

Indigenous Peoples and Religious Freedom in Abya Yala – Latin America. Reflections from a European Point of View

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Abstract

Assassinating Berta Cáceres, a Maya-Lenka Women from Honduras in 2016, shows in a brutally way, that the recognition of indigenous religions in Abia Yala-Latin America is not only an interreligious, but also an economic and political challenge.

Keywords

Berta Cáceres (1971-2016), Earth, Sacred Places, Maya Spirituality, Indigenous Religions, Indigenous Theologies, Convention 169 of the International Labor Organization

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Where do we go after death, Dady?
We come from the earth. We return to the earth. That is all.
Valentin Quispe²

In today's Europe it cannot be ignored that indigenous peoples in Latin America, Abya Yala³, are labelled as superstitious. The Kichwa, who live on the outskirts of the Ecuadorian Amazon region, are described in an article as follows 'The inhabitants make their living from agriculture, fishing and hunting – monkeys and birds are also brought down with blowpipes. They live off nature – and are very superstitious. At five a.m. they gather to drink Wayusa herbal tea and tell of their dreams. The plans they make for the day depend on these'.⁴ This clear lack of recognition of the religious otherness of the indigenous people is all the more shocking, when one considers that 'superstitious' is defined as 'irrational belief usually founded on ignorance or fear and characterised by obsessive reverence for omens, charms, etc'⁵.

On Religious Freedom of Indigenous Peoples in Abya Yala

Religious freedom is today recognised to different extents in all constitutions of Latin America. Legislations and administrative decisions often prevent its practical implementation. In recent years several constitutions have begun acknowledging institutions of indigenous

² From: Ina Rösing, *Jeder Ort – ein heiliger Ort. Religion und Ritual in den Anden*. [Every Place – a Holy Place. Religion and Ritual in the Andes] Zürich 1997, Pg. 116.

³ Abya Yala is the approximately ten-thousand-year-old term for America, used by the Kuna people who inhabit modern Panama and Colombia. However, this article only refers to Latin American states. Etimological, Abya Yala means the land watched over, beloved and preferred by the godly creatures, Paba and Nana. It is a designation for a ripe land, a land with blood and life. This term unifies indigenous in their fight against colonialism and demonstrates that since thousands of years Latin America is pluricultural and plurireligious. See Elisabeth Steffens, *Politische und religiöse Alterität als hermeneutische Herausforderung: Die indianischen Völker Abia Yalas*, [Political and Religious Alterity as Hermeneutic Challenge: The Indian Peoples of Abya Yala] Aachen 2014, Pg. 43.

⁴ Georg Ismar, "Die Rebellen vom Amazonas heben ab. Aero Sarayaku ist die wohl ungewöhnlichste Fluglinie der Welt. Die Kichwa-Indigenas, die sich gegen Ölbohrungen wehren", [The Rebels of the Amazon Rise Up. Aero Sarayaku is the Most Unusual Airline in the World. The Indigenous Kichwa, who are Fighting Back against Oil Drilling] in: *Aachener Zeitung*, 21. November 2016, Pg. 6.

⁵ Superstition', in *Collins English Dictionary*, Glasgow 2007, Pg. 1197.

peoples⁶. These are mostly rooted in their religions and important decisions are made based on spiritual insights⁷.

Above all the constitutional reforms of 2008 in Ecuador and of 2009 in Bolivia made an impression, not only because of the acknowledgement of nature as a legal subject, but also because of the acknowledgement of indigenous rights to practise religion: In Article 30 the Bolivian constitution defines indigenous peoples as communities of people who possess a pre-colonial, cultural identity. This comes through a language, an historic tradition, institutions, territory and an expressed cosmovision. In paragraphs 2 and 7 the right to the protection of their sacred places is recognised. According to Article 58 of the constitution of Ecuador the collective rights of indigenous peoples, along with the reconstruction and protection of sacred places within their territories are guaranteed.⁸

On the Violation of Indigenous Religious Freedom by Christians

Representatives of the World Council of Indigenous Peoples urged the bishops who gathered in 1992 in Santo Domingo, Dominican Republic for the IV. General Conference to acknowledge indigenous religions, by demanding: ‘If you are referring to our peoples, then strive not only on behalf of the poor, but on the basis of the acknowledgement of our autochthonous, living and aspiring religions for the cultural other. It’s a question of the acknowledgement of the way in which we live our beliefs in our cultures, our home regions and our autonomies. These are not simply very religious cultures, but real religions.’⁹ Not only that, but also

⁶ See Juan G. Navarro Floria, “Religión y derecho: los desafíos actuales en América Latina” [Religion and Rights: The Current Challenges in Latin America], in: <http://www.libertadreligiosa.org/articulos/milano09.pdf>, 29.12.2016, Pg. 6.

⁷ See René Kuppe, “Der Schutz von ‚Sacred Sites‘ traditioneller Religionen und die Dekolonisierung des Grundrechts auf Religionsfreiheit” [The Protection of ‘Sacred Sites’, Traditional Religions and Decolonisation of Basic Rights on Religious Freedom] in: Brigitte Schinkele, ditto. et al., *Recht, Religion, Kultur. Festschrift für Richard Potz zum 70. Geburtstag*, [Law, Religion, Culture. Commemorative for the 70th birthday of Richard Potz] Vienna 2014, Pg. 337.

⁸ See Juan G. Navarro Floria, *Loc. Cit.*, Pg. 6-9.

⁹ The indigenous theologian Aiban Wagua from Panama uses the *Carta del Consejo Mundial de Pueblos Indígenas a los Obispos Latinoamericanos en Sto. Domingo* [Letter from the World Council of Indigenous Peoples to the Latin American Bishops in Santo Domingo (Dominican Republic)] of October 1992 as a source: Ditto, “Presupuestos para una inculturación del evangelio en el mundo indígena”, [Requirements for the acculturation of the Gospel into the Indigenous World], in: *Misiones Extranjeras [Foreign Missions]* (1998) 165, Pg. 342, cited by Elisabeth Steffens, *Loc. Cit.*, Pg. 198.

stone balls more than 600 years old found on the southwest coast of Costa Rica point impressively to the religious riches of Abya Yala.

These balls of gabbro, sandstone and chalk, measuring from a few centimetres up to 2.57 m in diameter served to mark territory and to represent transcendent phenomena and natural cycles. The smaller stone balls were positioned in a particular arrangement alongside fragmented sculptures, others on graves of particular persons.¹⁰

Today, it is not easy for indigenous people to speak about religious freedom. As the Zapotec theologian Eleazar López Hernández from Mexico writes: ‘I know that it is hard for me, when speaking about religious freedom, to reconcile the legacy of my ancestors – the indigenous perspective – with membership of the Catholic Church, whose pastoral work and evangelism by and large interfered with and combatted the religious life of the local peoples.’¹¹ Inés Pérez Hernández, a Maya-Quiché theologian from Guatemala, concretely describes that ‘the historic and intolerant oppression through evangelism in opposition to the spiritual experience of the Maya can still be felt in various places. [...] This suffering and pain led to efforts by several missionaries and locals to uncover the essence of the gospel [...] Jesus’ devotion to children, the poor, and the whole of mankind moves us to remember our historic passion, to protect the whole of creation: Men and Women, plants and animals, streams and forests [...] the whole universe.’¹²

In view of this sorrowful extermination of religions since the discovery of indigenous cultures in 1492, it must be explained that the emergence of indigenous theologies in the 1990s contributed to the healing of wounds which had long remained open.

It was specifically in 1992 in Santo Domingo that the aforementioned bishops saw their former lack of recognition for indigenous and also Afro-American religions as a pastoral challenge. This view led concretely

¹⁰ See Francisco Corrales Ulloa and Minor E. Castro, *Diquís. Patrimonio de la humanidad*, Museo Nacional de Costa Rica 2014 [World Heritage, The National Museum of Costa Rica, 2014].

¹¹ Eleazar López Hernández, “Eine indigene Perspektive auf die Religionsfreiheit” [An Indigenous Perspective on Religious Freedom], in: Klaus Krämer and Klaus Vellguth (Pub.), *Religionsfreiheit. Grundlagen – Reflexionen – Modelle*, [Religious Freedom. Fundamentals – Reflections – Models] Theologie der Einen Welt, Band 5, Freiburg im Breisgau 2014, Pg. 185.

¹² Inés Pérez Hernández, “Gelebte Praxis und befreiende Wirkung der christlichen Religion. Die persönliche, kulturelle und spirituelle Erfahrung einer guatemaltekischen Maya-Frau” [Lived Practice and Liberating Effect of the Christian Religion. The Personal, Cultural and Spiritual Experience of a Guatemalan Maya-Woman], in: Klaus Krämer and Klaus Vellguth (Pub.), *Loc. Cit.*, Pg. 410.

to the emergence of indigenous theologies. An ecumenical evangelism initiative has since organised theological gatherings, at which indigenous people from the whole continent, together with catechists, priests and bishops and churchgoers from Europe, may not only collectively observe their various rites and exchange their mythology, but also may discuss the effects of neoliberal globalization.¹³ Thus, this new communal form of theological work can be understood as an important, overdue step towards the acknowledgement of indigenous religious freedom in Latin America from the side of the Christians.¹⁴

On the Violation of Indigenous Religious Freedom by States and Businesses

According to the comments of Inés Pérez Hernández the Maya people experience God in nature. ‘For example: When a Maya stands on the earth, touches the earth, kisses the earth, when he presses a seed down into the earth, he knows that the earth is not just the earth, but that it is filled with the presence of the God Mother (Qanan, qa tu’). In this way the people are in a position to be able to manifest the presence of God in a concrete and natural way.’¹⁵ While dogmas determine the nature of western religions, the belief of indigenous peoples in Abya Yala is rather closely connected with the earth. The earth for them is, in itself, living and holy.¹⁶

Therefore, the right to indigenous religious freedom also concerns ‘preservation and protection of the natural-spiritual order in places which the people use for religious practices, or where, according to their beliefs, spiritual beings and powers are rooted.’¹⁷

But how could the indigenous people practise their cosmos-oriented religions, if they not only had to protect their religious otherness in front of representatives of the Christian church, but also if they were denied access to the places where they communicate with God and/or spirits?

¹³ See Elisabeth Steffens, “Die Theologien der indianischen Völker Abia Yalas aus der Sicht ihrer Subjekte” [Theologies of the indian peoples of Abya Yala from the perspective of their subjects] in: *Jahrbuch for kontextuelle Theologien* 9 [Yearbook of contextual theologies 9] (2001) 193-220.

¹⁴ See Eleazar López Hernández, *Loc. Cit.*, Pg. 186.

¹⁵ Inés Pérez Hernández, *Loc. Cit.*, Pg. 412. *Qanan, qa tu’* means our Mother, who calms us.

¹⁶ See René Kuppe, *Loc. Cit.*, Pg. 351.

¹⁷ *Ibid*, Pg. 353.

‘From Mexico (Teotihuacan, Chichen Itza, Palenque and other places) through Guatemala (Tikal, Quiriguá, Iximché and other places) up to the Andes states such as Peru (Ollantaytambo, Machu Pichu) and Bolivia (Tiawanaku), archaeological sanctuaries are transformed into temples of consumerism by the transnational tourism industry, meanwhile indigenous communities and villages in the area are almost living in poverty.’¹⁸ Not only the fact that this industry is marking up constantly increasing profits by the marketing of the (im)material heritage of thousand-year-old civilisations, but also that the indigenous people are not allowed to visit the sanctuaries of their ancestors, shows systematic discrimination. In Honduras, for example, Maya-Chortís are forbidden from observing their spiritual ceremonies in the sanctuary of Copán, which has been listed as a world heritage site by UNESCO since 1980.¹⁹ Due to the ban on ceremonies at historically significant sites, indigenous people are unable to practically exert their right to religious freedom. According to the cosmovision of the Maya-Q’eqchi’ in Alta Verapaz, Guatemala, it is not only people who have *muhel* – souls/spirits –, but also corn, rivers, houses and animals. Agricultural processes and also care for the health of a person are closely connected with the celebration of rites and rituals. For these bring the relationships between people, nature and *Tzuultaq’a*, the mountain spirits, back into balance. If the dignity of a person or of another sanctuary is hurt, the harmony in social and spiritual relationships can be destroyed. Suffering and *rahilal* – mourning – arise. But it is not only people who suffer in pain and mourning due to the behaviour of others, corn, the river, and animals can also weep, suffer and experience pain, because they live, *yo’yo*.²⁰ According to this belief, people in Alta Verapaz see the Xalalá dam project as a threat on their physical and spiritual existence: ‘For us, this project is a *nimla rahilal*, a great suffering, for just as in the eighties, we people, along with the sacred mountains and valleys and mother earth,

¹⁸ Ollanty Itzamná, “América Latina: Los sitios arqueológicos y el racismo cotidiano” [Latin America: Archaeological Sites and Everyday Racism], 4.10.2016, in: <https://www.servindi.org/actualidad-opinion/04/10/2016/america-latina-los-sitios-arqueologicos-y-el-racismo-cotidiano>, 5.12.2016.

¹⁹ See *Ibid.*

²⁰ See Liselotte Viaene *La hidroeléctrica Xalalá en territorio maya q’eqchi’ de Guatemala. ¿Qué pasará con nuestra tierra y agua sagradas? Un análisis antropológico-jurídico de los derechos humanos amenazados [Hydroelectrics in Xalalá in the Maya q’eqchi Territory of Guatemala. What Will Happen to our Land and Sacred Water? An Anthropological Assessment of Threatened Human Rights]*, Herent/Gent 2015, Pg. 23.

will greatly suffer.’²¹ While other Maya peoples in Guatemala use archaeological sites which existed before 1492 to celebrate their rites and rituals, the Maya-Q’eqchi’ declare mountains, caves and thermal springs as their spiritual places. The expected floods caused by the building of the dam not only mean the expulsion of around 60,000 indigenous people, but also the destruction of the river Chixoy, its tributaries and the fertile riverbanks, the farmland, and the desecration of their sacred places: the mountains and caves.²² So the implementation of this project would not only imply the plunder of land and expulsion of people and spirits. The right to religious freedom would be violated, since through the expected destruction of their sacred places, the outward exercise and expression of the Maya religion is no longer assured.²³

Concerning the existing international instruments for the realisation of indigenous rights, reference should be made to convention 169 of the international labour organisation, ratified by the Guatemalan state in 1996.²⁴ This requires through article 13 not only that the signatory states protect the practice of religion: For it is especially important that the governments ‘respect the relationship between the people in question and the land settled or otherwise used by them [...] for the sake of their culture and spiritual values’.²⁵ Furthermore, through the consultation right of indigenous people, they are required to cooperate with them through an ‘intercultural exchange of information and views’ during the planning stages of any scheduled projects in order to avoid any violation of their rights.²⁶ For Article 15, paragraph 2 determines ‘In cases where the state retains ownership of mineral or underground resources, or

²¹ *Ibid.*, Pg. 93. (Emphasis added E.S.) *Nimla rahilal* is also used to refer to the civil war that occurred in Guatemala from 1966 to 1996.

²² *Ibid.*, Pg. 71, 98.

²³ See René Kuppe, *Loc. Cit.*, Pg. 362.

²⁴ See “Guatemala Ratifies Convention Guaranteeing Indigenous Rights”, 14.6.1996, in https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008061/lang-en/index.htm, 29.12.2016. The statement of the United Nations about the rights of indigenous peoples, which was passed in 2007, represents a further key instrument. Both instruments influence further intercultural development of preexisting universal and regional human rights instruments, such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the American Convention on Human Rights (1969). See René Kuppe, *Loc. Cit.*, Pg. 336, 367.

²⁵ ILO-Agreement concerning indigenous and tribal peoples in independent countries, 1989, in: Deutsche Gesellschaft für die Vereinten Nationen [German Society for the United Nations] e.V. (Pub.), *Rechte indigener Völker*, [Rights of Indigenous Peoples], Blaue Reihe, Nr. 106, Berlin 2009, Pg. 33.

²⁶ René Kuppe, *Ibid.*, Pg. 365.

holds rights to other resources of the land, the governments must set or maintain procedures, with the help of which they must consult the peoples in question, in order to establish whether and to what extent their interests will be considered, before they perform or approve any programmes involving the exploitation or exploration of the resources of their land.’²⁷

On the Violation of Indigenous Religious Freedom as a Challenge for Germany

The German government has not yet ratified the ILO convention Nr. 169, as Norway did in 1990, the Netherlands in 1998, Spain in 2007, and Luxembourg in 2018.²⁸ And yet, the economic policy of the German government directly influences the lives of indigenous peoples. Therefore, they should finally ratify the convention and demand that German businesses practically acknowledge the indigenous consultation right.²⁹

On 2 March 2016 Berta Cáceres (1971-2016), a Maya-Lenka, was murdered. The environmental activist knew that persistence can be dangerous. In April 2015 she was awarded with the Goldman Prize. She was awarded the prize for leading a peaceful campaign, with which she sought to achieve the withdrawal of the world’s largest water power industry from the Agua Zarca dam on the Gualcarque. After she was awarded the prize, she said ‘Giving our lives in various ways for the protection of the rivers is giving our lives for the well-being of humanity and of this planet’³⁰

²⁷ ILO-Agreement concerning indigenous and tribal peoples in independent countries, 1989, in: *Loc. Cit.*

²⁸ See “Streit um ILO Konvention zu Indigenen” [Quarrels over the ILO Convention with indigenous people] Human rights committee – 14.12.2016, hib (740/2016) in <https://www.bundestag.de/hib?url=L3ByZXNzZS9oaWVuMjAxNl8xMi8tLzQ4NTAyMA==&mod=mod454590>, 29.12.2016 and Ratifications of C169 – Indigenous and Tribal Peoples Convention, 1989 (No. 169), in: http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312314, 19.12.2016.

²⁹ See Theodor Rathgeber, “Warum die Bundesregierung die ILO-Konvention Nr. 169 zum Schutz indigener und in Stämmen lebender Völker ratifizieren soll” [Why the German government should ratify ILO Convention Nr. 169 on the protection of indigenous and tribal people] in: <http://www.ilo169.de/argumente>, 29.12.2016.

³⁰ Betsy Shirley, “A Martyr of ‘Laudato Si’? The indigenous spirituality of assassinated activist Berta Cáceres”, 18.3.2016, in <https://sojo.net/articles/martyr-laudato-si>, 30.12.2016. See also Alejandra Martins, “Honduras: matan a Berta Cáceres, la activista que le torció la mano al Banco Mundial y a China” [Honduras: how they killed Berta Cáceres, the activist who shook hands with the World Bank and

For the local communities, the Gualcarque is sacred, and indispensable for their survival. The dam project was planned without them. A German business was supposed to deliver turbines for the construction project. And what if they also bear some responsibility for the murder of Berta Cáceres?³¹

China], 3.3.2016, in: http://www.bbc.com/mundo/noticias/2015/04/150423_honduras_berta_caceres_am, 29.12.2016 and Grettel Navas und Daniela Del Bene, “Proyecto Hidroeléctrico Agua Zarca, Honduras” [The Hydroelectric Project in Agua Zarca, Honduras], 3.3.2016, in: <https://ejatlas.org/conflict/proyecto-hidroelectrico-agua-zarca-honduras>, 29.12.2016.

³¹ See Alexandre Endres, “Wer ließ die Umweltschützerin Berta Cáceres töten?“, 7.12.2016, in <http://www.zeit.de/wirtschaft/2016-11/honduras-bertha-caceres-mord-voith-hydro-siemens-menschenrechte-verantwortung>, 29.12.2016.