

# Reconciling Discourses on Women's Rights: Learning from Guatemalan Indigenous Women's Groups

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## Abstract

A quick review of feminist scholarship in the field of legal studies shows that a tension between equality and complementarity underlies many debates on the issue of women's rights. In this article we use the work of a Guatemalan indigenous women's organization, Kaqla, to revisit this alleged dichotomy. By adopting an actor-centred perspective, we propose a more integrated understanding of several key debates in the field of human rights. In addition, we explore how likely it is that local efforts to reconceptualize women's rights are upstreamed to transnational normsetters, and what barriers or facilitating factors exist in this regard. The article has both a descriptive and an explanatory component. The former is based on anthropological fieldwork and describes how Kaqla mainstreams a rights discourse in its workshops on personal healing, how women come to understand the notion of women's rights on the basis of it, and what efforts Kaqla undertakes to share this new understanding with actors in its network. The explanatory component links these findings to theory by exploring a) why Kaqla's mainstreaming of a rights discourse is particularly successful, b) how its emphasis on the notion of complementarity and its effort to reconcile this with the notion of equality speak to several classic debates in the field of human rights, and c) why caution is needed when assuming that new content will automatically travel up- and downstream once it is developed. Despite the fact that new ways to operationalize rights discourses are developed, that new content is arising on the basis of that, and that formal communication mechanisms exist, we found that upstreaming of conceptual information is limited due to the local actors' perceptions that there is no interest in this on the side of the transnational actor.

**Keywords:** contextualization; indigenous feminism; localization; human rights networks; reverse standard-setting; upstreaming

## Introduction

Standard-setting in human rights has traditionally been a top-down process, with states concluding treaties which are then implemented on the ground and

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international monitoring bodies providing what is intended to be an authoritative interpretation of international human rights law (Vandenhoele 2012). In the last decades, there has been increasing emphasis on how human rights work in practice and on how rights are shaped through the actual struggles of people (Nyamu-Musembi 2002). A focus on the realities of rights holders and on how people make sense of human rights can improve our understanding of human rights practice, and eventually render human rights norms more effective (Merry 2006a, 2007; Levitt and Merry 2009; Liebel 2012). Several authors have documented the ways in which local actors engage with transnational norms and the ways in which they seek to adapt transnational human rights norms to their local realities (Merry 2000; Nyamu-Musembi 2005). These authors argue that understanding the meaning of rights from the perspective of those interacting with them has the potential to transform the classic discourse on human rights by bringing a grassroots perspective to the fore. This expands the possibilities for action. However, despite a growing agreement that local human rights practices can and should influence the discourse and practices of transnational human rights institutions, this is not always happening in practice. In this article we assess what can explain the limited impact of local understandings on transnational human rights norms.

To do so, we first analyse how local actors engage with transnational human rights discourses and then ask whether and how these local interpretations are shared amongst actors in their network. We use the case of Kaqla, a Guatemalan indigenous women's rights organization, to examine this issue. The research is inspired by actor-centred approaches to human rights and by the perspective of localizing human rights, which both seek to understand rights in their context. The added value of this article lies not only in its ethnographic description of how grassroots organizations seek to contextualize the existing human rights discourse, but also in the discussion of whether and how their work is upstreamed to transnational human rights norm-setters and what barriers exist in this regard. In this case, we observe that contextualization is taking place and that the formal communication mechanisms and networks for sharing content are in place, but that little conceptual information is being upstreamed. We analyse why this is. This is relevant for actors on the ground and for international organizations because it sheds light on the potential for upstreaming voices from below.

The empirical findings in this article are based on anthropological fieldwork carried out in Guatemala in 2010–2011. In this period, the author participated in several activities organized by Kaqla and interviewed several organizing members, facilitators and participants of Kaqla, as well as women's rights activists belonging to other groups and institutions, and staff from international organizations present on the ground. During the entire period of fieldwork, 74 formal interviews were held, as well as a large number of informal discussions with staff and workshop participants. Interviews were semi-structured and probed for participants' experience during Kaqla

workshops. In addition, all documents produced by Kaqla were collected and analysed in light of the interviews and participant observation (e.g. [Chirix 2003](#); [Bercian 2004](#); [Palencia 2010](#); [Mendoza 2007](#); [Kaqla 2007, 2008, 2009, 2010](#)).

### **Actor-centred perspectives and the localization of human rights**

Because of our interest in realities of local rights holders, this article takes an actor-centred approach ([Nyamu-Musembi 2002, 2005](#)). This means that that we examine how the concrete experiences of actors on the ground shape the relevance and meaning of human rights in practice. Actor-centred approaches have multidisciplinary roots and call into question a purely legalistic analysis of human rights. They promote an analysis of legal principles in terms of their concrete effects in social settings, especially for less powerful groups.

Actor-centred approaches pay elaborate attention to local context, and have become an important sub-field within the field of human rights studies. Notions like contextualization ([Zezeza 2004](#)), indigenization ([Merry 2006a](#)), plurality ([Falk 2000](#)), vernacularization ([Merry 2006b, 2007](#)), inclusive universality ([Brems 2001](#)) and human rights upstreaming ([De Gaay Fortman 2011](#)), all point out the importance of considering the realities of local rights holders to understand how transnational human rights work in practice. As [Merry \(2000\)](#), for example, shows, when specific struggles in non-Western societies utilize a 'western liberal—legalist' discourse, the core concepts of this discourse are reinterpreted and transformed. Merry accurately describes the transformation which takes place through the incorporation of local understandings and the addition of global discourses. Also scholars like [Nyamu-Musembi](#) analyse how people transform the meaning of rights when they translate the—otherwise legalistic—human rights discourse into action, and how this shifts the parameters of the discourse ([Nyamu-Musembi 2005: 41](#)). For this move away from a purely legalistic discourse to take place, attention to the contextual realities, relationships and personal perspectives of rights holders is needed. It is through their own experience that rights holders interpret their rights and understand themselves as rights holders—or not ([Pantazidou 2013](#)). For contextualization of human rights to take place, and for rights holders to engage with transnational rights discourses, they need to develop voice and agency as well as a sense of empowerment that allows them to identify their own everyday human rights violations as such. Only then can transnational rights discourses become locally relevant.

This interaction with transnational human rights discourses of rights holders is described in great ethnographic and analytic detail by the above-mentioned studies. What these studies lack, though, is attention for how human rights understandings of actors at the grassroots level can be upstreamed and shared. In this article we are interested not only in how local rights holders make sense of transnational human rights discourses, but also in how this can be relevant for transnational norm-setters, that is, how local interpretations and priorities

can feed back into the transnational discourse on human rights. We therefore complement traditional actor-centred approaches with the perspective of localizing human rights (LHR), as developed by [De Feyter et al. \(2011\)](#). Like other actor-centred approaches, the localization perspective builds on insights from legal anthropology to offer an in-depth exploration of how human rights law plays out in the lives of people on the ground. In addition, this perspective explicitly focuses on the bi-directionality and circularity of human rights norm-setting. Localization, in the sense we use it, is thus not merely about processes of political and cultural change which make a society more receptive to human rights, but also about the need for flexibility within the international human rights system to accommodate particularistic human rights claims which arise from people's own understanding of human rights. Integrating the knowledge and expertise which communities accumulate when they attempt to use human rights as a protection tool has the potential of rendering human rights more locally relevant and of increasing local ownership. LHR argues that greater local relevance of human rights is more open to being achieved through the efforts of local stakeholders who explore the opportunities that international human rights law offers and give a locally relevant content to abstract treaty norms, as well as through the efforts of transnational actors who should develop global human rights norms and practices in a responsive manner and in directions that will improve their local effectiveness ([De Feyter et al. 2011](#); [Baxi 2002](#)). The localization perspective offers a framework for assessing whether and how grassroots actors act as norm entrepreneurs which mediate between conflicting value systems at the local and the transnational level to develop new frames ([De Feyter et al. 2011](#); see also [Snow 2004](#)), and whether they participate in human rights development and elaboration.

We adopt an actor-centred and LHR perspective in this article. Yet, at the same time, we seek to nuance the implicit assumption of the localization perspective that local content, if developed, will quasi-automatically be upstreamed to international human rights norm-setters, if these have in-country presence. Through this presence, it is argued, gaps in the global protection system can be detected more easily and global human rights action can be redirected in a flexible manner ([De Feyter 2006](#)). The importance of in-country presence is also increasingly picked up by organizations such as the Office of the UN High Commissioner for Human Rights ([OHCHR 2005](#): paras 36–7). Throughout, however, little attention has been paid to how these national offices may tap into local dynamics and sensitivities, and what mechanisms or relations are needed to facilitate a learning process that involves community-based organizations. This article challenges the assumption of quasi-automatic learning in the case of in-country presence and explores what barriers exist to the upstreaming of local content, both in terms of formal mechanisms and in terms of cultural factors. We argue that more attention to upstreaming mechanisms is needed, as well as more attention to how these mechanisms are perceived by grassroots actors. In the empirical section of this article, we explore both how Kaqla, as a

community-based organization in the field of human rights,<sup>1</sup> presents new understandings of women's human rights and whether these understandings are shared with other actors in its network. We both consider whether Kaqla has the formal opportunity to share its understanding with transnational actors, and whether it has an interest in doing so. We do not analyse how the input from this local actor is then dealt with institutionally and programmatically by transnational actors.

### Exploring the meaning of women's rights in practice in Guatemala

To explore in more depth how an actor-centred perspective of human rights can help us to revisit this classic debate on equality versus complementarity and to explore the potential for reverse standard-setting, we use the case of the Grupo de Mujeres Mayas de Kaqla (Kaqla). To contextualize the work of Kaqla, we first present the historical and country context in which this organization is operating, and the way in which the equality versus complementarity debate matters in this context.

### Guatemala's prolonged civil war and its effect on indigenous women

In Guatemala, class struggle reached the level of armed confrontation in the early 1960s. In this period, the guerrilla movement expanded and became more active (Aguilera 1980). Women played an important role in the revolutionary movements, both as supporters, fighters, messengers and as activists in exile. On the one hand, their participation in the armed struggle made women a primary target of gendered violence and killings by government, especially in the early 1980s, when the military reckoned that by executing and humiliating women, it could break the social and cultural tissue of society (McVicar and Foroughi 2013). On the other hand, women's wartime activism opened up new spaces for them to participate in social and political life (Lupe 1983: 107). Several scholars stress the emancipating potential of women's wartime activism (Shayne 2004; Luciak 2001). Former women activists themselves, however, argued that their mobilization was not in itself emancipatory, since it took place in mixed-gender organizations which were heavily male-dominated and patriarchal (Destrooper 2014). Unlike the Nicaraguan or Salvadorian revolutionary movements, Guatemalan revolutionary groups had virtually no all-women's organizations, and revolutionary demands paid no specific attention to women's interests. It was only after the signing of the peace treaties in 1996 that there was more explicit attention for women's realities. This attention was partially fostered by international organizations entering the country in the context of the peace negotiations. The requirement

1 Community-based organizations in the field of human rights are defined as grassroots structures organized for and by members (Narajan 2000), which function as a unitary body within a geographically delimited area, on the basis of a common interest (Kaufmann and Dilla. 1997). Their goal is to increase the power of people at the grassroots level (Ore 2011) by enforcing and/or monitoring law-making directly or indirectly (Gready 2004).

of international donors that representatives of women's groups would be present during the peace negotiations boosted attention for women's rights and was a moral—and often logistical—support for emerging women's organizations. In addition to this, women's post-conflict mobilization benefited from the return of women in exile. Women who mobilized while in exile had been exposed to new social structures and dynamics which triggered new thinking on gender norms. When these women returned to the country after the signing of the peace treaties, they often brought these new ideas with them and became active in the women's movement (Aguilar 1997).

Despite much international attention for the promotion of women's rights in the immediate post-conflict period, government institutions devoted to women's empowerment have historically had limited capacity for the advancement, implementation and monitoring of existing gender policies in Guatemala. Also, women's rights organizations which emerged in civil society in the immediate post-conflict period have had limited access to policymakers, despite much support from the international community, which also pressured government to listen to the voices of civil society. While several legal changes have been pushed through in recent years, women in Guatemala still do not participate widely in decision-making processes and have limited economic opportunities. This is especially true for indigenous women. Moreover, high levels of femicide and of structural violence against women persist.

### **Human rights-based approaches (HRBA) in Guatemala**

The human rights-based approach (HRBA) emerged as a dominant discourse amongst several international development organizations in response to the 1995 Copenhagen Declaration on Social Development and the 1997 call of the Secretary-General of the United Nations to mainstream human rights in all operations of the UN. The approach became increasingly popular in the early 2000s, partially because it constitutes a comprehensive strategy for interventions which entails the promise of social change and human development, partially because of the versatility of the discourse which makes it a relevant paradigm for a multitude of development actors with different backgrounds (Nyamu-Musembi 2002).

A HRBA is based on the idea that development should lead to the empowerment of socially and economically disadvantaged groups (Ghai 2001). The approach is normatively based on international human rights standards and operationally directed towards promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and to redress discriminatory practices and unjust distributions of power that impede development and progress (OHCHR 2006: 15). While there are different interpretations and strands of a HRBA, Gready (2008) argues that there are several principles which run through almost all HRBAs. Firstly, he stresses how a HRBA calls the state to account and how it repoliticizes development by placing the state at the centre of responsibility. In addition, Gready, in line with

the UN Common Understanding of a HRBA (UN 2003), points to participation, accountability, equality, non-discrimination, transparency and empowerment as core principles of a HRBA. The UN's Common Understanding further holds that human rights-based interventions should include all stakeholders in the planning process, augment transparency, instal locally-owned processes, use bottom-up and top-down approaches simultaneously, and foster sustainable partnerships (*ibid.*). A HRBA thus recognizes people as key actors in their own development, rather than seeing them as passive recipients of commodities and services. This justifies our actor-centred perspective.

The approach should thus not be seen as replacing local needs or local understandings of development, but rather as adding a new dimension to them and potentially enriching the approach of local actors (Merry 2006a). Yet precisely the main advantage of human rights-based approaches also poses one of its biggest challenges: while the universality of the human rights discourse creates legitimacy (De Feyter 2006), it also requires the translation of these universal principles to fit local realities. As Patkar (2002) argued, a rights-based approach can only be effective and transformative if it changes the starting point of development as a whole. This justifies our focus on whether rights-based development processes are open to local interpretations of human rights, and how Kaqla engages with this discourse.

Many Guatemalan organizations of civil society, including women's organizations, have adopted a HRBA as their guiding framework since the early 2000s. This decision was often inspired by the fact that their financial donors subscribed to this paradigm. Along with the paradigm shift, organizations often adopted a more formal structure, started to employ young professional women, and focused on the legalistic discourse of women's rights (Biekart et al. 2004).

### **Grupo de Mujeres Mayas de Kaqla**

Kaqla has its roots in the informal gatherings of 35—indigenous—women in the capital in the immediate post-conflict period. Most of these women had been active in revolutionary movements and had enjoyed a formal education. During their gatherings, these women reflected on their experience during the armed conflict and on society's reaction to this. They found that recovery programmes did not pay sufficient attention to the realities of indigenous women and they therefore organized several discussion forums to reflect on their identity and their rights as indigenous women. In the following years, Kaqla turned into a formal organization which aimed to facilitate participants' appropriation of their indigenous identity and of their rights. Its formal goal was to strengthen the autonomy of Mayan women and indigenous people by fostering individual, corporal, economic, social and cultural independence through the deconstruction of internalized oppression (Kaqla 2010: 11). This goal was determined on the basis of discussions with women at the grassroots level, who had often suffered extreme violence during the conflict period, and

who prioritized personal healing processes over political work. This attention for personal and societal healing and recovery was initially shared by the international organizations and donors which entered the country in that period. The international community at that time moreover prioritized restoring the value of indigenous culture, which had suffered severely during conflict. Because of this, Kaqla could fairly easily secure international support for its programme of personal and societal healing on the basis of Mayan culture. From the start, its programme also paid attention to the issue of women's rights. In its work, Kaqla adopted a variety of approaches and techniques, such as psychosocial assistance, awareness raising workshops, self-advocacy training, cultural events, body-based work (e.g. yoga or movement therapy) and community outreach projects. Participants are usually community leaders,<sup>2</sup> and meet four to six times per year for three days in groups of approximately twenty-five people. This way, Kaqla reaches about five hundred women per year. These women are prepared to train other women themselves, or to apply the insights from workshops in their daily work in community organizations.

Underlying all of Kaqla's work is a human rights-based approach. This can partially be explained by the acclaim for human rights-based approaches at the international level. Also, two important financial donors of Kaqla—the Spanish Agency for International Development Cooperation (AECID) and the Ford Foundation—formally adhere to this approach. Yet Kaqla argues that a rights understanding had been important in its work since the very beginning in 1996 and that this had been discussed already during the first informal meetings where no international organizations or donors were involved. Kaqla's choice to adopt a rights discourse was thus not entirely based on preferences of external actors. Moreover, Kaqla did not adopt the same methods or logic as most other rights-based women's organizations.

### **The equality versus complementarity debate**

When assessing the work of Kaqla, and especially its engagement with the rights discourse, it is also relevant to introduce the debate on equality versus complementarity which underlies the discourse of women's rights. Whereas complementarianism sees men and women as having different but complementary roles and responsibilities, egalitarianism maintains that women and men should share identical authority and responsibilities. Complementarianism has become more influential since the emergence of third-wave difference feminism in the 1990s, which developed a more nuanced discourse regarding the alleged equality versus difference. Nevertheless, the idea of equality between men and women continues to underlie the discourse of women's rights.

2 The decision to work with community leaders is related to the fact that Kaqla works for the emancipation of not only indigenous women, but also indigenous communities as a whole, and that these community leaders can reproduce insights which they gain during Kaqla workshops when returning to their own communities.



Kaqla, like several other indigenous women's organizations, explicitly eschews the notion of equality. Instead, it uses the notion of complementarity—a founding principle of indigenous cosmology—as an element of resistance in the empowerment struggle of indigenous women. [Hernández Castillo \(2005\)](#) cites several cases of organized women integrating into their political struggles elements of their cosmology that revolve around the ideal of complementarity between men and women. Women use this notion of complementarity both as a utopian horizon and as a means to reclaim their indigenous identity by localizing the hegemonic discourse of equality between men and women. The emphasis on complementarity is thus not an attempt to present an idealized version of their own culture, as much as it is a means to contest the ways in which indigenous men are reproducing the power relations of the colonizer and abandoning the principle of duality inherent in indigenous culture.

### **Kaqla's work in practice**

Above we argued that human rights can only become effective if they are considered relevant and legitimate by local rights holders and if rights holders have a sense of entitlement to their rights ([Pantazidou 2013](#)). In this section, we explore how Kaqla operationalizes a HRBA and how it seeks to reconcile transnational understandings with local rights holders' realities. This effort seeks to offer women voice and agency in their empowerment process. When the women of Kaqla for example seek to improve women's access to legal instruments, they do this through an approach which explores what keeps women from seeing themselves as rights holders in the first place, and encourage women to re-negotiate oppressive elements of their own identity. In doing so, Kaqla goes beyond a legalistic understanding of human rights activism and proposes a more actor-centred approach rooted in indigenous culture.

As an organization, Kaqla is engaged in three kinds of activities: healing (*sanación*), political reflection and transformation, and systematization of social projects (see below). Because Kaqla was established in the immediate post-conflict period and many women experienced extreme violence, most attention goes to the component of personal healing and transformation. Despite this focus on personal healing, Kaqla defines itself as a social movement and as a community-based organization, because it also has a focus on social transformation, political analysis and women's rights ([Kaqla 2007](#)). The personal healing process is, in other words, seen as inextricably linked to activism in the public domain. Kaqla insists that both personal healing and political reflection are needed for women to understand their rights in a way that makes sense to them. As one of McVicar's interviewees argued ([McVicar and Foroughi 2013](#)):

We knew our rights and what inequality is, but our heart and head have different ways of being . . . I knew that wearing my *traje*<sup>3</sup> was a right, but I

3 *Traje* refers to the traditional garment of indigenous Mayan women.

was still afraid and too rational [to start wearing it] . . . I started wearing my *traje* once every part of body, my centre, felt like I could do it.

Kaqla's first goal regarding women's rights is to empower women to claim their rights. This is what inspires the work in the field of *sanación*. Kaqla has three types of programmes in this field.

Firstly, it seeks to offer psychosocial assistance to women in a way which does not rely on linear narratives. As one facilitator explained:

During the transition women have often been forced to tell their stories in a way that made sense to the international organization in order to gain access to legal mechanisms for redress. Many women felt frustrated and saw this as an inadequate means to work through the trauma . . . some women felt upset that they had to come up with a coherent narrative before being granted access to justice. Their stories are not linear narratives . . . Here we want to show women other means to work through their experience, we want to show them that there are other ways to access their rights. (Guatemala City, 9 February 2011)

In practice, workshops revolving around psychosocial assistance seek to increase women's self-esteem and to have them experiment with alternative social roles to become more aware of their own place in society. These workshops for example take the form of a 'theatre of the oppressed', where women are allocated roles and impersonate these to experience how it feels to take up a different societal position and to be exposed to different degrees of oppression and of access to rights. In other exercises, women are asked to—literally—walk a mile in the shoes of another person who has a different place in society, and, again, to feel how this affects them in terms of how they see themselves, how they interact with others, and how empowered they feel. Other sessions use creative arts therapy and invite women to draw or paint on the issue of their rights, or to express their feelings about this through music or singing. As one participant explained:

What we develop here is a form of *senti-pensar*, a new way of thinking, which revolves around our own experience . . . This is important for me, because I am the one creating this. I have a voice in deciding how I want to deal with the structures which oppress me. (Guatemala City, 28 February 2011)

Throughout, the focus is on how women have internalized their oppression. As several interviewees argued, this helped them both to work on low levels of self-esteem and at the same time to understand the impact of oppression and of the non-realization of their rights. This, according to these participants, motivated them to think critically about which rights they wanted to realize, what this meant for them, and what would be the best way of achieving this.

Secondly, Kaqla's healing work focuses on women's bodily experience, because this increases women's self-awareness and helps them to work through negative experiences. The body is seen as a site which stores memories of oppression. In workshops women are invited to work through these, in order to increase their self-esteem and to come to see themselves as actors with a 'right to rights' (Pantazidou 2013). Women are, for example, invited to simply observe themselves in a mirror, because, as one facilitator argued:

To know their bodies is to know themselves. If a woman can manage to learn to accept her body, this is a first step to accept herself . . . It's a matter of breaking with deeply engrained patterns. Only just looking at their bodies is something which was nearly impossible for many women. (Guatemala City, 23 May 2010)

Alongside this, women also participate in movement therapy workshops which aim not only to increase self-awareness, but also to work with the positive emotions of joyfulness and playfulness, as a way towards empowerment. As one of the participants explained:

Throughout my life, I have never heard the message that my body is worth appreciating and is valuable; it has always been a source of trouble. . . . Moving together with other women showed me how strong we are, that I can do things which I never thought were within my reach. (Guatemala City, 22 May 2010)

In reflections following these body-based exercises, Kaqla uses this positive experience and the positive self-image to discuss women's self-esteem, and to underline that, as women, they have certain rights which they can access. Working on women's self-esteem is thus considered a precondition for a rights discourse to become meaningful. While several techniques which the organization uses—such as yoga, reiki, body-based work, theatre workshops, respiration exercises or therapeutic massage—have their roots in other cultures, the women of Kaqla also seek to restore the value of their own healing traditions and Mayan cosmology and to use this as an inspiration in their daily work.

This is third way in which Kaqla works in the field of healing, through Mayan spirituality. Almost all sessions incorporate elements from indigenous cosmology, such as cleansing rituals towards the end of a session. These rituals are aimed at integrating experiences into women's daily lives. The emphasis on Mayan belief systems as a vector for women's emancipation was seen by participants as a means to acknowledge and reclaim aspects of their daily lives which had been devalued throughout their history. Being able to express and build on this belief system was seen as a crucial element in the realization of their rights for these women. As one of the facilitators explained:

The way in which we incorporate spirituality gives women a chance to link their personal change and insights to the values which exist in their family, their community and their culture. (Guatemala City, 5 May 2010)

The link between personal change, culture and rights is also addressed during group discussions following the healing exercise. This is when women link their personal insights back to their role in society, and when facilitators invite participants to see personal issues as social issues. During group discussions, participants also explore how their process of personal transformation can inspire processes of societal transformation, and how this is related to their culture and ethnicity.

As a Kaqla facilitator argued, personal healing and reclaiming indigenous traditions were an integral part of the work on women's rights. What makes this methodology different from conventional human rights-based approaches is the interweaving of the existing legalistic discourse on human rights with a discourse of healing, direct experience and spirituality. Kaqla argues that only through a direct and encompassing understanding of their rights will women be able to understand the importance of those rights in their own lives (Kaqla 2008). This more direct understanding of rights can only be facilitated through a new type of activism on women's rights which better expresses the experiences of these women (Kaqla 2007). Kaqla therefore created a forum which would allow for reflection on various forms of oppression and on the legal instruments needed to deal with these. This way the healing work also feeds back into Kaqla's second domain of action, namely political reflection and transformation. The deconstruction of the universal language of women's rights became an integral part of Kaqla's work, because this language, according to facilitators, did not reflect the realities of women. The organization aims to facilitate a new way of thinking about women's—and indigenous—rights from the bottom-up, by encouraging women to explore different interpretations of women's rights and to create meaning on the basis of their own experience (Chirix 2003: 35). As one of the interviewees argued:

Our own approach too can be authoritarian... and our activism can be irresponsible if we act with the language and symbols passed on to us by the oppressor. For that reason, it is crucial to go back to our deepest selves to discover a new vocabulary and approach which is more suitable. (Guatemala City, 28 January 2011)

This led to new understandings of women's rights which acknowledge the—personal and shared—history, practices and culture of Mayan women, and which are more complex and multilayered (Méndez 2010: 9). In the next section we discuss some key elements of this local understanding in more detail.

### Reconciling the equality and complementarity discourses

In the previous section we showed that Kaqla engages with the rights discourse in a progressive manner, namely by foregrounding personal healing and the revaluing of indigenous cosmology as a precondition for access to rights. On the basis of its psychosocial work with indigenous women, Kaqla also proposes a new understanding of what human rights mean for these women. Such an understanding of the meaning of rights based on the realities of rights holders can transform the normative parameters of the human rights debate and shed light on some classic—alleged—dichotomies of human rights (Nyamu-Musembi 2002). Nyamu-Musembi illustrated that both the debate on universality versus cultural relativism and that on individual versus group rights can be reframed on the basis of actor-oriented approaches. Actor-oriented perspectives on human rights argue that these are false dichotomies and seek to reconcile both positions by taking into account particular social contexts and by adopting the perspective of people situated within the reality of a complex web of relationships.<sup>4</sup>

We argue that Kaqla reveals another alleged dichotomy of the human rights, and specifically the women's rights, debate, which actor-centred perspectives of human rights can shed light on, namely that of equality versus complementarity. Kaqla shows that, despite a tension between these notions (see above), there is no permanent contradiction between them, and proposes an understanding of women's rights that explicitly relies on the idea of complementarity. Complementarity between men and women lies at the heart of Mayan cosmology. According to Estela, complementarity is also a framework for interpreting gender:

Speaking about a gender perspective is speaking about the indigenous concept of duality, according to which the whole universe works in terms of opposites—heaven and earth, happiness and sadness, day and night—which complement each other and cannot exist independently... Everything works in terms of duality, including of course men and women. (Estela, indigenous woman, cited in Calixta 2004)<sup>5</sup>

4 For a discussion of the other debates, see Nyamu-Musembi 2002.

5 Kaqla uses the frame of complementarity between men and women as an ideal to strive for, rather than a reality they experience in everyday life. However, some feminist academics have been particularly critical of this discourse, pointing out that some factions of the Latin American indigenous movement have used the concept of complementarity to make an idealized representation of their cultures and societies, thus denying the power relations that exist between the sexes. However, from another perspective, indigenous women are reclaiming the concept of complementarity to question and contest the way in which indigenous men are reproducing the power relations of the colonizer and abandoning the principle of duality of the Mesoamerican cultures (Hernández Castillo 2005). We discuss Kaqla's multilayered response to this critique below.

Through its focus on complementarity, Kaqla questions the limits of a discourse on women's rights which presupposes equality between men and women.

An-Na'im and Henkin (2000) argue that seemingly contradictory discourses—such as religious discourses and transnational human rights discourses—can indeed be reconciled in a culturally relevant manner, if both are considered as normative and institutional frameworks, and if creative ways of interpreting both are developed. Kaqla seeks this reconciliation of the logic of equality (which underlies mainstream understandings of women's rights) with the logic of complementarity (which lies at the heart of Mayan cosmology) by reinterpreting both discourses on the basis of its psychosocial work.

The decision to tackle the issue of women's rights from the angle of complementarity is based on this psychosocial work, and especially on the group discussions which followed workshops. During these reflections, facilitators discussed women's personal process in light of social structures. When introducing the issue of rights, however, there seemed initially to be little which women could relate to. As one interviewee indicated, facilitators started to assume that women struggled with the notion of rights, because of the implicit notion of equality between men and women. As one interviewee suggested, this was indeed the case:

It felt odd to me to speak of rights, for several reasons . . . I also felt a very visceral dislike towards the idea that we are all the same. . . . Women were always supposed to adapt. If we wanted to join guerrilla forces during conflict, we had to cut our braids and lay down our *traje*, like men. During the aftermath, we were also not treated the way we should have been treated. Now we want to be treated for who we are, indigenous women. I have many identities. I know that, but this is the most important one to me, and as an indigenous woman, I have the right to define my own identity in a way that makes sense for me and for my culture. This is what speaking of rights means to me, that I have the freedom to be who I am, and to defend my culture. (Guatemala City, 21 February 2011)

Since complementarity is considered a fundamental part of their identity for these women, Kaqla started to experiment with this in their reflections on women's rights. During these discussions, it also became clear, however, that this would not just be a matter of understanding women's rights through the lens of complementarity, but also of revisiting the notion of complementarity through the lens of human rights. Kaqla is thus, on the one hand, turning to Mayan belief systems to enrich the discourse on women's human rights, and, on the other hand, using the legitimacy of the women's rights discourse to imbue existing Mayan rituals and practices with new or alternative meanings which support women's emancipation process. In their workshops, they try to

do this by focusing on women's actual experiences. During one of the theatre workshops, women were for example asked to play a traditional feminine role, but to incorporate one element typically ascribed to men that they would like to have. First there was a discussion of what they saw as typically male characteristics. After some hesitation, a woman who was playing a midwife in this exercise decided to incorporate the wit of the Hero Twins into her role.<sup>6</sup> Afterwards she explained:

I came to understand that it's not about men and women but about male and female identities. I can also have parts of a male identity in me as a woman. This is something which is not really present in our culture to be honest, that we can play with these identities. But here we can, and we feel that they are equally valuable. . . . I still believe the difference and the complementarity between men and women is important, but it's more complex than what we see in our everyday life. (Guatemala City, 10 June 2010)

The women of Kaqla thus seek to develop a complex and multilayered discourse which values complementarity, while at the same time offering women tools to deviate from common understandings of complementarity, and to reflect on the notion of equality or equivalence. And it seeks to integrate this nuanced understanding of complementarity into the discourse of women's rights to allow for a more culturally embedded rights understanding (Marcos 2009: 43).

Kaqla's work is thus not about finding an alternative for the existing human rights discourse, but rather about the search for interfaces. How, for example, can the equality discourse challenge paternalistic interpretations of complementarity which disadvantage women? Women's role in agricultural processes, for example, is that of selecting and preserving seeds. In practice this role is often considered with less regard because it does not involve the physical labour which is required to plant and harvest seeds—a man's role in traditional cosmology. Kaqla reflects on these traditional roles and uses the equality discourse to restore the value of women's role and to stress the inter-relatedness of both roles. Facilitators argue that renegotiating the meanings of existing identities can be more empowering than asking women to abandon these identities. As one of the facilitators argued:

This is what most of our participants know best, this is their reality. How could we even speak of emancipation if we first ask women to forsake everything they know, everything they are? How could we expect that that would lead to social change? We use the roles they know, the frames they know, the rituals they know, their experiences,

6 The Twin Myth is a classical K'iche myth of the Popol Vuh regarding two brothers who later became the sun and the moon.

and we move from there to the issue of rights, not the other way around. (Guatemala City, 9 February 2011)

Kaqla thus interprets the discourse on women's rights on the basis of women's own realities, thereby making it more concrete and recognizable (Mendoza 2007). During one of the group reflections, a facilitator addressed the issue of the right to land and tenure as follows:

Our relation with the land is different from our men's relation with the land. We know well enough that we cannot cultivate the land without our men. We have a shared responsibility for the land, not just as men and women, but as communities. (Guatemala City, 22 May 2010)

A participant spontaneously interrupted the facilitator at this point, interjecting:

But shared responsibility also means shared rights. . . . There is no reason why our right to use land would be any less than that of any others, even if our relation with it is different. (Guatemala City, 22 May 2010)

This way, women often spontaneously expressed an emancipated assessment of their position, which, moreover, linked their own frames of reference and their own experience to the issue of rights. Kaqla's approach based on healing and cosmology can therefore be seen as a remedy to the ventriloquism of many emancipation programmes today (Méndez 2010). Interviewees indicated that they had a high degree of agency over their own emancipation process and felt more involved than in other organizations. By taking agency in their own lives, from their own points of view, as individuals, as women and as indigenous people, the women of Kaqla gain a firmer sense of ownership over their individual and collective empowerment process, as well as providing input on the way in which rights matter in their own lives (Fulchirone 2009: 371). As some interviewees argued, their participation in Kaqla's workshops also meant that they came to see recourse to legal instruments as a viable option, because they no longer felt a disconnection between the classic discourse of women's rights and the actual experiences of indigenous women, and therefore identified with this discourse.

In sum, the notion of complementarity has rendered the rights discourse more locally relevant, but also has a theoretical relevance in the sense that it reframes the classic dichotomy between equality and complementarity as an integrated framework of two notions which can both further women's rights in practice.

### Sharing new content with other actors

Through its approach, Kaqla has been particularly successful in creating '*contenidos situados*' (locally embedded content). The organization has taken the existing frame of women's human rights, but translated this to women's realities by referring to Mayan spirituality and, specifically, to gender



complementarity (Pessar 2001). This can also enrich and expand the traditional discourse on women's rights, which is currently pinned on equality between men and women. Kaqla is thus creating content which is useful for rethinking the meaning of human rights norms and practices beyond the confines of its own working programme (Bercian 2004).

To have an impact beyond its immediate participants though, mechanisms and tools for sharing input have to be in place. This is Kaqla's third working axis (see above). An analysis of Kaqla's network shows that the organization has created several mechanisms for exchanging experiences at different levels. The first way in which Kaqla seeks to generate a multiplier effect is by working with women who are also members of other community-based organizations. During the Kaqla workshops these women discuss how they can apply newly developed discourses and frames in other settings, and they are assisted in setting up specific awareness-raising programmes on women's rights in their own communities (Sieder and MacLeod 2009: 9).

In addition to this, Kaqla regularly publishes volumes that are a systematization of its work. These volumes are written in Spanish and have an appealing layout, so as to speak to a national audience. The volumes are critical reflections on Mayan culture, as well as on imported concepts. These publications are one of the most obvious indications that Kaqla aims to share the results of its conceptual work on women's rights and that it is actively trying to initiate a societal debate about what constitutes women's rights. Kaqla's second book, for example, proposed a new and alternative interpretation of women's rights, which uses the framework of complementarity, and links several claims from the transnational women's rights discourse to this existing frame. Because of Kaqla's innovative approach and views, some debate followed the publication of the book, during which some indigenous leaders took an ambivalent attitude towards this approach, because—even though Kaqla fostered a renewed ethnic awareness—it challenged several aspects of Mayan tradition which are disadvantageous for women, and revisited these on the basis of the transnational discourse of women's rights. This was implicitly challenging the dominant position of men in society (interview with senior staff member, 28 February 2011).

Alongside these efforts to share their work with a broad audience at the community level and at the national level, Kaqla is also part of several indigenous and women's networks for Latin America and the Caribbean, such as the *Centro de Investigación y Acción de las Mujeres Latinoamericanas* (Centre for Investigation and Action of Latin American Women, CIAM), the Central American Women's Network (CAWN) and the *Marcha Mundial de las Mujeres* (Worldwide March of Women, MMM). Through these networks, it participates in online platforms and meetings and maintains contacts with counterparts in other countries. In addition, networks are a way to coordinate their activities, share expertise regarding their experience-based work, and learn from other actors who are involved in the same type of work. Recently,

for example, Kaqla participated in an exchange on identities and discrimination with partners from the CAWN network from Bolivia and Brazil and shared experiences on its healing work through the Latina America Cooperative.

Interestingly, Kaqla's participation in networks and debates at the local, national and regional level are not accompanied by an equally broad attention for its conceptual work in communication with international donors. Avenues for communication with donors exist in the form of sporadic visits, regular email contact, and the submission of yearly reports. Yet, Kaqla does not extensively use these mechanisms to share information regarding its innovative approach or regarding the results of this approach with regard to their conceptual work on women's rights. As one interviewee even argued, much of this work was purposefully carried out away from the eye of their donors, in order not to create the impression that facilitators might not be working along the established lines (interview with former senior staff member, 11 February 2011). The perception that its conceptual work will be considered irrelevant by donors means that Kaqla does not usually make use of the existing mechanisms for access, and that, therefore, the scope for international donors to learn from the grassroots level is limited. Several strands of literature describe how common it is for NGOs to adopt a similar strategy and not discuss the premise of funding (e.g. [Biekart et al. 2004](#)). Kaqla's strategy of non-communication on this issue remains remarkable nevertheless, because a HRBA has been part of its programme from the outset and because facilitators argue that the organization does not accept conditional funding and has a very good and open relation with its financial donors.

The choice by Kaqla to limit communication on its conceptual work regarding women's human rights can therefore be seen as grounded in perception. While formal communication mechanisms are in place, facilitators have the idea that international donors are not interested in certain issues. That perception seems decisive in explaining why upstreaming is not taking place, more so than the actual issue of access, which is commonly cited as an impediment to policy influencing.<sup>7</sup> Since the women of Kaqla believe that international donors would not be interested in what they have to say in terms of how they conceptualize women's human rights, Kaqla does not set up any forums or draft any reports on this issue, and does not attempt to feed its norms back into the programme of its international counterparts. The perception of lack of interest on the side of local actors in practice means that international donors—who also formally adopt a HRBA—are unlikely to obtain substantial input regarding human rights norms or what these mean for rights holders. Thus, whether or not formal communication mechanisms are in place, and whether or not there are any actual attempts by their international donors to learn from Kaqla's process of reconceptualization, is secondary to the perception of Kaqla staff that there was no interest in learning from the

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7 See e.g. [Bouwen \(2002\)](#) on access and influence.

bottom up with regard to human rights norms, which inspired them not to use upstreaming communication mechanisms for that purpose.<sup>8</sup>

This is relevant information for donors, because it indicates that upstreaming of local information depends not only on the existence of formal mechanisms, but also on how the local actor perceives these mechanisms and its counterparts in general. In this case, there is an actor that explicitly adopts—and renegotiates—a rights discourse and there are ample mechanisms available to it for sharing information, such as its work with community leaders, the publication of research volumes, the regional networks of which it is part, and the communication lines with donors. However, only those mechanisms with partners at the horizontal or downstream level are tapped into by Kaqla. The upstream ones are left largely unexplored. This raises questions about the ways in which we think about access, but also about our understanding of networks versus hierarchical relations. Increasingly the relations between donors and local NGOs or community-based organizations are conceptualized as a networked relation of equals. This idea represents an ideal of, for example, critical legal studies, but is not per se reflective of reality on the ground. This case suggests that local organizations still demonstrate an inclination to only share the kind of information with donors that does not challenge their funding, even if they allegedly have good relations and see themselves as part of a global human rights movement. This challenges the potential for learning from the grass roots, in programmatic terms as well as in terms of conceptual issues, and it makes it difficult to revise the current transnational human rights norms on the basis of input from below.

### Concluding remarks

In this article we used the case of Kaqla to explore how local actors can use transnational human rights discourses in an innovative way, both in terms of how they work in practice and in terms of how they interpret human rights norms on the basis of this work. Kaqla mainstreams the human rights discourse in its healing workshops and, in doing so, invites women to propose genuinely personal interpretations of what the notion of women's rights means in their lives. In these workshops, facilitators use different methods in order to reflect the personal, social and cultural reality in which these women live. Experience-based and body-based work are complemented with a focus on Mayan spirituality to arrive at a direct understanding of the classic discourse on women's rights.

This understanding foregrounds the notion of complementarity, and presents it as an addition to the standard interpretation of women's rights which is often pinned on the notion of equality. During workshops women explore

8 This is not to say that there are absolutely no ways for international donors to learn from actors on the ground. They have access to the research volumes and could choose to consult these. The argument here is that Kaqla does not itself seek to upstream its conceptual work.

how these two seemingly antagonistic discourses can be mutually reinforcing. It is argued that both frames can be reconciled by working on the basis of women's actual experiences. Kaqla's work thus expands the terms of one of the classic debates in the field of human rights. Looking at this from an actor-centred perspective allows us to understand this alleged dichotomy in a more integral manner. Kaqla's work therefore has a practical as well as a theoretical relevance.

Despite the relevance of Kaqla's work for transnational human rights norms and debates, our fieldwork suggests that it is unlikely to see a direct influence because the organization is not currently using the mechanisms which it has at its disposal to upstream the outcome of its conceptual work to its international partners. The organization is particularly active in other kinds of networks at other levels. At the community level, the national level and the regional level, the organization is a member of several networks and engages extensively in the debate about women's rights. This means that its insights have the potential to affect women's rights norms beyond its immediate participants, via communication with partners at the same or downstream level. This is not the case for partners at the upstream level though, and the absence of communication on conceptual issues with transnational actors warns us against seeing development or human rights cooperation as a relation between equals *per se*. The choices of Kaqla suggest that, at an organizational level, the women of Kaqla are still struggling with the issue which they are working on with women at an individual level, namely the idea that they are entitled to have a voice in the human rights debate. Horizontal networks and hierarchical structures exist in parallel in this case, and Kaqla is part of both, but behaves differently in both, expressing less agency and voice in the latter setting. Its international donors continue to be perceived as 'superiors' despite good working relations and are not included in forums for learning lessons. This challenges the potential for learning from the bottom up. For transnational human rights norm-setters to overcome this deadlock and tap into the content which is created at the local level, a more conscious strategy regarding the—perception of—formal mechanisms for communication and regarding partnership strategies is required that seeks to empower local organizations to have their voice heard.

The descriptive component of this article showed that new ways of operationalizing rights discourses are developed and that new content is arising on the basis of them, but that, despite the existence of formal communication mechanisms, there is only limited conscious upstreaming of conceptual information due to the local actor's perceptions that there is a lack of interest. In order to overcome this, a different kind of engagement with local human rights organizations is required.

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