concisely, since it is an understanding that is slowly enhanced throughout the thesis project. Nevertheless, the Q’eqchi’ ways of knowing and being are highlighted in this chapter through understandings of the territories and (in)justices by the Q’eqchi’ communities. The representation of cosmovisions, territorial connections, and lived experiences that have resulted from this research therefore together provide a possible answer to subquestion 3.

From that starting point, historical context is given on different waves of invasion in Q’eqchi’ territories (§3.3). The historical wounds, created by earlier dispossession and injustice, need to be recognized when examining the current dispossession.

Sections 3.4, 3.5, and 3.6 form a thematic synthesis of the lived experiences of the interview participants, of which the identified themes are presented in Table 1. These testimonies include experiences of territorial dispossession due to nickel mining and palm cultivation, how this dispossession is lived in both tangible and intangible ways, and how it is resisted. The synthesis also highlights the gendered dimensions of these lived realities. Together, these sections provide the main answers to subquestions 1 and 2:

- 1. What are lived experiences of extractive industries (nickel mining and palm oil cultivation) in Q’eqchi’ communities around El Estor, Iximulew?*
- 2. What are the gendered dimensions of the lived experiences from the El Estor case study?*

The findings presented in Chapter 3 serve as the foundation for Chapter 4, where intersecting systemic forces shaping the El Estor realities are analyzed. Building on this analysis, the case study insights are then used to explore how intersectional decolonial and gender justice could be more effectively reflected in the UN Binding Treaty on Business and Human Rights.

Table 1: Overview of identified themes and subthemes.

Theme	Subthemes
Territorial Dispossession	Lack of FPIC Evictions False Promises of Development
Territorial Harm: Environmental	Harm of the Earth Spiritual and Existential Harm Livelihoods
Territorial Harm: Health	Physical Mental
Territorial Health: Social Fabric	Social division Physical Division
Territorial Harm: Gendered	Exclusion from: - decision-making, - employment, - land rights, - education/language, - access to justice Increased Care Burden Health and Safety
Territorial Resistance	Information, Alternative Communication, and Organization Ancestral Practices Legal Action Women as Agents of Change
Reactions to Resistance	Repression Intimidation Criminalization and Stigmatization
Hopes for the Future	Intergenerational Responsibility Buen Vivir Spirituality Balance Rights of the Earth



4 Insights: Intersecting Structures of Power

Intended audience

This analytical chapter is written in a more formal tone. Engagement with critical theories has led to the use of specialized terminology and conceptual frameworks, which may make this chapter less accessible than others. It is therefore written with an audience in mind that has the interest, time, and willingness to engage deeply with decolonial ecofeminist theories. As a result, this chapter may also require a higher level of English proficiency compared to other parts of the thesis.

In this chapter, the lived experiences of the Q'eqchi' communities and other case study outcomes were analyzed, with the aim of unveiling broader connections and patterns. This way, the more local experiences from the case study are placed in a bigger picture, analyzing how they are shaped by structures of power, such as extractivism, coloniality, and patriarchy. Therefore, this chapter answers subquestion 4 of this thesis:

4. *How do intersecting structures of coloniality, patriarchy, and extractivism shape the lived experiences from the El Estor case study?*

As stated in the methodology, the analysis is guided by the paradigmatic framing of this research, which draws on decolonial, ecofeminist, and feminist political ecology theories. Reflection and reflexivity are used to examine underlying structures and patterns, in line with a constructivist research approach. Constructivism recognizes various, situated understandings of concepts such as coloniality, patriarchy, extractivism and justice. This analytical process puzzles together different 'pieces' of knowledge (the case study, insights from critical theories, the different forms of *ts'üib* presented in Appendix D, and the researcher's own experiences) to construct the findings presented in this chapter. Through this analysis, this chapter therefore also provides an expansion on answering subquestion 3:

3. *In what ways do Q'eqchi' knowledge systems and ontologies form alternative understandings of territories and justice?*

Subquestion 3 is not directly answered in any of the chapters, but the understanding of Q'eqchi' epistemologies and ontologies is deepened throughout the thesis. The lived experiences contained representations of the interviewees' ways of knowing and being, and Chapter 4 will elaborate on this by analyzing how these form alternative ideas of just futures.

4.1 Relation to Other Findings

Figure 5 illustrates how the outputs of the El Estor case study feed into the research flow of Chapter 4.

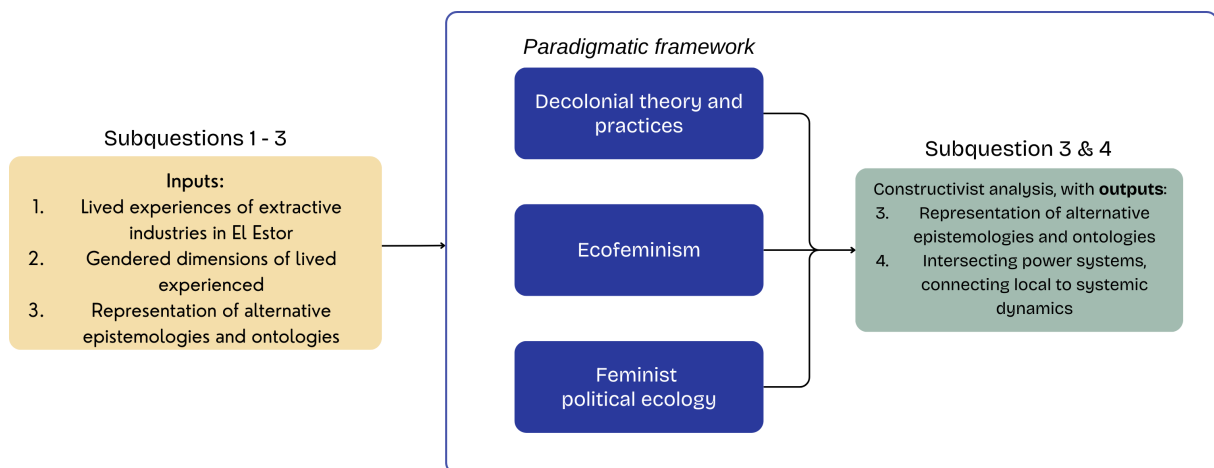


Figure 5: Research Flow of Chapter 4

In the first part of this chapter, the El Estor testimonies (answers to subquestions 1 & 3) describing how communities are dispossessed of their territories are used as inputs. The analysis examines how these experiences reflect broader patterns of extractivism, why the extractive industries in El Estor can be characterized as such, and how they are driven by a rhetoric of modernity. The Colonial Matrix of Power (CMP) is then applied as an analytical tool to map the case study's inequalities and forms of exploitation across its different axes. This approach illustrates that these inequalities, and the power structures shaping them, intersect and interact with one another.

Subsequently, it is examined in more detail *how* these power structures intersect and interact. To this end, the testimonies on gendered dimensions (answers to subquestions 2 & 3) from the previous chapter were analyzed. This part of the analysis zooms in on the twin domination of nonhuman nature and women, illustrating how these converge and form reinforcing injustices. Therefore, this chapter answers subquestion 4, by showing how extractive logics are grounded in intersectional and reinforcing systems of coloniality and patriarchy.

Lastly, the resistance to these systems (answers to subquestions 1 & 3) is highlighted, thereby revealing how an alternative future of Buen Vivir is re-imagined. This last part of Chapter 4 expands on answering subquestion 3, by exploring how Q'eqchi' ways of being and knowing counter hegemonic ideas on territories and justice within sustainable development pathways.

Connecting the local lived realities with global political economies is an important step for the final part of this thesis, in which subquestion 5 is answered and recommendations for the UN Binding Treaty on Business and Human Rights are formulated.

4.2 Extractivism in El Estor and the Rhetoric of Modernity

“There is a neoliberal capitalist ambition imposed on us in the name of development. But development for who? A few people benefit, most of it goes to other countries, while we remain poor and our rights are violated. They destroy our rivers and Lake, and when these dry up or are polluted, we can no longer go fishing, we will have no food. We need to live well. Buen Vivir means having water, forest, and the food we produce. Society right now wants to accumulate, without realizing the damages it is causing. It is destroying our common home and it leaves us with nothing.” - Baudilio Choc Mac

The lived realities of the Q'eqchi' communities in El Estor reveal a model of extractivism: the large-scale extraction of natural goods for export. Extractivism operates as both an economic model and a continuation of colonial exploitation of nonhuman nature, aligning Global South economies with the resource demands of the Global North and emerging powers (Martín 2017). Often justified as a route to development, this model creates dependency on raw material exports in Global South countries. In doing so, it reproduces historical inequalities and entrenches economic vulnerability, as described by dependency theorists (Roitman Rosenmann 2008; Svampa 2015). While mining and palm cultivation in El Estor are consistently labeled as extractivist industries throughout this thesis, this section substantiates that claim by combining case study findings with broader literature on extractivism in Iximulew and Abya Yala.

As shown in the historical context, land dispossession of Indigenous communities in favor of corporate or elite interests in Iximulew is not new. Padilla Vassaux et al. (2022) describe how territorial reconfigurations throughout Iximulew's history have been rooted in extractive policies relying on what Mazariegos Rodas (2018) terms 'accumulation by dispossession'. These are processes through which wealth is concentrated via the exploitation or removal of others. Territories in Iximulew have been reorganized to promote mining, hydroelectric projects, African palm production, and monocultures such as sugarcane and coffee. Throughout these reorganizations, the state's economic and coercive powers have been increasingly used to channel national territories toward capital accumulation, whether during the rent-seeking practices of national and foreign investors, the state-led colonization of the Northern Transversal Strip, or the dominance of US corporate interests (Padilla Vassaux 2022). Today, extractivism in Iximulew continues this legacy through alliances between transnational corporations and local elites, creating and deepening inequalities through processes of accumulation by dispossession in Indigenous territories (Maraziegos Rodas 2018; Valverde 2025).

These historically rooted dynamics are embedded within broader global political–economic structures. Theories of ecologically unequal exchange show how northern consumption depends on southern environmental degradation (Hornborg and Martinez-Alier 2016). Hickel (2022) estimates that between 1990 and 2015, the Global North extracted resources worth approximately US\$242 trillion (2010 value) from the Global South. This illustrates the uneven global distribution of wealth and environmental harm. In Iximulew, both nickel and palm oil are primarily exported: most nickel production is shipped abroad, with exports worth around \$150 million in 2022 going mainly to China, the EU, and the US (Carter 2025), while roughly 80% of palm oil is exported (GREPALMA 2024). Oil palm expansion often replaces basic grain farmland, fallow land, and forests, undermining local food systems and threatening food sovereignty (Hervas 2021), a concern also emphasized in the lived experiences (§3.5.1).

These dynamics underscore how extractivism in Iximulew and Abya Yala is legitimized through the “rhetoric of modernity” (§2.3.1). This is reflected in the El Estor case study, where interviewees unanimously identified false promises of development by extractive companies. As several interviewees asked: “*Who is actually developing?*”. Mining and palm companies oil use the rhetoric of modernity and promise jobs and infrastructure, but these promises are not fulfilled (§3.4.3). Instead, communities are left with damaged territories and community division, impacts widely documented in both the testimonies (§3.5.1, §3.5.1, §3.5.3) and literature (Padilla Vassaux 2022). These impacts are mutually reinforcing, affecting ecological, economic, physical, and mental well-being, and disproportionately harming women. The following section further analyzes the power dynamics underlying these intertwined effects and inequalities.

4.3 Extractivism in El Estor and the Colonial Matrix of Power

The extractivist model in Iximulew over recent decades has been widely recognized as a mechanism of colonial and neocolonial appropriation (Acosta 2013), of which the El Estor case study is a clear example. Driven by a rhetoric of modernity and progress, extractivism develops only one side of the Western dualist paradigm. These hierarchical value divisions, through which one group dominates and extracts from another, can be located within the CMP (§2.3.1). Each of the CMP’s four axes reflects a dimension of these dualities, showing how ‘development’ on one side depends on the exploitation of the other

In this section, the CMP is used as an analytical map to connect global demand for nickel and palm oil to specific manifestations of coloniality in El Estor. It demonstrates how coloniality, patriarchy, and extractivism intersect across the CMP’s domains of authority, economy, gender, and knowledge and subjectivity, thereby addressing subquestion 4 of this thesis. The following subsections examine each of these domains. The domains of economy and authority are discussed together, while gender and knowledge/subjectivity are addressed separately. This structure is used for analytical clarity, but in practice, none of the extractivist processes, their impacts, and forms of resistance are isolated or can be confined to a single domain. Instead, they move simultaneously across them. This interconnectedness illustrates why extractivism and its consequences are inherently intersectional and disproportionately affect groups experiencing multiple forms of marginalization, such as Indigenous women.

4.3.1 Coloniality of Economy and Authority

The unequal distribution of extractivism’s gains and burdens reflects its interaction with the CMP’s economic and authority domains. Economically, the appropriation of Q’eqchi’ land, labor, and goods is legitimized as ‘development’, while (transnational) companies and elites are the the main ones ‘developing’.

Extractivism as an economic model is closely intertwined with the domain of authority, as such exploitation is enabled and sustained through political and institutional mechanisms, including the state, legal systems, and the military. Throughout the waves of dispossession, Indigenous territories have been appropriated through colonial land regimes, land titling systems, and neoliberal policies promoting extractivist projects (§ 3.3). Today, Global South communities continue to bear the burdens of extraction for Global North profit, reproducing colonial hierarchies across these axes of economy and authority.

The violent and arbitrary nature of forced evictions in El Estor (§3.4.2) highlights how control in the authority domain is rooted in historical colonial processes. This, together with the lack of protection

for community members mirrors similar forms of control and dispossession that marked earlier invasions in Iximulew (§3.3) (Svampa 2019). Just like in earlier invasions, attempts by Q'eqchi' communities to defend their territories and ways of being are repressed or criminalized (§3.6.5), as also captured in the following testimony:

“[*The internal armed conflict*] has marked them in defending their rights. For the people, defending rights means they might not live, because they are going to be murdered, kidnapped and silenced.” - Baudilio Choc Mac

This testimony connects the domains of economy and authority to that of knowledge and subjectivity, which are discussed next.

4.3.2 Coloniality of Knowledge and Subjectivity

“The Q'eqchi' Maya people are foreigners in their own land.” - Robin Macloni Sicaján Jacinto

The oppression of Q'eqchi' ways of knowing and being in El Estor shows how extractivism involves colonial control of hegemonic worldviews over the Q'eqchi' cosmovision. These dynamics are addressed as part of the CMP's 'knowledge and subjectivity' axis.

A central dimension of dispossession in El Estor lies the exclusion of Indigenous perspectives, for example in decision-making processes. The lack of FPIC demonstrates how Q'eqchi' knowledge systems and governance structures are ignored and repressed (§3.4, §3.6.5). Ancestral authorities and other Q'eqchi' community members are not properly consulted, and communities feel repressed in their right to self-organization. Therefore, power is concentrated within institutions that center Western and patriarchal epistemologies across both the authority and knowledge domains.

Moreover, Q'eqchi' community members are often epistemically excluded, entailing that their knowledge systems are not recognized. The testimonies show that people are denied jobs at mining and palm oil companies when they do not possess the Eurocentric diplomas or formal education that these industries require (§3.4.3). This becomes another mechanism of colonial control, as transnational corporations do not only determine which industries dominate Indigenous territories but also which forms of knowledge are treated as legitimate or valuable within them. At the same time, extractive projects displace ancestral agricultural and livelihood practices (such as the milpa system, agroforestry, and artisanal fishing), replacing them with mining operations and monocultures.

“The hope for our children is that we will be able to recover the ancestral lands. This is the only hope we have, because the basic right of a human being, the basic right of an Indigenous person is not a job in a company, it is not a diploma proving the profession I have. The basic right for an Indigenous person is access to Mother Earth. While the Indigenous have their lands, they have their areas to work. I believe that the Indigenous are not going to go looking for a market to be able to feed themselves. So, having this right, this access to Mother Earth, we have everything. We have life, we have food, we have freedom, we have our development.” - Pedro Cuc Pan

Beyond exclusion of decision-making and knowledge systems, the territorial dispossession in El Estor is deeply embodied and emotional. As described in earlier chapters, many Q'eqchi' people identify as *Aj Ral Ch'och'*: 'children of the Earth', meaning that environmental destruction of the Territory is experienced as a violation of life itself. When oil palm waste contaminates rivers or mining disrupts ancestral lands, these are not only causing of physical harm, but also creating spiritual and emotional wounds.

From a decolonial perspective, these experiences point to an ontological difference between Q'eqchi' understandings of the Territory as alive and interconnected, and Western notions of land as a resource. This contrast is captured in the distinction between 'bienes naturales' and 'recursos naturales', which both translate to 'natural resources' in English but carry fundamentally different meanings, as the Q'eqchi' communities see what the Earth offers as 'goods'. Extractivism thus inflicts harms that are not only

material, but also include fear, stress, loss of belonging, and ontological dispossession. Testimonies also indicate how imposed Western individualism erodes the social fabric and communal relations, further threatening Q'eqchi' ways of being (§3.5.3).

“How to reunite those ties that existed, the cordiality that existed before all the mining arrived?” - Robin Macloni Sicaján Jacinto

4.3.3 Coloniality of Gender

The gendered dimensions of extractivism must also be understood within the CMP, shaped by intersecting systems of class, ethnicity, and colonial histories. The concept of the ‘coloniality of gender’ (Lugones 2007) explains how colonialism imposed new patriarchal norms in Abya Yala, reorganizing power, property, and knowledge along racialized and gendered axes. In El Estor, this is highlighted by interviewees who link contemporary machismo to legacies of colonialism and militarization.

At the same time, feminist thinkers emphasize that patriarchy cannot be understood as solely imposed by colonialism, but it has added to a ‘heteropatriarchal system’ in Abya Yala (Curiel 2007; Simpson 2017). This nuance centers both Western patriarchy and internal patriarchal systems within Indigenous communities as part of the heteropatriarchy. Certainly, the rigid binaries and gender norms imposed by Christianity and Western colonial systems have long been challenged by Indigenous Peoples (Walsh 2018). Before colonization, and continuing afterward, many Indigenous communities recognized androgynous, transgender, and dual identities, reflecting more fluid understandings of gender and sexuality. This aligns with the many Indigenous perceptions of complementary dualisms. However, feminist thinkers such as Julieta Paredes (2008) and Lorena Cabnal (2010) argue that heteropatriarchy is not only a Western colonial invention. Cabnal, a Maya-Xinka communitarian feminist from Iximulew, explains that an ancestral form of patriarchy already existed in Indigenous societies, as:

“a millennial structural system of oppression against native or Indigenous women. This system establishes its base of oppression from its philosophy that norms cosmogonic heteroreality as a mandate, so much for the life of women and men and for both in relation with the cosmos.” (Cabnal 2010, p. 14)

However, with the arrival of colonialism, in colonized places this ancestral patriarchy merged with Western patriarchy, reinforcing gendered domination (Segato 2011; Oyěwùmí 2001). The concept of interlocking patriarchies (‘Entronque Patriarcal’) proposed by Paredes adds to the understanding of how intertwined ancestral and colonial systems shape women’s relationships and access to land, knowledge, and rights:

“The Entroque Patriarcal is the systemic form of readjusting patriarchy. When these two patriarchies become intertwined, pacts are created between men that will later mean that the bodies of Indigenous women, our grandmothers and those of our brothers, will bear the total weight of the new patriarchy with its violence and violation of women’s bodies three- and fourfold.” (Paredes 2023, p. 155)

This interlocking, heteropatriarchal system dehumanized women, and especially Indigenous women, legitimizing their domination and exploitation (Lugones 2011; Maldonado-Torres 2007). These dynamics still exist today and are underlined in the El Estor case study by the gendered dynamics of extractivism, such as exclusion, increased care burden, and human trafficking of women (§3.5.4). These gender injustices are cyclical in nature; for example, the interviewees described how the low education rates of women restrict their access to the judicial system, decision-making or employment. In turn, under-representation of women in these domains reinforces marginalization of female defenders and leaders, or them not being taken seriously. Moreover, the increased care burden on women further reduces girls’ school attendance, since they often have to take on additional responsibilities. Finally, the following quote underscores how heteropatriarchal behavior and culture has resulted in structural gender-based violence still being prevalent in Iximulew, though the Defensoría Q'eqchi', the supporting NGO, and other feminist organizations are actively trying to undo this destructive behavior.

“At one point, we were also involved in giving talks in high schools and other educational institutions, working with young people to prevent destructive behaviors, which are very common in the urban areas of the municipality. We also participate actively through radio programs, raising awareness among the population, always focusing on the issue of violence.”
- Angela Maribel Caal Ajtul

4.4 Extractivism in El Estor and the Twin Domination of Women and Non-human Nature

The previous section does not aim to be exhaustive in its analysis of the coloniality of extractivism in El Estor. Instead, it serves to highlight how extractivism exploits groups across the intersecting axes of power within the CMP, thereby reproducing colonial hierarchies. This section builds on that analysis by underscoring how these colonial inequalities converge and mutually reinforce each other, focusing on the intersectional twin domination of women and nonhuman nature under the extractivist model.

As discussed in the methods chapter (§2.3.1), the CMP is supported by its two legs; the racial and patriarchal foundation of knowledge that uphold the legitimization and reproduction of the world order. Therefore, it is already inherent to the CMP that coloniality and patriarchy are intersectional structures of power. Ecofeminism expands on this through the concept of the ‘logic of domination’, which is an argumentation structure that not only justifies but also connects different capitalist patriarchal oppressions; of women, nonhuman nature, and other groups valued as ‘lower’ by up-down thinking (Warren 1990). Recognizing how these dominations converge adds an additional layer to this analysis.

The forms of gendered oppression in El Estor are not isolated cases, but part of a global pattern. In all parts of the world, extractivism reinforces the exclusion of Indigenous women from decision-making, employment, land rights, judicial systems, and education (Anderson 2021). Moreover, it is not new to this thesis that extractivism increases women’s care burden (Jenkins 2014), gender-based unsafety and violence (Ibacache-Corante 2024), and human trafficking (Svampa 2019). Women bear the greatest burden of extractivism not due to any inherent vulnerability, but because colonial capitalist patriarchy assigns them caregiving roles and sustains structural inequalities through the logic of domination (Coradin and Oliveira 2024). This creates a concrete connection between gendered oppression and extractive harm (Cirefice 2025).

From a feminist political ecology and ecofeminist perspective, subordination of women and of nonhuman nature is connected, as extractivism treats both as resources to be exploited. As proposed by (Warren 1990, p. 130) the logic of this twin domination is as follows:

1. Women are identified with nature and the realm of the physical; men are identified with the “human” and the realm of the mental.
2. Whatever is identified with nature and the realm of the physical is inferior to (“below”) whatever is identified with the “human” and the realm of the mental: or, conversely, the latter is superior to (“above”) the former.
3. Thus, women are inferior to (“below”) men; or, conversely, men are superior to (“above”) women.
4. For any X and Y, if X is superior to Y, then X is justified in subordinating Y (the logic of domination).
5. Thus, men are justified in subordinating women.

This logic can be seen as one of the drivers of extractivism’s gendered dimensions in El Estor. Extractivism and its twin domination illustrate that different inequalities amplify one another. Oppression of women is justified by oppression of nonhuman nature, and the other way around.

Cuerpo-territorio

Some ecofeminist approaches argue that ending twin domination requires rejecting any perceived connection between women and nonhuman nature. This thesis instead aligns with perspectives that do recognize such connections, while rejecting hierarchical dualisms and the logic of domination. In line with the Q’eqchi’ cosmovision, dualities and differences are understood as complementary (and/or) in which equal value is attributed to the two, instead of as hierarchical (either/or).

The existence of a connection between women and nonhuman nature is perceived in multiple interview testimonies. For example, due to their caregiving roles, it is explained how women are often the first to feel environmental degradation of their territories. Moreover, this is not something they only feel in practical terms, but also in embodied and spiritual ways. Women are seen as having a special connection with nonhuman nature, as described by Angela from Defensoría Q'eqchi': "Women play a very important role [*in defending their Territory*] because the woman is like the heart of protecting Mother Nature". In El Estor, there are Q'eqchi' women who identify as *N'a Ch'och*: the caretakers of the Earth.

This special connection can be related to the ecofeminist concept of 'cuerpo-territorio' (body-territory). Body-territory describes the interconnectedness between women's and territorial bodies, encompassing their existential connection but also their intertwined exploitation. The concept has its roots in the struggles of Indigenous and peasant women across Abya Yala. The concept and feeling of cuerpo-territorio are as an outsider difficult to grasp, and understanding of it was deepened over time through engagement with forms of *ts'ib* (see Appendix D). Moreover, insights were provided by Indigenous thinkers such as Lorena Cabnal, who describes how Iximulew women's bodies are inseparable from their territories in the following way:

"Recognizing how my first territory, my body, has been expropriated and historically and structurally appropriated for the benefit and maintenance of these systems [*of oppression*] is important, because it also leads me to reflect on how our territory has been expropriated and appropriated as well. As a result, forms of organization have been built upon it that take shape as republics, countries, borders, and states, within which the lives of Indigenous Peoples, and Indigenous women in particular, are dominated by the power of a colonial nation-state. It is within this colonial nation-state that the present generations of the Maya people, the Xinka people, and other sibling peoples of Abya Yala have been born and live today... There is no decolonization without depatriarchalization; there can be no new world unless we build it with our *Ixina*: an awakening of consciousness to embrace a new era for bodies and territories." (Cabnal 2012, p. 15)

This connection underscores how intersecting systems of coloniality and patriarchy exploit both women's bodies and their territories through colonial extractivism and dispossession. Acknowledging the body-territory also highlights how female defense of their bodies becomes intertwined with defending their territories and communities, as powerfully put an interviewee:

"There are many women in resistance, because we feel a strong connection with our Earth. Even though we are discriminated, it will not be taken from us." - Doña Isabel

The examples of women in resistance (§3.6.4) demonstrate how these struggles challenge the broader logic of domination and the value-hierarchical thinking that underpin extractivism. Women resist not only for their own rights, but also for the Earth and collective well-being, recognizing these as inseparable (Coradin and Oliveira 2024). For this reason, the ecofeminist notion of twin domination is central to this thesis: it shows that oppression cannot be dismantled in isolation. An ecofeminist approach is systemic, identifying the extractivist worldview itself, grounded in colonial and patriarchal logics of domination, as the root of harm (Cirefice 2025).

"We need to make the contributions of women, both Indigenous and non-Indigenous, visible; the struggle they've had for the preservation of life on the planet, water, caregiving.[...] Urban women, academic women and rural women have different forms of this struggle." - Juana Toledo

4.5 Beyond Extractivism in El Estor: Resistance, Insurgency and Reweaving Futures of Buen Vivir

The previous sections aimed to use the concepts of the CMP and the 'logic of domination' to analyze the dynamics between extractivism, coloniality and patriarchy. The multi-edged sword of these intersecting

power structures in El Estor has created, and still creates, wounds in its territories. All in the name of ‘development’, while Q’eqchi’ communities, nonhuman nature, women, and other marginalized groups are being damaged.

However, in contrast to narratives that portray Indigenous communities as passive victims of extractivism, the case study shows how these communities are actively resisting this model and defending their own ideas of life and what development means. These forms of resistance are both direct and indirect. In direct ways, communities, women, organizations, journalists, and other defenders protest, denounce, and document the harms caused by extractive companies. Indirectly, they resist through practices of re-imagining futures beyond extractivism and its colonial, patriarchal logic of domination. In this way, resistance extends the Territory and becomes a call for Buen Vivir (‘living well’), grounded in communality, care, intergenerational responsibility, relationality, and balance.

Buen Vivir is a central theme in resistance strategies across anti-capitalist, ecologist, Indigenous, feminist, and anti-patriarchal struggles (Svampa 2019). The concept is not univocal, but could be interpreted as a broader current that resonates across diverse socio-ecological struggles (Svampa 2019). Valverde (2025) describes it as an empowering framework in Indigenous anti-extractivist actions, creating space for political demands that challenge settler dominance. He further argues that Buen Vivir can reduce socio-environmental and economic inequalities by shifting attention from compensating extractive harms toward transforming the systems that produce them. Moreover, it forms an alternative to the dominant linear conception of development, by promoting a relational, biocentric understanding of life that values non-commodified relationships between humans, their territories, and other beings (Valverde 2025). While the many meanings and layers of Buen Vivir exceed the scope of this thesis, the following definition given by an interviewee guides this analysis:

“Our horizon is towards Buen Vivir. Buen Vivir does not mean having luxuries, having a house of cement. We need a natural energy. [...] The model of Buen Vivir is social; it means seeking balance with Mother Earth: not polluting, not destroying what has life. For example, if we cut down a tree today, then we must plant another, or even five, to restore what we’ve taken. That is the kind of legacy we believe in. Because on this land, the one the company has destroyed, there’s not a single tree left standing. That’s not the kind of future we want. We want a different future, one for the generations to come, so that they too can defend their rights, organize within their communities, and keep the resistance alive: the defense of our natural goods.” - Baudilio Choc Macchoc

The following subsections illustrate how the elements of Buen Vivir described in this testimony are reflected in different forms of resistance. First, resistance is shown to be interconnected across community and time, in line with the Q’eqchi’ cosmovision. It then demonstrates how resistance operates simultaneously across all axes of the CMP, revealing how intersectional domination also gives rise to intersectional resistance. These practices go beyond renewal, restoration, or revival, becoming what Walsh (2018) calls ‘decolonial insurgency’: acts of creation, construction, and intervention oriented toward a decolonial otherwise.

4.5.1 Interconnectedness within Community: Collective Care

“There is also a feeling of one body; the ‘cuerpo - pueblo Q’eqchi’ (*body - Q’eqchi’ people*).”
- Laura Hurtado

A first space of resistance is that of community and collectiveness. The testimonies (§3.6.1) reveal a strong sense of one Q’eqchi’ ‘body’. Just as cuerpo-territorio connects women and territories, the cuerpo-pueblo Q’eqchi’ is described as connecting individuals to the community. In the thematic analysis, it was notable that many responses across interviewees were similar. While certainly there were divergences and nuances among the perspectives (mainly regarding the gendered dimensions): many harms, resistances and hopes were described in overlapping ways. These shared experiences emphasize how extractivism causes collective social and spiritual wounds: social fabric is damaged through division by companies or forced displacement, livelihoods are lost, and territorial conflict and resistance cause psychological harm. These wounds have deepened throughout successive waves of dispossession and invasion and are

felt collectively by the Q'eqchi' people. More individualistic societies, such as many in the Global North, may struggle to relate to this sense of collective being and therefore underestimate the magnitude of these impacts. Recognizing the cuerpo-pueblo Q'eqchi', alongside the cuerpo-territorio, is thus essential for understanding the depth and collective nature of the harm experienced.

At the same time, communality is also a key source of resistance. Within the 'Q'eqchi' body', practices of organization, information sharing, and solidarity emerge clearly from the testimonies. The social, spiritual, and psychological wounds described above are, and historically have been, countered by collective Q'eqchi' resilience. However, continuous resistance to newly created harms leaves limited time and energy for processes of healing. This is also highlighted in the thematic synthesis (§3.5.2), which emphasizes that communal healing should be more actively facilitated and supported by extractive companies and state actors.

These forms of resistance based on care and collectiveness maintain economies that sustain life on Earth. Thereby it contrasts capitalist patriarchy that promotes competition and individualism. While the Q'eqchi' feeling of community is being targeted, maintaining the 'cuerpo - pueblo Q'eqchi'' prevails as an important form of healing and resistance.

4.5.2 Interconnectedness in Time: Intergenerational Responsibility

“A family in a community or communities defend the Earth, because for them it is so important. Generation after generation, another generation may come, but what is most valuable here is to defend the river, to defend the Earth because we depend on it. Here the communities or here the town feed on the Earth, from the corn, the beans, the chili, the sweet potato, from everything that the Earth reproduces. Therefore, this meaning and this relationship will never end, it is always going to be sacred.” - Juan Bautista Xol

Secondly, the Q'eqchi' resistance is situated throughout time in an interconnected way. The quote above connects the collective aspect of defending the Earth with the intergenerational aspect. Many participants framed their struggles as responsibilities toward both ancestors and future generations (§3.6.6). Spirituality, ancestral practices and knowledge, and the memory of past dispossession are central to present actions. For many Q'eqchi' communities, territorial defense is not a new fight but part of an ongoing process.

This long-term perspective contrasts sharply with extractive activities that are focused on short-term profit. The Q'eqchi' resistance is motivated by intergenerational responsibility and the goal of protecting the Earth for future generations. This challenges the dominant rhetoric of modern development by questioning where such development eventually leads to.

Through these temporal forms of resistance, communities show that the short-term focused extractivist model is not inevitable, and neither are the forces driving it. The Q'eqchi' show that other futures are possible for next generations. In particular, Indigenous women play a central role in this transformation, both through direct acts of resistance (§3.6.4) and through everyday practices such as weaving (see Appendix D). In doing so, they actively reweave the future through an ongoing process of repairing relations, restoring balance, and honoring both past and coming generations.

4.5.3 Resisting the CMP: Alternatives to Colonial, Patriarchal Modernity

“We were raised to see the Earth as sacred. Our Territory is part of ourselves, as if we are one, belong to each other. When it's threatened, we react; we defend it.” - Juana Toledo

Now that the communal and temporal spaces of Q'eqchi' resistance have been outlined, the different domains of the CMP function as one interrelated space in which intersectional domination is resisted. While the first part of this chapter illustrates how this domination operates across these domains by discussing them separately, in reality they cannot be separated. Dualistic thinking and the logic of domination connect colonial control of authority, economy, knowledge, subjectivity, and gender. When this logic is resisted, the entire foundation of the CMP is challenged.

Therefore, a central form of resistance lies in persistent defense of counter-hegemonic ontologies and knowledge systems of all groups dominated within the domains of the CMP. Interviewees consistently emphasized that internal ways of being and knowing cannot be erased, even though these are excluded, repressed, and criminalized because they are for example Indigenous, female, or nonhuman. This is illustrated through the manner in which Q'eqchi' relationships with nonhuman elements and beings are expressed through daily practices such as rituals, ceremonies, agroforestry techniques, and everyday forms of love and care for the Territory. In doing so, these practices challenge the Western separation between humans and nature. As put by Carlos Choc:

“The sunrises in the Lake are beautiful when you wake up early. It helps us a lot. I, and many other people, love going to the Lake, talk to the Lake, and clarify things. The Lake is also a guardian, there is an energy, so we connect. And it is beautiful, because you create a strong connection and you begin to understand and have clarity in your thoughts. And that is why we love and care for the Lake. People do it because they are part of it, we don't do it because we are against development, as companies call it, but because we want to protect what gives us life.” - Carlos Choc

Women hold a particular role in this process, as the coloniality of gender, the twin domination of women and nonhuman nature produce both systemic marginalization and a profound interconnectedness. This dual oppression produces a distinctive intersectional form of defense, in which women resist through inseparable care for their bodies, territories, communities, and future generations. It is therefore crucial to emphasize that, despite facing additional barriers, women hold a central role as agents of change, rejecting all forms of exploitation and instead prioritizing reciprocity and care. This is a role that must be recognized and supported.

Thus, defending the Territory and all its constituent elements is a form of resistance against extractive projects that treat it merely as property or resource. Svampa (2019) describes this as the ‘tension of territorialities’: the mining and palm oil companies solely see the territories as material, while Q'eqchi' communities continue to defend their spiritual, social and embodied value. This defense reflects ontological plurality, showing that other world-making can exist alongside (and in resistance to) capitalist modernity grounded in coloniality and patriarchy. The tension of territorialities moves through all four CMP axes simultaneously: authority (how territories are governed), economy (what is exchanged with territories), subjectivity and knowledge (how territories are perceived), and gender (how territorial and female bodies are interconnectedly treated). Across these axes, intersectional forms of resistance emerge, united by a shared commitment to challenging colonial power and the logic of domination, while striving for pluriversal futures in which diverse ways of knowing and being can coexist. In this process, communities assert their own pathways and redefine development on their own terms, for example through visions of *Buen Vivir*.

By situating resistance within an interconnected temporal framework, it not only envisions a better future but also relates to past wounds. Intersectional resistance functions as a form of intersectional healing for the Q'eqchi' communities. Defending and healing the Territory is at the same time defending and healing the territorial body, the female body, the Q'eqchi' body, and the spiritual relationship with the Earth that sustains life.

4.6 Conclusion: Toward Pluriversal, Intersectional Justice

This chapter applied the paradigmatic (intersectional decolonial ecofeminist) framework of this thesis to interpret the El Estor case study, connecting local lived experiences to broader structures of extractivism, coloniality, and patriarchy. In the name of development and progress, an extractivist model is imposed on Q'eqchi' territories. The CMP served as an analytical map showing how extractivism both reproduces and generates colonial inequalities grounded in Western value dualisms, where one side dominates and exploits the other. The different forms of domination in El Estor (over territories, epistemologies, ontologies, nonhuman nature, women, and so forth) can all be situated within the four domains of the CMP. Both these inequalities and the structures of power that drive them operate simultaneously across authority, economy, knowledge, and gender. Together, these dynamics form an intersectional structure of extractivism, coloniality, and patriarchy, addressing subquestion 4:

4. *How do intersecting structures of coloniality, patriarchy, and extractivism shape the lived experiences from the El Estor case study?*

The twin domination of nonhuman nature and women elaborates this answer, by offering a clear example of the intersectionality of different power structures. As the analysis showed, extractive industries do not only exploit natural goods; they simultaneously exploit and marginalize women, particularly Indigenous women. These exploitations, all grounded in the same value dualisms and logic of domination, reveal the ideological foundations of extractivism, therefore going beyond its material dimensions.

The discussion in this chapter on resistance, insurgency, and the reweaving of futures addresses subquestion 3:

3. *In what ways do Q'eqchi' knowledge systems and ontologies form alternative understandings of territories and justice?*

The tension of territorialities and the intersectional resistances in El Estor show alternative understandings of territories and just futures. They promote the idea of pluriversality: showing that multiple worldviews can co-exist, by placing the current hegemonic worldview in contrast with their own. While the extractivist-colonial-patriarchal model is built on value-dualisms and the logic of domination, the Q'eqchi' cosmovision centers complementary dualisms that are balanced and interconnected. For example, while the Earth and humans are different entities, they are connected and need to take care of each other. Moreover, there is a contrast between extractivism that promotes individual, short-term profit, and the hopes for a future of Buen Vivir, centering communality and intergenerational thinking.

Paradoxically, intersecting structures of hegemonic power also give rise to intersecting structures of counter-hegemonic power through resistance. Buen Vivir resonates strongly with feminist, anti-patriarchal, and community-based movements that link decolonization with depatriarchalization (Svampa 2019). These movements challenge the Western dualist paradigm not only in its human/nature divide, but also in its men/women and modern/traditional divisions. They, together with ecofeminist contributions, show how patriarchy has essentialized care as a feminine role while distancing it from men. By re-centering care as a collective ethic and emphasizing the central role of Indigenous women, these movements work to dismantle the CMP, challenge multiple hierarchies simultaneously, and promote pluriversal, intersectional justice.

“Life on Mother Earth includes human beings, animals, forests, water, air, everything. The whole cosmos, everything surrounds us. That’s what we’re working on as an organization and as Indigenous women, we are raising awareness to this perspective, not forgetting our struggles, and finding ways to continue.” - Juana Toledo



5 Insights: Integration with UN Binding Treaty on Business and Human Rights

Intended audience

This chapter is intended for policymakers and other actors involved in the governance of extractive processes. It connects the El Estor case study findings to the UN Binding Treaty on Business and Human Rights, formulating recommendations for parties engaged in the Treaty's negotiation and implementation.

The conclusion of the previous chapter discussed how the lived experiences in El Estor are shaped by an intersecting system of extractivism, coloniality and patriarchy. The injustices and inequalities that this system is creating, cannot be seen separately from one another. The Q'eqchi' resistance strategies to this intersectional system can therefore be seen as intersectional as well: they stem from different marginalized groups and different political-ideological matrices (anti-capitalist, ecologist and Indigenous, feminist and anti-patriarchal perspectives) (Svampa 2019), but share a common goal of challenging colonial powers and the logic of domination. Chapter 4 discussed several forms of this intersectional territorial resistance across time and community. Together, the forms of resistance in El Estor fight for the interconnected rights of humans and the Earth, grounded in a vision of Buen Vivir.

Chapter 4 also situated the local experiences in El Estor within a global system of powers. Therefore, to actually move toward pluriversal, intersectional justice and Buen Vivir, this system also needs to change on a global level. This chapter explores a possible route to systemic change: through global governance of extractive industries by the United Nations (UN). It therefore addresses subquestion 5:

5. *What ethical, methodological, ontological and epistemological principles can be used to include intersectional decolonial and gender justice in the UN Binding Treaty on Business and Human Rights?*

The UN Binding Treaty has been under negotiation since 2014, by the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises (OEIGWG). The Treaty process started when the UN Human Rights Council (UNHRC) adopted resolution 26/9 by which it decided to “*elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.*” (Human Rights Council 2025). Since 2014, the draft Treaty has been developed over 11 successive sessions and currently comprises 24 articles, of which an overview is presented in Table 2. Articles that are the focus of this thesis for specific recommendations, due to their direct relevance to the El Estor case study, are highlighted in bold.

This chapter offers reflections on how this UN Treaty could be made more representative of intersectional decolonial and gender justice. It begins by explaining the rationale for focusing on the UN Treaty within this thesis. Next, it describes how findings from previous chapters were used as inputs to feed into the methodological flow for this research step. Finally, the chapter presents and integrates the results to answer subquestion 5.

Table 2: Structure of the Draft Legally Binding Instrument

Art.	Title	Short Description
–	Preamble	Introduces the instrument’s mandate and underlying philosophy.
1	Definitions	Definitions of terms used in the instrument.
2	Statement of Purpose	Objectives of the instrument.
3	Scope	Scope of application.
4	Rights of Victims	Alignment and clarification of rights of victims.
5	Protection of Victims	State obligations to ensure protection and precautionary measures.
6	Prevention	Duty to regulate business activities and require due diligence.
7	Access to Remedy	State obligations to ensure access to justice and remedy for victims, through effective judicial and non-judicial mechanisms.
8	Legal Liability	Establishment of a comprehensive system of legal liability.
9	Jurisdiction	Clarification of jurisdiction and connecting factors.
10	Statute of Limitations	Clarification of limitation periods and terminology.
11	Applicable Law	Clarification of choice of substantive law.
12	Mutual Legal Assistance	Inter-State cooperation in legal proceedings.
13	International Cooperation	Cooperation, technical assistance and capacity-building.
14	Consistency with International Law	Relationship with international law and other agreements.
15	Institutional Arrangements	Committee, Conference of States Parties and Fund.
16	Implementation	Necessary measures to ensure effective implementation.
17	Relations with Protocols	Supplementary protocols and participation.
18	Settlement of Disputes	Negotiation, arbitration or judicial settlement.
19	Signature, Ratification, Acceptance, Approval and Accession	Procedures for becoming a Party.
20	Entry into Force	Conditions for entry into force.
21	Amendments	Procedure for proposing and adopting amendments.
22	Reservations	Permissibility and withdrawal of reservations.
23	Denunciation	Procedure for denunciation.
24	Depositary and Languages	Depositary functions and authentic texts.

Note: Articles for which this chapter formulates specific recommendations are highlighted in bold.

5.1 Positioning the UN Treaty Within This Research

The struggle of Q’eqchi’ territorial dispossession evolved throughout several waves of invasion in Iximulew. As described in Chapter 4, political and institutional mechanisms such as the state, legal systems, and the military have exerted control over Indigenous communities. These communities have over time been appropriated through legal and institutional routes: for example, by the exclusion of legal recognition of Indigenous territories in the land property registry, and neoliberal economic policies welcoming extractivist projects in Indigenous territories. Chapter 4 analyzed how this is a form of colonial control, which is currently reproduced through extractivism. Within the hegemonic institutions that have excluded them, Indigenous communities have been forced to seek legal action and recognition of their rights in light of extractivist dispossession. Even though Q’eqchi’ communities often did not perceive the lands they lived on as their ‘properties’, they had to seek these titles to be able to keep co-existing with their territories, as was explained by one of the interviewees.

“Racism reproduces itself in the practices of institutions, even those that supposedly work with or for these communities. In their procedures, racism is reproduced. For example, if the delivery of a land title should have happened in the 1970s, and it’s now 2025, how many years have passed? Half a century, and still no compliance? It’s a total disrespect. Three generations; grandfather, father, son — the communities have their files, can show they’ve been fighting for land for decades. Yet they are still not heard, which shows a total lack of respect for these people and their communities.” - Laura Hurtado

The testimonies show that currently Q’eqchi’ communities are still trying to obtain legal certainty of their territorial rights, seeking to turn the law into a tool for their defense instead of a mechanism of their dispossession (§3.6.3). This is happening as part of the global response to extractivism. Indigenous Peoples around the world are turning to litigation, seeking recognition of their collective rights and remedies for the growing violations and diverse harms caused by the extraction of raw materials from their territories (Viaene and González-Serrano 2023). Thus, just like the Q’eqchi’ communities are doing, all over the world there are Indigenous groups and women fighting against the commodification of nature and demonstrating alternative ways of knowing, being and developing embedded in radically different human-environment relationships and ecofeminist ethics of care.

Indigenous, women’s and Earth’s defenders are countering colonial control through these legal and institutional routes; not only of authority, but also along the other interconnected axes of the CMP. One of these institutional routes is through frameworks of the UN, which are setting global standards for human rights. While over the previous years there have been increasing calls to better represent the rights of Indigenous Peoples, women and nonhuman nature within human rights frameworks, these underrepresented voices continue to struggle in achieving real epistemological and ontological representation, instead of just being add-ons to the current frameworks (De Mattos Vieira and Viaene 2024; Singisala 2024; González-Serrano 2025). Therefore, this chapter explores how current UN human rights frameworks, specifically the UN Binding Treaty on Business and Human Rights, could be rethought, to be more representative of pluriversal proposals for the future, such as those articulated by the Q’eqchi’ communities in El Estor.

In line with decolonial methods, this research step was proposed by the interviewed community members and local organizations in Iximulew, as a way for this thesis to be a tool in tangible social action. One of the ancestral authorities specifically expressed that they wanted the outcomes of the thesis to be addressed to the UN. It is painful that this thesis (written from an inexperienced but privileged position) ends up being a channel for raising awareness, while the firsthand calls for action from these communities (from an experienced but marginalized position) are still not heard as they should be.

“The only thing I want or what I ask of you, is that what you will write will arrive one day at the United Nations so that they know what we are suffering here, in Guatemala or in our Territory. Because we as Indigenous Peoples, as villages, communities, we are totally abandoned.” - Javier Horlando Cap

5.2 Relation to Other Findings

The findings from Chapter 4 are used as inputs for this research step, and were combined with a methodology consisting of interviews, participatory research at the UN Treaty negotiations, and document analysis. These different sets of data and information were combined and integrated to explore recommendations for a more just and inclusive Treaty. An overview of the research flow for this chapter is given below.

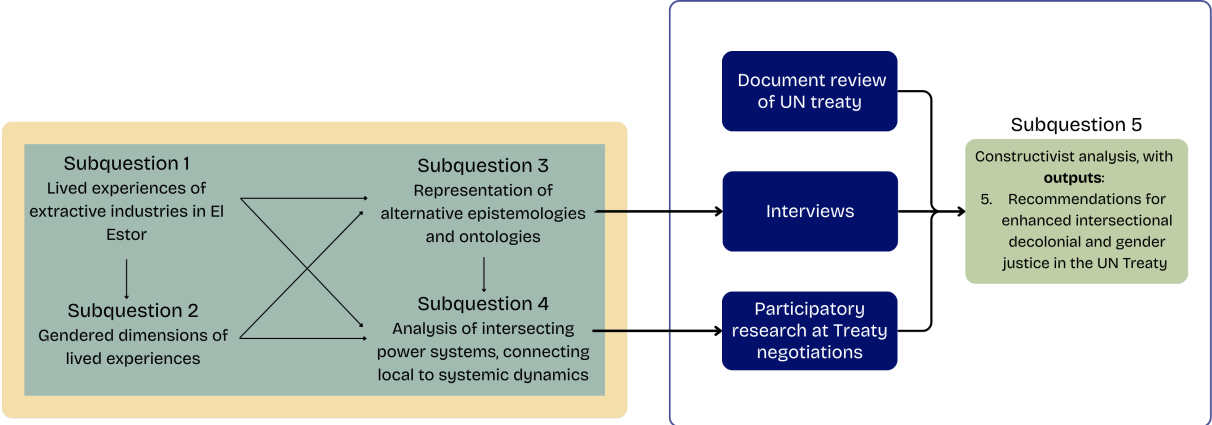


Figure 6: Research Flow of Chapter 5

The arrows between the subquestions highlight how their answers have built upon one another in the previous parts of the thesis.

The methodology of this research step builds directly on the outputs of subquestions 1-4, using them as analytical inputs to guide an assessment of the UN Binding Treaty on Business and Human Rights. First, Chapter 4 demonstrated how extractivism in El Estor continues to reproduce inequalities across the CMP axes of authority, economy, gender, knowledge and subjectivity (§4.3). These insights underscore the need to formulate recommendations for the UN Binding Treaty, as they reveal the limitations of existing human rights frameworks in protecting groups that are marginalized across the CMP domains. The findings on the intersectionality of different forms of marginalization (§4.4) further expose the limitations of prevailing hegemonic governance institutions. They also highlight the need to critically examine how intersectional decolonial and gender perspectives are represented in, or excluded from, these institutions.

Building on this analysis of intersecting power structures, the methodology of this research step implements participatory research during the annual Treaty negotiations in Geneva. This method aims to examine how intersectional power dynamics manifest in practice and whose voices are prioritized or sidelined in shaping the Treaty, serving as an initial exploration of representation gaps.

Where participatory research identified the Treaty process as a site of decolonial and feminist struggle, subsequent expert interviews (introduced in §2.4.2.2) deepen this analysis by inductively zooming in on these representation gaps. In doing so, the critique of the ‘rhetoric of modernity’ as an ideological driver of extractivism (§4.2) is applied to question the Treaty’s underlying assumptions and the way it balances corporate interests with the rights of marginalized groups.

Finally, the previous chapter’s discussion of Indigenous resistances and their proposals for alternative futures grounded in Buen Vivir (§4.5) serves as another input. It is the foundation of this chapter’s assessment of how transformative visions, emerging from lived resistance and relational ontologies, could be more effectively centered within the UN Treaty. These perspectives guide the expert interviews in addressing whether and how such alternative proposals might be tangibly integrated into the Treaty, beyond token inclusion or romanticism. It is examined whether the transformative visions from El Estor can rethink the epistemological and ontological underpinnings of human rights within existing frameworks, without becoming add-ons.

Taken together, the findings from the document analysis, participatory research at the Treaty negotiations, and the experts interviews are constructively analyzed, grounded in the insights from the El Estor case study. This constructivist analysis gives three main outcomes on the Treaty’s process and content, as well as three recommendations addressing subquestion 5.

Detailed legal mechanisms or procedures are beyond the scope and training of this thesis, so it focuses on the assumptions and power dynamics underpinning the Treaty, and how these are translated into the Treaty’s process and content. Furthermore, it must be acknowledged that, when engaging with intersectional decolonial and gender justice, again in this research step my positionality as a non-Indigenous woman shapes the scope of the conclusions I can draw. Although as a woman, I can reflect on experiences of gendered injustice to a limited extent, I cannot speak on behalf of groups facing intersectional and/or decolonial oppression. The insights and reflections presented below should therefore not be seen as absolute or exhaustive.

5.3 A Decolonial, Feminist Struggle

Before turning to recommendations for the UN Binding Treaty, it is important to reflect on the kind of system in which these negotiations are taking place. Bringing about structural change requires an understanding of these structures: how they shape decision-making processes and whose voices are recognized as legitimate within them. While a full analysis of UN frameworks and their legal and political structures is beyond the scope of this thesis, the question of power balances within the UN is central. Intersecting power structures are a key focus of this research, and how they become visible in the Treaty process.

“People that hold power are going to retain power. But we can see that there are attempts to shift the power dynamics within the Treaty process and we have to be a part of those attempts.” - Jessica Lawrence

The first observation during the Treaty negotiations was the large distance between El Estor and the

Palais des Nations. This felt like more than a geographic gap, but also a gap in concerns, priorities, and ways of relating. Despite the formal openness of the process and the presence of many civil society organizations that share similar struggles, access to the UN space remains dominated by hegemonic power structures that privilege actors from the Global North and those aligned with corporate interests. Although several powerful states still refuse to fully back the Binding Treaty, corporate actors from those same countries (where many transnational corporations are headquartered) are active in the negotiations as UN-accredited organizations, reinforcing positions that favor corporate interests. Interviewees active in the Treaty process affirmed how these are significantly shaped by power dynamics. Jessica Lawrence from ‘Lawyers for Human Rights’ (LHR) (§2.4.2.2) stated that regulating business inevitably confronts vested economic and political interests within a global capitalist system. Corporations and aligned Global North states, in particular, often prioritize protecting business interests and favor non-binding mechanisms:

“The power dynamics influence the process a lot. We are talking about a Treaty that is seeking to regulate big business in a capitalist world. And we know that the West, being capitalist states, largely want to protect business interests.” - Jessica Lawrence

An interview with Raffaele Morgantini from ‘CETIM’ (§2.4.2.2) highlighted how Global North states and corporate actors have long sought to prevent binding regulation of Transnational Corporations (TNCs), shutting down earlier attempts and efforts to elaborate legally binding frameworks. Although the adoption of the mandate through Resolution 26/9 of the HRC eventually allowed the Treaty process to begin, following negotiations have been marked by continued efforts to weaken its content. This dynamic was visible throughout the negotiations. For the eleventh year in a row, the European Union did not secure a negotiating mandate that would allow it to formally engage in the Treaty discussions. Given the recent rollback of its own human rights due diligence legislation and broader efforts to weaken regulatory frameworks under strong corporate lobbying and pressure from the United States, this outcome was not unexpected (O’Connell 2025). The US, as a key opponent of the Treaty, was absent entirely. Meanwhile, a group of Gulf States (Saudi Arabia, Kuwait, Qatar, and the United Arab Emirates) gave coordinated interventions promoting a neoliberal, pro-business agenda (O’Connell 2025).

At the same time, participation from many Global South states, women’s and human rights advocates, Indigenous Peoples, and affected communities remains constrained by financial, political, and structural barriers that limit their ability to be physically present or to intervene in the negotiations (Farah et al. 2025). Lawrence and Morgantini both emphasized that an aspect of power asymmetries between the Global North and Global South states is caused by the structural barriers that some state delegations face in their participation in the Treaty process, either held back by neo-colonial influence or capacity constraints. Lawrence recalled how some African delegations are held back by the claim of corporations that stronger regulation will deter investment, influencing African states that are economically dependent on extractive investments in a neo-colonial manner. Moreover, she explained how many African delegations face severe capacity constraints, with small teams handling large UN portfolios. Delegates often do not have the time or technical expertise to engage with the Treaty negotiations. Morgantini affirmed these two constraints playing a role for Global South states to actively participate in the negotiations:

“Although most Global South countries should be interested in moving the Treaty forward, neo-colonial relations still persist, allowing imperial and neo-colonial powers to influence governments in Africa, Latin America, and Asia. As a result, many Global South states speak in negotiations as the EU, the US, or Canada would. At the same time, many of these states lack the capacity to participate proactively in Geneva, even though they tell us they want to engage and strengthen the Treaty.” - Raffaele Morgantini

Morgantini described how since 2022, coordinated civil society advocacy and increased engagement by Global South states have begun to partially rebalance power within the negotiations. However, obstacles and colonial power imbalances remain.

Similar to what is occurring at the local level in El Estor, women, Indigenous communities, and nonhuman nature are largely excluded from decision-making processes at the international level. It is also mirrored in this thesis itself: why am I able to attend these negotiations as an outsider, while affected Q’eqchi’

communities continue to struggle to be heard? As a result, those most directly harmed by TNC activity remain underrepresented, while perspectives aligned with existing global hierarchies are amplified.

The interviews conducted for this research step helped to zoom out on these power imbalances within the Binding Treaty, and place them within the broader context of the UN. Several interviewees described general UN frameworks as shaped by longstanding power asymmetries, in which dominant actors have historically imposed particular worldviews and priorities, especially within a neoliberal global economic order. Cesar, an Igorot elder with longstanding experience in advocating for Indigenous rights (§2.4.2.2), reflected on how only formal state actors are represented within the UN, but Indigenous Peoples within these states do not have a large influence.

“Because in the United Nations, it’s the state. It’s the state that is there, in the state that is represented. The Indigenous people, in terms of the structure and political power, don’t really have much influence.” - Cesar

All interviewees stated that UN processes operate within an inherently colonial, state-led system. Legal and environmental anthropologist Lieselotte Viaene (§2.4.2.2), for example, emphasized that it remains a significant challenge to integrate Indigenous knowledge systems into international legal frameworks that are fundamentally shaped by colonial histories. In doing so, she situates international law within its colonial origins, noting that its concepts of property, sovereignty, and legal personhood often clash with Indigenous worldviews. This raises the question whether a decolonial Treaty is even possible. The decolonial potential of the Treaty remains limited by the broader institutional context in which it is negotiated, one that continues to favor corporate interests and existing economic structures:

“For this Treaty to be truly decolonial, it needs to be influenced by those that are most impacted and the power dynamics have to shift away from corporates and lobbyists who can’t be influencing the content of the Treaty, particularly if this is a human rights based Treaty. This really has to come from the ground up, but I wonder if that is ever possible in an international process which is inherently colonial.” - Jessica Lawrence

However, despite its limitations, Lawrence views the Treaty as a potentially historic attempt to regulate corporate power and rebalance global inequalities. She emphasized the importance of using existing systems to challenge and transform them. Morgantini argued that: “The correlation of forces at the international level is characterized by a very strong North-South polarization, a neoliberal globalization in which transactional corporations are presented as the main agents of the current globalization, and therefore the main actors of the trade and economic dominant system. I think that within this international framework, this process is historic precisely due to its ambition to tackle this trade and economic architecture of impunity.”

Taken together, participatory observation and interview findings indicate that the UNHRC, despite claims of neutrality or universality, continue to operate from a hegemonic legal framework. Decision-making power within the Treaty process remains concentrated among actors that tend to favor patriarchal, colonial, and capitalist structures, while Global South states and marginalized groups face structural barriers to equal participation. These power asymmetries underscore that, as others have called it, the Treaty process is at its core a decolonial, feminist struggle to stop reproducing the very power relations it aims to challenge (Farah et al. 2025; Stothard et al. 2026).

5.4 Narratives of Development

Building on the power imbalances outlined above, this section zooms in on which ideas are being privileged within the Treaty process and how these ideas are reproduced. Shaped by unequal participation, the Treaty negotiations risk reproducing dominant colonial and patriarchal narratives of development, progress, and human rights.

Findings from participatory observation and the interviews indicate that extractivism continues to be framed as a legitimate and necessary development model through a rhetoric of modernity within the

Treaty process. The El Estor case study illustrates how extractive projects in Q'eqchi' territories are on a local level justified through developmentalist narratives driven by coloniality and patriarchy, as discussed in the last chapter (§4.2). Within this framing, Indigenous ways of being and knowing are positioned as backward or obstructive to “progress,” where affected communities are seen as obstacles to the economic ambitions of elites. This logic was mirrored on an international level during the Treaty negotiations, where certain states and corporate lobbyists repeatedly sought to dilute corporate obligations to respect human rights.

During the negotiations, transnational corporate (TNC) lobby actors, most notably the International Chamber of Commerce (ICC) and the International Organisation of Employers (IOE), played a visible role in advancing these narratives. Across multiple sessions, these actors consistently advocated for voluntary, non-binding frameworks, such as the UN Guiding Principles (UNGPs) on Business and Human Rights, to remain the global standard. However, all interviewees emphasized that non-binding frameworks are insufficient to provide effective protection or access to remedy for affected individuals or communities. LHR uses case studies and testimonies from affected communities to illustrate the shortcomings of these guidelines. Moreover, according to Friends of the Earth International (FoEI), the TNC lobby demonstrates a contradiction in its argument on the necessity of binding instruments: they argue that responsibilities related to “human rights, labor, the environment, and the duty to protect areas” should rest solely with states, while simultaneously claiming that states cannot be trusted to regulate businesses due to corruption and weak governance (FoEI 2025). This contradiction underscores how corporate actors selectively invoke state authority when it aligns with business interests.

The observational findings show that corporate lobbyists and aligned Global North states repeatedly framed capitalist development and corporate profit as being in the “general interest.” References to market realities and economic growth were presented as universally shared concerns, with statements such as “economic development is of great concern to everyone in this room.” However, as demonstrated in the previous section, those who are “in the room” of the negotiations do not adequately represent the communities most affected by corporate human rights violations. The El Estor case study provides a direct counter-narrative: profits generated by nickel and palm oil industries are produced at the expense of Q'eqchi' communities, women, and nonhuman nature. These observations highlight a core tension within the Treaty itself: business interests are still being framed as development and progress, despite the human rights violations that these models generate, mainly for shadowed groups.

Interview findings deepen this analysis by challenging the dominant understanding of development articulated during the Treaty negotiations by TNC lobbyists and certain states. CETIM explicitly rejects rigid neoliberal, growth-oriented conceptions of development and instead understands it as a pluriversal concept, through the framework of the *right* to development, as articulated in the 1986 UN Declaration on the Right to Development:

“The concept of right to development opposes the dominant ideology and conception in which economic growth is seen as a primary objective of development. On the contrary, the right to development asserts that it is the peoples, the human person, individually and collectively, at the heart of not only economic, but also social, political, cultural activities composing development processes and models.” - Raffaele Morgantini

Development, from this perspective, is not the dominant capitalist and growth-oriented definition, but it is an expression of self-determination. It is the right of peoples and states to define their own development paths autonomously, without external imposition of states, NGO's or other actors. There is no single, universal model of development, and attempts to impose one undermine self-determination and collective rights.

Cesar and Morgantini both linked neoliberal globalization to erosion of self-determination, a dynamic that was also observed within the Treaty negotiations when corporate actors framed business interests as universal interests. Cesar described “real development” for him as a process that dismantles semi-feudal power relations, redistributes land, and enables peasants and Indigenous Peoples to benefit from their territories. In contrast, development models imposed by the state and international institutions, including those promoted during the UN Development Decade, were described by him as tools to legitimize intrusion into Indigenous lands.

With the UN being a state-led institution, the interviews for this chapter as well as in El Estor point to the issue of local tensions over development being overlooked, since state claims over natural resources often clash with community visions of development and governance. Cesar illustrates this through the Philippine Mining Act of 1995, which opened the country to foreign mining corporations by allowing land to be leased from the state. As ancestral lands without formal titles were treated as state property, Indigenous Peoples were particularly vulnerable. Although FPIC was formally adopted, its implementation by state agencies aligned with mining interests has made it contradictory and largely ineffective. In contrast, grassroots efforts such as the proposed Alternative People’s Mining Act in the Philippines demonstrate the possibility of more participatory development models grounded in Indigenous knowledge and community control. However, these initiatives have remained stalled due to entrenched state and corporate power. Morgantini affirmed that resolving such local conflicts requires peoples, communities, and grassroots organizations to build political power within states and to create pathways toward alternative development processes, while recognizing that this is often difficult and conflictual.

Across both observational and interview findings, it becomes clear that the struggle over the Binding Treaty is also a struggle over development itself. Transnational corporations and aligned states promote extractivist, profit-driven development as universal, while affected communities articulate development in other ways. As Cesar emphasized, Indigenous communities are not anti-development, but have a different definition of it:

“So we are not ignorant people who don’t like development, even if we have been accused of being anti-development. We are against the framework of state development, this United Nations development, the idea that a few people need to develop us. . . Now for our development we look back to our own society, our cultural and political structures, which were sufficient to sustain our community and the environment. We reaffirm the values of our ancestors related to the land, social relationships, and foremost that we are caretakers of the land.” - Cesar

This clash of development paradigms underscores the urgent need for the Treaty process to protect and strengthen the right to development and self-determination. While the previous section demonstrated how colonial, patriarchal, and capitalist structures are favored within the negotiations, this section has shown how these power relations shape dominant understandings of development, justice and human rights within the Binding Treaty. These tensions raise a further question: if hegemonic development models dominate the process, how and to what extent are alternative visions still being articulated and represented within the negotiations?

5.5 Counter-Hegemonic Visions

This section takes up that question by examining further how counter-hegemonic voices intervene in the Treaty process, challenging extractivist and profit-driven paradigms and articulating different understandings of development, human rights, justice, and human–environment relations. As presented in the previous chapters, the El Estor case study shows that Q’eqchi’ knowledge systems and ontologies form alternative understandings of territories and justice, grounding proposals for futures that contrast fundamentally with hegemonic development models. These include visions rooted in Buen Vivir, non-dualistic worldviews, communal relations, ethics of care, and intergenerational responsibility, rejecting profit over life and emphasizing relationality, reciprocity, and collective well-being. Cesar, being from a completely different Indigenous community, articulated that alternative development paths for his community include a stronger focus on national industry or agrarian reform. Thus, although ‘counter-hegemonic ideas’ differ and should not be generalized, they share a rejection of externally imposed development models and a commitment to self-determined futures.

Several counter-hegemonic ideas were represented, though still insufficiently, within the Treaty negotiations. Despite the imbalance in power and representation, civil society actors used their space to voice perspectives that challenge dominant ontologies in international law. Observations from the negotiations show that these interventions consistently called for a shift away from extractivist and anthropocentric frameworks toward ontological plurality. For instance, Ramona Margarita Domingo of the Council of Mayan Peoples (CPO) emphasized the need to respect Indigenous self-determination and recognize “the interdependence between human beings and Mother Earth,” directly countering the separation from and

commodification of nonhuman nature (O' Connell 2025).

Similarly, FIAN International made an intervention on behalf of Indigenous communities, peasants, land workers, and women who have lost their territories, cultures, and Buen Vivir due to extractive industries. Their statement explicitly linked human rights to Earth rights, stressing that dispossession harms not only livelihoods and access to land and water, but also minds and spirits. By calling for rights to a healthy climate, food, development, and a clean and sustainable environment, FIAN articulated a vision of development that differs from hegemonic growth-oriented models. Importantly, they also highlighted how mechanisms such as FPIC often have little real effect, while community resistance and mobilization provide ways to resist but remain insufficient to stop the continued concession of sacred territories. This critique closely aligns with the lived experiences documented in the El Estor case study.

Feminist counter-hegemonic perspectives were also articulated through the interventions of the Feminists for a Binding Treaty (F4BT), a coalition of over 30 human rights organizations. F4BT stressed that the Treaty must be grounded in a feminist framework, centering the rights and leadership of women, gender-diverse people, Indigenous Peoples, and affected communities (Farah et al. 2025). Their analysis connects corporate impunity to broader global crises, including climate change, conflict, and genocide, arguing that these are driven by the same colonial and patriarchal paradigm (WILPF International 2022). By foregrounding lived realities and intersecting forms of oppression, the core perspectives of the F4BT closely align with the findings of this thesis, highlighting that a feminist approach to regulating (extractive) corporations is crucial for challenging the colonial logics of domination imposed on all marginalized groups. An intervention of the F4BT articulated the determination of silenced groups to make themselves heard:

“We, women, LGBT and gender diverse persons continue to be in the room. We refuse to be invisibilized and silenced in this process and will continue fighting to ensure that the text of the Treaty reflects our lived realities.”

As articulated by the F4BT and Global Campaign coalitions, continued participation in the negotiations is in itself an act of resistance against invisibilization and silencing. Although they are excluded from formal decision-making, civil society interventions introduce counter-hegemonic visions that challenge dominant framings of development and progress. Across their statements, civil society actors counter narratives privileging extraction, commodification, and profit, with alternative frameworks such as those rooted in feminism, the right to development, and self-determination. In doing so, they expose and challenge the power asymmetries shaping the core assumptions of the Binding Treaty.

However, while these counter-hegemonic visions are at times articulated by representatives of Indigenous communities, they are also often represented through NGOs. It must be noted that while NGOs are important and powerful advocates, we should not forget that they are not an equivalent to direct Indigenous participation. As emphasized by Viaene, Indigenous Peoples still lack direct representation within the UN system and are largely represented through NGOs, which act as filters and can risk diluting Indigenous perspectives. Therefore, civil society interventions through NGOs should not be understood as the ultimate or final step in centering counter-hegemonic perspectives.

5.6 Recommendations

The previous sections show that while the UN Binding Treaty is a historic opportunity to close legal loopholes that protect corporate power and challenge the global architecture of impunity, there are also significant risks to fulfilling its mandate. Although the UNHRC aims to uphold universal human rights, it operates within institutional structures shaped by colonial, patriarchal, and capitalist power asymmetries that influence how development and rights are defined and implemented. These asymmetries are procedural as well as epistemic and ontological, privileging Global North, capitalist, and extractivist ideas while marginalizing counter-hegemonic perspectives within the Binding Treaty negotiations. As a result, dominant understandings of development risk being reproduced in the Treaty, undermining the *right* to development and self-determination of repressed groups, including Indigenous, gender-diverse, and nonhuman voices.

Hence, for an effective Treaty to protect human rights against corporate violations, these power imbal-

ances must be addressed. This requires a reconfiguration of power within the negotiation process, in which the groups most affected by corporate harm are centered instead of repressed. In response, this thesis proposes three connected recommendations: first, ensuring critical reflection on the underlying assumptions and definitions of development embedded in Treaty drafts to shift the focus toward the right to development; second, enhancing the meaningful participation of counter-hegemonic voices within the negotiation process; and third, ensuring that the Treaty is only adopted in a form that is feminist, ambitious and genuinely representative of pluriversal, intersectional justice. This section explains the rationale behind these recommendations and outlines what they entail, while the corresponding concrete proposed amendments to the Treaty text are provided in Appendix E.

5.6.1 Critiquing Dominant Narratives of Development

Cesar mentioned that an essential step in the struggle over development is to persistently critique dominant development narratives, and instead recognize it as a pluriversal concept. This also applies to the Binding Treaty, where rhetorics of development and modernity should be called out, for example as used by TNC lobbyists who present business interests as universal. Therefore, a specific recommendation for the OEIGWG is to be aware and critical of these false arguments.

For example, one ‘myth’ related to the dominant development narrative, is the claim of corporations that the Binding Treaty will deter investment in Global South states, as previously touched upon (§5.3). LHR critiques and counters this by arguing that a binding instrument would level the playing field for businesses by creating consistent standards across jurisdictions.

Moreover, any universal definitions of development should be rejected in the Treaty text to ensure that alternative development pathways and the right to development are respected. This is reflected in proposed amendments to the preamble, which explicitly reference the right to development, Indigenous rights, peasants’ rights, and human rights defenders (see Appendix E). These proposals situate the Treaty within a plural human rights framework instead of reducing development to economic growth or corporate-led definitions. By acknowledging the disproportionate and intersectional harms faced by Indigenous Peoples, women, and other marginalized groups, the amendments challenge dominant development narratives and highlight structural inequalities produced by corporate activity. From the perspective of this thesis, adopting these amendments in the preamble is essential to prevent the Treaty from reproducing hegemonic understandings of development and to affirm it as a collective, rights-based process.

5.6.2 Enhanced Participation of Counter-Hegemonic Voices

In all interviews, it was recognized that even though counter-hegemonic voices are not homogeneous, they often overlap in, for example, their understandings of self-determination, their relations to territories and respect for the Earth. To better represent these perspectives and counter Global North and corporate influence, coalitions such as the F4BT and the Global Campaign are already making efforts to speak as a united front. However, as discussed in the previous sections, colonial and patriarchal power imbalances are stopping them from being sufficiently heard. Therefore, attention should be paid to who is participating in the negotiations; which is twofold. Firstly, this question is about which states are present, and secondly which non-state actors are present.

With the negotiations and intersessional activities taking place in Geneva, several Global South delegations are hindered to participate due to limited time and resources. Therefore, this thesis recommends the OEIGWG to investigate how the threshold for these states to attend can be lowered. One possible way, which was also highlighted during the last negotiations, is allowing hybrid participation to enhance accessibility for state delegations. Beyond this, however, the OEIGWG should make stronger efforts to come up with more transformative, decolonial approaches to participation and decision-making, as argued by Lawrence:

“I think for the Treaty to be more decolonial, it needs to be accessible. Maybe the Treaty negotiations shouldn’t be held in Geneva. Or maybe the chair and the secretary should be documenting what affected communities are saying and not just what states are saying. That wouldn’t necessarily change the system though, because treaty making is a state-led process.”

- Jessica Lawrence

As the quote above also illustrates, UN frameworks are state-led, thereby leaving out regional and local differences within countries. As a result, the participation of Indigenous Peoples, women, nonhuman nature and other groups that are underrepresented at the national level remains limited within UN processes. As noted in the interviews, building political power of peoples, communities, and grassroots organizations must largely take place on a national level. Thus, while addressing self-determination of peoples and communities within states lies beyond the scope of this thesis, a recommendation can be made to counter the reproduction of these national power imbalances within the UN Treaty process. Given that counter-hegemonic groups are currently often represented through civil society organizations, the OEIGWG bears a responsibility on the short term to meaningfully consider these actors and to enhance their access to and participation in negotiations.

However, as argued by the interviewees, more direct participation by affected communities would be preferable and should be a long-term goal, since NGOs are not equivalent to the Indigenous Peoples or other groups they represent. However, since such a shift would entail a significant alteration of the entire treaty-making system, enhanced NGO participation can be understood as an important intermediate step towards improving the representation of underrepresented groups within the UNHRC (De Mattos Vieira and Viaene 2024).

It must also be acknowledged that participation alone is insufficient if Indigenous voices continue to be evaluated within a hierarchical system rooted in colonial ways of thinking and privileging state perspectives. As stated by Viaene, even when Indigenous representatives are present, their knowledge is rarely treated as equal to that of states. This creates a situation in which Indigenous Peoples are expected to translate their claims into Western legal categories, instead of international law adapting to plural ontologies and epistemologies. Ensuring that participation is meaningful would require deep structural transformation instead of the more incremental reforms proposed in this thesis.

The decolonial and feminist struggle within the Treaty is part of a broader transformation within international law which, as also emphasized by Viaene, will likely be slow. Nevertheless, it remains important to continue engaging with UN structures while simultaneously pushing for deeper ontological and epistemological change. One key driver in making the participation of counter-hegemonic visions meaningful is their direct presence and advocacy within UN mechanisms, such as in their roles as rapporteurs, advisors, and researchers, who bring lived experience into institutional spaces.

5.6.3 An Ambitious, Feminist Treaty

The last recommendation to the OEIGWG shifts from the Treaty-making process to its substance and outcomes. As argued by Morgantini, the Binding Treaty can only be effective if it is ambitious and inclusive of pluriversal ways of being and knowing. A diluted Treaty continues to leave room for corporate impunity, when standards or enforcement mechanisms are insufficient to guarantee justice. This binding instrument should overcome the implementation gap that currently remains the central weakness of international human rights law, as stressed by the interviewees. Viaene emphasized that the insufficient implementation of key concepts such as self-determination and FPIC are recurring points of conflict. These shortcomings are often framed as “misunderstandings,” while such framing is often strategically used to delegitimize Indigenous Peoples’ claims and to obscure deeper ontological clashes between state interests and Indigenous movements (De Mattos Vieira and Viaene 2024). These findings link clearly to the El Estor case study, where implementation gaps of FPIC (§3.4, §3.6.3), and structural ontological conflicts also arise (§4.3.2).

Therefore, to contribute to the effectiveness of the Treaty, it should be an ambitious instrument, as emphasized by civil society coalitions such as the F4BT and the Global Campaign. This means that the Treaty content should not be diluted to progress its adoption, since that would leave room for “misunderstandings” in its implementation. The findings of this thesis demonstrate that Indigenous and feminist perspectives are often the first to be excluded, because they are the ones most fundamentally challenging the dominant global development model. Centering these perspectives within the Treaty can thus be considered ‘ambitious,’ as they confront hegemonic structures directly, even though they concern foundational principles such as Indigenous and feminist rights and self-determination. Precisely for this reason, such ambitious approaches are essential to address the root causes of intersectional human rights harms. Consequently, this thesis recommends that ambition and effectiveness be prioritized over urgency and convenience in the adoption of the Treaty. The following recommendations aim to enhance the

content of specific articles that are directly relevant to the case study and were identified as essential components of the Treaty during the interviews. From all 24 articles (see Table 2), specific proposals focus on Articles 4, 5, 6, 7, and 15. The rationale for these recommendations is given below, while the concrete amendments (proposed by both state delegations and civil society) that are supported by this thesis are given in Appendix E.

From the perspective of this thesis, several proposed amendments to the articles of the draft Treaty on the rights and protection of victims (articles 4 and 5) are important to operationalize an ambitious Treaty. In these articles, provisions that expand the definition of victims to include affected persons and communities are crucial, as the El Estor case study demonstrates that harm caused by business activities is often collective and intergenerational. Second, the consistent integration of gender-responsive and intersectional language across articles on victims' rights, protection of defenders, prevention, and access to remedy directly addresses the structural barriers faced by women, Indigenous Peoples, and nonhuman nature, as demonstrated by the El Estor case study. Third, proposals that recognize the human right to a clean, healthy and safe environment are essential, as they reflect the inseparable interconnectedness of human rights and environmental rights, which is a central finding of this thesis.

While it is important to recognize the rights and protection of affected groups, they must be positioned as more than passive victims within the Treaty. For a truly ambitious, inclusive, and feminist Treaty, these groups need to be placed at the center of developing policies and regulations for businesses. Accordingly, this thesis recommends prioritizing ambitious amendments to Article 6 on prevention, particularly through the inclusion of precautionary measures, mandatory human rights and environmental due diligence, the meaningful application of FPIC, and the leadership of Indigenous Peoples and women. Due diligence is the obligation to take reasonable and proactive steps to prevent, identify, address, and remedy harms, so to not just react after harm occurs, but actively work to avoid it. As emphasized in the interviews, due diligence must be robust, ongoing, context-specific, and intersectional (thus also covering gender and environmental due diligence). Moreover, it cannot serve as a mechanism to excuse corporate liability. Ambitious provisions on prevention address the need to respect Indigenous Peoples and women in their fundamental roles as agents of change and environmental defenders, in line with the findings of this thesis. Their leadership is central to building climate resilience and preventing harm to territories, which this research showed is multi-layered, complex and can be irreparable once it has occurred. For this reason, provisions that allow communities to refuse business activities on their land through binding implementation of FPIC, as well as those explicitly referencing self-determination, are essential to advance rights protection and alternative development pathways. In this way, FPIC would become more than a mere "suggestion", as Cesar describes its current enforcement.

Moreover, Lawrence described Article 7 on access to remedy as crucial, since this is currently one of the most underdeveloped pillars of the UNGPs. This article obliges states to ensure that victims have access to adequate, timely, and effective remedies and justice. To this end, specific barriers should be removed that women and groups in vulnerable or marginalized situations face in accessing such mechanisms. Article 7 should, for example, explicitly recognize barriers such as 'forum non conveniens'. This doctrine enables courts to dismiss or transfer cases to other jurisdictions, often creating significant obstacles for victims, particularly when they lack access to sufficient legal resources or protections, and allowing corporations to evade accountability by shifting cases to more favorable legal forums. Furthermore, Article 7 should prioritize access to information and broaden admissible forms of evidence, to include oral, visual and community-based evidence. These proposals directly challenge the epistemic barriers faced by Indigenous and community-based claimants.

Lastly, both Lawrence and Morgantini stressed that clauses conditioning Treaty obligations on domestic legal systems undermine the Treaty's purpose, and must be removed. Those clauses would limit the application of the Treaty to existing domestic legal standards, restricting effective implementation of the Treaty in cases where these domestic legal standards are insufficient. Thus, a central tool for effective enforcement of the Treaty is to not fully depend on national courts, but create an International Tribunal on Transnational Corporations and Human Rights as a complementary mechanism. This tribunal would have the authority to investigate, prosecute, and sanction corporations when domestic remedies are ineffective. Morgantini described this as essential when "domestic mechanisms are exhausted or ineffective, thereby guaranteeing access to justice for victims and affected communities." In the 2025 negotiations, Palestine, Mozambique, and Colombia became the first states in eleven years to support the tribunal to be enshrined in Article 15.

These proposed amendments, summarized in Table 3 and partly specified in Appendix E, are directly informed by the stories from El Estor and collectively strengthen the Treaty’s capacity to combat corporate impunity at its structural roots. If adopted, they would enable the Binding Treaty to move beyond regulating corporate behavior within existing power structures. Instead, they would actively contribute to transforming the intersecting structures of colonial, patriarchal power that produce intersectional harm and undermine pluriversal justice, the right to development and self-determination.

Together, these recommendations provide an answer to subquestion 5 of this thesis:

What ethical, methodological, ontological and epistemological principles can be used to include intersectional decolonial and gender justice in the UN Binding Treaty on Business and Human Rights?

The recommendations reflect the ethical principle of respect for autonomy by promoting the rights to development and self-determination. They also seek to uphold non-maleficence, beneficence, and pluriversal justice through the establishment of clear red lines for an ambitious feminist Treaty that responds to intersectional harms and resistances, and supports the well-being of all, regardless of socioeconomic status, race, gender, age, or other characteristics. Consequently, counter-hegemonic ontological and epistemological principles must be recognized by questioning dominant development narratives and ensuring the meaningful participation and representation of marginalized groups. To achieve this, concrete legal and procedural measures were proposed to strengthen both the content of the Treaty and the process through which it is developed.

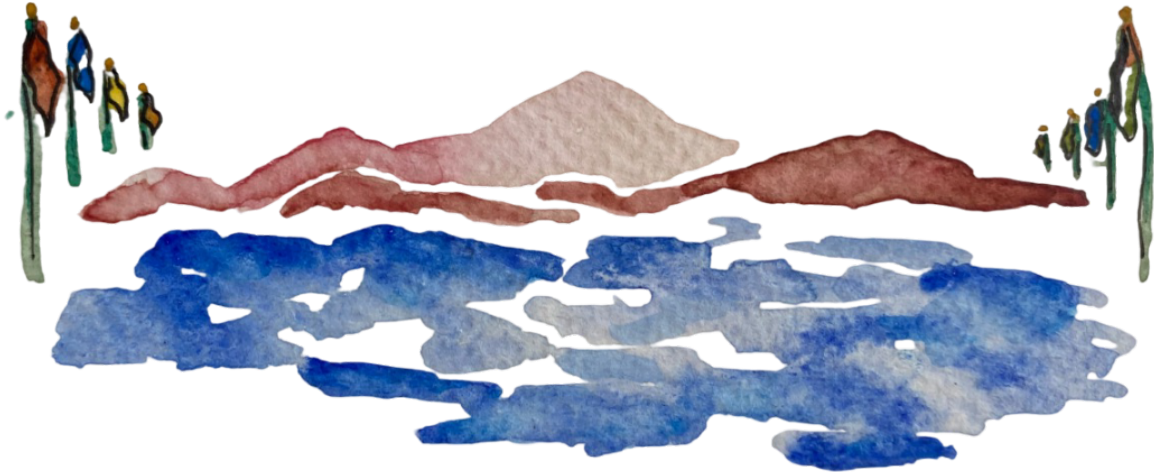


Table 3: Mapping thesis findings to specific draft Treaty articles and proposed amendments

Key thesis finding	Draft Treaty article(s)	Relevant proposed amendments (see Appendix E)
Dominant definitions of development are contested and shaped by hegemonic narratives	Preamble (PP3, PP7 bis, PP10–PP15); throughout text where relevant	Expanded references to the right to development, Indigenous rights, intersectionality, and gender responsiveness.
Corporate harm to territories is often collective and inter-generational	Articles 4 and 5; throughout text where relevant	Inclusion of affected persons and communities; recognition of collective rights and collective remedies.
Women, Indigenous Peoples, nonhuman nature, and other marginalized groups experience intersectional harm	Articles 4, 5, 6, and 7; throughout text where relevant	Gender-responsive and intersectional language integrated.
Environmental rights and human rights are intertwined in Q’eqchi’ ontologies	Articles 4, 6.2, and 7; throughout text where relevant	Explicit reference to the protection of the environment in Article 6.2; recognition of environmental rights as human rights throughout the Treaty; inclusion of environmental remediation and ecological restoration as forms of reparation; and enforceable corporate obligations to prevent environmental harm.
Human rights defenders face repression and criminalization, particularly women	Article 5	Gender-responsive protection measures; prohibition of interference and criminalization of all human rights defenders; and explicit protection of peaceful protest.
Indigenous Peoples and women are agents of change and environmental defenders who should be recognized as such	Articles 5, 6, and 7	Recognition of affected communities as active rights-holders in prevention and remedy; meaningful and mandatory participation in preventive measures; gender-responsive protection of environmental human rights defenders; and safeguarding Indigenous Peoples’ rights to environmental governance.
Prevention is essential because intersectional harm to territories is multi-layered, and often irreparable	Article 6	Inclusion of precautionary measures; the possibility to halt harmful business activities; and strengthened due diligence and prevention obligations.
Free, prior, and informed consent (FPIC) is often reduced to a procedural formality	Article 6.4	Mandatory and meaningful FPIC; the right of communities to refuse business activities; and explicit recognition of peoples’ right to self-determination.
Information asymmetries block access to justice	Articles 4 and 7	Strengthened disclosure obligations for States and corporations; enhanced access to information for victims and affected communities; and presumptions of corporate control to reduce disproportionate evidentiary burdens.
Dominant legal systems privilege Western epistemologies	Articles 4 and 7	Recognition of plural forms of evidence, including oral, visual, and community-based evidence.
Past corporate human rights violations remain insufficiently remedied	Article 7	Explicit recognition of barriers to justice, including forum non conveniens; removal of obstacles to enhance access to effective remedy through judicial and non-judicial mechanisms.
Access to national legal systems is often hindered for Indigenous communities and women	Article 15, and throughout the Treaty where relevant	Removal of clauses conditioning Treaty obligations on domestic legal systems; establishment of an international tribunal with complementary jurisdiction to address structural barriers to justice.

6 Conclusion

This thesis started from a global concern: the growing demand for materials needed for the energy transition and the extractive processes behind it. While these processes are often framed as necessary, green, or sustainable, they carry heavy social and environmental costs. Extractivism is more than taking resources out of the ground; it is a “development” model rooted in colonial and patriarchal logic that treats territories, nonhuman nature, and certain human lives as expendable in the name of progress. Its harms are unequally distributed, with energy consumption concentrated in the Global North, while extraction largely takes place in the Global South, often on Indigenous territories and without meaningful consent.

By focusing on extractivism through intersectional decolonial and gender justice perspectives, this research moves beyond technical debates on the energy transition. It asks what extractivism does to the territories it exploits, and what forms of resistance and alternatives emerge. In doing so, it examines how different forms of marginalization, as well as resistance, intersect and converge. The guiding question of this thesis is:

“What do intersectional decolonial and gender justice perspectives reveal about the impacts of, and resistances to, extractive industries, grounded in the case of El Estor, Iximulew, and how can these inform more inclusive international governance approaches to extractive processes for the energy transition?”

To answer this question, the methodology consisted of several interconnected steps: a case study in the region of El Estor; a constructivist analysis interpreting the findings through an intersectional decolonial and gender lens; and a final step applying these insights to the UN Binding Treaty on Business and Human Rights. Overarching these steps was a commitment to decoloniality in praxis. Recognizing that research is never neutral and is embedded in colonial power relations, the study continuously interrogated its positionality and modes of knowledge production. This meant positioning Q’eqchi’ lived experiences and ontologies as the starting point; engaging in sustained reflexivity; foregrounding historical context; ensuring reciprocity; and questioning dominant notions of expertise. It also required humility and honesty in acknowledging the limits of decolonizing research within colonial academic institutions and accepting that this process is iterative and incomplete. Decoloniality in praxis thus shaped both what was studied and how it was studied.

A Starting Point: the Q’eqchi’ Cosmovision

This research is grounded in a qualitative case study in the region around El Estor, Iximulew, where Indigenous Q’eqchi’ communities are affected by two industries closely linked to the global energy transition: nickel mining (for batteries) and palm oil monocultivation (for biofuels). The study centers their lived experiences and knowledge systems, often marginalized in extractivism debates. It draws on interviews in the El Estor region, participatory research with a local NGO, and document analysis.

To understand the extractivist dynamics and territorial harms in El Estor, it was first essential to understand, based on the lived experiences, how the Territory is perceived, addressing subquestion 3. Besides this starting points, understanding of this subquestion is further deepened throughout the thesis:

3. In what ways do Q’eqchi’ knowledge systems and ontologies form alternative understandings of territories and justice?

Chapter 3.2 discusses that in the Q’eqchi’ cosmovision, the Territory is a living entity connected to a wider cosmos. The Q’eqch’i people call themselves *Aj Ral Ch’och* (children of the Earth), because of their profound and existential connection with their ancestral territories. To them, territories include interconnected elements, such as the soil, water, plants, animals, spirits, and ancestors, and they cannot be owned or sold as imposed by colonial systems (Chapter 3.3). Justice, in the context of extractivist dispossession, is therefore seen as the right to live in balance with the Territory. This is expressed through the notion of *Buen Vivir* (‘living well’), which does not center infinite growth or individual profits, but balance, care, and reciprocity among humans and more-than-humans. Caring for the Earth is therefore not only instrumental for human survival, it is also a moral and spiritual obligation, recognizing that the Earth itself has value and rights.

Intersectional Impacts and Resistance

The Q'eqchi' cosmivision stands in sharp contrast to extractivist industries, revealing a fundamental difference between relational understandings of Territory and resource-oriented logics of exploitation. Together with the historical context of land invasions in Iximulew, this forms the basis for addressing subquestions 1 and 2.

1. *What are lived experiences of extractive industries (nickel mining and palm oil cultivation) in Q'eqchi' communities around El Estor, Guatemala?*
2. *What are the gendered dimensions of the lived experiences from the El Estor case study?*

Through reflexive thematic analysis, the El Estor lived experiences reveal recurring patterns of dispossession, harm, and resistance in sections 3.4 to 3.6. Companies have entered, and continue to enter, Q'eqchi' territories with promises of “development” that are rarely fulfilled. Meaningful consultation is largely absent, and communities face dispossession, forced evictions, and violence. Even where displacement does not occur, communities live under constant threat and experience profound territorial harm.

Extractivism damages the Territory and its elements in multi-layered ways. Environmental degradation undermines agriculture, livelihoods, and health. Beyond material damage, contamination of rivers and destruction of mountains disrupt spiritual and cultural relationships with the Territory. Communities are fragmented physically and socially through displacement and division.

These impacts are deeply gendered and intersectional. Indigenous Q'eqchi' women face disproportionate burdens, reinforced by exclusion from decision-making, employment, and political participation. They experience intensified care responsibilities and heightened gender-based violence, including trafficking and sexual exploitation.

Despite these harms and the repression of defenders, resistance persists. Communities mobilize through assemblies, legal action, media engagement, and everyday practices of care, agroecology, and ceremony that challenge extractivist logics. The struggle is not only about stopping a mine or plantation, but about defending a way of life and a vision of justice across generations. Women play a central role in these processes despite facing additional barriers.

Taken together, the case study addresses subquestions 1 and 2, by showing how extractivism is lived, embodied, and resisted. From an intersectional decolonial and gendered perspective, extractivism in El Estor is normalizing domination over territories, women, and Indigenous knowledge systems. At the same time, the testimonies articulate alternatives grounded in Buen Vivir, opening space to rethink development itself.

A Hegemonic System of Power and Decolonial Ecofeminist Alternatives

Chapter 4 situates the El Estor realities within broader structures of extractivism, coloniality, and patriarchy, through a constructivist analysis. Therefore subquestion 4 is addressed:

4. *How do intersecting structures of coloniality, patriarchy, and extractivism shape the lived experiences from the El Estor case study?*

Extractivist projects are driven by a “rhetoric of modernity” presenting them as inevitable for progress, while undermining the right to development and self-determination. Through the Colonial Matrix of Power, extractivism reproduces hierarchies across its domains of authority, economy, knowledge, subjectivity, and gender. These colonial hierarchies are grounded in value dualisms that legitimize domination.

The twin domination of women and nonhuman nature illustrates the intersectionality across these domains. Indigenous women experience extractivism most deeply and directly due to their practical, existential and spiritual connection to the Territory, expressed as cuerpo-territorio. Both territorial and female bodies are treated as resources to be controlled and exploited. Extractivism thus reinforces colonial and patriarchal structures while generating new, intersectional inequalities.

At the same time, these intersectional oppressions generate intersectional resistance. Indigenous women are central actors not only because they are disproportionately affected, but because their relational

ontologies directly challenge extractivist logic. By re-centering care for life on Earth as a collective ethic, they challenge multiple hierarchies simultaneously and articulate pluriversal futures. In doing so, Indigenous women are able to link decolonization with depatriarchalization, and target the roots of the intersecting structures of extractivism, coloniality, and patriarchy.

From Local to Global System Change: the UN Binding Treaty

Building on these insights, subquestion 5 explores how these systemic logics can be addressed internationally:

5. *What ethical, methodological, ontological and epistemological principles can be used to include intersectional decolonial and gender justice in the UN Binding Treaty on Business and Human Rights?*

By focusing on the UN Treaty, Chapter 5 reflects the global dimension of the patterns identified in El Estor: the ways in which companies, often with a transnational character, operate and violate rights with near impunity in Global South countries and Indigenous territories. While the Treaty has the mandate to challenge this architecture of impunity, its process risks reproducing existing power imbalances.

A constructivist analysis was employed, drawing on previous research outputs, participatory research at the Geneva negotiations, expert interviews, and document analysis. As a result, three interconnected recommendations are proposed for the Treaty to effectively fulfill its mandate: reassessing dominant development paradigms to advance the right to development; facilitating meaningful participation of counter-hegemonic actors; and ensuring the Treaty is ambitious, feminist, and representative of pluriversal, intersectional justice.

Although the Binding Treaty, as part of broader UN human rights frameworks, aims to protect rights globally in a fair and equal manner, it must be noted that it is inherently shaped by hegemonic perspectives. This tension moves the research from the tangible lived experiences in El Estor, towards a more abstract question: can the colonial and patriarchal roots of hegemonic systems be challenged and transformed within these frameworks themselves?

Indigenous Women as Agents of Change for the Energy Transition

In addressing this question, the research returns to the initial global concern and the main research question: the energy transition as an example of a supposedly sustainable transformation within such a hegemonic system. It contrasts the “green” narratives surrounding technologies such as batteries and biofuels, with the lived impacts of the industries these technologies require: nickel mining and palm oil cultivation in El Estor.

Through this contrast, Indigenous women emerge as powerful and central agents of change. Their intersectional marginalization and intertwined connection with the Territory make them both the most affected by extractivism and the strongest resisters to it. Despite facing systemic barriers to being heard, they persist in speaking out. Beyond the specific answers to the five sub-questions, this insight forms the core response to the main research question: listening to Indigenous women as intersectional defenders within international governance frameworks on extractive processes is essential. Precisely because they are furthest removed from the extractivist, colonial, and patriarchal foundations of the global energy system, they also hold the greatest potential to guide us away from it. This at the same time addresses the question of whether hegemonic systems can change from within: by targeting these foundations from outside the system through their forms of resistance, Indigenous women demonstrate that also bringing their perspectives into institutional spaces and hegemonic frameworks, such as the UN, is necessary for a more just and inclusive energy transition.

7 Discussion

This chapter discusses the limitations, implications, and recommendations of the research, addressing both methodological and substantive dimensions. As the data have already been interpreted and analyzed in the previous ‘insights’ chapters for each research step, this is not repeated here. Instead, the chapter reflects on the study’s limitations and explores the broader societal, policy, and academic implications of the findings, before formulating related recommendations.

7.1 Limitations

7.1.1 Decoloniality and Epistemological Barriers

Regarding the methodology, several aspects could be improved or approached differently. Attempting to ‘decolonize’ research within inherently colonial institutions, such as Dutch universities or the UN, inevitably comes with flaws and challenges. Important methodological limitations are therefore related to issues of positionality and the difficulties of implementing decoloniality in praxis. At the beginning of this research, I often struggled with the question of what gave me the legitimacy to conduct research within an environment and culture that is not my own. In a certain way, doing research in El Estor was partly motivated by the idea that people affected by extractivism need help, and by a personal urge to contribute to that.

I became increasingly aware that this mindset contained elements of what I sought to avoid: a ‘white savior complex,’ in which a researcher assumes they can generate insights that affected communities would not produce themselves. In reality, Q’eqchi’ communities are not passive victims in need of Western expertise, but experts in their own realities who must be recognized, heard, and centered. While I aimed to emphasize this throughout the research, I also acknowledge that such colonial mindsets, even when taking shape as a desire to ‘help’, are deeply embedded in society and cannot be ignored. Reflexivity and transparency about research motivations are therefore essential, as is striving to implement decoloniality in praxis. However, it remains a limitation that fully ‘decolonial’ research from my positionality is not possible. Colonial privilege, biases, and behavioral patterns remain present both within myself and within the broader context in which this research was conducted.

One factor that limits the decolonial potential of this research is the language in which it was carried out. Ideally, interviews would have been conducted directly in Q’eqchi’ when this was the interviewees’ first language. Although a translator was present, translation resulted in multiple moments at which testimonies could be misinterpreted, even if only slightly. While this risk was mitigated through member-checking and by sharing intermediate findings with interviewees for feedback, these stories are likely best told and heard in people’s own languages.

Conducting the research in Q’eqchi’ would also have allowed for a more co-creative process. The threshold for participation by a wider range of actors would have been lower, enabling contributions in more diverse ways. For example, it would have been easier to organize creative workshops or storytelling sessions in more fluid and spontaneous formats, without the continuous need for translation. Finally, writing this thesis in English brings limitations in terms of access to the findings for interviewees. Although there has been ongoing communication about the research outcomes, a final presentation was organized, and a summary will be produced in Spanish, this still does not enable full access to the complete thesis, nor access in Q’eqchi’. Ideally, the research would also be shared in a non-written format, or in a form more aligned with Q’eqchi’ modes of knowledge recording. This limitation is not only practical, but also epistemic, as it reflects the continued privileging of historically imposed languages, and of written and Western academic formats.

The importance of engaging with Q’eqchi’ ways of recording knowledge was partly addressed in the thesis through *ts’ib* and by remaining open to Q’eqchi’ concepts such as *t’ot*. Nonetheless, these efforts remain limited, and many valuable sources of knowledge continue to be disregarded or unseen due to the written format of the thesis and the tendency to privilege written sources. Writing and publishing this thesis as a report is still considered valuable, particularly because this format is widely used and taken into account in research and decision-making. At the same time, it highlights a broader structural limitation of academic knowledge production, which this research seeks to question.

This limitation is closely related to the amount of time spent in El Estor, which constrained the depth of engagement with local concepts, perspectives, and nuances that are likely still underrepresented in this thesis. Although I spent a substantial amount of time in Q'eqchi' regions, the period spent in the El Estor region was limited to one week. Extending this time would allow for deeper collaboration with the communities, not only to strengthen analytical understanding, but also to build more personal connections, and engage in embodied learning. Nevertheless, even this brief period provided insights that could not have been gained through theory alone.

7.1.2 Gendered Dimensions

Both the data collection and analysis for this research were intentionally designed to foreground intersectional decolonial and gendered dimensions of extractivism. Regarding data collection, the selection of interviewees and perspectives was guided by the intersectional decolonial ecofeminist framework, which shaped whose experiences were prioritized and how gendered harm and resistance were approached. As a result, certain voices and experiences, particularly those aligning with ecofeminist and decolonial understandings of gender, territory, and resistance, are centered, while others inevitably remain less visible.

A similar tension arises at the level of data analysis. Reflexive thematic analysis and constructivist analytical approaches were employed, as they conceptualize knowledge as relational and situated, in line with a decolonial research orientation (Smith 2008; Chilisa 2020). However, it must be acknowledged that these approaches represent only one possible way of engaging with the data, and that other analytical methods might have produced different emphases, for example regarding how gendered experiences are categorized or interpreted. It is therefore important to emphasize that the testimonies presented in this thesis should not be understood as a univocal account of gendered experiences in the El Estor region. Instead, the data collection and analysis of this thesis have resulted in relational findings that foreground certain counter-narratives which remain underrepresented in academic and policy debates, while acknowledging that other forms of intersectional repression and resistance exist and should not be disregarded.

Another limitation concerns the depth with which gendered dimensions could be discussed. Although the research aimed to center women's experiences, more men (7) than women (5) were interviewed. This imbalance reflects broader structural constraints related to visibility, leadership roles, language barriers, time availability, and the additional social risks that women face when speaking out. The interviewed men were explicitly asked about gendered dimensions, and they were often able to offer thoughtful reflections on these issues, but these perspectives do not replace women's lived experiences.

Furthermore, it was at times challenging to engage interviewees in discussions about heteropatriarchy and gendered dimensions. Responses may have been constrained by factors such as stigma, trauma, cultural sensitivities, or the deeply normalized nature of gendered inequalities, which can be difficult to articulate. This limitation should not be understood as a lack of insight on the part of interviewees, but as a reflection on how embedded and normalized heteropatriarchal structures are within everyday life.

Lastly, the gendered focus of this research remains limited in its engagement with gender diversity beyond the categories of women and men. While gender diversity extends beyond these two genders, this thesis centers women's experiences due to both scope limitations and the historically specific forms of exploitation women face within extractivist contexts. For example, women are often reduced to reproductive, sexualized and care-giving roles. Within the context of the extractivism and exploitation examined in this research, women's experiences and resistances are therefore centered. This focus does not diminish the importance of other gendered experiences, but points to the need for future research on gender diversity within extractivism.

7.1.3 UN Binding Treaty

A first limitation of the research step on the UN Treaty is the absence of formal training in international relations or human rights law. Deeper legal specialization could have enabled more technically detailed legal recommendations, so the recommendations presented in this thesis should not be understood as exhaustive legal solutions. Nonetheless, this thesis argues that the methodological approach adopted for this phase offers valuable and original insights that are relevant to the UN Binding Treaty on Business

and Human Rights. By combining relational perspectives from El Estor with an educational background in sustainability pathways, including their associated technologies, supply chains, and governance structures, this research engages directly with the Binding Treaty. The Treaty addresses complex trade-offs between ideas on development, corporate activity, and the protection of human rights on local and global scales. These trade-offs are not only legal, but are also closely related to socio-technical systems and sustainability transitions, which are a key focus of Industrial Ecology. Thus, this background enables a critical perspective on how technologies and their supply chains shape human rights in practice, forming a valuable addition to legal lenses.

Hence, while the Treaty process and its content were critically assessed through participatory observation, expert interviews, and document analysis, the scope of this research did not allow for an in-depth legal analysis of all relevant aspects of the Treaty. Two issues that emerged as particularly important during interviews and Treaty negotiations were therefore not elaborated into fully developed recommendations, but are important to mention: corporate capture through transnational corporate (TNC) lobbying, and Investor–State Dispute Settlement (ISDS) mechanisms.

First, although this thesis critically observes the strong presence and influence of TNC lobbyists in the Treaty negotiations despite clear conflicts of interest, no specific recommendations were formulated to prevent this undue influence. While this thesis calls for a critical stance toward the arguments of TNC lobbyists, who seek to dilute the Treaty through inconsistent claims and dominant development narratives, it could further explore whether, and how, their participation in the negotiations might be restricted or prohibited altogether. Excluding them from the negotiation table could be explored as a way to center human rights over economic interests in the Treaty process.

Secondly, debates during the Treaty negotiations and insights from the interviews suggest that addressing Investor–State Dispute Settlement (ISDS) regimes could strengthen the Treaty’s potential to advance decolonial justice. ISDS mechanisms are systems in trade and investment agreements that allow foreign companies to sue states through private arbitration instead of public courts. They give corporations special rights to challenge laws that may reduce their profits, even when those laws are meant to protect the public interest. Morgantini argued that ISDS mechanisms are in practice used as colonial architectures that prevent Global South states from pursuing autonomous development, when these development pathways are hindering corporate profit for the Global North. The Binding Treaty (for example by addressing ISDS abolishment in Article 14 on the primacy of human rights over trade and investment regimes) could be a key tool for dismantling these neocolonial structures. Since this thesis did not examine the presence of ISDS structures in Iximulew, it could not be directly related to the case study and abolishing it in the Treaty was not explored in detail.

7.2 Implications and Recommendations

7.2.1 Social Awareness

The first realm in which this research has implications is social awareness. It seeks to raise awareness of extractivism in El Estor among readers of this thesis, and the broader audiences with whom the findings have been shared. As an Industrial Ecology student and a Dutch citizen, I carry a particular responsibility in relation to the sustainability transitions addressed within the field and the role of the Netherlands in global supply chains of nickel and palm oil. Therefore, sharing stories of extractivism also means sharing responsibility: to actively recognize defenders in El Estor in both their struggles and their roles as agents of change. An important implication of this research thus lies in its potential to highlight the intersectional justice concerns embedded in extractivist processes. In doing so, it aims to encourage social action that integrates these justice dimensions into socio-technical systems and sustainability transitions. This action should take place not only at the level of energy consumers, but especially among those involved in the design and governance of energy technologies.

A concrete recommendation emerging from the discussed decolonial and epistemological limitations, which would also strengthen its social awareness implications, is to diversify the formats through which the findings are shared. The importance of improving access to the research findings was repeatedly emphasized by various actors involved in the project. This recommendation also aligns with decolonial research methodologies, calling for accessibility and the redistribution of knowledge beyond academic settings

(Smith 2008; Trisos et al. 2021). Accordingly, after the completion of this thesis, the findings are meant to be shared as gray literature² and, where possible, in other relevant and accessible formats.

7.2.2 Governance and Policy-Making

While raising awareness is an important and valuable outcome of research, defenders in El Estor and scholars of decolonial methodologies emphasize that such research should also produce practical outcomes that benefit communities, ensuring that theoretical knowledge comes with tangible tools for social change (Denscombe 2025). To this end, the initial decision in this thesis was made to apply the findings from El Estor to the UN Binding Treaty. The research serves to support and legitimize the Treaty's mandate by providing concrete examples of intersectional harms caused by corporate activities. Moreover, it argues that regulation of the extraction industry should move beyond framing affected groups only as victims, and instead actively recognize them as agents of change, and respect their rights to development and self-determination. Although this thesis focuses specifically on the Binding Treaty, it also calls for the integration of intersectional decolonial and gendered perspectives across broader policy frameworks, as this research identifies these lenses as consistently repressed within the global structures of capitalist, colonial, and patriarchal power.

Specific recommendations for the Binding Treaty are presented in Chapter 5, including critiquing dominant narratives of development, amplifying counter-hegemonic voices, and ensuring that the Treaty is ambitious and feminist. Beyond these targeted recommendations, policy-makers are also encouraged to explore measures to prevent corporate capture and to consider the abolition of ISDS regimes, as discussed in the limitations.

7.2.3 Academia

This thesis contributes to academia by applying a decolonial ecofeminist theoretical framework to the study of extractivism. As noted in the introduction, it does not claim to fill a 'knowledge gap,' since the lived experiences it describes are not new. Nonetheless, it highlights perspectives that remain underrepresented in academic literature. By centering these counter-hegemonic visions, the thesis contributes to debates in intersectional decolonial and ecofeminist theories, feminist political ecology, business and human rights, and Industrial Ecology. For the field of Industrial Ecology, which seeks to design sustainable transitions, these findings carry a clear implication: centering Indigenous perspectives, and particularly those of women, is not symbolic. Their visions are essential for systemic change, offering transformative alternatives capable of rethinking dominant development and sustainability narratives. In doing so, it contributes to challenge the harmful hegemonic system that continues to shape these dominant narratives, and move toward pluriversal, intersectional justice.

The research methodology also has implications in its demonstration of concrete practices for decolonizing research methodologies, which, though increasingly discussed, are still insufficiently implemented in academic institutions. While this methodology is far from all-encompassing, it aims to provide an example of how knowledge production can be approached reflexively, centering the perspectives of affected communities and acknowledging the researcher's positionality. By doing so, this thesis contributes to efforts to integrate intersectional decolonial and feminist perspectives into both theory and practice, emphasizing that academic research can and should recognize pluriversal knowledge systems.

Building on the discussed limitations, future research should spend more time in the region of study and engage more with local languages, like Q'eqchi', to deepen relationships and take a more co-creative approach to enhance power-sharing. In addition, future studies could expand the focus to more complete gender diversity, and to other forms of extractivism, such as hydroelectric dams, which have been identified by involved actors as posing similar challenges. Methodologically, it is recommended to complement qualitative testimonies with mixed-methods approaches that integrate quantitative environmental and ecological data, such as measurements of air, soil, and water quality, to also gain quantitative insights into the impacts of extractive practices. This combination would strengthen the evidence base for academic and policy interventions, while it should not replace or overshadow the lived experiences and knowledge of local communities. Taken together, these recommendations for further research would strengthen the integration of intersectional decolonial and ecofeminist perspectives into academic scholarship.

²Gray literature refers to materials produced outside traditional academic or commercial publishing channels.

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Appendices

A Research Flow Diagram

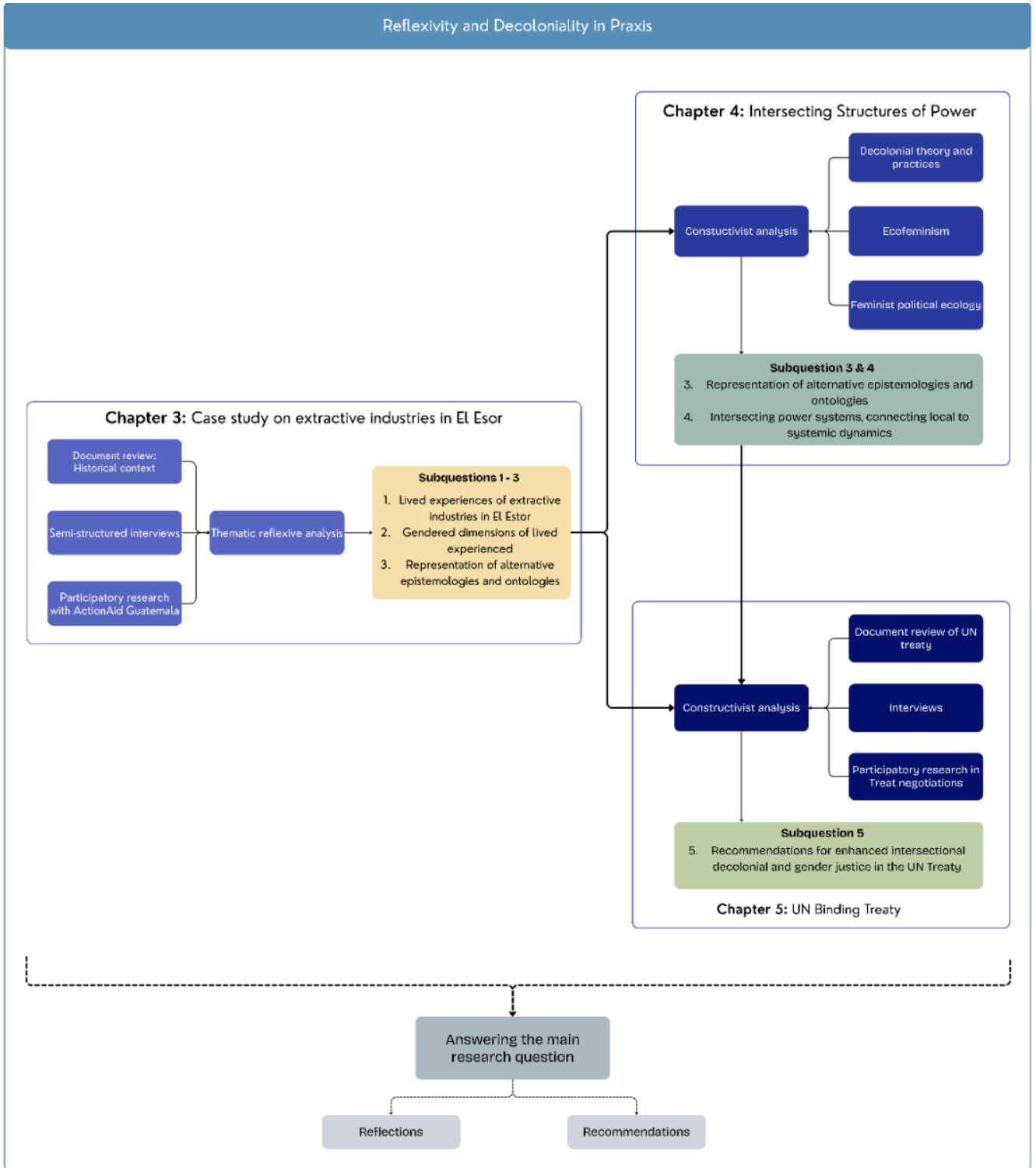


Figure 7: Research Flow Diagram of this Thesis Project

B Extended Historical Context

The First Invasion: Colonial Conquest and the Foundations of Land Inequality

Before the Spanish conquest, Indigenous Maya peoples, including the Q'eqchi', held land and Territory communally. Land was not treated as an individual property but as a collective possession, encompassing the interrelations among human and non-human nature. As described, Territory to the Mayan Q'eqchi' philosophy is both a physical and a spiritual space, and the basis of livelihood, culture and community. As Hurtado explains; *“Territory includes roots, water sources, forests, animals, plants; it's the foundation of their culture.”*

The Spanish invasion of the Iximulew highlands in the sixteenth century marked a violent restructuring of Indigenous communities and territories. As described in *La Cuarta Invasión*, the campaigns led by Pedro de Alvarado between 1524 and 1530 combined military conquest, forced displacement, and the imposition of new institutions and identities. The Spanish Crown asserted ownership of all land under the “right of conquest”, while simultaneously nominally recognizing the “natural right” of Indigenous communities to territories held *“desde tiempos inmemoriales”*. This dual narrative justified dispossession while simultaneously using Indigenous Peoples that were subjected to slavery to cultivate the *encomienda*: the Spanish labor system through which conquistadors were granted control over the labor of conquered peoples (Batz 2022).

After 1542, slavery gave way to a feudal regime of coerced servitude, where Indigenous workers maintained small plots (*minifundios*) in exchange for laboring on large estates (*latifundios*) owned by colonial lords (Trackman, Fisher, et al. 1999). In some cases, Indigenous communities were able to buy back parts of their territories from the Crown, thereby securing limited recognition of communal holdings. Yet, most remained as possessors without formal property titles.

This pattern created enduring hierarchies of land and labor that persisted for centuries. The colonial project also involved a “spiritual conquest,” with the imposition of Christianity, the destruction of sacred sites, and the renaming of Indigenous territories. Churches were for example often strategically built on sacred Mayan sites (Firmino Castillo et al. 2014). The purpose of these strategies was to forcibly Christianize Indigenous communities, and efficiently centralize them in order to collect tribute and control their labor force (Batz 2022).

Despite such repression strategies, Indigenous leaders maintained alternative systems of governance and land regulation. An example is the 1623 “Convenio Antiguo”, an agreement from the Mayan Quiché region written in Ixil among the leaders of Chajul, Cotzal, and Nebaj. This agreement recognized territorial boundaries and resolved disputes, implying that despite a lack of titles issued by the state, they did have a written agreement among themselves that was recognized by the Church and state officials. This example shows forms of resistance against colonial hierarchies that still persist today (Batz 2022).

This period lay the foundations of Guatemala's continued land inequality: a racialized order in which property was reserved for the colonizers, while Indigenous possession was sometimes tolerated but denied legal recognition. *La Cuarta Invasión* as well as Laura Hurtado note that colonial hierarchies of race, gender, and class produced a worldview that still informs social and economic relations in Iximulew today.

“I would say that racism crosses all of society. It has historical roots, but it is constantly reproduced. Indigenous communities that are being dispossessed or affected by extractive industries are not considered in their rights... But this racism begins with the colonial period. There had to be a justification for land appropriation, and also for labor exploitation. And that was only possible if the Indigenous population was considered inferior; a people that needed to be colonized and Christianized. And that logic has continued to this day. Some things have changed, but racism is still recreated and remains present.” - Laura Hurtado

The Second Invasion: Liberal Reforms and Institutionalization of Private Property

Following political independence, the Guatemalan state reproduced colonial hierarchies in new republican forms. An important transformation occurred during the liberal reforms of the late nineteenth century, when President Justo Rufino Barrios institutionalized private property through the creation of the ‘General Property Registry in 1877’. As recounted in both *La Cuarta Invasión* and by Hurtado, this reform required all land to be formally titled, a process that effectively erased collective Indigenous claims.

“So, property is the legal norm, and the strongest change happened at the end of the 19th century. When the independent Guatemalan state imposed the property registry, meaning property had to be documented. . . Before, land was a possession: it was used and lived on but not owned. Now, the institutionality was created.” - Laura Hurtado

Liberal land laws facilitated the transfer of communal and public lands to elites and foreign investors. Many of the largest estates were owned by German planters or military officials, concentrating control over both land and labor (Tramel 2019).

“They [*the communities*] had historical rights, and many communities say; “*We have lived on these lands since tiempos inmemoriales.*” But titles from this liberal era were superimposed, and farms were created. Many were occupied by foreign owners, for example coffee plantations that were mainly German-owned. Other lands became fincas on paper only, registered as a common practice where the government gave land to military leaders or politicians as favors, but they didn’t occupy it. Registered ownership existed, though over the years it was the communities who continued living and working the land.” - Laura Hurtado

Hence, while the liberal reforms promised ‘modernization’, it promoted and reinforced land inequality. Indigenous communities that did not have registered titles were classified as occupants of lands that had been theirs for generations. The minifundio–latifundio system that stemmed from the colonial times became institutionalized. Even when not all lands were occupied at the time, in these times they were registered as property of national and international elites or the state. Many Indigenous communities that had ancestral territorial rights to these lands became dependent on plantation labor and vulnerable to eviction.

President Manuel Estrada Cabrera continued Barrios’ liberal agenda when he became president in 1898, granting concessions to the U.S. owned United Fruit Company (UFC) in exchange for railway expansion. The UFC’s railways, however, were not accessible to independent farmers, exacerbating social inequality. Under Jorge Ubico’s dictatorship in the 1930s, the UFC expanded its holdings to over 42% of Iximulew land, operating tax-free and benefiting from forced labor policies that targeted Indigenous workers (Taylor-Robinson and Redd 2003). Furthermore, the introduction of vagrancy laws under Jorge Ubico further criminalized Indigenous mobility, forcing Campesinos into unpaid labor on private estates (Batz 2022).

Indigenous resistance however continued through local uprisings and acts of resistance. Indigenous communities resisted Jorge Ubico’s vagrancy laws, and there were protests in Guatemala City, with multiple voices calling for the end of the dictatorship. These protests led to mobilizations around the 1944 ‘October Revolution’. Ubico’s dictatorship was overthrown and opened a decade of reformist governance known as the ‘Ten Years of Spring’ (Batz 2022). During this period, Presidents Juan José Arévalo and Jacobo Árbenz sought to address the structural roots of poverty and inequality through education, labor protections, and the significant ‘Agrarian Reform’ of 1952 (Decree 900) (Batz 2022).

This agrarian reform redistributed land from large estates that were regarded as ‘unused’, including those owned by the UFC, to landless rural communities, combating the unequal land concentration in Guatemala. As noted by Handy (Handy 1994); “*twenty-two proprietors controlled more land than 149,169 Campesino families.*” For Indigenous communities, the reform offered a brief period of reclaiming ancestral lands.

However, the UFC, which owned large tracts of underutilized land, sought U.S. intervention. Out of economic interests, the company started a campaign that used the U.S. press and contacts within the U.S. officials, to frame events in Iximulew as a Cold War threat to the United States (Taylor-Robinson and Redd 2003) The ties with U.S. officials of the UFC included those with Secretary of State John Foster Dulles and CIA Director Allen Dulles. This campaign helped pave the way for a CIA-backed coup in 1954, led by Carlos Castillo Armas. The coup reversed agrarian reforms, returned land to large landowners and corporations (Batz 2022; Tramel 2019). Years of military regimes followed in which dissatisfaction and frustration grew among the population. The social reforms of the 1944 revolution were not being realised, and guerilla resistance started to increase within the country.

The Third Invasion: Internal Armed Conflict of 1960 - 1996

An unstable and violent time started in Iximulew in which military regimes and guerilla groups entered into armed conflicts throughout the country. During this period, a “third invasion” occurred, where the national military and state engaged in genocidal campaigns against Indigenous communities (Batz 2022). This period was marked by forced disappearances, large-scale massacres and slash-and-burn campaigns targeting the rural Mayan population (Viaene and González-Serrano 2023). Over 200,000 people died, 45,000 forcibly disappeared and at least 400 Indigenous villages were destroyed, with 83.3% of the victims being Mayan Indigenous (Comisión de Esclarecimiento Histórico (CEH) 1999). This invasion did not only manifest through violence, but also through the deepening of historical land dispossession and the facilitation of extractive projects aligned with elite and transnational interests.

Nationally, the armed conflict enabled the continuation of land dispossession processes initiated during earlier invasions. Under military governments, Indigenous lands were transferred to military officials, large landowners, investors, and actors closely linked to the state, while the communities were forced to leave their territories to escape the violence. Transnational corporations like the United Fruit Company, later United Brands and eventually Chiquita, retrieved large landholdings, while new extractive concessions were granted: “Large-scale extraction began in the 1960s and expanded in the 1970s. The vision for the region was centered around oil extraction and expanding cattle ranching. This was planned by the military, major national businesspeople, and transnational companies.” (- Laura Hurtado). From oil and cattle, the national strategy for promoting extractive industries also expanded to logging, mining, and agro-industrial expansion.

At this point, this historical context shifts from national dynamics to the El Estor region, as this period marks the moment when the extractive industries examined in this thesis began to take form and expand in the territory. In El Estor, the third invasion directly facilitated nickel mining, and later palm cultivation. Nickel mining began in 1965, when the military government granted a 40-year lease covering 385 square kilometers of Maya Q’eqchi’ land to the Canadian company INCO through its subsidiary Eximbal.

All throughout the country, Indigenous resistance to land dispossession intensified during this period, with organizations such as the Ejército Guerrillero de los Pobres (EGP) and later the Unidad Revolucionaria Nacional Guatemalteca (URNG) were supported by Q’eqchi’ communities. Scholars emphasize that Indigenous participation in guerrilla movements represented a continuation of long-standing struggles for territorial rights, dignity, and resistance to violence. (Ceto 2011; Flores 2021):

“The seeds of the Iximulew revolutionary project were inserted and developed on the substrate of Indigenous resistance, in a context of growing discontent, organization, and struggle among popular sectors in the 1960s and 1970s, which allowed for the confluence of this Indigenous resistance and the revolutionary project” (Ceto 2011, p. 229)

Alejandro Flores described the Indigenous people in resistance during the armed conflict as: “protagonists... in which armed struggle is only an expression of dispute over the future, opposing the power of the landed estate state” (Flores 2021, p. 10). In the Polochic Valley and the El Estor region, Campesino committees organized to reclaim ancestral lands, which was met by violent backlash from landowners and the military. The military branded the Campesino committees as part of the guerilla and tensions rose. On the 29th of May 1978, the committees, representatives of the region’s villages and communities gathered for a demonstration at the Plaza of Panzós to demand the ownership of their territories.

Armed militaries and the army intervened and opened fire on the group of protesters, killing more than 100 Q'eqchi' people. One of them was Q'eqchi' leader Adelina Caal, also known as 'Mama Maquín'. After the Massacre of Panzós a time followed in which the army systematically persecuted organizations that demanded territorial rights. Many Indigenous communities were persecuted, violated and displaced throughout the following decades.

The 1980s were marked by increased violence under military rulers like Efraín Ríos Montt, whose counterinsurgency campaigns specifically targeted Indigenous populations (Libertis 2023). Although this escalation of conflict stalled full-scale mining operations, the war simultaneously created the conditions for large-scale land appropriation:

“However, the armed conflict began, and the region became a war zone, halting these projects. Despite that, there was still land appropriation by powerful actors; military figures, political elites, and others connected to power. At the same time, there were large population displacements. The area was heavily affected by the war; maps of massacres and displacements show this clearly.” - Laura Hurtado

As this interviewee explained, the region became a militarized war zone in which nickel mining in El Estor was paused from 1980 onwards, but land dispossession continued through population displacement and violence, reportedly involving extractive companies at times. The Historical Clarification Commission documented that forced displacements in the region have been carried out by state forces or masked men using INCO vehicles (Rodríguez 2021).

Alongside mining, the armed conflict period also laid the foundation for agro-industrial extractivism, particularly African oil palm. From the 1960s onward, Iximulew experimented with palm cultivation as part of a broader extractivist development vision. In the El Estor region, Polochic Valley and southern Izabal, business elites expanded their landholdings. Among these elites was the Maegli Müller family, already established in cotton and cattle ranching. In the early 1960s, they purchased former UFC lands and, during the 1970s, acquired extensive estates south of Lake Izabal (El Chapín, Pataxte, Río Zarquito, Selepín, and Chabiland) totaling about 4,500 hectares. By the 1980s, their company 'Desarrollos del Norte, S.A.' managed around 60,000 head of cattle (CMI 2016).

Community accounts and independent studies indicate that Q'eqchi' populations were gradually displaced during the armed conflict, with many becoming low-wage laborers on Maegli's farms. Even where legal protections existed, such as the 1990 declaration of the Sierra de las Minas as a Biosphere Reserve, land appropriation and illicit palm planting continued, laying the foundations for post-war palm expansion (CMI 2016).

By the mid-1990s, the Maegli Müller family began converting its cattle lands to African palm. Around 1994, the company INDESA that is part of the Maegli-Müller business group publicly appeared in El Estor, initiating the palm planting in the region. A community member from the southern area of Lake Izabal recalls that cultivation also took place in national areas, while these were protected against monocultures: “There was an administrator who was there in 1995, when they began to plant the palm. He said not to plant in the national areas, but the foremen came together with the field engineers, and they planted palm where they should not plant.” - Pedro Cuc Pan

These developments illustrate how the third invasion functioned not only as a period of armed violence, but as a decisive phase in which extractive projects were enabled through militarization, displacement, and the suppression of Indigenous territorial claims. In 1996, eventually the Agreement of a Firm and Lasting Peace formally ended the civil war, introducing mechanisms that attempted to address land disputes and recognize Indigenous rights. For example, part of the Peace Accords were the National Land Fund ('*FONTIERRAS*') and ILO Convention 169 recognizing Indigenous rights such as Free, Prior, and Informed Consent (FPIC) (Batz 2022). While these accords formally ended the war, they did not undo the extractive land structures consolidated during this invasion, structures that continued to shape conflicts over mining and palm oil in El Estor during the fourth invasion.

The Fourth Invasion: Post-War Extractive Projects and Expansion in El Estor

Despite peace and attempts to reform, land inequality persisted. Market-driven and neoliberal economic policies reinforced inequality even more and opened the door to extractive industries (Batz 2022). Below, the fourth invasion of post-war extractivism is introduced, focusing on how the extractive industries in the El Estor region expanded and increased land disputes.

1996 - 2004

Mining

Where during the armed conflict the mining project struggled to start its operations, the postwar neoliberal governments identified extractive projects as a priority after the peace agreement of 1996. In 2004, one year before the forty-year lease of the Canadian mining company INCO expired, its former directors formed 'Skye Resources' and bought and extended the mining license (Rodríguez 2021). Skye Resources, through its Guatemalan subsidiary 'Compania Guatemalteca de Niquel' (CGN) restarted mining exploration on the renamed "Fenix Project".

In the mining area, ancestral authorities recall how in this time the mining industry came back after they had initially entered the Territory before the internal armed conflict.

"The company's name was not MayaNiquel before, it had another name... Then the companies went away, and didn't work for about 10 or 15 years. Later they came back, and they changed the name, now being a Canadian company. So they gave it new names: CGN and Pronico."
- Gilberto Ichich

Palm oil

At the same time, palm oil cultivation expanded rapidly. Trial crops from previous decades grew into large-scale plantations, often on lands whose possession rights had been promised to Indigenous communities under the Peace Accords.

"During the conflict, land appropriation and population displacements continued. Then, after the Peace Accords were signed, extractive industries were able to restart and expand. Interest in the region grew again. One example is the expansion of palm oil. While there had already been some experimental palm cultivation in the south of Sayaxché and in El Estor, it was still small-scale; trial crops, mostly limited to the southern coast. But after the Peace Accords, palm cultivation grew exponentially, especially in Sayaxché, located in southern Petén. The land used for this was often already inhabited by communities. Land of which the possession rights had been legalized after the Peace Accords, but palm expansion still took place. The same thing happened in the Polochic area, where expansion continued." - Laura Hurtado

Another interviewee describes how people that were coming back to their homes in the Polochic valley after being displaced during the civil war sometimes found their lands to be transformed into pasture or palm plantations. The Maegli Müller family had acquired a vast area of land in the Polochic valley for livestock, which they were in the mid-1990s turning into African palm cultivation (CMI 2016).

"People were returning to their communities, to their lands, where they were expelled by the military in the internal armed conflict that lasted 36 years. And they were finding that their lands then had palm, cattle, everything... The community that left had their churches, schools, cemeteries. So they were looking and said; here is our cemetery, here is our church, here is the school and this one, but it was already pasture. It was no longer the community."
- Robin Macloni Sicaján Jacinto

In 1998, the company NaturAceites was founded, from the merging of INDESA, which was responsible for planting the palm, and Grasas y Aceites, the second company responsible for purchasing the entire

production (Salgado 2022). NaturAceites began planting oil palm in the Polochic Valley and Alta Verapaz, and in the area around Lake Izabal. By 2003, the first plantations appeared near the Sierra de las Minas buffer zone, according to Defensores de la Naturaleza (Figueroa 2024). This marked the beginning of industrial-scale palm production in the region. In the southern area of Lake Izabal, community members remember the appropriation of land at that time. With the 14 different communities in the area they attempted to enter into a dialogue with Juan Maegli Müller, the owner of NaturAceites.

“They made a remeasurement of farms, a unification of the farm. That is, they managed a document on the unification of the farm; almost the entire southern area where there is African palm is a single piece of paper, it is a single plan, right? So all the lands, wastelands, communities, ancestral lands, national areas were monopolized by the Indesa farm at that time... The communities were now inside “their property”... When the communities saw this [*planting of palm in national areas*], we are already talking about 2003, we began to unite with different leaders from other communities. We wanted to take action on how we could reclaim those areas that they were grabbing... So all those communities came together and we called on him [*Juan Maegli*] from the Secretariat of Agrarian Affairs to show him that his documents were wrong. That is, he was not using the lands that really belonged to him, but he was invading areas of the different communities. Juan Maegli did not arrive at any of those 35 meetings that were held there in the capital city.” - Pedro Cuc Pan

The communities started to cut down the palms and eucalyptus crops, to reclaim their ancestral territories. However, after these actions a series of denunciation, persecutions, and intimidation in different communities began. It was reported that in some communities up to 35 people got arrest warrants on their names. Reconciliations were sought with NaturAceites by community members to avoid criminalization. Hence, despite reclaiming attempts from the communities, NaturAceites continued to grow (Salgado 2022). In 2004 the company completed the construction of its extraction plant and expanded its palm oil processing capacity. The plant is located 4.6 kilometers from the Chapín Abajo community and the same distance from Lake Izabal. Over the next few years, NaturAceites merged with several smaller companies, including Palmas de Polochic and Palmas de Izabal, thereby establishing the largest palm oil operation in Guatemala. The expansion of NaturAceites is part of a national pattern of increasing land inequalities in this time. By 2003, 78% of arable land was controlled by just 8% of landholders, a figure that continues to rise (Tramel 2019).

2005 - 2007

Mining

The years after the revival of the mining project by CGN, the Mayan Q'eqchi' communities resisted, claiming ancestral rights to the land. The resistance was met by an intensifying conflict, and illegal and violent evictions in 2006 and 2007 of several communities, including La Union, La Revolución and La Paz. These evictions involved state forces and soldiers, a direct violation of the peace agreements. Another illegal aspect of these evictions was that in La Union the location on the eviction order did not match the actual location of La Union. In 2019 a complaint was filed against Public Prosecutor Rafael Andrade Escobar, who signed the order, for insubordination and lack of objectivity in numerous cases.

In 2007, the community of Lote Ocho was evicted, alongside the destruction of houses and crops. Eleven women from Lote Ocho have reported horrible abuses; namely that in 2007 they were raped and sexually assaulted by private security personnel from Skye Resources Inc., now part of Hudbay Minerals (OpenGlobalRights 2020). The women filed a complaint in Canadian courts in 2012, against CGN and HudBay minerals claiming the company to be negligent, as it was aware that its subsidiary in Iximulew outsourced private security for the mining project to a company that was not legally authorized to operate in that manner. For example, the subsidiary did not have the proper permits to carry and use firearms (OpenGlobalRights 2020).

Palm oil

Meanwhile, in the early 2000s, palm oil cultivation expanded throughout the Polochic Valley. Between 2003 and 2010, large areas of forest were cleared to plant palm monocultures, displacing small-scale

farmers and wildlife. During this period, NaturAceites grew rapidly and became a dominant agro-industrial actor in the area around Lake Izabal.

2008 - 2010

Mining

The Canadian company HudBay minerals bought the Fenix mine from Skye Resources in 2008. In 2009, the community leader Adolfo Ich Chamán from La Unión released a statement on the dialogue that he had been leading since 2007 with the mining company. Ich Chamán stated the following about the unfruitful conversation, on behalf of La Unión and nine other communities (Rodríguez 2021):

“The meetings during the so-called dialogue tables with CGN have not yielded any positive results, as most of the accepted measures by CGN having to do with the ownership of land have not been respected. These futile discussions have only delayed the legal processes... We do not accept any more Dialogue Tables... We demand that the mining company leave our territories in a peaceful manner immediately... If the company does not comply with the demands stated in this document, we will have to take drastic measures to make sure that it does.”

On a Sunday in September of the same year, there was an eviction attempt in the community Las Nubes with the presence of Izabal’s governor. Besides the violence of the eviction, it was in itself illegal to evict on a Sunday. During the protests that were sparked by the eviction, Adolfo Ich Chamán was killed by the CGN head of security; former Lieutenant Colonel Mynor Ronaldo Padilla who was later convicted in 2021.

2011 - 2018

Mining

The nickel mine in El Estor is currently owned by the Russian-Swiss Solway Investment Group. This company bought 98.2% of the Fénix nickel mining project in 2011, with the remainder owned by the Guatemalan government. On May 30, 2014, President Otto Perez Molina, who later went to prison for corruption, joined the opening of the Fenix mine. The mine only got its license granted two years later by the Ministry of Energy and Mines, meaning that at its opening the Fenix mine did not have a license yet.

Since 2017, after several years of mining operations, the Artisanal Fishermen’s Guild (GPA) of El Estor reported heavy pollution of lake Izabal. Despite government promises to investigate, no action was taken, prompting the fishermen to protest and file formal complaints. In 2017, fisherman Carlos Maaz was killed during a demonstration, with no resolution to the case. Journalists and leaders were criminalized, such as Carlos Ernesto Choc who filmed the shooting of Maaz and reported on the contamination and repression.

“On May 27, Carlos was assassinated and from there began a series of persecutions against human rights defenders, including communicators such as Carlos Ernesto Choc. He was displaced from his community, his municipality, for documenting what was happening in El Estor. To make public the denunciations that were being made by the fishermen’s guild.” - Baudilio Choc Mac

In 2017, the government established a dialogue process involving the GPA, the impacted communities and government officials, but later stopped this process (ActionAid International 2022). The Ministry of the Environment and Natural Resources (MARN) and the Mining and Energy Ministry (MEM) blamed the pollution on growth of algae instead of on the mining company. Affected communities were left without solutions to the pollution of the lake, facing repression and criminalization for their activism.

Palm oil

In this same period, from 2009 to 2019, Guatemala’s palm oil production increased by 191%, with

extensive deforestation across Alta Verapaz and Izabal. The University of Michigan (2023) documented that 28% of new plantations replaced forests, including several thousand hectares within and around the Sierra de las Minas Biosphere Reserve. Community members witnessed the loss of native trees such as ceiba and teak, and the disappearance of wildlife including deer and tepezcuintles (Figueroa 2024).

NaturAceites expanded its partnerships with smallholders and consolidated its corporate structure in 2011. Community associations such as ASOPOMBAAQ were formed in 2018, integrating local farmers into the palm oil supply chain. While this provided income opportunities, environmental organizations warned that the extensive use of water and pesticides was affecting nearby ecosystems and rivers that also feed into Lake Izabal, adding up to the region's environmental stress from mining activities (Figueroa 2024).

At the same time, labor tensions within NaturAceites became more visible. In 2014, the United States Trade Representative (USTR) filed a case under the Central American-Dominican Republic Free Trade Agreement (CAFTA-DR) against the Guatemalan government for failing to enforce labor laws. Among the companies cited for labor rights violations was NaturAceites (CMI 2016). Reports described extremely low wages, lack of social security contributions, and unsafe working conditions.

These tensions culminated in August 2016, when NaturAceites workers in El Estor occupied the company's facilities demanding higher pay. The company denied the accusations. Yet, reports by the Human Rights Ombudsman and labor unions documented ongoing violations and the diversion of rivers near plantation zones, leaving communities without access to water and even to public roads (CMI 2016).

2019 - 2021

Mining

In 2019, the Maya Q'eqchi' communities initiated legal proceedings before the Supreme Court of Justice of Guatemala, ordering the Ministry of Energy and Mining to conduct a consultation of the people, in compliance with International Labor Organization's Convention 169. In 2020, the Constitutional Court ordered CGN-Pronico to suspend operations and obliged the government to carry out consultations with the local communities. The ruling established a period of no more than 18 months for the pre-consultation and consultation process with the communities settled in the area of influence of the Fénix mining project. The exploitation license would be suspended until the consultation process would be concluded (Ministerio de Energía y Minas 2025). However, in reality local communities reported that operations continued, and that consultations were not taking place properly.

“The Constitutional Court suspended the operations of the mining company. Unfortunately in 2020, when the pre-consultation and consultation were going to be held, a few of those who participated in the consultation because they were chosen, were manipulated as well. In this case, the workers of the company, and the workers of the municipality, participated. So the COCODES were inclined towards the company because they were bribed by the company. And the municipality was in favor of the company too. So it was a collaboration in conjunction with those who had access [*to the consultation*]. And in 2020 they began to do the pre-consultation with us. Where were they doing it? We had no idea, we didn't know. The consultation took place in San Juan Chamelco, the second one they did in Zacapan, the third one they did in Puerto Barrios, so we wondered what is happening here? Why are they doing it there? If the mine is here, in El Estor, why not here?” - Baudilio Choc Mac

The mining company's execution of the consultation process that was ordered by the court sparked protests in late 2021 in El Estor. Local residents went onto the streets, because they felt that the pre-consultations failed to include ancestral authorities, the Artisanal Fishermen's Guild and women. To condemn the lack of consultation, an encampment was started in El Estor that lasted for more than two weeks. The Q'eqchi' communities blocked access to the Fenix nickel mine and processing facility, which was answered by police officers and riot police firing tear gas at the demonstration.

After shutting down the encampment, the government under president Giammattei declared a 30-day state of siege, suspending several civil rights and freedoms. Large numbers of military and police forces

were sent into the region to enforce curfews and maintain control. Meanwhile, Indigenous community leaders, journalists, and members of organizations such as Xyaab' Tzuultaq'a and the Defensoría Q'eqchi', a social justice group that was also interviewed for this thesis, were raided and subjected to intimidation and persecution for their involvement in or coverage of the anti-mining movement (NACLA 2021).

“After the repression, in 2021, the State decreed a state of siege in the municipality of El Estor. They began to raid the houses of defenders, communicators.”

Palm oil

In 2019, GREPALMA and major palm producers, including NaturAceites, signed a zero-deforestation commitment. They thereby pledged not to expand into natural forests. A satellite monitoring system was established to detect potential “hotspots” of deforestation linked to palm activities. However, GREPALMA's data remain general and are reported only at the departmental level, without specifying the extent of plantations inside protected areas such as the Sierra de las Minas (Figuerola 2024).

Deforestation and water scarcity continued to be reported around the Polochic Valley and the Izabal lowlands. By 2020, IARNA estimated that 478 hectares of palm plantations remained within the Sierra de las Minas Biosphere Reserve, mostly in its buffer zone.

Besides deforestation and water concerns, community evictions and territorial dispossessions continued to be reported. In 2020, the Palestina Chinebal community located south of Lake Izabal was evicted. 500 agents of the National Civil Police (PNC) arrived to execute an eviction order, on the basis that the community was “occupying land that was not theirs”. During this eviction, the population reported that PNC agents set fire to homes, burned community members' belongings such as clothing, food, and money, and destroyed the identification documents of children, women, and the elderly (Albani 2021).

2022 - 2025

Mining

In 2022, the MEM reported that a ministerial resolution re-authorized the mining license for the Fénix mine. Thereby it allowed the mine to start its official operations again in the authorized polygon of 6.29 square kilometers. This resolution was issued after declaring the conclusion of the community consultation process that was ordered by the constitutional court. However, local communities reported that this process was surrounded by illegalities, manipulation, and exclusion of a large part of the Mayan Q'eqchi' people (Prensa Comunitaria 2022), becoming the reason for the 2021 encampment. The consultation approved by the MEM and deemed sufficient to re-authorize the mining license, was a consultation that took place during the 2021 state of siege (Cultural Survival 2022; Xol 2024).

At the end of 2022, the subsidiary companies operating the mine, suspected of corruption, were sanctioned by the United States, halting their operations (Dominguez 2025). Moreover, in December 2023, the Inter-American Court of Human Rights (IACHR) ruled against the Guatemalan state, for allowing the Fénix mining project of CGN to operate on Q'eqchi' communal land, including the Agua Caliente Lote 9 community. This community, along with 18 others in the Sexán region and nearby areas, is now voicing opposition to the new mining licenses that are being granted.

In January 2024, however, the US sanctions of 2022 were lifted. Following this, Solway announced its plans to secure export permits and resume mining activities as quickly as possible. By late August 2024, the company had obtained the necessary credentials and began preparations to repair the processing facilities and reactivate nickel production, aiming to restart full operations in 2025.

Palm oil

By 2023, GREPALMA reported that nearly 78% of Guatemala's palm oil production was concentrated in Alta Verapaz, Izabal, and Petén. The Defensores de la Naturaleza Foundation has warned that the presence of palm plantations poses serious ecological risks. Each palm tree consumes 40 to 50 liters of water per day, significantly altering hydrological systems. The monocultural landscape reduces biodiversity, limits habitat connectivity, and disrupts natural cycles that regulate temperature and rainfall. At

the same time, palm cultivation continued to expand through smallholder associations and independent producers tied to NaturAceites.

By 2024 and 2025, local communities in the Sierra de las Minas and Izabal regions began reporting intensified heat waves, drying rivers, and declining rainfall. Residents attributed these changes to deforestation associated with palm cultivation. Researchers from the Universidad Rafael Landívar's IARNA explained that although these changes occur within a global climate crisis, local deforestation amplifies the effects by disrupting microclimates and reducing soil moisture retention (Figueroa 2024).

During the fourth invasion, the expansion of extractive industries such as nickel mining and palm cultivation in El Estor became both a product and a driver of structural inequalities in land access between companies and Indigenous communities at the national level. Currently, the state continues to recognize only two property regimes: private and state-owned. Private property can be owned individually by natural persons or by legal entities, and can also be communal or community-owned (collective). State-owned land can be owned by the State or by municipalities. Therefore, the state does not take responsibility for communal systems, making them vulnerable to dispossession. Evictions and land grabs associated with extractivist projects have accelerated, often backed by public prosecutors and police forces acting on behalf of private parties claiming land ownership. As explained by Laura Hurtado:

“The state recognizes only two land regimes: private and state-owned. If land is claimed as private, the state won't step in or invest. After the signing of the Peace Agreement, there were mechanisms for dialogue, negotiation, historical and registry studies to understand the status of the land. So, at least, there were spaces where communities could fight for their rights. Now, there aren't any. The private owner, or the person claiming ownership, or someone who isn't the owner but is trying to claim and prove they are the owner, would file a complaint with the Public Prosecutor's Office, and the Public Prosecutor's Office orders the certification that there is trespass. They can request police intervention or go to court to file a lawsuit for trespass, and the judge will most likely order the eviction. So, now we're seeing a lot of dispossession happening. And the communities have no alternative, they have no resources. Many times they don't have legal standing on their lands, for what I was explaining to you. So, it's a system used by the landowners and the companies.” - Laura Hurtado

This fourth invasion shows that racism is still embedded in Guatemala's institutions and driving contemporary land inequalities and dispossessions, as described by Hurtado:

“I would say that racism crosses all of society. It has historical roots, but it is constantly reproduced. Indigenous communities that are being dispossessed or affected by extractive industries are not considered in their rights. For example, a community surrounded by or neighboring a palm oil plantation: the owner of the company feels completely entitled to have their trucks drive through the middle of the community, raising a cloud of dust that affects the lungs of children to the elderly. It doesn't matter. That shows that the lives of Indigenous people are not valued equally. That's racism; not seeing Indigenous communities as full human beings, as Iximulew citizens. This is what allows all these injustices and abuses to happen; because Indigenous communities are not seen as equals in rights...

Yes, it's historical, but it's reproduced through state institutions. I've worked on how it reproduces itself in the practices of institutions, even those that supposedly work with or for these communities. In their procedures, racism is reproduced. For example, if the delivery of a land title should have happened in the 1970s, and it's now 2025, how many years have passed? Half a century, and still no compliance? It's a total disrespect. Three generations; grandfather, father, son — the communities have their files, can show they've been fighting for land for decades. Yet they are still not heard, which shows a total lack of respect for these people and their communities.” - Laura Hurtado

Another interviewee from Defensoria Q'eqchi' highlights the paradox faced by Q'eqchi' communities in Guatemala, who are required by land tenure regulations to obtain property titles while being systematically excluded from the institutions responsible for issuing them.

“What happened was that the landowners registered all that land in their name, and they had power so they could register in the property registry, but the Indigenous communities couldn’t. The Indigenous communities realized they needed to have a property title, with the accompaniment of organizations such as CONIT, CENOC, the CUC, us as Defensoría Q’eqchi’, the CCDA. But the Q’eqchi’ Mayan people are foreigners in their own land.” - Robin Macloni Sicaján Jacinto

C Additional Quotes from the El Estor Case Study

In this appendix, additional quotes from the El Estor testimonies are presented that align with the findings of the thematic synthesis. Although they are not included in the main text, they provide powerful support for the shared narratives discussed in Chapter 3.

The Love for the Territory

“We realize the air, coming from the mountains, the forests generating the rain; it is a system that is interconnected. Elements far away from each other might not see each other, but they are connected, both of them are needed. [...] Day by day Mother Earth is feeding us with our crops, and every day that we are trampling on them, we are hurting ourselves.” - Baudilio Choc Mac

Invasion of the Territory

“During colonial times, there were communities that acquired and paid for the land through the crown, but not all. Others remained as possessors, meaning they only had possession, they used the land but did not have a property title.” - Laura Hurtado

“There was an administrator who was there in 1995, when they began to plant the palm. He said not to plant in the national areas, but the foremen came together with the field engineers, and they planted palm where they should not plant.” - Pedro Cuc Pan

The Dispossession of the Territory

Land Grabbing Without Free, Prior and Informed Consent

“There currently exist four new mining licenses in the Territory, and specifically in these areas [here]. These areas are the ones in which the communities are most affected by the mining company.” - Otilia Chon

“And it is said that they are going to return, without asking for permission, they are here without making consultations, they are coming to take away what we have here in our country, Guatemala... It would be good for us if they called us to a dialogue table to consult us. To ask if the people and communities agree with the work they will be doing. But now there are no meetings or dialogue tables for us.” - Gilberto Ichich

“According to RSPO certification, the company consults the communities, but this is not true in our case. It consults only the auxiliary mayor or the COCODE president, who often work in the African palm themselves. That is not a consultation.” - Pedro Cuc Pan

False Promises of Development

“A lot of the skilled labor comes from outside, it comes from Guatemala City, it comes from other departments, but not from El Estor.” - Robin Macloni Sicaján Jacinto

Harm to the Territory

Harm to Environment: Soil and Earth

The environmental harms were extensively described in the interviews. They can be separated in harms to the Earth (such as large clearings of mountains and forests), soil, air, and water. The quotes below underscore how deforestation, monocultivation and chemical use have damaged the territories environmentally, and how this is impacting both the Earth itself and the livelihoods of the communities:

“Maybe the poor Earth doesn’t want or need us to remove it, but that is also an example of what the company is doing; destroying the mountain, polluting. But what is that giving to our Mother Earth? So, I think that is not fair.” - Javier Horlando Cap

“No mining activity is friendly to the environment. It is all destruction. They remove the trees, they remove all the vegetation.” - Robin Macloni Sicaján Jacinto

“In the cases of cardamom, coffee, and cocoa it is no longer profitable production, because of the company. Since it has operated it has affected the crops of our communities.” - Jorge Coc

“I think it’s very necessary to take measures against the great expansion of African palm in the southern area, here in the municipality of El Estor. There is a large area of African palm caballerías [*land measurement*], but we do not consume African palm. They go to other countries, but we are not consuming it on a daily basis.” - Baudilio Choc Mac

“There have been many environmental impacts that extractive companies have caused. For example, in summer there is a very strong heat here, like 45 degrees Celsius. The summertime it expanding, it is no longer three or four months, it is now almost half a year.” - Carlos Choc

“Now it is little compared to previous years... the Earth no longer bears fruit as before. It is due to the state of the climate, which is very vaporized by this company, because it caused the Earth to be damaged, so there is no longer production, there is no longer a harvest, the crops are not as they were before, the rivers dry up, there are no longer opportunities for farmers.” - Juan Bautista Xol

“There is a lot of damage. When they use a lot of insecticide it also harms the crops that are in the zone of influence.” - Baudilio Choc Mac

Harm to Environment: Air and Water

From the interviews conducted, other environmental impacts that have been observed by the communities include those on air and atmosphere. The communities close to mining activities have noticed dust and industrial emissions, while the communities near the palm plantations observed changing local microclimates. Moreover, communities in both areas describe a drastic decline in water availability and quality, linking it to industrial use and contamination. In both cases the interviewees connect this change in air and water quality to a decrease in agricultural productivity.

“Now when you plant something, it starts to burn, just like when you fumigate with Gramoxone... The dust from the work they do there gets thrown into the air and it falls down into the aldeas [*communities*]. It is bringing us more problems; diseases of our breeds and our sowings.” - Gilberto Ichich

“Sometimes we are here when it starts to rain, and all the rain kind of sucks over there [points to the palm trees]. It doesn’t rain here anymore.” - Pedro Cuc Pan

“One impact of the mining is the dust that was spread. The sheets of the houses are falling, because they are filled with dust and begin to oxidize.” - Baudilio Choc Mac

“The water has been scarce... Before, the water had a lot of streamflow and now the flow of the rivers has decreased.” - Jorge Coc

“One of the impacts is the contamination of the water, the red color in the lake of Izabal.” - Baudilio Choc Mac

“Are the crops impacted? Yes, because those trees are not generating oxygen, they are consuming it. A small tree of cocoa or sapote produces and filters the air... But these trees contaminate instead.” - Pedro Cuc Pan

Harm to Health

“For us, all that evil that the company is doing means a lot of impact on the flora and fauna.” - Doña Isabel

Harm to Women

Exclusion from Decision-making, Employment and Land Rights

“The women they are invisible there, denied because there is no consultation, they are not taken into account.” - Jorge Coc

“The women do not know at all about a company because they are not going to work in the company.” - Jorge Coc

“Now, most communities that are currently obtaining legal certainty are doing so under the modality of Indigenous communities, which comes as a couple; the title goes to the man and to the woman equally. This is a model that the Land Fund (El Fondo de Tierra) is now also applying. That is a step forward, still small, but efforts are being made so that in the end the woman, who is also working the land, is recognized. Because the woman is in the home, yes, but she also has her vegetable gardens, her animals. She is also managing the land.” - Angela Maribel Caal Ajtul

Increased care burden

“The palm plantations contaminate water with chemicals and cause desertification. Women from those areas have told us they now have to walk to find water. The palm companies block the paths to water that had always been there and keep buying up more and more land.” - Juana Toledo

“Also, seeing the presence of the mining company here in El Estor; the cases of claims for alimony increased. Because the men, mostly from outside the department, came here to work in the mine, and left children here in the area. Some of them could not continue with the lawsuit because they simply did not know where the man was, because one of the requirements that the judicial body requires to proceed is that it is known where the defendant lives.” - Angela Maribel Caal Ajtul

“Women also suffer the consequences when their men or husbands are not recognized as it should be when they are employees of the African Palm Company. Some suffer. For example, there have been cases heard where a man dies from a snakebite while working in the palm fields, and the company simply doesn't take responsibility for the woman who is left to care for three children. That leaves a huge impact because the woman is left wondering how she will survive.” - Angela Maribel Caal Ajtul

Health and Safety

“Women are worried about their health, because of the heat and sometimes some get sick.” - Gilberto Ichich

“The trucks go very fast and create dust. So, when the one who is driving cannot see well, there are many accidents. The women that are driving motors or cars fall, because the trucks are running at high speed.” - Gilberto Ichich

The Resistance for the Territory

Maintaining Ancestral Practices

“Even though there have been impositions of culture, of other religions in our communities, that respect is still there. There is this rescue of ancestral knowledge and practice.” - Otilia Chon

“But down here, with the palm, people don’t have a lot of land that can be used to start doing that kind of work... So that is why the communities are like islands between the palm trees.” - Robin Macloni Sicaján Jacinto

Women as Agents of Change

“Women play a very important role because the woman is like the heart of protecting Mother Nature, because the water, the Earth, is the most important thing for us, the people” - Angela Maribel Caal Ajtul

Hopes for the Future of the Territory

“Because behind me come other generations; my children, my grandchildren. I wouldn’t want to see my children, for example, consuming dust that the mining company has left us, without a river where we can bathe.” - Baudilio Choc Mac

“I feel very content and motivated to continue, to fight for our Territory, our municipality, for the future of our children.” - Javier Horlando Cap

“The hope for our children is that we will be able to recover the ancestral lands. This is the only hope we have, because the basic right of a human being, the basic right of an Indigenous person is not a job in a company, it is not a diploma proving the profession I have. The basic right for an Indigenous person is access to Mother Earth. While the Indigenous have their lands, they have their areas to work. I believe that the Indigenous are not going to go looking for a market to be able to feed themselves. So, having this right, this access to Mother Earth, we have everything. We have life, we have food, we have freedom, we have our development.” - Pedro Cuc Pan

“I am very happy to continue fighting and resisting because I believe that there is still life, and when there is life, that inspires us to continue the battle. The work I have, accompanying the communities, is very beautiful. I will continue to strengthen the communities in the fight for the rights of humans and of Mother Earth.” - Baudilio Choc Mac

“We’re all part of it. And that’s why we can’t live without nature, without Mother Nature. We can’t live without the elements, for example: water, fire, wind, and Earth. These are the four elements that we simply can’t live without. None of us can live without them.” - Carlos Choc

“We were raised to see the Earth as sacred. The Territory is part of ourselves, as if we are one, belong to each other. When it’s threatened, we react; we defend it.” - Juana Toledo

“People do it [*protect the lake*] because they are part of it, we don’t do it because we are against development, as companies call it, but because we want to protect what gives us life.” - Carlos Choc

“I tell my daughter that the future the companies are offering isn’t a real future. It’s taking us away from the Earth and from each other. We must reconnect with where we come from: grow our food, defend our seeds, plant trees, care for water, forests, animals, care for Mother Earth. Keep that connection alive, don’t leave her alone. If we continue like this, she will die, and so will we.” - Juana Toledo

Reactions to Resistance: Repression, Intimidation, Criminalization and Stigmatization

“Those of us who speak out claiming rights, raising awareness, demanding that the procedures be respected according to the Constitution by an extractive company. When we speak out when they have operated illegally, because they did not consult or find consensus with the population. In the end, this causes psychological harm, because what follows is persecution and criminalization, especially against women. We have children, and we’re afraid, because we think: “If I’m arrested, what will happen to them?” So, it will come to affect us.” - Angela Maribel Caal Ajtul

D Ts'íib

This appendix highlights selected forms of *ts'íib*. These sources and recordings of knowledge are difficult to reference within the main body of the report, as the teachings they carry cannot be directly or fully translated into words. For this reason, several artistic expressions are presented as valid and valuable forms of knowledge. Although the brief written descriptions and illustrations included here cannot fully do justice to these forms of *ts'íib*, this appendix seeks to emphasize that the non-written modes of recording of knowledge are significant and deserve greater recognition. Each source is accompanied by a short reflection on how it has informed and been engaged with throughout this thesis.

The Cuerpo-Territorio: Poetry and Healing Practices

Rech kqak'ama chi jumul ri quxlab'al by Rosa Chávez

Kinch'ab'ej kichoqab'il ri e nab'e taq winaq, ri e qatit,
ri xkitik kan ruk' ri kiq'ab' xuquje' kib'aq'il ri k'aslemal ojk'owi chanim,
nojim kinjiq ri loqalaj kaq'iq' chech unojsaxik ri wanima,
kch'ax ri jun lab'al chi kutiq ri numuxuk ruk' ri ub'uk'b'utem ri uwachulew,
kch'aw ri jun lab'al jas ri ukowil uch'ab'al ri utun ri Tijax
tajin kusol ri upatzkuyal ri nub'aq'il ruk' ri nuchomanik,
kopan ri nojinaq ik' kinkunaq le b'is ink'owi ruk' jun atinem rech atz'am,
ruk' ri nusoraj wuqub' uwach q'ayes kink'asuj ri ub'inem ri kik' pa wib'och,
e nuk'utb'al b'anikil kech'aw ruk' uch'ab'al le e q'ayes ,par i uq'aq'al ri tuj kink'asuj wi ri
nuchoq'ab'il,
kinqumuj uwal taq q'ayes xuquje' kotz'ij rech kinjamarisaj nuchomanik.
Kinji' ri nub'aqil, kintzij ri nuse'r cher xepo, jalajoj ukayib'al,
Sib' rech k'ok'q'ol xuquje' pom rech rech kujupij ri sutz' ri kekanaj kan chi uwach nuk'ux,
Kinch'ab'ej le chajinelab' rech le b'inel ja, le chajinelab' rech le juyub',
Le chajinelab' rech ri b'e, pa jun tinamit pa jun juyub',
Jawi kriqitaj wi ri nub'inem
Kinchaw ruk' ri loqalaj kaq'iq' xuquje' nojimal kinb'ij chech
Xuquje' ke'inch'ab'ej rech kinkunatajik xuquje' kinmej wib' chi uwach ri nub'e'al,
Ri uwachulew ruk' utzilal kuk'amawaj rojojel le kwaj kinya chech,
Ronojel le kintiko, le uqoxomal ri wanima on ri kikotemal kuk'exo xuquje' kumaq ub'e,
Kinch'aw chi jun mul ri lab'al xuquje' kinxojowik, xa rumal chi we kinxojowik kinkunatajik,
Kinxojow kuk' ri e k'aslik, kuk' ri e kaminaq, kuk' ojer ixoqib',
Kqasalab'aj ri qab'aqil ruk' ri qaqaan kqak'asuj ri uwachulew
Xuquje' kojb'ixanik xuquje' kqak'asuj uwach ri qaqaan, ktz'alij loq ri qab'e'al,
Kqak'ama chi jumul ri qach'ab'al,
Kqak'ama chi jumul ri qab'aqil,
Kqak'ama chi jumul ri qaqaan,
Kqak'ama chi jumul ri qakik'el,
Kqak'ama chi jumul ri quxlab'al, Kqak'ama chi jumul ri man kojq'at ta chi rij
Nojim kojxlab'ik xuquje' le utzilal ri ja chi kb'in par ri qab'aqil kuya b'e chiqech kojb'inik
Xuquje' ktz'alij loq ri espíritu, kojxik'xot ruk' ri ub'inem ri k'aslemal
Kintz'alij par ri ulew
Kintz'alij chi jumul pa ri uwachulew

Translation: To Take Back Our Breath

I call upon the energy of our ancestors, our grandmothers,
all the women whose hands and bodies sowed this life in the present,
I take a deep breath of sacred air to fill my clay-jar heart,
a drum, my navel, and the earth beat as one,
a drum thunders like tijax's lightning
splitting the knots in my body and memory,

the full moon is here, I heal my sorrows, I release them in a bath of salt water,
 I strike my body with a bundle of seven herbs to awaken my blood flow,
 my cells speak the language of plants, I regain my strength in the heat of the tuj,
 I drink herbal and floral teas to ease my restless mind,
 I massage my joints, light candles made of lard, of many colors,
 I burn incense and pom to blow on the fog trapped in my chest,
 I call upon the keepers of the rivers, the keepers of the hills,
 the keepers of the paths, in the city, in the fields,
 wherever I set foot,
 I speak to the sacred wind and tell it slowly
 what I need to heal, and I bow before my truth,
 the earth, generous, takes everything I have to offer,
 she transforms everything I sow, my worries and joys, and begins again,
 I hear a drum and dance, because dancing, too, is healing,
 I dance with every woman alive, dead, and from long ago,
 we move our flesh and awaken the earth with our feet,
 we sing and take back our voice, we take back our truth,
 we take back our language, we take back our body,
 we take back our time, we take back our blood,
 we take back our breath, we take back our freedom,
 we take a deep breath, and the dignity of the water in our bodies keeps us flowing,
 and our spirit returns, we beat our wings to life's rhythm I return to the earth
 I go back into the world
 Kintzaliŋ b'i pa ri ulew
 kinel chi lo jun mul chi uwach ulew

Retrieved from (Latin American Literature Today 2023)

This poem is written by Rosa Chávez, a Maya K'iche'-Kaqchikel poet, artist and activist. This poem was the inspiration for the title of the exhibition '*Para curarnos el susto*' ('To heal our fright') in 'La Nueva Fábrica' museum in Antigua, Iximulew. To remember the 500 years of colonial history in 2024, this exhibition honored the healing and resistance practices of communities throughout Iximulew in ages of systemic violence. The different collectives, women, spiritual guides, and artists presenting their work in this exhibition draw from ancestral knowledge to sustain Iximulew's body-territory. The exhibition "examines the nature of healing in the face of coloniality, questions who holds the power to heal, and centers the work of collectives that use ancestral knowledge to heal in the context of a history marked by denial, gender and racial violence, and epistemic oppression." (La Nueva Fábrica 2025).

The exhibition and the poem by Rosa Chávez have provided a source of learning on healing practices of Iximulew's body-territory in the face of invasion, exploitation, and violence. The poem speaks about reclaiming voices, bodies, and freedoms that have been taken away. It describes the interconnected healing processes of female bodies and the Earth, and how the two care for one another. For me, this poem emphasizes how Indigenous women in Iximulew are N'a Ch'och; the caretakers of the Earth, and how the Earth, in turn, heals female bodies through, for example, its herbs, natural baths, and rivers. The description of these healing practices, to me, offers a strong and tangible example of what ethics of care and reciprocity can look like, since these are concepts that are often discussed in more abstract terms within ecofeminist theories.

Building upon this, I want to highlight an experience at the 'Casa de la memoria' in Guatemala City, a space dedicated to preserving and communicating Iximulew's historical memory through study, reflection, and critical analysis. The Casa de la memoria seeks to reconstruct collective and personal identity by confronting histories of violence, racism, patriarchy, and classism, while promoting memory, truth, and justice. It highlights both violence and resistance, with particular attention to Indigenous Peoples, women, and youth. In this museum, it is also presented how physical and spiritual healing of bodies go hand in hand. It tells about the use of herbs and treatments such as the temazcal (sweat lodge), massages, herbal infusions, and baths. These practices are seen as forms of reclaiming a vision where the human body is connected to all other beings in the universe and is therefore natural.

Coming from a culture in which natural medicine and healing are often regarded as spiritual, and therefore not rational or effective, this topic provided a direct confrontation with my own bias. Engaging with *ts'uib* became a tool for increasing my awareness of this. Poetry and visual art helped me to confront personal tensions and listen more deeply to alternative understandings of what the cuerpo-territorio and its healing can entail. From this body of creations which have been used as teachings, I want to conclude this section with a powerful poem by Calixta Gabriel Xiquín, a Kaqchikel Maya poet, narrator and *ajq'ij* (spiritual leader), in which she addresses the simultaneous oppression and exploitation of land and women in their assigned roles:

Mujer by Calixta Gabriel Xiquín

Mujer,
Tu profesión mujer
Tu misión de madre
Fuerte como la tierra
Oprimida y explotada por los sistemas.

Translation: Woman

Woman,
Your profession is womanhood,
Your mission is motherhood,
Strong like the land
Systematically oppressed, systematically exploited.

(Kanek 2001), retrieved from (Palacios and Worley 2019)

Kab'awil: Ceremonies and Embodiment

In this research, non-written engagements with the Q'eqchi' cosmivision, such as through rituals or ceremonies, are also understood as a form of *ts'uib*. Through embodiment and relational practice, I learned more about key elements of Q'eqchi' cosmivision, while acknowledging the many inherent limits of my positionality when engaging with a culture that is not my own. While I am not able to fully comprehend or grasp the teachings of spiritual practices, they did show me how a Q'eqchi' worldview is able to situate human life, Territory, and more-than-human beings within a balanced and interconnected cosmos, in which spiritual, ecological, and social dimensions are inseparable. Knowledge transmitted through ceremony is experiential and can therefore go beyond descriptive forms of knowledge.

Therefore, some elements of these teachings have given me an enhanced understanding of Q'eqchi' visions of complementary dualisms, such as the *Kab'Awil*: opposing forces that nevertheless coexist and sustain one another. These manifest through complementary spirits such as *Ruk'u'x Kaj* and *Ruk'u'x Ulew*, the Spirit of the Sky and the Spirit of the Earth, representing Father Sun and Mother Earth as co-constitutive forces of life (estela68 2016). These concepts have deepened the understanding of how a relational view that seeks balance between complementary forces contrasts with extractivist logics grounded in hierarchical dualisms.

Knowledge, Identity and Agency through Weaving

Lastly, textiles and weavings have been recurring as *ts'uib* throughout my stay in Iximulew. Through stories, observations, poems, and museums, it became clear to me that textiles function as living archives of Indigenous knowledge. Through weaving, the makers (mostly women) incorporate elements of nature, daily observations, and personal and collective meanings into the fabric. Patterns are more than decorations: they encode histories and knowledge. As my friend Marta Macz Pacay explained to me, many weavers weave what they observe and what matters to them, thereby communicating and commenting on what is happening in their surroundings in both the past and present. In a huipil (an Indigenous tunic) that she gifted to me, the figures for example represent stars, signifying the four sacred points. In this way, huipiles record and transmit knowledge across generations and places.



Figure 8: Weavings at a market in Iximulew

Weaving is an important site of Maya knowledge, and especially of the knowledge of Maya women, which has persisted throughout marginalization by Western notions of textual knowledge production (Palacios and Worley 2019). It is more than a material practice: it is a way for Indigenous women to express a worldview, and interpret the social and cosmological world (Dulfano 2014). According to Q'anjob'al Maya community leader Martha Florinda González Diéguez:

“As a transmitter of culture, a woman begins working from the moment she awaits a new beginning, when one is found in her womb, and that’s why the woman as a transmitter of culture, as a mother, as a weaver of history via huipiles, tocoyales [*a type of headdress*], and clothes she elaborates with her own hands, more than writing on paper, leaves her thoughts, emotions and creativity on multicolored textiles, in their diverse styles, forms and designs, in the clothing that the woman shows off, with dignity, in her daily life.” (González Diéguez 1999), retrieved from (Palacios and Worley 2019)

Although doing full justice to the complexity of weaving and its layered meanings lay beyond the temporal and methodological scope of this thesis, engaging with textiles nevertheless offered a powerful example of the agency of Indigenous women. It reveals how women in Iximulew are collectively sharing knowledge and identity, passing this on across generations. Weaving practices and the wearing of *trajes* embody the intersections of class, ethnicity and gender, and are therefore one of the many forms of political resistance through which Maya women actively reweave history and future.

E Proposed Amendments to the UN Treaty Draft

Throughout the treaty text, the language should:

- be gender-responsive;
- include human rights *violations*, instead of only abuses;
- recognize affected persons *and* communities as victims;
- recognize environmental rights as human rights;
- remove clauses conditioning treaty obligations on domestic legal systems

Below, concrete proposed amendments by States and civil society actors to specific articles are summarized, which are supported by this thesis. While these amendments are recommended based on the findings of this thesis, the list should not be taken as exhaustive for an ambitious treaty in all its aspects.

Preamble

(PP3) *Recalling also* the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, **the Declaration on the Right to Development, the Durban Declaration and Programme of Action, the UN Declaration on Human Rights Defenders, the UN Declaration on the Rights of Indigenous Peoples, relevant ILO Conventions, UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (Bolivia, South Africa, Malawi, Colombia, Egypt), and all other internationally agreed human rights Declarations, as well as the 2030 Agenda for Sustainable Development; (Brazil, Honduras, Malawi)**

(PP7 *bis*) *Emphasizing* that the obligation of States to protect, respect, and fulfill human rights and fundamental freedoms in the context of all business activities including those of transnational character also extends to legal instruments and policies of trade, finance, taxation, development, and other agreements of this nature; (Honduras, Colombia)

(PP10) *Acknowledging* that all business enterprises have the potential to foster sustainable development **and job creation while respecting** ~~through an increased productivity, inclusive economic growth and job creation that promote and respect~~ internationally recognized human rights, **labour rights, health and safety standards, the environment, and fundamental freedoms in accordance with relevant international standards and agreements; (Brazil, Honduras, Colombia)**

(PP11) *Underlining* ~~Emphasizing~~ that **transnational corporations and other** business enterprises of transnational character **regardless of their size, sector, location, operational context, ownership and structure have the obligation to respect all human rights including by preventing and avoiding human rights violations that are committed all along its global production chain, directly and indirectly linked to their operations, products or services by their business relationships** ~~play a crucial role in the social and economic development as well as the implementation of the Agenda 2030 for Sustainable Development;~~ (Cameroon, South Africa, Ghana)

(PP12) Underlining that transnational corporations and other business of transnational character have the obligation to respect and not violate internationally recognised human rights, including by avoiding causing or contributing to human rights violations through their own activities; as well as by preventing human rights violations or mitigating human rights risks linked to their operations, products or services by their business relationships and by not carrying out acts of collaboration, complicity, instigation, inducement and economic, financial or service concealment with other entities, institutions or persons that violate human rights; **(Global Campaign)**

(PP14) *Recognizing* the distinctive, disproportionate impact of business-related human rights abuses on women and girls, children, Indigenous Peoples, **peasants and other people working in rural areas**, persons with disabilities, people of African descent, older persons, migrants and refugees, and other persons in vulnerable situation, as well as the need for a business and human rights perspective that takes into account specific circumstances and vulnerabilities of different rights-holders and the structural obstacles for obtaining remedies for these persons; (**Bolivia, Mexico, Cuba, Ecuador, Peru, South Africa, Colombia, Indonesia**)

(PP15) *Emphasizing* the need for States and business enterprises **to adopt measures that are inclusive and gender responsive to integrate a gender perspective in all their measures**, in line with the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, the ILO Convention 190 concerning the elimination of violence and harassment in the world of work, the Gender Guidance for the Guiding Principles on Business and Human Rights, and other relevant international standards; (**Mexico, Argentina, Chile, Uruguay, Panama, Bolivia, Ecuador, Peru**)

Article 4

Throughout article 4, gender-responsive language should be implemented.

4.2. Without prejudice to Article 4.1. above, victims **and affected individuals and communities shall in accordance with applicable international law:**

(c) be guaranteed the right to fair, adequate, effective, prompt, non-discriminatory, appropriate, **child-friendly** and ~~gender-sensitive~~ **gender-responsive and disability-inclusive [and persons or groups in vulnerable situations (Colombia, Palestine, Bolivia, South Africa, Honduras)]** access to justice, individual or collective reparation and effective remedy in accordance with this (Legally Binding Instrument) and international law, such as restitution, compensation, rehabilitation, reparation, satisfaction, guarantees of non-repetition, injunction, environmental remediation, and ecological restoration; (**Panama, Mexico, Colombia, Palestine**)

(f) be guaranteed access to **broad [Brazil]** information, provided in relevant languages and accessible formats to adults and children alike, including those with disabilities, held by business enterprises or relevant State agencies, and legal aid relevant to pursue effective remedy. **This shall include information relative to all the different legal entities involved in the transnational business activity alleged to violate human rights, such as property titles, contracts, communications and other relevant documents. In case of the unavailability of such information, courts shall apply a rebuttable presumption of control of the controlling or parent companies. Such information shall serve for the adjudicator to determine the joint and several liability of the involved companies, according to the findings of the civil or administrative procedure; and (Palestine)**

(g bis) be guaranteed with access to independent technical advisory mechanisms that facilitate access to impartial evidence regarding the harm or risk of harm caused by companies. (**Palestine, Cameroon**)

Article 5

5.2. States Parties shall take adequate and effective [**and gender-responsive (Ghana, Panama, Mexico, Cameroon, Bolivia, Colombia, Brazil)**] measures to guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights **defenders, including and the environmental human rights defenders**, so that they are able to exercise their human rights free from any threat, intimidation, violence, insecurity, harassment, or reprisals. (**Panama, Mexico**)

5.2 bis. States Parties shall take adequate and effective measures including, but are not limited to, legislative provisions that prohibit interference, including through use of public or private security forces, with the activities of any persons who seek to exercise their right to peacefully protest against and denounce abuses and violations linked to corporate activity; refraining from restrictive laws and establishing specific measures to protect against any form of criminalization and obstruction to their work. (Palestine)

Article 6

6.1 bis. State Parties shall take precautionary measures, including the halt of business activities, when such activities can cause imminent human rights abuses or violations causing irreparable harm, independently from the existence or outcome of a legal proceeding relative to the situation. (Palestine)

6.2. States Parties shall ~~adopt appropriate legislative, regulatory, and other~~ **take appropriate legal and policy** measures to **ensure that transnational corporations and other business enterprises within their territory, jurisdiction, or otherwise under their control, respect internationally recognized human rights and prevent human rights abuses and violations throughout their business activities and relationships:** (Palestine)

(a) ~~prevent the involvement of business enterprises in human rights abuses or violations resulting from business activities including business activities of a transnational character;~~ (Mexico, Brazil, Honduras)

(d) promote the active and meaningful participation of individuals, **including human rights defenders**, and groups, such as trade unions, civil society, non-governmental organizations, Indigenous Peoples, and community-based organizations, in the development and implementation of laws, policies and other measures to prevent the involvement of business enterprises in human rights abuses **and violations.** (Brazil)

6.3. State Parties shall ensure that competent authorities relevant to the implementation of Article 6.2 **act in a transparent manner and** have the necessary independence, in accordance with its legal system, to enable such authorities to carry out their functions effectively and free from any undue influence **or vested interests.** (Panama, Palestine)

6.4. Measures to achieve the ends referred to in Article 6.2 shall include legally enforceable requirements for business enterprises to undertake human rights due diligence as well as such supporting or ancillary measures as may be needed to ensure that business enterprises while carrying out human rights due diligence:

(a) undertake and publish on a regular basis ‘gender-responsive human rights, environmental, and climate change impact assessments prior to and throughout their operations and activities’ including the collection of data disaggregated by gender and other major variables relevant to the communities potentially affected by their operations” (F4BT)

(b) integrate a gender and age-**responsive approach** perspective, “with the leadership of and in meaningful consultation with women” (F4BT) and takes full and proper account of the differentiated human rights-related risks and adverse human rights impacts experienced by women and girls; (Panama, Mexico)

(c) [Conduct (South Africa)] **meaningful and mandatory consultations - in line with principles of free, prior and informed consent and throughout all phases of operations - with individuals or communities, whose human rights can potentially be affected by business activities, and with other relevant stakeholders, while giving special attention to those fac-**

ing heightened risks of business-related human rights abuses, such consultations shall be undertaken by an independent public body and protected from any undue influence from commercial and other vested interests - where it is not possible to conduct meaningful consultations such as in conflict areas, business operations should refrain from operating unless it is for the benefit of the oppressed population; (Palestine, South Africa)

(d *bis*) Respecting that Peoples have a right to self-determination and, therefore, a right to refuse business activity on their land without threats of retaliation; (Palestine)

(d *ter*) Safeguarding the rights of Indigenous Peoples to environmental governance as means to respect their right to a safe and healthy environment; (Palestine)

6.4 *bis*. Adopting and implementing enhanced human rights and environmental due diligence, and urgent and immediate preventive measures, including divestment and disengagement policies, to avoid corporate involvement in or contribution to human rights abuses in their activities and relationships, as well as measures to prevent human rights violations or abuses in occupied or conflict-affected areas, arising from business activities, or from contractual business relationships across the value chain, including with respect to their products and services; companies must further not pursue or start operations in certain situations in which no due diligence assessment can guarantee that there will not be complicity in or contribution to violations. (Palestine)

Moreover, the following proposal of the Global Campaign (Soares 2025, p. 13) for additions to Article 6 is focused on the inclusion of language directly aimed at transnational corporations, instead of only establishing guidelines for States. The Global Campaign proposes concrete obligations for prevention, through due diligence and other routes. These proposals should be adopted as a complete article, or as additions to the above amendments proposed by States.

6.XX TNCs and other businesses with transnational character must promote, respect, and guarantee human rights within the scope of their activities, based on the following guidelines:

(a) Avoid causing or contributing to human rights violations, preventing damages caused through their own activities or services rendered in their business relationships, and address such damages when they occur, arranging for the immediate cessation of the violating activity in progress;

(b) Not to carry out any act of collaboration, complicity, instigation, inducement and economic, financial, or service concealment with other entities, institutions or persons that violate human rights;

(c) Respect all international and national standards prohibiting discrimination, particularly on the grounds of race, colour, sex, sexual orientation, religion, political opinion or trade union activity, nationality, social origin, membership of a people or community, disability, age, migratory status or any other condition not related to the requirements to perform a job, and apply positive actions against discrimination;

(d) Respect all international and national standards that prohibit the exploitation of child and slave labour throughout the supply chain;

(e) Not to set abusive targets, characterising practices of individual harassment or organisational harassment;

(f) Demand respect for human rights by the companies with which they conduct business transactions, contractual or otherwise.

(g) Respect and protect the personal information of employees and the effective protection of customer data;

(h) Respect the territorial and self-determination rights of Indigenous peoples and traditional communities, as well as their sovereignty over natural resources and local genetic wealth, in accordance with ILO Convention 169, especially the right to free, prior, and informed consent.

(i) Respect the right to free, prior, and informed consultation and effective participation of workers, their representatives, and representative union bodies in processes that may have a significant impact on labour rights.

(j) Respect the rights of Indigenous, traditional, peasants, and rural communities and prevent bribery or other forms of corruption and intimidation in access to land and resources for extractive concessions, aquaculture, agribusiness, tourism, energy production, and others;

(k) Respect collective processes, associations, unions, organisations, movements, and other forms of representation of workers, communities, and human rights defenders, as legitimate subjects in establishing dialogue and defending the interests of those whose human rights have been violated or are under threat of violation;

(l) Publish, in an easily accessible platform, the company's management structure and their respective roles in the production chain, and its policies for the promotion and defence of human rights and inform those responsible for decision-making;

(m) Disseminate information on business activities to affected communities by appropriate means of notification, taking into account the situation of remote, isolated, communities without Internet access or illiterate communities, and ensure that such notification is not only delivered but also understood using the languages of the affected individuals and groups;

(n) In the case of risky activities, guarantee the participation of workers, as well as affected persons and communities, in the elaboration, management, and follow-up of risk management and due diligence plans;

(o) Guarantee the access of populations potentially affected by the activities to independent technical consultants, paying for this work and providing all the conditions for it to be carried out and not interfering in the choice of such consultants.

(p) Create mechanisms, in discussion with the community, that materially allow the participation of the community in decision-making on the processes of reparation and compensation of damages, including transportation and food during the events intended for popular consultation;

(q) Transnational corporations operating in many different countries must adopt in their internal organisations the regulations of the country which guarantee greater protection of human rights, regardless of the location of the activity;

Article 7

Besides the concrete amendments as proposed by States, specific legal barriers such as forum non conveniens should be recognized in this article.

7.1. States Parties shall provide their relevant State agencies, with the necessary competence in accordance with this (Legally Binding Instrument) to enable victims' access to adequate, timely and effective remedy and access to justice, ~~and to overcome the specific obstacles which~~ **remove barriers and ensure that all forms of access to remedies are responsive to the multiple and intersecting forms of discrimination and marginalization experienced by women, children, Indigenous Peoples, persons with disabilities** and groups in vulnerable or marginalized situations ~~face in accessing such mechanisms and remedies.~~ (Panama)

7.1 bis. State Parties shall ensure that reparations processes and mechanisms established to repair the harm caused by large-scale industrial disasters are designed and implemented, in consultation with, and with the full participation of Indigenous Peoples and affected communities, are transparent and independent from the business enterprise that caused or contributed to the harm, ensure independent technical assistance and are sufficiently resourced to offer the prospect of full reparation to all those affected. (Palestine)

7.2. State Parties ~~to this legally binding instrument shall, consistent with its~~ **ensure that their domestic laws and court proceedings** ~~legal and administrative systems~~ **facilitate access to information from both States and corporate entities enabling courts to allow proceedings in all cases, through international cooperation, facilitating requests for disclosure of State or corporate finances or relations and other relevant information, and expanding admissible evidence to include different types of evidence, such as oral and visual, in efforts to prioritize that which is more suitable for communities to remove barriers for community-led data.** (Palestine)

(c) ensure that relevant ~~State agencies~~ **authorities** can either deliver, or contribute to the delivery of, effective remedies **guarantee the availability of access to effective remedy mechanisms and provide or contribute to the provision of effective remedies, as a consequence of establishing the liability of legal and natural persons, in accordance with Article 8, to victims of human rights violations or abuses, as set forth in Article 4 of this instrument.** (Colombia)

(c *bis*) ensure that transparent reparations mechanisms and processes are independently designed and implemented with the relevant participation of victims, affected persons and communities. (Brazil)

7.5 (a) to ~~enhance~~ **ensure** the ability of relevant State agencies to deliver, or to contribute to the delivery of, effective **individual or collective** remedies, **such as restitution, compensation, rehabilitation, reparation, satisfaction, guarantees of non-repetition, injunction, environmental remediation, and ecological restoration;** (Ghana)

F Informed Consent materials

El Estor Case Study

For the El Estor Case Study, a consent process was implemented in close coordination with the local partner NGO to ensure that it was appropriate for the local context and practices. For example, the NGO advised that the form should be concise and accessible. Due to slight variations in how the consent process was adapted for different participants and settings, the forms themselves are not included in this thesis, but you are welcome to reach out if you have any further questions on this procedure. Each participant was guided through the form, and care was taken to ensure they fully understood its purpose and implications. When all questions were answered and the participants agreed with the consent forms, they signed it. In cases of oral consent the interview information was read to the participants. This always included a discussion of risks, mitigations, secure data storage and the end of the project being February 2026. The participants could ask questions and give consent when they understood and agreed. Each participant was explicitly asked if they preferred their name to be included in the report, and consent was requested for audio-recording.

UN Binding Treaty

For the subsequent interviews that were conducted for the research step on the UN Binding Treaty on Business and Human Rights, a similar protocol was followed. However, for this step no coordination was required to adapt the forms. The consent form used is attached to this appendix.

PLEASE TICK THE APPROPRIATE BOXES	Yes	No
A: GENERAL AGREEMENT – RESEARCH GOALS, PARTICIPANT TASKS AND VOLUNTARY PARTICIPATION		
1. I have read and understood the study information dated [DD/MM/YYYY], or it has been read to me. I have been able to ask questions about the study and my questions have been answered to my satisfaction.	<input type="checkbox"/>	<input type="checkbox"/>
2. I consent voluntarily to be a participant in this study and understand that I can refuse to answer questions and I can withdraw from the study at any time, without having to give a reason.	<input type="checkbox"/>	<input type="checkbox"/>
3. I understand that taking part in the study involves: <ul style="list-style-type: none"> • Participating in a semi-structured interview (approximately 45–60 minutes) conducted online or in person. • The interview will be audio-recorded (with permission) and transcribed as text for analysis. • Audio recordings will be destroyed after transcription 	<input type="checkbox"/>	<input type="checkbox"/>
B: POTENTIAL RISKS OF PARTICIPATING (INCLUDING DATA PROTECTION)		
4. I understand that taking part in the study involves the the possibility of professional sensitivity regarding views on the UN Treaty. This will be mitigated through confidential data handling, anonymisation, and the option to skip any question during the interview.	<input type="checkbox"/>	<input type="checkbox"/>
5. I understand that taking part in the study also involves collecting contact information such as email-address, phone number or name. There is a minimal, but potential risk of re-identification through specific professional roles or quoted opinions. This risk will be mitigated by not using names/roles for the quotes, if this is not consented to.	<input type="checkbox"/>	<input type="checkbox"/>
6. I understand that the following steps will be taken to minimise data breach risks and protect my identity: <ul style="list-style-type: none"> • Destruction of recordings and transcripts at the end of the project. • Removal of identifiable references. • Secure storage on TU Delft’s approved systems with restricted access. 	<input type="checkbox"/>	<input type="checkbox"/>
6. I understand that personal information collected about me that can identify me, such as my name and contact details will not be shared beyond the study team. The (identifiable) personal data I provide will be destroyed after February 2026, which is when the study will end.	<input type="checkbox"/>	<input type="checkbox"/>
C: RESEARCH PUBLICATION, DISSEMINATION AND APPLICATION		
7. I understand that after the research study the de-identified information I provide will be used for used in a Master’s thesis to be published in TU Delft’s open-access repository, and may also inform academic articles or presentations. This thesis will also be shared with research participants and interviewed Indigenous communities in Guatemala.	<input type="checkbox"/>	<input type="checkbox"/>
8. I agree that my responses, views or other input can be quoted anonymously in research outputs	<input type="checkbox"/>	<input type="checkbox"/>
9. I agree that my real name can be used for quotes in research outputs	<input type="checkbox"/>	<input type="checkbox"/>
D: (LONGTERM) DATA STORAGE, ACCESS AND REUSE		

PLEASE TICK THE APPROPRIATE BOXES	Yes	No
10. After the interview a summary will be given with key points and quotes. After my revision of this summary, I give permission for the summary and insights from interview to be included in the MSc thesis which will be publicly available. I understand that I am welcome to suggest modification to the summary or oppose its publication.	<input type="checkbox"/>	<input type="checkbox"/>

Signatures

Name of participant [printed] Signature Date

I, as researcher, have accurately read out the information sheet to the potential participant and, to the best of my ability, ensured that the participant understands to what they are freely consenting.

Researcher name [printed] Signature Date

Study contact details for further information: *[Name, phone number, email address]*