

Ambiguous Recognitions: Law and Gendered Violence

Rachel Sieder



What challenges are posed when indigenous and campesino women –and men- resort to hegemonic forms of law (state law, international law) to secure greater respect for their rights in the face of new forms of structural and patriarchal violence?

How is the intersectionality of violence against indigenous and campesino peoples, and particularly against women, expressed and reinforced through the colonality of the law?

What are the gendered effects of resorting to strategic litigation to try and secure indigenous peoples' rights to prior consultation and informed consent, to territory, and to lives free from violence?

How can territorially-based indigenous sovereignties be defended and strengthened in ways that protect lives and livelihoods and also address gendered forms of violence?

How can the alternative epistemologies of indigenous forms of governance and justice (*derecho propio*) be protected and strengthened within these encounters with hegemonic forms of law?

How can women's voices be amplified within these processes?

Can law ever be decolonized?

Hypothesis



Organized indigenous women's recent encounters and contestations in legal and quasi-legal arenas in Guatemala challenging impunity, sexual violence and territorial dispossession are generating new understandings of indigenous sovereignties.



Chixoy river



Marlin Mine, San Miguel Ixtahuacan, San Marcos



Río Chixoy donde está proyectado la presa para la hidroeléctrica Xalalá

The reconstitution of community/ies

- (1) the renewal of sub-municipal communal authorities;
- (2) the strengthening of indigenous law (*derecho propio*);
- (3) community-based resistance to megaprojects:
 - i. *consultas comunitarias de buena fe*
 - ii. resistance to the criminalization of community leaders.





Autoridades, 48 Cantones de Totonicapán



Misa para recordar los muertos de la masacre de Alaska



Alcaldes indígenas en resistencia, San Juan Sacatepequez



Consultas comunitarias de buena fe



Mujeres de Agel criminalizadas por resistir la mina



Nimlahakok, Alta Verapaz



Cristina Chiquin
Mujeres Ixchel

Juicio Sepur Zarco