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Jawil, Land, and Relationality: The Cucapáh Indigenous Peoples' Political Thought and Self-Determination

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The Dissertation of Fernando David Márquez Duarte is approved:

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ABSTRACT OF THE DISSERTATION

Jawil, Land, and Relationality: The Cucapáh Indigenous Peoples' Political Thought and Self-Determination

by

Fernando David Márquez Duarte

Doctor of Philosophy, Graduate Program in Political Science
University of California, Riverside, December 2024
Prof. Farah Godrej, Chairperson

The goal of this project is to understand the Cucapáh Indigenous group's understanding of what the land is and how is their relationship with the land. This study is based on exploring the daily practices, rituals, and language, along with the political struggles for fishing rights, communal land possession, and self-determination of the Cucapáh Indigenous group in Baja California, México, located in three rural communities of the municipality of Mexicali. This dissertation is a qualitative study, with a grounded theory method, from an interpretive approach. I have used the instruments of semi-structured in-depth interviews, participant observation, and place-based methodologies in my fieldwork. Moreover, I conducted archival research in libraries in Mexicali, México and with documents that some Cucapáh families gave me access to in-person. I also had access to documents digitally through the San Diego History Center archive.

The main finding of this research project is how the Cucapáh understand what the land is, and how they relate to the land, namely, to their river and hills. The Cucapáh understand the land as their river and the natural elements that allow them to interact and constantly relate to their river as a whole. This includes the Colorado river, the Hardy river (Colorado tributary), the Cucapáh mountain range that allows them to constantly relate to the river, and the fish and other species that interact with the river and survive based on the river, including plants. This conception of the land is not about a fixed patch of soil, but rather the space that allows them to be and interact with their river. Moreover, the Cucapáh rely on relationality and reciprocity to understand and interact with the land.

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CHAPTER 1 Auka: Introduction to the dissertation

1.1 Introduction

The Cucapáh Indigenous group has lived for over a thousand years around the Delta and riverbanks of the Colorado River. To learn about their thoughts, ideas, and life experiences is important, because they can shed light on perspectives and answers that can make us rethink some central ideas to life, such as what we understand as the land.

Before going to the field, and during my exploratory stage of the fieldwork (I conducted my fieldwork during two stages) my main research question was: How do Cucapáh Indigenous peoples think about "good living" and how is that manifested in their daily life? (With a specific focus on their relationship with the river, and fishing, as well as with their way of exercising Indigenous democracy).

However, during my fieldwork, by listening and learning from the Cucapáh people that I interviewed, I realized that the question of what good living or a good life is, wasn't as crucial for them as I thought. I learned more about their cosmovision, thought, and life experiences with other issues that they brought and with other questions. I realized that I was trying to impose a language and a question that didn't make much sense to them, opening my horizon to find my real question, and thus, my real argument. I was disciplined by my Cucapáh interviewees, then, I realized that a salient discussion was about the land and how they interact with the land.

My main question then turned to the following: How do the Cucapáh understand "the land" and how is the relationship to their land?

To answer this question, my research objectives were: One, to learn -through their cosmovision stories and oral stories in general, their life experiences, their reflections, and their river and lands- about how they have survived through constant processes of colonial oppression. A second one, to analyze the decision-making processes of the Cucapáh Indigenous group, and what are the dynamics of their interactions, within their communities and with foreigners. This is clearly intertwined with the first one, because decision-making processes are a crucial part of the political, cultural, economic and social life of any group, and they influence how a group envisions life. A common element of the analysis of these two objectives is to analyze the conflicts of the community and the multivocality of their thought, including similarities and differences between their ideas. A third objective, related to the previous ones, is to study the main struggles of the Cucapáh as a group, mainly fishing rights in their river (Colorado river and Hardy river) and communal land possession, which are related to their struggle for self-determination, and how these struggles inform their thought and vice versa. A final objective is to understand the role of the Cucapáh endangered language in their struggles and thought, especially considering the critical situation that their language suffers currently.

1.1.1 Provisional hunches[1]

Through the exploratory phase of my fieldwork, I came up with provisional hunches, based on the research objectives, that help me to respond to the research question. These hunches guided me through the second stage of my fieldwork: The Cucapáh have a relation to the land through their river, more than with the soil. Their river is central to their cosmovision and existence. They envision life in a collective sense, rather than an individual one; however, there is a disconnection between the younger and older generations of Cucapáh. Their struggle for fishing rights is their struggle for self-determination because fishing is more than just a productive activity for them; it is the main way of relating to their river. Moreover, they have various different decision-making processes, depending on the dimension (land issues, community issues, and cultural issues). Finally, the Cucapáh language is an extremely endangered language, with only one speaker recognized by everyone in Baja California as a fluent speaker. The Cucapáh people interviewed, even if not fluent in the Cucapáh language, identify Margarita as the only fluent speaker because they have known here since they were children, and they saw how she spoke with their parents and grandparents in the Cucapáh language, who were indeed fluent in the language. However, the symbolic uses of the language are relevant to some aspects of their decision-

[1] Since my research is not deductive, but abductive, using grounded theory and interpretive methods, instead of presenting hypotheses, I present flexible and iterative provisional hunches that were shaped through my exploratory interactions in the field and engagement with literature.

making. Moreover, the construction of certain words and ideas in their language is considered to inform their cosmovision.

1.2 Land and relationality: theoretical preview

The goal of this project is to understand the Cucapáh Indigenous group's understanding of what the land is and how is their relationship with the land. The title of the research project begins with *Jawil*; a word in Cucapáh language that refers both to fishing as a verb and as a noun. Based on the exploratory stage of my fieldwork in the community, I understood that fishing is a central part of the practices and cosmovision of this community, thus, it became a central tenet of my research for the second stage of fieldwork. This study is based on exploring their daily practices, rituals, and language, along with their political struggles for fishing rights, communal land possession, and self-determination.

The main finding of this research project is how the Cucapáh understand what the land is, and how they relate to the land, namely, to their river and hills. The Cucapáh understand the land as their river and the natural elements that allow them to interact and constantly relate to their river as a whole. This includes the Colorado river, the Hardy river (Colorado tributary), the Cucapáh mountain range that allows them to constantly relate to the river, and the fish and other species that interact with the river and survive based on the river, including plants. This conception of the land is not about a fixed patch of soil, but rather the space that allows them to be and interact with their river. The space is not fixed because the river course and flow have changed, thus their land space has changed. Moreover, the

Cucapáh rely on relationality and reciprocity to understand and interact with the land. They don't conceive of the river and/or hills as things or natural resources; they don't see them as deities either, nor do they seek to speak for them. But rather, they have a relationship with them, based on interaction, in giving to receive. This is an important finding because it brings a different understanding of the relationship to land for Indigenous peoples, compared to previous scholarly works about or with Indigenous groups.

The importance of understanding the land intertwined with relationality has been posited by Indigenous scholars before. I specially build on the arguments made by Glen Coulthard (Yellowknives Dené Indigenous scholar) and by Leanne Betasamosake Simpson (Michi Saagiig Nishnaabeg Indigenous scholar).

For Coulthard, the land is not only understood in a material sense, but rather a system of relations: "…not only for land in the material sense, but also deeply informed by what the land as system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms" (Coulthard, 2014, p. 13). Furthermore, he elaborates and argues that the land is the foundation for Indigenous decolonial thought and practice, presenting the idea of grounded normativity: "I call this place-based foundation of Indigenous decolonial thought and practice grounded normativity, by which I mean the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure our ethical engagements with the world and our relationships with human and nonhumans" (p.13).

Coulthard bases his discussion about the land on the translation of “land” from the Indigenous language of his community into English, which informs his proposal of grounded normativity: “In the Weledeh dialect of Dogrib (which is my community’s language), for example, “land” (or *dè*) is translated in relational terms as that which encompasses not only the land (understood here as material), but also people and animals, rocks and trees, lakes and rivers, and so on” (p.60). He interprets this understanding of the land as a foundation for relationality between Indigenous peoples and what they understand as the land: “Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes... And if these obligations were met, then the land, animals, plants, and lakes would reciprocate and meet their obligations to humans, thus ensuring the survival and well-being of all over time” (p.61).

Coulthard’s conception of the land is both in the material, tangible sense, and as a space where relationships are conducted, where obligations have to be met to ensure survival, focusing on land-based practices centered in traditional activities like agriculture, hunting, foraging, etc. That is Coulthard’s base for relationality: land-centered practices, obligations, and a physical space. This is an important base for my research, since for the Cucapáh the idea of the land is based on relationality and land-centered practices, but the understanding of the land is different than Coulthard’s. The Cucapáh understand the land as the space that allows them to interact in relationality with their river and hills. Their land understanding is a shifting space, not a fixed one: if the river moves its course, their land moves with their river. This is also manifested in their relationship with the hills, since they were semi-nomadic, they moved from season to season throughout the riverbanks and hills,

so their understanding of what physical space encompasses their land is a flexible one. It is a land that allows them to have that constant relationship and interactions with the river and hills. Moreover, the Cucapáh understand the land as a living entity, which is interpreted differently than a space for relationships to happen.

On the other hand, Leanne Betasamosake Simpson discusses the following about the land from her own, and her Indigenous group's perspective:

> We call our nation "Kina Gchi Nishnaabeg-ogamig— the place where we all live and work together."…Michi Saagiig means "at the mouth of the rivers," and that name comes from our history as people that spent time at the mouths of the rivers draining into Lake Ontario. We are travelers, moving throughout our lands rather than settling in one place. (Simpson, 2017, p. 2)

Moreover, she elaborates on the relationship between the land and relationality:

> Our nationhood is based on the idea that the earth gives and sustains all life, that "natural resources" are not "natural resources" at all, but gifts from *Aki*, the land. Our nationhood is based on the foundational concept that we should give up what we can to support the integrity of our homelands for the coming generations. We should give more than we take. It is nationhood based on a series of radiating responsibilities. (p.8-9)

Simpson also argues that she experienced grounded normativity with her elders: "…my experience with the Elders of Long Lake #58 was my first substantive experience of *Nishnaabewin*, or what Dené political theorist Glen Coulthard…calls "grounded normativity," ethical frameworks generated by these place-based practices and associated knowledges" (p.22).

Simpson's arguments about land and relationality also serve as a foundation for my research, together with Coulthard's arguments. Simpson also argues that the land is that space where life and work happens, where interactions happen. She also understands that

Aki, the land, gifts elements to humans to survive, and it is important to give back so *Aki* keeps gifting elements for future generations to survive.

While Coulthard's understanding about the land is a strong foundation for my research, Simpson's understanding of how relationality is constructed is also a strong foundation for my research. However, there is a nuance or difference between these scholars' ideas and the Cucapáh thought about the land and relationality, as discussed earlier: the understanding of the land as a relational, shifting space, not as a fixed space, and also the understanding of the land as a living entity, manifested with the river and hills. Namely, I argue that for the Cucapáh, the space that allows them to interact constantly with their river and hills, is their land. If the river's flow and course changes, their land changes. The link between the land and relationality for the Cucapáh has an inverse order than the link described by Coulthard and Simpson. For Coulthard and Simpson, first comes the land, then relationality. For the Cucapáh, it is the relationality with the river and hills that creates their understanding of the land.

Other scholarly works about different Indigenous groups and their relationship with the land are useful to identify the uniqueness of this research project. Studies about the Quechua Indigenous group, the Yurumanguí river communities, the Aymara, the Rarámuri, and the Wayapi, Juruna, Araweté Indigenous groups (Cabnal, 2010; Escobar, 2016; Gudynas, 2016; Loera-González, 2016; Viveiros de Castro, 1998) discuss, respectively, that Indigenous peoples' harmonic relationship with the land is not exploitative, how they understand nature as a subject of rights, how the spiritual world and self-determination are

connected to the land, but they don't define what is "the land" for these groups or how specifically these groups interact with the land.

On the other hand, the studies about the Ayuujk, the Nahuas and the Xukuru Indigenous groups (Díaz Gómez, 2001; Neves Ordonio et al., 2022; Santiago, 2017) explain what is the land for these Indigenous groups, and consider the interactions in the land. But they understand the land as the soil, a delimited patch. These studies don't consider the river as the land, which is how the Cucapáh base their understanding of the land.

Finally, the studies of the Krenak and the Makah Indigenous groups (Krenak, 2019; Reid, 2015) are the closest to my research. They consider, respectively, the river and the sea as the base of their understanding of the land. However, the Krenak understand themselves as the head or guardians of the lands, speaking for the river, and the Makah understand the sea as their sovereign land, not as a living entity.

These conceptions of the land are different from the conception that I have interpreted from the Cucapáh. For the Cucapáh, the land is a living entity with which they interact, not as their guardian, but rather in a more horizontal conception. For the Cucapáh, relationality in the river manifests through fishing, without depleting the fish or other animals. In the hills, this manifests with the ancient Cucapáh living in them literally, as it can be seen in the cosmovision stories of the chasm and of the *Cerro Prieto*. I argue that this also refers to sacrificing something in exchange for something. Reciprocity. This is relevant not only to the Cucapáh, but to the Indigenous studies subfield in political science, and in interdisciplinary research of Indigenous studies. Throughout this thesis I will discuss and

sustain this argument: the relationality that the Cucapáh have with their river and hills informs their cosmovision and the way they live, thus, how they envision life and survival.

Moreover, I argue that this relationality explains why the Cucapáh keep struggling for their collective land ownership of their ancestral lands (where their hills are), and why they keep struggling for their fishing rights, instead of migrating or going out of their community to work in *maquiladoras* (a type of sweatshop, which is the main job sources in the northern border of México for people with no superior formal education), despite all the violence and oppression they have suffered and continue to suffer. Their fight for the river is not mainly focused on economic survival as it could be interpreted, because all Cucapáh are part of the struggle for their river, even if they aren't currently dedicated to fishing, or have never fished before.

Regarding the theoretical approaches that I use in my in-depth theoretical discussion (in chapter 2), my research project is interdisciplinary in nature, where Indigenous thought, Decoloniality, and Environmental political thought intertwine. Moreover, authors from both the west (both Indigenous and non-Indigenous) and the Global South, especially the Abya Yala[2] (both Indigenous and non-Indigenous) are discussed in this research, identifying their complementarities and differences, which fill an existing literature gap: Indigenous studies, Decolonial studies, and Environmental political thought studies from the west and from the Abya Yala tend to be disconnected, due to the academic culture,

[2] Abya Yala is a term created by the Guna/Puna indigenous group, which is in what is now Panamá and it can mean "land in maturity" and is used by several indigenous groups and decolonial authors to refer to Latin America (Del Valle, 2015).

language barrier, and coloniality of knowledge that marginalizes authors that are not from the west. This gap is manifested specifically in the topics of land and the relationship with the land that Indigenous peoples have, especially Indigenous groups of the Abya Yala that have been understudied, such as the Cucapáh. In this research this literature gap is also filled.

1.3 Methodological preview

This dissertation is a qualitative study, with a grounded theory method, from an interpretive approach. I have used the instruments of semi-structured in-depth interviews, participant observation, and place-based methodologies in my fieldwork. Moreover, I conducted archival research in libraries in Mexicali, México and with documents that some Cucapáh families gave me access to in-person. I also had access to documents digitally through the San Diego History Center archive.

It is relevant to highlight that I constructed my research from a bottom-up approach, using a grounded theory method. Opposite to positivistic, deductive methods, I went first to the field (in this case with the Cucapáh Indigenous community) in exploratory visits to build my objectives, research questions and provisional hunches.

In total, I conducted 42 semi-structured interviews. 31 of these interviews were conducted with Cucapáh interviewees, and 11 interviews were conducted with non-Indigenous scholars and activists that have worked with the Cucapáh. 38 interviews were conducted in-person and four (4) interviews were conducted through videocall (scholars that couldn't

meet in-person). Moreover, two field visits were conducted: one visit to the Cocopah Museum of the Somerton Cocopah Reservation in Arizona, US, and another one to the Colorado river conservation site "El Chausse" of the non-profit *Restauremos el Río Colorado*. Added to that, participant observation activities were conducted with the Cucapáh: 1 Fishing in the Hardy tributary of the Colorado River. 2 Walking the three sacred hills *Wi Shpá/Shpaj, Wi Jmú/Shmó, Wi Shkáp/Wishcap* (this participant observation was conducted during three different visits). Finally, I conducted several visits for my archival research to the following libraries, as well as with the archives shared by some Cucapáh interviewees: *Biblioteca Pública Central Estatal de Baja California, Biblioteca del Centro INAH Baja California, Biblioteca del Instituto de Investigaciones Culturales UABC*.

I use quotes from my interviewees throughout all the chapters of my thesis; since I understand my Cucapáh interviewees as political thinkers, their thought is the pillar of my research. I also use my reflections on the field visits in this first chapter, as well as in chapter two and five. I used the reflections and data from my participant observation activities to build my place-based methodology, which I explain in the methodological chapter (chapter five). Moreover, reflections on my participant observation activities are also discussed in chapter two. The information gathered through my archival research is discussed in this first chapter, as well as in chapters two and three.

1.4 Cucapáh Context

The Cucapáh Indigenous peoples have lived for over a thousand years in the Delta of the Colorado River (Bonada Chavarría, 2016). Archeological findings support this data:

> Proof of this is that in 2013 discoveries were made of camps with animal bones, ceramics, and iron oxide mining sites in the El Mayor mountains, dating from a period between 5000 BP and 400 AD. In this period, it is possible to speak of a "pre-Cucapáh" stage…The people who would later take the Cucapáh identity lived between the years 900 and 1000 in the region. (Bonada Chavarría, 2023, p. 33).

The Cucapáh Indigenous group is part of the family of the Yumanos, along with the Kumiai, Kiliwa, Pai pai, and Cochimí Indigenous groups, in what is now the state of Baja California (Garduño, 2015).

The Cucapáh Indigenous people in México, mostly, live in the community of *El Mayor Cucapáh*; a rural isolated community, with a population of approximately 180 people. It is located an hour from the city of Mexicali, on the highway between Mexicali and the coastal town of San Felipe. The community has extreme weather as it is located in a desert, with temperatures reaching 120-124 Fahrenheit during summer (especially during July) and 32-36 Fahrenheit during winter (especially during December and January). The community is characterized by a high level of social marginalization (Anglés Hernández, 2011). There are two other rural isolated communities where Cucapáh people live in Baja California: *Ejido Cucapáh Mestizo* with around 30 Cucapáh people and *Ejido El Indiviso* with around 40 Cucapáh people. It is worth highlighting that these two communities are not entirely Indigenous; most people living in these *Ejidos* are not Indigenous. These communities are 45 minutes and 1.5 hours driving from Mexicali, respectively. However, it is worth noting that there is also a Cucapáh community living in the US, recognized by the US government

as a Native tribe. The Cocopah (name in English) live in the reservation in Somerton, Arizona, having very sporadic contact with a few Cucapáh Indigenous individuals in México (Talamante Dominguez, 2014).

Moreover, the Cucapáh Indigenous language is considered as a language with a very high risk of disappearing (EFE, 2020), with only one person recognized by all Cucapáh I interviewed, as speaking the language fluently in the state of Baja California, in the Ejido Cucapáh Mestizo.

For the Cucapáh Indigenous group, their relationship with the river and fishing are central to their cosmovision and way of life (Navarro Smith, 2013). Even one of the translations of the word "Cucapáh" translates as "people of the river" (Bonada Chavarría, 2016). However, another of the translations according to Onésimo González, who was a traditional authority of the Cucapáh community for several decades, was different: "One of the translations of what Cucapáh means, according to what Onésimo told me, means "man who returns", because every year that the river came and flooded everything they had to go to the mountains and then return when the level of the river went down" (Cardona, A., personal interview, 2022).

The Cucapáh Indigenous peoples (as all the other Indigenous groups that are part of the Yumanos) didn't develop a written form of the language. Thus, their cosmovision and language have been transmitted only orally (Bonada Chavarría, 2016; Garduño, 2015). There are no ancient written sources, and only few written sources created after contact with the colonizers.

An important element of the context of the El Mayor Cucapáh community is that it has no unified authority. In June 2021 the traditional leader of the community, Inocencia González, passed away. It wasn't until late 2022 that a new traditional authority was named: Raquel Portillo Tambo, who, sadly, passed away in December 2023. During my field work, I could clearly identify three different groups and with the passing of the traditional authority, there is not one leader that is recognized by everyone. Moreover, according to scholars who have conducted research in the community, there are different "clans" that are not on good terms with each other (Muehlmann, 2008; Navarro Smith, 2013). Each clan has its own leader, thus, it wouldn't be wise for a researcher to be associated with a clan leader, because the other clans would not talk to you. For my research I did not reach any of these leaders, because I did not want to be associated with any group in particular. In that way, I could have access to people of different groups, and have different 'sides of the story', so to speak. Being seen as neutral in the community you conduct research and not being associated with a particular leader, as well as choosing neutral informants are important elements to consider when conducting fieldwork (Kawulich, 2005, p. 12,13). Moreover, the community has internal conflicts that have lasted for decades, as it is stated in exploratory interviews with scholars that have conducted fieldwork with the community, as well as with activists that have worked with the community: "The conflicts between the Cucapáh are conflicts with paltry results, endless fratricide conflicts" (Rivera, R., personal interview, 2023). "[It] is inevitable to be in the middle of conflicts, since I was with Hilda's fishing groups, it was impossible to talk to Juana and her group, and to Susana. Working with a group leader positions you in a

certain way in front of others" (Bravo, Y., personal interview, 2023). Due to this conflict situation, the issue of understanding and identifying the different groups and conflicts in the communities, as well as trying not to be associated with the leader of a specific group, is important.

1.4.1 Historical context

The Cucapáh people have historically been a semi-nomadic people, migrating from season to season, according to the flow of the river, living on the banks of the river most of the time and migrating to the mountain area when the water level of the river rose (Bonada Chavarría, 2016; Sánchez Ogás, 2001).

The Cucapáh people did not have constant interactions with Spaniards, but their constant interactions began in the nineteenth century with people from the US, and later with the Mexican state, although there were some sporadic contacts with Spaniards. The first written record of these contacts was in 1540, by the Spaniard Fernando Alarcón (Alvarez de Williams, 2004), and then in 1701 with Eusebio Kino (Sánchez Ramírez & Palacios Flores, 2010). Another contact with Spaniards was recorded in 1796, by José Joaquín de Arrillaga (Bonada Chavarría, 2016).

In the writings of the Spaniards mentioned, the land was fertile and the Cucapáh cultivated different fruits and vegetables, and they were also dedicated to fishing. The Spaniards also describe the clothing and accessories that the Cucapáh wore. These aspects are important to account for, since their natural and social environment has changed intensively,

especially with processes of dispossession and proletarization that will be discussed in the following pages.

From the second half of the XIX century, the Cucapáh began constant interactions with both private companies and the nation-states of the USA and México, but it was more intensely with companies from the USA. A central development in this period was the imposition of the US-México border as a consequence of the Mexican-US War. This began the fragmentation of the mother Cucapáh culture into three: Baja California, Sonora, and Arizona. This territorial fragmentation also encompassed a cultural and political fragmentation, and thus, affected the understanding of the land of the Cucapáh that were separated. The explorations and competition for control of the region led the Cucapáh of Arizona and Sonora to move away from the Colorado river, leaving the people of Baja California more attached to the river (Bonada Chavarría, 2023, p. 38). This period was characterized by the exploration and exploitation of plants and wildlife by foreign companies. The event that opened this cycle was the trip made by Lieutenant William Hardy to the Upper Gulf-Delta in 1826. He was searching for pearls, but instead he found an important population of beavers, therefore, he focused on the exploitation of beaver skins, a species that was highly valued in that period. The exploitation of the species was so intense that in a few decades they caused the beavers to disappear (Bonada Chavarría, 2023, p. 37).

In this period, the presence of US companies drastically changed the Cucapáh way of life. The Cucapáh began to work as navigators and farmers in the surroundings of Puerto Isabel. Likewise, the Colorado Steam Navigation Company began to employ Cucapáh individuals

as guides in the marshes of the area. Other Cucapáh individuals worked as lumberjacks, since the steamers required a significant amount of fuel. This activity had important repercussions in the territory, since the groves began to disappear (Bonada Chavarría, 2023, p. 39). By the last third of the 19th century, the Delta had steamship navigation and, particularly, the exploitation of its lands, which in future years would have one of the most productive cotton fields in México. These situations had a relevant impact on Cucapáh daily life, with their proletarianization, and the migration and settlement of ranchers and large landowners such as Guillermo Andrade that began to appropriate the land and exploit it (p.41).

On the other hand, one of the first records of contacts between the Cucapáh and explorers from the US are Edward H. Davis' notebooks on his travels (Davis, 1896). Another historical source is the Cocopah Museum of the Cocopah Indian Tribe Reservation in Somerton, Arizona (*Cocopah*, 2023). According to these sources, the Cucapáh historically used what was part of their environment for their attire, but also for their rituals and ways of living. They used the minerals of the Cucapáh mountain range for their face painting, the shells of the river and feathers of the birds for their necklaces, the bark of their trees for the skirts, etc. As their environment has changed, their attire has had to change.

When analyzing the historical context of the Cucapáh, it is crucial to consider their environmental conditions, to track how they have changed over the years. The Cucapáh ways of life and cosmovision were closely linked with their biocultural environment. Davis described the plants and animals that were part of the Cucapáh region, navigating through the riverbanks: "Both banks of river are lined with a tall slender growth of cotton and

willows, so thick in places as to appear like growing grain... Carrizo seeds grew in spots 12 feet high" (Davis, 1896, pp. 34–35). Davis also mentions cottonweed and willow forests. He describes the birds in the region: "We sighted geese, cranes, ducks, egrets, blue herons and pelicans all day. Giant tules growing" (p.39), and mentions other animals as well such as coyotes, pelicans, skunks, racoons, boars, and "10-pound salmon about 2.5 feet long. The Colorado salmon is a well-shaped scaled fish and is fairly grand eating" (p.44).

Due to these dispossession processes the poplar and willow disappeared from the region. However, in my field visit to the Colorado river restoration site "El Chaussé", of the organization "Restauremos el Río Colorado", they have reintroduced successfully some species. They began to grow these trees in 2016 and in about seven years, now, they have forests full of poplar, willow, mesquite, and *palo verde*. The organization has created a microenvironment like the environment that the Cucapáh had over a 100 years ago, not only recovering tree species, but also animal species that had disappeared due to overexploitation and the desiccation of the river, such as beaver, racoons, skunks, bobcat, horned owl, osprey, different kinds of falcons, and different kinds of snakes, such as *falso coralillo, chicotera,* and *topera* (C. Córdova, personal communication, November 2023).

Figure 1.1 Willow forest in the Chaussé restauration site. Photograph 2023 (Márquez Duarte, F.)

On the other hand, there are testimonies that share all the different fish they got from the river in earlier times: "We fished with hook, we fished carp, catfish, and when we fished with *atarraya* we caught mullet, jawfish, shrimp, crabs, that was in late 70's and early 80;s when the river rose. We called the tilapia *shopa* and catfish *barsa*" (A. Maclis Valenzuela, personal communication, September 2023). "When I was little, I competed with my siblings to see who fished the biggest catfish, there were a lot of catfish. Now there are no catfish" (B. Saenz, personal communication, January 2023). "I remember that I fished with hook several jawfish, one after the other, and I returned them to the river, I just like to fish"

(S. Saiz, personal communication, November 2023). "When we were children, we fished crabs, there were a lot of crabs, we used chicken skin as bait and we filled buckets with crabs and my mom cooked crab cocktail, we fished every day" (M. Figueroa Méndez, personal communication, October 2023). "Believe it or not there were so many catfish that we fished them with our hands, you got into the water pits, and you felt them swimming in your feet and just twitch their tail and they jumped out of the water" (I. Hurtado, personal communication, 2022). As it can be appreciated by the different testimonies, there were catfish, crabs, mullet, jawfish, shrimp, and tilapia. From those species, currently there is only tilapia and mullet, and on rare occasions shrimp. All the other species have disappeared.

Regarding species that went extinct or are extremely endangered, there is the *Borrego cimarrón* (Peninsular desert bighorn sheep), an endangered species endemic to the Cucapáh mountain range that is almost extinct due to hunting, especially by people from the US. According to Mrs. Margarita Valenzuela, when she was little there were plenty of these sheep (M. Valenzuela de Maclis, personal communication, January 2023).

Several decades ago, the trees and plants were abundant and the Cucapáh used them for their homes, beds, *ramadas*, and other daily life uses, as Samuel assures: "My uncle Onésimo told me that all through the river it was a jungle with all the trees" (S. Saiz, personal communication, November 2023).

Davis also navigated the Hardy River, which is the tributary of the Colorado where the El Mayor Cucapáh community is currently located: "The water of the Hardy River, though muddy is clearer than the Colorado…The fish are very plentiful as they can be seen

jumping out of the water all day and are heard all night…" (p.55). He also accounts of the number of birds in the Cucapáh land: "In one flock of pelicans that rose in the air there seemed to be 500 or 600 and they presented a beautiful sight" (p.55).

It is important to understand the size of the Colorado river and its tributary in the Cucapáh region: the Hardy River, especially considering that currently the river has almost been desiccated. The Colorado and Hardy in the Cucapáh region were so huge that multiple ships navigated on them every day with a massive current. In the Cucapáh region, the river was so large that the tides formed a huge wave, known as "el Burro", which pushed back the current with a roar against the mountain of El Mayor Cucapáh (Walter Meade, 1991, p. 24). On the El Mayor Mountain, the current collided, so it was chosen for docking the boats that entered the Colorado Delta. When, as a result of the spring thaws the river grew excessively, floods occurred and the river current grew, causing the phenomenon of "El Burro" in the Cucapáh mountain range, and forming the "Salada" lagoon (p.108). This is also described by Davis in his travels: "About 3 o'clock Mr. Stone called us to see the Boer or Tidewave, which could be heard for 15 or 20 minutes before reaching us. It sounded like a dull roar, resembling a heavy freight train…The river is about 200 or 150 ft wide…" (Davis, 1896, p. 60). These testimonies show the size and width of the river, which sadly, as I will explain in the following chapters, is almost extinguished, causing intense consequences for the Cucapáh.

As it has been mentioned (and will be further discussed in the following chapters), the Cucapáh base their understanding of the land on relationality with their river, their hills, and the elements that relate with them. It is important to describe how their natural

environment was, to understand how it has changed by several processes of neocolonial capitalism, and how these changes have affected them in all dimensions of life.

Afterwards, the most constant interactions were with the Mexican nation-state: "Colonel Agustín Sanginés granted the first titles of "captain" to Cucapáhs, beginning in 1894. This disrupted the Cucapáh forms of organization because their leaders were only temporary and were not hereditary, any Cucapáh could win the leadership if he had the required skills" (Alvarez de Williams, 2004, p. 155). On this subject, Yolanda Sánchez Ogás, comments that:

> Here the Indigenous did not have chiefs, when there was a war they chose a chief, the Cucapáh chose a chief who was a good warrior or good at talking, that was only while the war lasted. Then the Mexican government begins to look for ways to dominate the Indigenous groups, naming "Captains" and paying them, that's how they became a thing, (Sánchez Ogás, Y., personal interview, 2022).

On ancient forms of leadership, the following is recorded in Spier's writings:

> Community leaders (in cucapá *Shapai axany*) were men. The function of these characters focused on mediation between members of the community... In addition, they were granted superhuman powers such as the interpretation of dreams... The *Shapai axany* did not intervene in military affairs. In degree of importance, after the community leaders, were the warriors (*Kwinemi* in Cucapá)...The rank of warrior was not hereditary. To become one it was necessary to have a divine vision through dreams. (Bonada Chavarría, 2016, p. 126)

The previous quotes give an introduction to the third chapter of this thesis, where the Cucapáh decision-making processes and their struggles for self-determination are discussed.

Another important difference in the Cucapáh ways of life was the shift from their reciprocity and collective cosmovision: "In order to not see their luck diminished, the hunter had to share with the group the product of his activity" (Garduño, 2015, p. 21). This

indicates a collective essence and solidarity among the Cucapáh group, sharing the fruit of labor. In this case, hunting. Likewise, it is specified that the Cucapáh had generosity as a general rule. They did not accumulate goods, nor did they seek to have more than others, that is why there were several conflicts since the colonizers made the first contacts, by imposing a completely different way of life. For example, foreigners did not want to share their goods with the Cucapáh, which for the Cucapáh implied disrespect. For the Cucapáh it was natural to take things from the ships when they needed them, just as they shared things with anyone when they needed them (Alvarez de Williams, 2004, p. 158).

The cosmovision stories, collective aspects, and relationality will be further discussed in chapter two.

It is worth highlighting that an estimation of the Cucapáh population in 1870 was around 1000 individuals just considering the border: "Our informant considers, at least, one-third are Indians. The result is, about 314 whites, in all *La Frontera*. The Cocopas, (by conjecture), may be 1000" (Shipek, 1965, p. 52). This is an important decrease compared to the numbers of the 18th century, where the Cucapáh, Halyikwamai and Kahwan had an estimated population of 8,700 inhabitants (Bonada Chavarría, 2023, p. 36).

1.5 Reflections

In this first chapter, I have introduced how the Cucapáh understand the land. As argued before, their understanding is based on relationality with their river and hills. In this chapter I have argued how the Cucapáh understanding of land gives us a unique perspective on

Indigenous groups' ideas, practices, understandings, and definitions about the land. I have also argued how relationality is the foundation of the Cucapáh definition of the land, based on the arguments discussed of Coulthard and Betasamosake Simpson. I will elaborate on this main argument of my dissertation in the next chapters. I also introduced the methodological approach I have used in my research.

On the other hand, I have also presented the context of the Cucapá, in historical perspective and currently, as well as an introduction to the discussion of the colonial dispossession they have suffered. The Cucapáh have endured adverse processes and have survived despite all the dispossession of their land, by both Nation-states as well as private companies, especially transnational corporations, like several other Indigenous groups. But the dispossession of their river and the living elements that survived due to the river are unique because their understanding of the land has been the foundation for their resistance and self-determination struggles. Several living elements of their environment have disappeared due to capitalist exploitation, fostered and imposed by the US desiccation of the river to service monoculture capitalistic agriculture and overconsumption in big cities. Species such as willow trees, beavers, deer, wild donkeys, boars, salmons, blue herons, giant tules, and others, have disappeared in the Cucapáh region.

1.6 Chapter overview

I have constructed the structure and guiding thread of my thesis based on the main argument of my research: relationality. I present the discussion in an order that allows the

ideas shared by the Cucapáh to relate and interact with my interpretations, in what I consider a natural flow. As the water of the river flows, so this thesis flows.

In this first chapter, I have introduced my research, as you have read, including my main argument, some theoretical foundations, the methodological approach, and the contextualization of the Cucapáh Indigenous group, both historical and current.

In the second chapter I follow the flow of my thesis river, developing my theoretical discussion in depth, where Indigenous thought, Decoloniality, and Environmental political thought flow intertwined to discuss the ideas of land, relationality, colonial oppression, and self-determination. Moreover, I understand my Cucapáh interviewees as political thinkers, thus, an important amount of this chapter is guided by the Cucapáh stories, voices, discussions, and reflections, especially about their river, their hills, and how they relate with them, with each other, and with all the living elements present in their land.

In the third chapter I discuss in depth the Cucapáh self-determination struggles, especially focused on fishing in their river, as well as related to their mountain range, where their hills live. Ingrained in this discussion is the explanation of decision-making processes in their communities, including the conflicts they have experienced inside and outside their communities, in the past and currently. To contextualize their dispossession processes, I present an overview of the International Treaties and national laws that have influenced and/or affected the Cucapáh,

In the fourth chapter, called *Awí Uyáj Cucapáh*: The Cucapáh language, I explore the basics of the Cucapáh language from a sociolinguistics approach, analyzing the current

situation of the language, as well as the implications for the Cucapáh thought of the land, relationality, and current struggles for self-determination.

In chapter five, I present my ethical-methodological reflection. I explain how I used grounded theory to conduct my research, building my research from a bottom-up approach based on my learnings in the field. I also provide a discussion of ethics in the research conducted, with an emphasis on my positionality and reflexivity conducting the research as a permanently disabled scholar, as well as in what I call humidity-like pervasiveness and *suam pushá* reciprocity. In this chapter, I explain how relationality is engrained even in my fieldwork practices (an aspect that I learned from the Cucapáh), and how I literally immersed myself in the flow of the river and in their hills to learn from the land and conduct place-based methodologies.

In the sixth chapter, I discuss the conclusions of the research; recapitulating the findings of the fieldwork, the theoretical discussion, and the ethical-methodological reflections in order to point out the broader implications of the conclusions for political science, especially political theory, and for future research recommendations.

Finally, I present a methodological appendix, with specific data and an explanation of how I conducted my fieldwork and what data gathering methods I used.

CHAPTER 2 The land, relationality, and dispossession for the Cucapáh

2.1 Introduction

In this chapter, I discuss the theoretical approaches that serve as a base for my research, focusing on discussions about the land and relationality. Before beginning the discussion, it is important to clarify something. I have used grounded theory and interpretive methods in my research. This means that for this chapter, I use the theoretical approaches as a base, not a framework. What I mean by this distinction is that a framework constrains, imposes limits, and a base is not constraining, but you can build on it without the limits of a framework. Since I use three strains of scholarly disciplines intertwined a base is more useful for my theoretical discussion. However, I seek to build understandings of the Cucapáh cosmovision, ideas, struggles, from their perspective. I don't seek to use the theoretical approaches discussed here to limit the information gathered just to the frame of these theoretical approaches. Summing up, these approaches are necessary as a base, but not sufficient to understand the Cucapáh thought. I will use the points from the approaches that are relevant for the analysis of the information that the Cucapáh share with me, as well as what I learn with place-based methodologies and participant observation.

It is relevant to understand and learn from Indigenous *saberes* to rethink what is the land and how to interact with the land. For a comprehensive discussion of *saberes*, see Pérez Ruiz & Argueta Villamar (2011); for this research, *saberes* can be understood as a collective compound of decolonial knowledge, experiences, ancient philosophies and relationship with life of a group of people. Given the marginalization that *saberes* have

suffered at the hands of western knowledge and science (Márquez Duarte, 2021), *saberes* have to be differentiated from western knowledge, protected, and revitalized. *Saberes* is a horizontal conception built by different members of oppressed groups, surging in a dialectical and more inclusive way[3]. By learning from *saberes* we could advance to societies and realities with more social justice and equality, considering that knowledge production is based on the relations between different actors, including power relations (Bell, 1992, p. 14). Moreover, using comparative political theory (CPT) allows to discuss and challenge the western canonical approaches that are taken as given to reach alternative approaches that have been marginalized (Von Vacano, 2015). This point is also sustained by Godrej (2008) who argues that it is important to discuss the domination and marginalization of non-western perspectives conducted by western academia, which considers them "non-science" or irregular. In this chapter, I put the Cucapáh *saberes* at the forefront of the discussion, using comparative political theory to discuss the Cucapáh political thinkers in conversation and comparison to other scholars.

For the theoretical base of this project, I will be in dialogue with three strains of literature: Indigenous thought and self-determination, Decoloniality, and Environmental political

[3] An issue to consider is idealizing or romanticizing the thought and way of living of Indigenous groups. The Indigenous Maya Xinka feminist thinker Lorena Cabnal (2010) and others (Ranta, 2018) point out how Indigenous notions such as the Quechua's *Sumak Kawsay* and Aymara's *Suma Qamaña* have been misappropriated by western thinkers and politicians to advance their agenda, distorting their original meaning. For instance, Rafael Correa's government in Ecuador enthroned the notion of *Buen Vivir* as one of the Constitutional principles, but in practice, a developmentalist-exploitative approach was taken by the government, disrespecting notions of harmony and co-living with nature, which are both Indigenous notions, by establishing oil extraction projects in Indigenous lands. To prevent romanticizing and exoticizing Indigenous conceptions in this research, it is important to understand the ideas and practices of the Cucapáh from within their own cosmovision, living, and context, including the conflicts and contradictions therein.

thought. Contrary to western political thought, Indigenous peoples' rights are considered one of the most important issues in the critical trend of decolonial studies, not only due to their theoretical significance, but also due to the ongoing colonial oppression of Indigenous peoples by land dispossession, marginalization, and exploitation. The diversity of Indigenous groups calls for us to conduct research on the terms of each Indigenous group, as Cook (2022) points out. Cook criticizes western efforts in academia to "decolonize" the curriculum, because these efforts often entail the mixing of different Indigenous notions, treating them as homogenous, without understanding each Indigenous group's thought in their own terms. When "decolonization" is attempted solely by academics in a "top-down" fashion, without collaborating with Indigenous groups, it can become another form of exoticizing by those in power, like it is used in the DEI (Diversity, Equity and Inclusion Initiatives) in many universities in the USA. Moreover, several works that self-identify as decolonial, focus solely on the individual, which is antithetical to the life and thought of many Indigenous communities. In contrast to this mainstream view, I argue it is important for decolonial studies to learn directly from Indigenous groups in their land, without homogenizing Indigenous thought and practice, basing their learning on the works that Indigenous authors have conducted (Coulthard, 2014; Simpson, 2017; Tuhiwai Smith, 2016; Wildcat et al., 2014; Wilson, 2008). In this research I attempt to "put my money where my mouth is" by learning directly from the Cucapáh in their community, in their territory, in their land, and undertaking collaboration with them.

The reason why I choose these three strains of literature to be in dialogue with, is that all of these are strains of political theory rooted in praxis, with and/or from oppressed groups

from the Global South, especially Indigenous groups, and with their lands. Both decoloniality and environmental political thought have a rich tradition of considering Indigenous thought of different groups in their arguments, especially from the Abya Yala. Moreover, a majority of literature (both academic and not academic) on Indigenous Political Thought centers the experiences, cosmovision, and struggles of Indigenous groups from the Abya Yala. Moreover, several of the authors of these three strains of literature are Indigenous, such as Francisco López Bárcenas, Floriberto Díaz Gómez, Silvia Santiago, Glen Coulthard, Leanne Betasamosake Simpson, Shawn Wilson, Ailton Krenak, Ivan Neves Ordonio, and many others. Additionally, decoloniality helps me discuss the structural conditions that were imposed since the colonial invasion and that have lasting consequences to this day, namely land dispossession for Indigenous peoples. Discussing the issue of land from an Environmental political thought approach allows me to elaborate more on the issue of land dispossession and green colonialism, which are processes that the Cucapáh have suffered, and that have intensely affected their relationship with the land and their lives.

2.2 Coloniality/Decoloniality

Indigenous groups around the world have resisted more than 500 years of colonialism, capitalism, and racism, which are intertwined manifestations of the coloniality of power (Quijano, 2000). The Cucapáh are not an exception: they have suffered intense processes of oppression, dispossession, and exploitation, which I address more in-depth in the

following chapter. Thus, this discussion is a base to understand the processes that the Cucapáh have suffered. My discussion on decoloniality is based on the ideas presented by Aníbal Quijano, who was the leader of the modernity/coloniality group, which is considered as the scholarly group that coined the epistemological and theoretical approach of coloniality/decoloniality. I begin with Quijano because I argue that his argumentation is the base for the scholarly works on coloniality/decoloniality. Without discussing Quijano the relationship between colonial invasion, capitalism, racism, land dispossession, and internal colonialism cannot be understood as the intertwined process that it is in reality. Moreover, I use Walsh's elaboration on Quijano's work on the colonial matrix of oppressions. I also base my discussion on Pablo González Casanova, as he coined the concept of internal colonialism, which explains how colonial processes perpetuate in independent countries. I also address the work of Mariétegui and Mora to explain how land dispossession is central to the colonial oppression against Indigenous peoples.

The colonial invasion of the Abya Yala and Turtle Island[4] by European powers (and afterwards perpetuated also by neocolonial capitalism) established not only a global capitalism system, but also a racial hierarchy of power, as Quijano discusses in his prominent piece on coloniality of power, where he argues that "All the forms of labor, production, and exploitation were in ensemble around the axis of capital and the world market: slavery, serfdom…" and on the same page he writes "At the same time…the idea of 'race', as biologically structural and hierarchical differences between the dominant and

[4] Conception that Indigenous groups in the US and Canada use to refer to the American content. For further discussion of the term see Betasamosake Simpson (2017).

dominated" (Quijano, 2000, p. 216), which after formal independence of most nation-states in this continent has been encouraged by the US under a "capitalist imperialism" (Quijano, 1993, p. 146). Moreover, Quijano argued that the colonial invaders sought to take all land from Indigenous peoples by force and exterminate Indigenous peoples in the Abya Yala, following what the colonial invaders did in the US. He argues that "The extreme concentration of land ownership and, in particular, of the land from conquered 'Indians',,,prevented any possible democratic social relations and, therefore, any effectively democratic political relations" (p.225). This land dispossession is an inherent element of the colonial project, while colonial powers tried to exterminate Indigenous peoples based on racist and unfounded ideas of superiority.

Moreover, the elites of colonized countries that achieved independence have perpetuated the colonial oppression through internal colonialism. The minorities (especially Indigenous groups) colonized by the nation-state suffer from similar oppression than colonialism and neo-colonialism: they are prohibited self-government and are oppressed by the elites of the state. This system is not only imposed economically but also culturally, where the elites determine what is acceptable and what is not. Internal colonialism is the extension of imperialist capitalism, which is also colonial, and uses exploitation to perpetuate the system "both in the intensification of the domination of national and international capital, and in the occupation of territorial and social spaces from one country to another or within the same country" (González Casanova, 2006, p. 86).

In neocolonial capitalism, the colonial oppression is more subtle: it's through neoliberal reforms, through privatization and deregulation, in order for transnational companies to

keep and increase their profit levels. The points presented about internal colonialism by González Casanova are directly relevant for this research, because the Cucapáh have suffered devastating processes of internal colonialism, including what González Casanova mentions as the occupation of territorial and social spaces from the Mexican state, which translate into the dispossession of their land, as well as blocking attempts to exercise self-determination, intertwining with Quijano's arguments about land dispossession preventing any real democratic relations for Indigenous peoples.

The dispossession of land from Indigenous peoples has also been discussed from a Marxist stance, over a hundred years ago, by José Carlos Mariátegui. The Peruvian Marxist thinker incorporated Indigenous peoples to class and ethnic discussions by centering their struggle for the land, or how Mariátegui said "understanding the Indigenous question in the question of the land" (Gandarilla Salgado, 2021, p. 88). With Mariátegui's argument, it is clear that the land is the source of Indigenous struggles, it is the foundation of their struggles, and this resonates with the Cucapáh because their struggles for self-determination are manifested through the struggles to have the right to keep fishing in their river. It is that relationality with the land that gives a foundation for their struggle.

Moreover, it is important to discuss the structural conditions that the current neocolonial capitalist system has imposed on Indigenous peoples, specifically about the relationship to the land. Examples of this imposition are the multicultural reforms in México that came into effect in 2001 to recognize cultural rights of Indigenous peoples. These reforms assimilated Indigenous groups into the capitalist system by imposing a program of individual land titles for Indigenous people, allowing to separate and commercialize

communal land and sell it to private companies, as well as assimilating Indigenous people into the framework of "vulnerable groups", blocking the self-determination struggles of the Zapatistas and other groups (Mora, 2018, p. 28).

The colonial oppression is structured from the colonial matrix, composed of coloniality of power, coloniality of knowledge, coloniality of being, and coloniality of mother nature. Coloniality of power refers to the structure imposed by western colonialism in which a hierarchization based on race and class dominates the institutions and is perpetuated by the nation-state. Coloniality of knowledge refers to the western forms of science and knowledge imposed around the world, both in education institutions, media, and accepted speech, especially in the Global South, that marginalized any other forms of knowledge that didn't comply with western terms. Coloniality of being refers to the inferiorization of all people that are different from the image that western colonial 'modernity' imposed. It structurally secures the place of white rich men at the top, and from there a downward scale of castes, so coloniality of power could hold; it is clearly linked with the coloniality of power. Finally, coloniality of mother nature refers to the ethno- and anthropocentric idea that western colonialism imposed, where certain humans (the ones enthroned at the top with coloniality of being) are considered superior, and as such, can appropriate, destroy, and privatize all life in the planet (animals, plants, rivers, mountains, forests, jungles, etc.) (Quijano, 2000, 2015; Walsh, 2007, 2008, 2013). The colonial matrix of oppressions brings a relevant foundation to understand the lasting consequences of land dispossession. The dispossession of land from Indigenous peoples at the hands of imperialist colonial powers, such as Spain, the UK, Portugal, France, the Netherlands, and afterwards the US, allowed

for the imposition of the colonial matrix of oppressions. With that land the imperialist colonial powers imposed a coloniality of power in the territory, they used coloniality of being to justify their genocidal actions against Indigenous and black peoples, and legitimized it through coloniality of knowledge, at the same time that they used coloniality of knowledge to try to erase the relations of Indigenous and black peoples with the land. The coloniality of mother nature is clearly the dispossession of the land and all living beings to serve the colonial -and now the neocolonial- capitalist system. All of these are intertwined processes that begin with the dispossession of land.

2.3 Indigenous thought

The previous discussion on colonial processes and land dispossession introduced the issue of the violent processes that Indigenous peoples have had to endure, especially related to their land. To begin with the discussion of Indigenous thought it is important to build up on the ideas presented by Indigenous authors. In the first chapter I discussed Coulthard and Simpon's arguments. In this chapter I include the discussion of other Indigenous authors and go deeper on Coulthard and Simpson's arguments. First, I consider it relevant to have a more in-depth analysis of Coulthard's and Simpson's ideas on land, more focused on dispossession and Indigenous alternatives to the current capitalist system.

Coulthard argues that the dispossession of Indigenous lands is still happening through primitive accumulation, but with new dynamics: "Although primitive accumulation no longer appears to require the openly violent dispossession of Indigenous communities and

their entire land and resource base, it does demand that both remain open for exploitation and capitalist development" (Coulthard, 2014, p. 77). Moreover, he argues that one of the problems with this dynamic is that land is understood only as a resource in the current neocolonial capitalist system:

> [The] negative effects of this power-laden process of discursive translation has been a reorientation of the meaning of self-determination for many Indigenous people in the North; a reorientation of Indigenous struggle from one that was once deeply informed by the land as a system of reciprocal relations and obligations (grounded normativity), to a struggle that is now increasingly for land, understood now as material resource to be exploited in the capital accumulation process. (Coulthard, 2014, p. 78)

What Coulthard shows is a very serious issue, and I argue that it is part of the processes of the colonial matrix of oppressions, especially with the coloniality of mother nature, and with internal colonialism. Moreover, this affects Indigenous understandings of the land and how to relate to the land, imposing a shift of Indigenous peoples' relations to the land to a capitalist framework. An example of this situation for the Cucapáh is the 1992 land reform that allowed the privatization of collective lands, which I address in the following chapter. Moreover, Coulthard brings back the issue of self-determination as an issue that is based by the land for Indigenous peoples. For Simpson, self-determination has also its base in the land: "I'm interested in unapologetic placed-based nationhoods using Indigenous practices and operating in an ethical and principled way from an intact land base" (Simpson, 2017, p. 50).

On the other hand, Simpson highlights that dispossession of Indigenous territories has left Indigenous communities almost no place to fish, to hunt, to live. She argues that "…land and bodies are commodified as capital under settler colonialism and are naturalized as objects for exploitation" (Simpson, 2017, p. 41). This idea is in line with Coulthard's idea.

In neocolonial capitalism, land is seen only as an exploitable object, which is totally counter to Indigenous understandings of the land.

As a proposal, Coulthard presents the following as land-based Indigenous alternatives to neocolonial capitalism:

> For some communities, reinvigorating a mix of subsistence-based activities with more contemporary economic ventures is one alternative…in the 1970s the Dene Nation sought to curtail the negative environmental and cultural impacts of capitalist extractivism by proposing to establish an economy that would apply traditional concepts of Dene governance—decentralized, regional political structures based on participatory, consensus decisionmaking. (p.171)

Simpson, in line with Coulthard, proposes to live by grounded normativity:

> Grounded normativity is the base of our political systems, economy, and nationhood, and it creates process-centered modes of living that generate profoundly different conceptualizations of nationhood and governmentality—ones that aren't based on enclosure, authoritarian power, and hierarchy…We know that place includes land and waters, plants and animals, and the spiritual world—a peopled cosmos of influencing powers. (Simpson, 2017, p. 22)

Continuing with the discussion about the land, it is relevant to discuss other Indigenous understandings about the land and relationality. Lana Ray, an Anishinaabe Indigenous scholar argues that several Indigenous groups in their stories center interdependence as the core, not only between humans but with the land, following the gift paradigm:

> […]in gift-based societies people were, and in some cases still are, aligned with their ''physical and natural surroundings through a particular land ethic, genealogies, oral tradition and complex rituals aimed at social bonds, ecological balance and sustainability''…heroes in cultural stories engage in activities to benefit the larger community, promoting community responsibility and action. (Ray, 2016, p. 369)

Ray's argument is closely linked with Coulthard's and Simpson's arguments, especially with the element of gifting, the relationships or "bonds", and centering the community. Added to this, for Matthew Wildcat (an Ermineskin Cree Indigenous scholar) et al., the

land is also understood as the source of knowledge and education for several Indigenous groups. That is why, by dispossessing Indigenous peoples from their the land, settler colonialism severs their source of knowledge and relationships: “If settler colonialism is fundamentally premised on dispossessing Indigenous peoples from their land, one, if not the primary, impact on Indigenous education has been to impede the transmission of knowledge about the forms of governance, ethics and philosophies that arise from relationships on the land” (Wildcat et al., 2014, p. II). The colonial oppression and dispossession against Indigenous peoples have affected their relationship with the land, as it is well known: “moving from “living with the land to living off the land”” (p.VI). This point is a relevant precedent for this research project, since I discuss how colonial processes have not only affected the environment of the Cucapáh, but also how the newer generations are not as connected to the land as the elderly generations, which speaks to the second quote of this paragraph. Elaborating more on this idea, by educating from the land, relationality and reciprocity are learned: “Teachings and practices based in spiritual values are critical components of learning and teaching on the land. Protocols that demonstrate respect and reciprocity, such as putting down tobacco, making offerings, ceremonies, or particular ways of harvesting or treating unused animal parts, are a part of Indigenous land-based education” (p.X).

The link between the land and relationality, as explained in the previous paragraphs is also discussed by Shawn Wilson, an Opaskwayak Cree Indigenous scholar. He argues that being Indigenous is about relationality *per se*, is building upon relationships, not only with people, but with the land. According to Wilson, shared relationships between two people,

including relationships with the land and other people, is how you foster connections. Moreover, he argues that the land is the source of knowledge. You build knowledge by relating to the land: “Knowledge itself is held in the relationships and connections formed with the environment that surrounds us” (Wilson, 2008, p. 87). Finally, he adds: “We as Indigenous people have literally a “grounded” sense of identity. The ground and environment from which we came is what makes us” (p.88). What Wilson argues is important to elaborate for my research. I argue that the Cucapáh build their understanding of the land based on relationality. To understand what is the land, it is necessary to understand relationality first. In the Cucapáh case the relationality is with the river, hills, and the living elements that survive because of them. So, for the Cucapáh, yes, there is a grounded sense of identity, but it is not the ground by itself what makes them Cucapáh. It is that net of relationships, interactions, and give-and-take processes that they conduct **with** the river and hills.

Additionally, in the first chapter I mentioned different Indigenous groups’ ideas about the land. I consider it important to dive deeper into these various Indigenous cosmovisions to further elaborate on why the Cucapáh understanding about the land is different.

As specified in the previous chapter, there are Indigenous conceptions that explain Indigenous peoples’ harmonic relationship with the land as not exploitative, how they understand nature as a subject of rights, how the spiritual world and self-determination are connected to the land, but they don’t define what is “the land” for these groups or how specifically these groups interact with the land. These are the works about the Yurumanguí river communities, the Quechua, the Aymara, the Rarámuri, and the Wayapi, Juruna, and

Araweté Indigenous groups. Regarding the Yurumanguí river communities, Escobar (2016) presents *sentipensar*, which means to feel-think the land and nature. It is understanding that all beings in the world complement each other and are necessary to maintain: "As a Nasa Indigenous leader from the southwest of Colombia says "we are the continuity of the land, let's look from the heart of the land". Most western intellectual traditions have been hostile against this profound reality" (Escobar, 2016, p. 28). Escobar argues that it is necessary to feel-think the land, which is about relating to the land, but he doesn't explain how this relationship is done. He cites a Nasa Indigenous leader that argues that the Nasa are the continuity of the land, but doesn't explain what is the land. On the other hand, about the Wayapi, Juruna and Araweté groups, Viveiros focuses on how these Indigenous groups understand animals similar to humans in their soul, just with a different skin, and how this sustains the interactions with animals in a non-exploitative way. However, he doesn't discuss the relationship with the land, or what is the land for them (Viveiros de Castro, 1998).

On this same category of ideas about the land, studies about the Quechua and Aymara Indigenous groups (Cabnal, 2010; Gudynas, 2016) focus on the notion of good living or "buen vivir" of these Indigenous groups, especially in Ecuador and Bolivia, discussing how these notions are focused on understanding the different elements of nature as subjects of rights. However, these studies don't delve into what these groups understand by the land (besides the idea of the environment as subject of rights) and the specifics of their interactions with the different elements of nature. Added to that, in a study about the Rarámuri Indigenous group (Loera-González, 2016), Loera-González focuses on the

relationship with the spiritual world and the importance of self-determination, which speaks to the idea of relationality. However, he doesn't discuss what the Rarámuri understand by the land or how they conduct their self-determination struggles.

On the other hand, there are studies about Indigenous groups that explain how the Ayuujk, the Nahuas, the Xukuru, and the Diné Indigenous groups understand the land, considering interactions with the land, but they understand the land as soil, in a delimited, fixed space. For the Ayuujk Indigenous group (Díaz Gómez, 2001), Díaz Gómez discusses what is understood as land and the decision-making processes more than the other works addressed. For the Ayuujk the land is understood as mother and territory, and community as the center of life of the Ayuujk, where authority is exercised through service to the community. However, Díaz Gómez understands the land within a fixed space, and in a territory, the soil. The land is the center of everything. For the Nahuas (Santiago, 2017), Santiago argues that to live a moral life is to live-be with nature and the cosmos, understanding that knowledge is based on life experiences and interactions with others, based on Nahua communities of the Huasteca region. Moreover, rituals are how balance is maintained, such as the flower offerings to the land to thank for the fruits of the land and asking permission to the land.

Another study included in this category of understandings of the land is the Xukuru Indigenous group (Neves Ordonio et al., 2022), where Neves Ordonio leads the study by explaining how the land for them is home of enchanted and sacred spirits, so not only they have to protect the land, but by interacting with the land in a healthy way they practice their conception of good living, which is translated for them as practicing agroecology and

traditional plants as medicine. A fourth study that I include in this category is about the Diné (Navajo), whose understanding of the land is rooted in the mountains. For the Diné one has to live according to the *Diné Bi Beehaz'áannii:* Fundamental Laws of the Diné (Lerma, 2017, p. 7). A human (*bila' 'ashdla'*) must keep a proper distance from each of the Four Sacred Elements that are embodied in four mountains. Their land is the space that is between these four mountains. Moreover, each of the 4 mountains is associated with a thought process. *Sisnaajiní* is associated with the birth of thought. *Tsoodził* is associated with planning. *Dook'o'oosłiid* indicates lived life experiences. *Dibé Nitsaa* indicates reflection, rebirth, or regeneration (p.18).

These studies serve as a foundation for this research project regarding relationality with the land. They address the importance of constant interactions with the land, and the land as the center of the life and thought of these Indigenous groups. However, there are two main differences with the Cucapáh understanding of the land. For the Cucapáh the land is not a fixed patch of soil, it is a flexible space that allows them to constantly relate with the land. The second difference is that the relationality with the land for the Cucapáh is practiced by interacting with the river and hills through fishing, and walking through them, respectively.

As a third group, there are studies about Indigenous groups that do consider the river, lakes, and the sea as the base of their understanding of the land, which are the Makah, the Krenak, and the Anishinaabe. The Krenak Indigenous group (Krenak, 2019), understands that the land is composed by both the river and soil. The Krenak Indigenous group, that live by the Watu river in Brazil, understand themselves as the head and guardians of the lands. Actually, *Kre* translates into English as head and *Nak* as land, which means "head of the

land" (p.24). On the other hand, the Anishinaabe Women's Council of the Grand Council Treaty #3 created the Nibi Declaration of 2019 in Canada (Grand Council Treaty #3 Women's Council, 2019). They declare that *Nibi* (water) is necessary for having a good life, and that Anishinaabe women owe respect and protection to *Nibi*. The Declaration also states that *Nibi* brings families together and that their traditional governance forms and *INAKONIGAAWIN* (Anishinaabe laws) are centered around *Nibi*. Their relation is specifically with the Grand Lake. Finally, in the study about the Makah Indigenous group (Reid, 2015), Reid argues that the Makahs understand the sea as their sovereign land, not the soil. They understand their land as the coastlands that allow them to have sovereignty over the sea around Neah Bay in current northwestern US. They exercise their sovereignty by practicing whale fishing, a practice that they revitalized a few decades ago, which also is the base of their self-determination claims.

The understandings of the land of these three Indigenous groups are an important base for my research project, since they are the closest regarding the understanding of the land, related with the water, and not with the soil. However, there are important differences. The Makah and Anishinaabe relate to the lake and the sea, respectively, which have a main difference from the river: the constant flow of the water. Lakes and seas don't have a course. Thus, they cannot change its course, and only suffer size reduction due to desiccation. The Cucapáh, by taking their understanding of the land from their river, make it more dynamic and flexible in the sense that it has changed based on the change in the river course and flow. On the other hand, these three Indigenous groups interpret that they have to protect the Watu river, the sea of the Neah Bay and the Nibi, but they don't specify

that they have relational processes of interactions with them as living entities. My interpretation of the Cucapáh relationality with the river and hills is that they indeed interact with the river as a living entity, the river gives, and the river takes. The river doesn't protect. The river allows them to survive with the living elements the river gives. This also speaks to the order of the understanding of land and relationality. Since the river is a living entity, with which the Cucapáh interact, it is relationality which gives them their understanding of the land. It is not the land seen as a space for relations to happen; it is understood as the space created by relational interactions.

2.4 Cucapáh thought

As mentioned earlier, the Cucapáh people I have interviewed and the elders that have already passed away and shared their stories, as political thinkers, they are not just my interviewees. Thus, I'm not only using my voice to speak about their cosmovision and thought, but I literally base my ideas on their ideas and stories.

To begin with this discussion, I cite Mrs. Margarita Valenzuela Portillo de Maclis "La güera Maclis"-the oldest Cucapáh woman currently (96 years old)- about their deity: "When I was a child there were no religions, I only knew that there was *Maj Kuayek*, he was the god, he was the only thing I knew, that *Maj Kuayek* was going to take care of us" (M. Valenzuela de Maclis, personal communication, January 2023).

I begin with Margarita's quote because *Maj Kuayek* (the Cucapáh deity) translation into English is Land Teacher or Teaching from the Land[5]. I consider this an important idea to introduce the discussion of Cucapáh thought about the land and relationality. The very meaning of Maj Kuayek, the Cucapáh deity, is the "Land teacher" or "Who teaches from the land". This shows the centrality of relationality with the land for the Cucapáh cosmovision: their deity, their protector god is the land teacher, who has taught them about the land and to live in relationality with the land.

Another element of their cosmovision[6] that explains the centrality of the river as their land is the creation story. In this regard, Raquel Portillo Tambo commented: "The world began with the twins Sipa and Komat" (R. Portillo Tambo, personal communication, December 2021). On the story of Sipa and Komat, Anita Alvarez de Williams collected the story from Cucapáh female elders:

> It all started one fine day when the two brothers, tired of living in the depths of the water, completely alone, planned to emerge to the surface. While they pondered how to do it, Komat lit a cigar as if to cheer himself up... he threw Sipa abruptly. The poor brother almost drowned... He managed to achieve what at first seemed impossible to both of them: he could breathe out of the water. Surprised by his brother's success, Komat asked him shouting: "How did you get there?" And Sipa, who felt attacked, for revenge incited Komat to throw himself into the sea, and once there, open his eyes... Komat, confident, followed to the letter what Sipa recommended. He took the courage and threw himself into the sea, and once in it he wanted to see the way; The water painfully penetrated his eyes, causing blindness... Each one understood his guilt, none harbored resentment in their soul, and once reunited, they discovered that the only thing that was out of the water were ants ... They asked them to dig and dig to make piles, to lower the water and have a place to live. However, everything was dark and Sipa tried to solve that problem; He set out to make a sun and once his work was finished, he went to show it to his brother.

[5] For a linguistic analysis of Maj Kuayek, see the chapter of this thesis about the Cucapáh language and sociolinguistics.

[6] Cosmovision encompasses not only worldview which refers to cognitive and existential aspects of a society to understand the order of existence (Bell, 1992). It also encompasses cosmogony (origin of creation and cosmos), cosmography (composition of the universe and existence), cosmology (what keeps the balance in the cosmos) and the goal of humanity's existence (Florescano, 2000).

> Komat, although blind, perceived that the sun of Sipa was very pale. "It's no use! —said Komat— and... He began to mold with his hands another sun, his own sun resulting in a beautiful radiant, huge and hot sun... Sipa, ashamed, was about to throw away his sun, but Komat [said], "This little sun that you have made," he said, "can serve man to know the seasons of the year, the months and the days... And that's how the moon arose" (Alvarez de Williams, 2004, p. 82)

As mentioned in the first chapter, Cucapáh thought is multivocal. Thus, there are different versions of the creation story. A second version of the creation story is the following:

> Sipa and Komat, the creator gods, were cousins and were underwater as a child lives inside his mother. Before there was no land so they made the flying red ants push land from under the sea to make hills. After the earth dried up, they began to make men. Then they put eyes on them, Komat said it was better to put them on their heads... Then Sipa tried to make a sun but it gave very little light (the moon). Komat made another, in stages...Then Sipa changed the men he made for what Komat did and Komat got angry, stretched and broke the heavens and made a hole and got under the earth, from which came smoke, air and other things that cause death. Sipa stayed and taught humans how to speak, among other things" (Suárez Sánchez, 2000)

Both versions of the creation story of Sipa and Komat have an important implication for their understanding of the land: it begins in relationality with the water. The Cucapáh creation story is, thus, the foundation for their understanding of the land. Indigenous peoples' creation stories are not just stories, they are foundations for political thinking.

However, both versions of the story have one main difference: while in one the twins are at hand and keep going; in the other version, there is a conflict that seems irreconcilable, causing Komat to disappear and leave Sipa alone. This is an important difference, as it shows two different paths of the essence of interactions: reconciliation vs abandonment. Both of these paths of interactions are currently present in Cucapáh testimonies, and they show in the internal conflicts they have, as I will address in the next chapter. They both seem to happen at the same time between different groups, which is a sign of multivocality.

Another version of the Cucapáh creation story was described by Davis in the notes of his travels to the Cucapáh communities through the Colorado river, based on the testimony of the Cucapáh from the Arizona/Sonora region:

> In the beginning was a large Alamo or cottonweed tree. This swelled and swelled and then burst and a fully developed Cocopah man appeared and stepped out. Long hair, painted face, tall, erect, of noble bearing. Another cottonweed grew and swelled and swelled and it burst asunder, and a young and stately Cocopah maiden stepped out. These two were the ancestors of the Cocopah race. (Davis, 1922, p. 41)

This version is totally different from the previous ones. This further shows the multivocality of the Cuacpáh thought and could also speak about the differences between the Cucapáh in Arizona/Sonora and the Cucapáh in Baja California. However, even if both versions are entirely different, they share an important element: the close relationship with their environment. In the Sipa and Komat version it is with water. In the version described by Davis it is the cottonweed tree, which survived thanks to the river.

Another ancient Cucapáh story illustrates the relationality with the land. The chasm story that Mr. Juan García Aldama told:

> It is said that there is an island in the south very rich, with turkeys, deer, sheep, chickens, etc. It is said that only the true Indigenous could arrive, to get there you had to cross a very large precipice that asked for food, that's why the Cucapáh always carried roasted seeds in their *morral*. They threw three corn seeds, three pumpkin seeds and three watermelon seeds into the precipice, then the chasm closed and they were able to reach the island and hunt the animals to take them for food (Sánchez Ogás, 2001, p. 167).

This story indicates that the Cucapáh understand that in order to obtain something it is necessary to give something, to be reciprocal. This shows that the Cucapáh understand the land as a living entity to interact with. In this case it is portrayed as the precipice or chasm, which is in the water, as it is implied by the use of the word *island* to describe the abundant place.

Another Cucapáh testimony adds to this discussion, as it speaks about relationality in the Cucapáh cosmovision with elements like harmony, sharing and honor, and speaks about why the Cucapáh didn't want the catholic-christian religion:

> ... the chief-speaker declared that the Cucapáh had no conflicts for possession of goods and material things, they lived in harmony, everyone from childhood was taught... not to be vengeful and only fought when attacked by an enemy, and that among the Christians they murdered and robbed each other and under the pretext of the cross attacked the helpless. (Alvarez de Williams, 2004, p. 152)

2.4.1 The river

An important part of Cucapáh thought are the current ideas that my interviewees have shared with me. What Cucapáh people have shared with me: Celia García, granddaughter of Pascuala (who was one of the most respected Cucapáh elders), commented that the river is part of being Cucapáh: "The importance of the river for the Cucapáh is fishing, because it is the way to survive. If the river didn't exist, I don't even know what to say, I'm speechless. It is part of me as Cucapáh" (C. García, personal communication, 2022). On the other hand, professor Arturo Cardona, who had the opportunity to speak with Pascuala on multiple occasions, shares the following:

> What Pascuala looked in the cities is not being able to see the horizon, being far from the river. For them the river is life, because it is their source of life. There they fished, they had their plants, the Cachanilla, from which they made their homes. Watching the sunset on the river gave them sensations close to mystical sensations... So the river that for them is "El Mayor"... it was their source of life, it gave them water, food and allowed them to travel by canoe, gave them fish and birds to hunt (A. Cardona, personal communication, 2022).

As can be seen in these quotes, the river represents more than a source of economic survival for the Cucapáh people; Being able to see, smell and feel the river gives them identity and

spiritual sustenance, and as Celia said, the river is part of them. This can also be perceived in the testimony of Inés Hurtado: "The wind comes from the river and smells like the tide is rising, and although we are seven or eight kilometers away, it is that breath of life" (I. Hurtado, personal communication, January 2023). What Inés shares illustrates that intimate relationship with the river. For her, the river gives the breath of life.

Moreover, the aspect of the spiritual relationship with the river is central for the Cucapáh and still present:

> Inocencia González and Hilda Hurtado affirm that spirituality was very present in foraging and in fishing, respectively. On the latter, the singing at the beginning of the fishing season is important. The cooperative *Sociedad Cooperativa Pueblo Indígena Cucapáh Chapay Seisjhiurrar* S.C. de R.L. de C.V. holds a ceremony at the mouth of the Colorado every fishing season. (Bonada Chavarría, 2016, p. 242)

This ritual to inaugurate the fishing season in the Colorado River Delta speaks about the relationality with the river. The Cucapáh of that fishing cooperative give their songs to the river through the ritual to receive fish from the river. It is interacting with a living entity. This is further discussed by Ricardo Rivera, a lawyer that has supported the Cucapáh in their legal struggles for years:

> That's why they ask for permission to take the fish from the river and to climb their mountains. I think it's more than a bond, it's a unity with two nuances: mother earth as the earth and water, and the other nuance the people themselves. It's a kind of belonging: they belong to the land, more than the land to them. (R. Rivera de la Torre, personal communication, May 2023).

What Ricardo argues further elaborates on relationality: the bond, the unity and the belonging to the land.

Figure 2.1 El Mayor River or Hardy River, a few kilometers from El Mayor Cucapáh. Photography. 2023 (Márquez Duarte, F.)

Another important point of the relationship with the river is that, although fishing is central, it is not the only element that the river provides for their survival. The river provides other elements of life for the Cucapáh group: "It's survival. Our whole life is linked to the Colorado River, because we need *cachanilla*, *pino salado*, tule, poplars, willow. For example, we get the *ramada* out of there" (I. Hurtado, personal communication, 2022). Related to this point, Alejandro adds: “From the river the Cucapáh have survived, getting food, both fish and birds, as well as with the plants of the river to build their homes” (A. Maclis Valenzuela, personal communication, September 2023). Alejandro (son of Mrs. Margarita Valenzuela) highlights the importance of the river beyond fishing, by the birds and plants that live thanks to the river. What Inés and Alejandro share elaborates on what I have mentioned earlier: the relationality with the river is also manifested by receiving the plants from the river for their homes, medicine, and food, as well as from animals that survive due to the river.

Figure 2.2 Cucapáh *Ramada* made of *Cachanilla* in Ejido El Indiviso. Photography. 2022 (Márquez Duarte, F.)

Added to that, Elder Margarita Valenzuela also shares how they used different trees that were abundant in the region thanks to the river: “The houses were made of *cachanilla*…my father made our beds with mesquite and dry branches and covered by flour sacs” (M. Valenzuela de Maclis, personal communication, January 2023).

Moreover, several Cucapáh have literally lived in the riverbanks and dedicated themselves to fishing: “The Colorado River is important because it has been the livelihood of our people, by fishing. Fishing is keeping life going, because it is why our people have fought for” (L. Laguna Rodriguez, personal communication, June 2023). “I have lived all my life from the river. It is my livelihood, it is special, since I was a child” (S. Saiz, personal communication, November 2023). The quotes of both Lucia and Samuel show the importance of the river due to fishing. Moreover, Lucia argues that fishing is the way to keep their life as Cucapáh going, because it’s what they and their ancestors have fought for, for decades, against dispossession, and for self-determination.

Fishing has also been part of the life of Cucapáh individuals that don't dedicate themselves to fishing as a livelihood: "When I was little, we went fishing every day, I practically was raised in the river, I swam there day and night, from sun raising, until my mom went and said "come on kids get out, you will turn into fish"" (M. Figueroa Méndez, personal communication, October 2023).

It is important to clarify that when the Cucapáh people talk about fishing it is not only commercial fishing, but a large majority of the Cucapáh people, especially older ones, have fished for their own food, as Mrs. "Güera Maclis" relates:

> I remember that they put a stick crossed and they put the net and put it into the river in El Mayor. There was so much *lisa* (mullet) that they jumped. They put the *waw* (the net), and 10 fell, sometimes 15 *lisa*, and they fished to eat, and we ate them grilled or cooked. I remember that we went to the river, and we saw the backs of the *lisa* and the water went down and we grabbed them... and they put them in the mesquite to dry. (M. Valenzuela de Maclis, personal communication, 2022)

Another related testimony is that of Rosa Méndez: "I fished when I was younger, I went to live to El Mayor when I was 6 years old. I lived on the riverbank before, my grandmother Adelaida fished a lot and there were many geese, I liked living on the river more"(R. Méndez, personal communication, 2022). It is interesting how Rosa highlights that she liked to be able to live where she could have constant interactions with the river, which illustrates how relationality with the river is part of being Cucapáh. On the subject of fishing, Samuel adds:

> When I lived in the river I constantly fished with hook, there was an exaggerated number of fish, they did not fit in the river. With the cane I took out around 30 or 40 a day. At that time my dad started fishing with an *atarraya* (net) alone, nobody fished and then he bought a *chinchorro* and then gave *chinchorros* to Onésimo. My dad started fishing in the 60's. (S. Saiz, personal communication, November 2023)

Along the same lines, Mrs. Raquel Portillo Tambo commented: "The Colorado River fed many people, the entire community, in different ways, because fish was the main thing for us. The day you don't have anything to eat, you go to the river and fish, but now you can't because the river is very dirty" (Portillo, R., personal interview, 2021).

Figure 2.3 Hardy River seen from a small motorboat. Photography. 2022 (Marquez Duarte, F.)

The importance of fishing is also highlighted by Cucapáh that have never fished: “The river is like sacred, the Hardy and the Colorado rivers, because Cucapáh in earlier times ate what they fished, then they began to sell it” (O. Navarro Sainz, personal communication, October 2023). All the Cucapáh people interviewed highlight the importance of the river for them, even if they have never fished. These two quotes speak about how the Cucapáh understand the relationship with the river as the base for their land and life as a group, even if they don’t dedicate themselves to fishing or have never even fished.

Moreover, Belén Sáenz' explanation of coexistence with her family through the river is a powerful argument about the relationality that the Cucapáh currently have with the river:

> Every day we go and fish, and the most beautiful thing is that we all go as a family: my parents, my brothers, my nephews. We go and make food: fried fish, shrimp, chocolate, and it is beautiful because we go and live together as a family and that is why the river is very important. For example, my nephews when it's hot are in the water all day bathing. (B. Saenz, personal communication, 2022)

What Belén shares shows that the relationality that the Cucapáh have with their river allows for this familiar coexistence in the river and through the river. It allows a community life.

Figure 2.4 *Chinchorro* with *mojarras* of Cucapáh fisherwomen/men in the Hardy River. Photography. 2022 (Marquez Duarte, F.)

Regarding the current processes of fishing in the river, Belén explains how they fish: "The fish takes a long process, the water goes down and we have to wait for the river tides to arrive. They arrive at dawn, and then we have to throw the fish into the sled, then the sled to be put in a pickup and then lower it to *deschurupar* (gut the fish) and then wash it and

put it back on the pickup" (B. Saenz, personal communication, January 2023). Moreover, fishing takes additional preparation, because they have to prepare the instruments to fish, as Belén explains: "We put two ropes, and we open the *chinchorro* (fishing net) and we *religamos* (sew) them to the ropes, every 12 knots we put a buoy, and the *plomo* (counterweight so that the net stays down the water) every 7 knots. It takes me and Isma together about 3 hours to do it".

To better understand the Cucapáh relationship with the river, I conducted participant observation with Belén and Isma, while fishing, in June 2023. We went in a small *panga* (boat/kayak), while Belén rowed, Isma placed the *chinchorro*. The *chinchorro* was tangled and already broken from the fact that it had been used several times and because other fishermen moved it. Sometimes they don't use the motorboat because they don't have the money to put gas in it; this was the case. On this occasion we fished near the shore on the side of Campo Mosqueda and as soon as Isma put the *chinchorro* in the water, Belén began to paddle back while Isma hit the water with a large wooden pole, to agitate the fish so that they would come out of the roots of the Tule tree into the nets. By that time of day (around 10:15 am), a few fish came out. In that short period of time, they caught 13 mojarras and a sardine, which they ended up returning to the river because buyers are not interested in sardines. When they finished stirring the water, while Belén rowed, Isma picked up the *chinchorro*, removing the fish with his hand and putting them in the *panga*.

As can be appreciated, fishing implies several hours of work, and materials, which the Cucapáh fishers have to buy. Additionally, fishing requires at least 2 people if it's a *panga*, but more if it's a motorboat. Fishing also requires an important level of skill and physical

effort. The experience I had with the river, fishing with Belén and Isma, made me understand better the sacredness of the close bond they have with the river, and how through fishing, a unique set of interactions is practiced. Fishing is the main way of exercising relationality with the river, which in turn allows them to practice relationality with each other, with the plants and fish.

2.4.2 The hills

Another element of the land for the Cucapáh is the relationality with their sacred hills. For the Cucapáh, there are sacred hills that hold a central place in their cosmovision. Maribel (granddaughter of Rosenda, who was a respected elder in the Cucapáh community) shares a story from her childhood in the El Mayor Cucapáh that was told by her grandmother:

> They took us to the cave paintings, to see figures of our ancestors on the hill, near the Yurimuri, there is also a hill that is close to El Mayor, it is full of holes. What I will never forget my grandmother told me, that when she passed away, she was going to turn into a stone and she said "turn to the hill, see? All those stones, if you look closely, are people asleep" and when I go there, when I look at the hills, I do imagine that you can see the nose and the mouth and she said, "there are our ancestors asleep, there as stones". (M. Figueroa Méndez, personal communication, October 2023)

For Maribel's grandmother, three hills were important: the Wi Shkap (window hill) where the cave painting was, the *Wishpaj* hill, where her ancestors are, in the form of stones, and the Wi Jmú (metates hill), the one with the holes. This idea makes the hills not only their land but also the home of their ancestors. Thus, the Cucapáh protect the hills to maintain the relationship with their ancestors.

Figure 2.5 *Wishpa/Wi Shpaj*, sacred Cucapáh hill in El Mayor Cucapáh. Photography. 2023 (Marquez Duarte, F.)

Mrs. Raquel Portillo also commented about this hill: "In the *Wishpaj* there was a very large eagle, the oldest, who had a nephew who was *Jor Malala*, and from there the water of the river began" (R. Portillo Tambo, personal communication, December 2021). Raquel's quote is about the story of how the river and gulf were created; it is specified that it was from the Wishpaj hill. In that story the origin of the Cerro Prieto hill is also explained. The more complete version was shared first by Inocencia González (both of them passed away already):

> There is a tale that is one of the best known, *Sajut Malei*, the naughty boy. It was a boy who decides early to go kill the monster and the aunt tells him no, that it is dangerous and that he can kill him, but the boy does not listen. He leaves with his bow and arrows, and finds the monster sleeping, throws an arrow at his right "egg", and on one side he throws the "red water" and on the other side the "blue water", the red water is the Colorado River and the blue water is the sea [Gulf of California]. In that moment the monster gets up very angry and chases them and the boy's dog is left tired. When the aunt sees that the boy becomes very tired of running, she throws a stone that she has in her ear towards the monster... From a certain angle of the Cerro Prieto you can see the dog, and you can see that it looks like a German shepherd (A. Cardona, personal communication, 2022).

As appreciated in this story, the river and the hills are connected. The water of the river began to surge from the hill. This story also gives a foundation of the Cucapáh

understanding the land as composed of relationality with both the river and hills. Moreover, it indicates a cosmovision of the individual sacrifice of a Cucapáh person so that all the Cucapáh can have water.

Another important hill is the Wi Shkap (Window hill), as Arturo shared, based on Onésimo González' stories: "In *Cerro de la Ventana* (Window Hill) there is a petroglyph that has already been blurred and a cave painting that has been blurred…There, rituals were performed to pass from childhood to youth" (A. Cardona, personal communication, 2022).

Figure 2.6 *Wish Cap/ Wi Shkap*, sacred Cucapáh hill near El Mayor Cucapáh. Photography. 2023 (Marquez Duarte, F.)

There are also Cucapáh stories about the *Cerro Prieto* or *Wi Ñijl* volcano and the importance for their cosmovision: "In the extinct volcano [Cerro Prieto] they said that one

of the main spirits of the group lived. It was called *Kamunyun*, guardian of volcanoes, and its art was to teach healers to relieve any skin rash" (Bonada Chavarría, 2016, p. 145). From this story, it is clear the centrality of the relationality with the land, being the source of the spirit that taught the Cucapáh how to heal rashes. It is important to point out that it was not the *Cerro Prieto* volcano who healed them, but it was the place that allow relationality with the spirit.

Another story about the *Cerro Prieto* has been told by Mrs. Inocencia González Sainz:

> They say that the Cucapáh Indians lived from Cerro Prieto up and there was a very large cave, lived a lady... The lady was very fat and every day she ate a Cucapáh ... When [someone] entered the cave the lady would stop and tell them *cor ni pa*, which means "you have arrived". Then the lady began to dance and sing: *Ey si ki wa; Ey jo ki wa* and she danced and moved approaching the Cucapáh. When he laughed she would put her finger in his mouth and kill him. When she killed them, she cut off their hair and hung it in the cave. When almost all the Cucapáh were finished, there was only one family left, they were the mother, the father, the boy and the girl ... The girl was the last one to be lost. The boy... He said, "I'm going to kill her right now." He prepared the bow and arrows, took them hidden and went into the cave... The woman... began to sing and dance and approached. The boy... In a turn that she took and got very close to him, he grabbed the bow and put the arrow in. The lady fell and it began to tremble. The boy grabbed his sister's hair and ran to his parents. Then they came and burned the witch, and three days after they went to see there was the ash and the earth was shaking; it was shaking a lot and a *tecolote* flew out. This is how that hill was made, the Cerro Prieto volcano (Sánchez Ogás, 2001, pp. 160–162)

This story has a different essence, because it is a story that provides an explanation from the Cucapáh cosmovision of how the Cerro Prieto volcano came to exist. In the Cucapáh cosmovision the volcano arises by the magic of the dead witch, which I also interpret as a precedent of relationality with the land. It is by the interactions explained in the story that the volcano surged in the first place.

The last hill that is mentioned by the Cucapáh is the hill of *metates: Wish Mo* or *Wi Jmu*: "There are still metates. They ground ironwood and lipú seeds to make coffee. Also in the

Wi Jmu hill (hill of the metates) there are many metates, there they ground the mesquite péchitas to make pinole. There was also coyote tobacco that the Cucapáh smoked before" (Sánchez Ogás, 2001, p. 81).

Figure 2.7 Metate Hill or *Wish Mo/Wi Jmu*, sacred Cucapáh hill in El Mayor Cucapáh. Photography. 2023 (Marquez Duarte, F.)

2.4.3 Understanding of self-determination

Finally, it is important to understand what self-determination is for the Cucapáh. Rosa Méndez, a Cucapáh women and artisan shares: “For me, it is very important that the Cucapáh participate in politics because then we can protect our lands, our rights. And we can get to know and learn and not be tricked, but several of us don’t participate because the community is very divided, and they put obstacles” (R. Méndez, personal communication, 2022). For Rosa, self-determination is based on and it is exercised for their land. For Inés, self-determination is to defend their coexistence with their river. It is what

I discussed earlier about the relationality with their river as their land: “It is the right we have to carry out our way of life. Fishing for the Cucapáh, coexistence with the river is the origin, the essence. Self-determination is the recognition of the right we have as indigenous people to preserve our ways of living” (I. Hurtado, personal communication, 2022). Moreover, Yanira, another Cucapáh woman, shares the following:

> We, as Cucapáh people, burn our people when they die, but the government doesn’t allow us to do that because of “pollution”, when there are several businesses like Zahori that contaminate immensely and they can do it without consequences. Those are examples of violations of our Indigenous rights. When my grandma died, I went to the traditional Cucapáh funeral in Pozas and she was incinerated. That’s what I want to be legislated, that that tradition is respected because it is our right and in Pozas they can do it because it is our culture, why can’t we? (Y. Godoy, personal communication, May 2022)

For her, self-determination is about their right to practice their traditions and funeral rituals that have been prohibited by the government. I argue that these land-based rituals and traditions are forms of practicing relationality with the land. Incineration as a funeral ritual is clearly rooted in a sacred relationship with the land.

On the other hand, for Belén, it is about being included in decisions by exercising their autonomy: “It is important because one learns more from that, than if we only stay here. And when we go out to meetings, events, we learn more things. I believe that having autonomy is important because we are taken more into account” (B. Saenz, personal communication, 2022). There is also the issue of solving problems of their own community, as Celia shares:

> I think it's important that they include us in government decisions, because only we know how we live, in our lands. The government doesn't know how we live, they don't see. When an official from Mexicali comes, he just sees the school, but he doesn't know how people live, he doesn't know what they take from us, our struggle, how we survive. Autonomy would be different, because we can't isolate ourselves, we can't say that "we rule ourselves alone", because when there's a problem that we have to solve, we have to

> come to an agreement, that's why it's important to have cooperation with the government. Because then there are internal conflicts, and they have to be resolved with authorities, often from outside. (C. García, personal communication, 2022)

What Celia shares is interesting, and an indicator of multivocality. On the one hand, she argues the Cucapáh should be included in public decision-making because they are the ones who have that unique relationality with their land. On the other hand, she argues that total autonomy would not be good due to internal conflicts. Celia thinks that it is important to cooperate with the government to solve issues that cannot be solved within the community. This is different than the previous idea presented by Belén, and speaks to the conflicts in the Cucapáh community of El Mayor Cucapáh. However, Belén also implies that it is important to participate in decisions and events outside of their community.

2.5 Environmental political thought

In this research project, I also include a discussion about the land from an environmental political thought (EPT) strain, focusing on authors that discuss the issue of dispossession of the land and exploitation of the environment. I focus on these authors because for this research project, the more critical line of EPT is the relevant line. Other issues addressed in EPT like conservation, "green" energy, sustainability, are all antithetic to the land and relationality understanding of the Cucapáh. They are also colonial and are used to justify the dispossession of Indigenous groups and other marginalized communities around the world from their lands.

To introduce this discussion, it is relevant to cite Catherine Walsh, an author who is considered a decolonial author that discusses environmental issues. I chose this author to begin this discussion because it shows the clear link between decoloniality, Indigenous thought, and environmental political thought: "…Mother nature -mother of all beings- is who establishes and gives order and sense to the universe and to life" (2008, p. 139). She adds that we live in a neocolonial system characterized by the colonial matrix of oppression, where one of the elements of the matrix is "coloniality of mother nature and life itself" (p.138) which destroys the centuries-long spiritual and integral relation between all living beings, including humans, animals, plants, rivers, mountains; relations that are based on the cosmovision of Indigenous peoples. This system exploits and controls nature "…highlighting the power of the modern civilized individual (that is still considered based in the white European or from the US) above the rest…It is recreated today by practices and policies of development, ethno-tourism (with folklorization and exotization) and "NGOism", where the individual and its individual-neoliberal development prevail" (p.139). Walsh argues that the destruction of nature is part of the matrix of colonial oppressions. Moreover, her arguments are directly related to the colonial processes that the Cucapáh have suffered, especially with the policies of development and also NGOism. This applies especially to the Mexican government's unilateral decision to establish a Protected Reserve on the river where Cucapáh people have fished for over a 1000 years, prohibiting them from fishing. I discuss this and other cases in the next chapter.

Another author that discusses issues of land and dispossession is Maristella Svampa. She argues that "we are suffering big anthropogenic and sociogenic changes in a global scale,

that endanger life all over the planet (Anthropocene), that translate into questioning current development practices, tied with the unlimited expansion of mercantilization…" (2019, p. 19). She adds that the current system is characterized by neoextractivism: "Neoextractivism can be characterized as a development model based in the overexploitation of nature" (2019, p. 21). Moreover, "neoextractivism presents territorial dynamics that center intensive occupation of the territory and hoarding of land, through processes linked with [capitalistic] agricultural monoculture, which displaces communities" (p.23).

Svampa's elaboration is closely related with David Harvey's discussion of accumulation by dispossession, which he explains as "…the continuation and proliferation of accumulation practices which Marx had treated of as 'primitive' or 'original'…These include the commodification and privatization of land and the forceful expulsion of peasant populations…suppression of rights to the commons…and the suppression of alternative (indigenous) forms of production and consumption" (Harvey, 2007, p. 159). It is important to remember that Marx wrote the following about primitive accumulation and colonial oppression:

> Marx wrote in Chapter 3 of the first volume of Capital. "The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalized the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief momenta of primitive accumulation". (Galeano, 2004, p. 28)

As discussed before with Quijano, what allowed for primitive accumulation, which in turn made global capitalism possible, was the land dispossession of the colonial invasion. Moreover, Francisco López Barcenas, an Indigenous Ñuu Savi (Mixteco) scholar from

southern Mexico, also discusses the idea of accumulation by dispossession. He explains it as a process in which capital imposes a dispossession of the lands (and the natural elements thereof) of Indigenous peoples, where rivers, forests, mountains and other elements have been privatized and transformed into commodities, representing a form of neocolonialism (López Bárcenas, 2012, p. 123). He also criticizes privatization reforms in Mexico, such as the Constitutional reform of 1992 that allowed the privatization and commercialization of collective lands in Mexico (both ejido and communal lands) which were mostly bought by transnational companies (López Bárcenas, 2012, p. 135).

I argue that the processes of neoextractivism are current forms of land dispossesion, which according to Harvey and López Bárcenas are linked with accumulation. These processes have been suffered by the Cucapáh, in all entities that they understand as their land, including their *tierras comunales* (collective lands recognized by the Mexican government), their river, and hills. This discussion is relevant because the dispossession processes that the Cucapáh have suffered not only affect their territory, but sever their relationality with their land. Thus, dispossession is a constant threat to erase them as Cucapáh. As the Cucapáh political thinkers that I have cited mentioned, without their land they disappear. I will discuss the 1992 reform addressed by López Bárcenas in the next chapter, as well as other dispossession processes that have directly affected the Cucapáh.

The processes of dispossession and other forms of neocolonial oppression against the lands and natural elements of Indigenous peoples are forms of environmental injustice: "Environmental injustice occurs when marginalized groups face disproportionate environmental impacts" (Pellow & Vazin, 2019, p. 1). Moreover, it is recognized that

environmental injustice is a form of neocolonial oppression specifically against Indigenous peoples: “Environmental justice struggles that unfold in indigenous communities are often the result of histories of violent settler colonialism” (p.2). Moreover, the authors argue that environmental injustice is intertwined with the colonial matrix of oppressions, which is an argument linked with the ideas posed by Catherine Walsh and Aníbal Quijano: “We should go deeper to consider the driving forces behind environmental injustice/racism, which must include an examination of racial capitalism…Specifically, racial capitalism is the idea that racism is a structuring logic of capitalism” (p.3). The arguments presented by Pellow and Vazin are very important, because even though there has been an increasing trend of preoccupation and actions to stop climate change and environmental destruction, these have been conducted in ways that are not only not improving the environmental health of the world, but they have been used to further dispossess Indigenous peoples and other already marginalized communities from their lands and livelihood. The “efforts” concerning conservation, sustainability, and “green” energy extraction that dispossess these communities are intensifying environmental exploitation, but now through green colonialism.

One of the more relevant approaches for this research project, that intersects between Indigenous thought and EPT is green colonialism. It is important to discuss how so-called green policies and conservation projects can also be processes of neocolonial oppression against Indigenous peoples, as several examples show. One of them is the fight of the Indigenous Saami peoples against wind energy megaprojects in their lands. For Aili Keskitalo, the Saami parliament's president in Norway, there is a more recent form of

neocolonial oppression against them: “green colonialism”, where “Some populations are not only vulnerable to climate change, as policies of climate change mitigation can also put their life systems at risk…pinpointing that the processes around wind energy development might intensify colonial losses of land and rights in Norway” (Normann, 2021, p. 78). Moreover, it is argued that green colonialism policies are how neoliberal capitalism operates currently: “The idea of “circuits of dispossession and privilege” considers how global neoliberal politics shapes individuals' and communities' experiences and possibilities for self-determination…Whereas relatively small companies tend to initiate the license applications for wind power projects, the rights are frequently sold to big, transnational investment funds” (p.79). Green colonialism is the newer face of colonial processes of oppression and dispossession against Indigenous and rural communities around the world. This not only applies to wind power projects, but to any project that is presented as “green” by both private companies and nation-states, to further dispossess Indigenous peoples from their lands and livelihoods. I argue that the processes of dispossession that the Cucapáh have suffered in their river are literally green colonialism projects, where under the disguise of protecting a marine species (which has been debunked with proof by the Cucapáh and allies), the Mexican nation state and some international NGOs are destroying the life of the Cucapáh and their own environment. I will discuss these processes in the next chapter. Finally, Normann adds that polluting companies try to “green” their exploitation by purchasing renewable energy projects to continue to dispossess and pollute: “National and transnational companies related to aluminum smelting and energy-demanding servers, such as Norsk Hydro, Alcoa, Google, and

Facebook…Through renewable energy purchases, these industries can "green" their activities and gain market shares in the wake of the Paris Agreement" (p.79). Measures such as carbon emission trading are also used by companies that are big polluters to greenwash their industry. Some of these companies invest in "conservation" efforts as part of this carbon emission trading, so they can keep producing carbon emissions, at the same time they privatize lands for supposed conservation, dispossessing Indigenous peoples from the land they lived on for centuries and millennia.

2.6 Dispossession against the Cucapáh

Continuing to discuss dispossession, it is crucial to explain how the dispossession processes against the Cucapáh of Baja California have been, including what Cucapáh political thinkers think about these processes. The dispossession of Cucapáh land began in the second half of the XIX century when the American California Development Company invested an important amount of funds to control the waters of the Colorado river in the Imperial Valley region. The opening of farmland in the area generated great wealth for a few, but this was only possible due to the desiccation of the Colorado River Delta and the dispossession and altering of the Cucapáh socio-environment (Bonada Chavarría, 2023, p. 42).

With the opening of the lands to agriculture, capitalists from both the US and México began to get large portions of land or *latifundios,* which generated conflicts with the Cucapáh and mestizos in the area. The discomfort of the Cucapáh as well as non-Indigenous ranchers

that were being dispossessed increased, until the point they decided to join the Mexican Revolution against the dictatorial regime of Porfirio Díaz. On January 29, 1911, the Partido Liberal Mexicano (Mexican Liberal Party), an anarcho-communist party, took Mexicali, Tijuana, and El Álamo. One of the three armed contingents in Baja California was of the Cucapáh, led by Emilio Guerrero. The Cucapáh were the Indigenous group who contributed the most combatants -between 30 and 35- to the contingents (Bonada Chavarría, 2023, p. 46). After a few weeks, the uprising failed.

However, one of the most devastating events for the river, and thus, for the Cucapáh of Baja California was the International Treaty of Limits and Waters signed by México and the United States (USA) in February of 1944. This Treaty defined the amount of water that México and the United States receive from the Colorado River, as well as the Rio Grande and Tijuana Rivers. However, in recent years there have been several changes that negatively affect México, further reducing the flow of water from the three rivers, especially the Colorado River. Thanks to this Treaty, the Colorado River is the river with the most dams in the world, with more than 100 dams along all its tributaries. It is important to highlight that the diversion of the river's water flow has been mainly due to two situations: the enormous amount of water used by the capitalist monoculture agricultural industry in California, as well as the excessive consumption of water in large metropolises in the region such as Los Angeles, due to hyper-consumerism, typical of the capitalist system. In this regard, Dr. Alfonso Cortez, scholar on water issues at *El Colegio de la Frontera Norte* commented:

> ... [Water flows] have changed very recently, particularly for the lower Colorado River region. In 2001 an interim measure was established that says the US will deliver less water because they use it there… and this implies water cuts in Act 323. In 323, with 1090 feet

> above sea level, the first level of "voluntary" savings activates, which has worked as mandatory…For México 51 million cubic meters were cut 2 years ago, because the Hoover dam fell from that level. Then there's another point at 1075 feet above sea level. When it goes lower than that, it triggers mandatory reductions. Right now, the first and second level of reductions have already been applied, in such a way that by 2022 between savings and reductions, 99 million cubic meters were cut. Moreover, it has been already announced that by 2023, 128 million cubic meters will be reduced in the year. Most likely, in 2024 there will be a higher cut (A. Cortez Lara, personal communication, January 2023).

The desiccation of the river has affected the Cucapáh in several aspects of their life, from the animals and plants available for them, to the reduction of fish they can catch due to the reduction of the river flow, as Alfonso Cortez explains:

> What they have is a combination of saline water with freshwater, it's that type of fishing of the Cucapáh, and when you increase the salinity, you eliminate those species. The vaquita marina doesn't exist anymore, but that is not due to overfishing, its disappearance is due to the reductions in the flow of water, so species like catfish, the largemouth fish, which were consumed a lot by Chinese food restaurants, are no longer there, and that was an important income for Cucapáh communities. (A. Cortez Lara, personal communication, January 2023)

For Cucapáh political thinkers, who are my Cucapáh interviewees, there is a very clear understanding of these processes, based on their relationality with the land, as Alejandro Maclis (son of Margarita) shares: "Fishing was reduced a lot with the decrease in freshwater. Shrimps, *totoaba*, and *curvina* require freshwater to survive and then they go to sea water, and if freshwater decreases so does fishing" (A. Maclis Valenzuela, personal communication, September 2023).

Another issue that goes hand in hand with dispossession of water against the Cucapáh communities is the dispossession of communal lands that belong to the Cucapáh people. The agrarian policy of Lázaro Cárdenas had important repercussions in the Valley of Mexicali, since during the first years of his six-year term there were some armed episodes known as the "Assault on the lands" (1937), an event in which groups of landless peasants seized lands in order to put pressure on the federal government. These actions led to the

expropriation of more than 170,000 hectares between 1936 and 1938 from foreign companies, such as the Colorado River Land Company (CRLC), and their redistribution to the peasants. This led to achieving official possession of the former CRLC lands on March 21, 1937, for 114 *ejidatarios*. However, the desiccation of the river deepened over the years (Bonada Chavarría, 2023, p. 49). The Cucapáh people were led by Enrique Osben, who is mentioned in written records from 1937, in "the Confederation of Agrarian Communities of the Northern Territory of Baja California" (Bonada Chavarría, 2016, p. 283). Pedro Pérez Hernández wrote the following about Obsen's intelligence, when Osben had a meeting with the governor and other public officers and they were taking a picture: "... and before leaving, Osben said: "let's see, go there (near the window)". The governor moved. "Move more," he said, until the governor said, "Hey, do you want me to fall out the window?" That's what you are doing to us, you are taking us off our lands," Osben replied" (p. 285).

This way of rooting their self-determination struggles in the land, is an element of their relationality with the land, as I discussed earlier.

However, large amount of the lands that were granted to Cucapáh people were lost, especially the lands of the *ejido* Cucapáh Indígena, due to several factors: not having agricultural knowledge, nor equipment (Bonada Chavarría, 2015), as well as the abandonment of lands, caused by threats and aggressions by non-Indigenous people, as well as by the lack of knowledge of the requirements to maintain the lands, as Cucapáh elder Margarita Valenzuela shares: "Many from Zacatecas arrived at the Cucapáh Indígena [*ejido*]…and they tricked them, they put them drunk and bought the land right very cheap

and others received death threats so that they would give them the land right and all the Cucapáh left that *ejido*" (M. Valenzuela de Maclis, personal communication, 2022).

It is important to highlight that, since 1973, the government of México recognized 143,053 hectares as communal lands of the Cucapáh Indigenous people in Baja California, covering a large part of the Cucapáh mountain range and a small part of the banks of the river, as the result of years of efforts and mobilization led by Onésimo González Sainz, who was the traditional authority of the community (Bonada Chavarría, 2015, p. 24). It was not until 1975 that the community officially received the lands and the "Recognition and Titling of Communal Property. However, they only received arid land, with no possibility of cultivation. But this was important because it allowed them to have legal documents for possession of those lands and they were able to recover their sacred places" (Sánchez Ogás, 2001, p. 63). This juncture speaks to the issue that Coulthard problematizes earlier in this chapter about self-determination struggles *for* land as an exploitable property, and self-determination struggles guided *by the* land. I argue that this struggle for the recognition of communal lands by the Cucapáh was not *for* land as an exploitable resource, because it is land not apt for agriculture, but it was guided *by the* land, to recover the lands that are sacred to them, that allow that relationality with the river and hills. Thus, self-determination struggles for the Cucapáh are guided by their relationality with the land.

Currently, the dispossession of communal lands continues, although with a different dynamic. Since the reform of Article 27 of the Mexican Constitution, imposed by former President Salinas de Gortari (one of the most corrupt presidents, from the most corrupt party PRI) in 1992, the separation and sale of *ejidos* as private property was allowed, allowing a few people

and companies, mostly foreign, to acquire a large amount of lands. This allowed the *latifundio* again and the destruction of small subsistence agricultural production in México, while allowing the export-oriented monoculture agricultural production, typical of the current capitalist system. This reform also allowed communal land rights to be sold, transferred, and donated/given, as private individual property. Since this change, people who are not Indigenous (or Mexicans, as they are referred to by the Cucapáh people), have acquired communal land rights, thus continuing the dispossession of Cucapáh lands. Although acquiring communal land rights does not imply acquiring a specific plot of land, it does allow having a right to enjoy the benefits of any activity carried out on the 143,053 hectares recognized as Cucapáh communal lands, as well as having a voice and vote in the meetings on communal land rights. This is important, because any decision to lease or concession land or any other land-related activity must be taken by the assembly of *derechosos/comuneros* (people with communal land rights).

On this subject, Cucapáh elder Margarita Valenzuela comments: "There is a *comisariado*[7] who is buying a lot of land, and that is wrong because how are we, being Cucapáh, giving our lands to a Mexican?", she also adds "there are like 20 Mexicans who bought land rights" (M. Valenzuela de Maclis, personal communication, January 2023). As elder Margarita shares, non-Indigenous peoples are dispossessing Cucapáh people from the communal land rights, which is taking them out from the decision-making right about their land. Hilda Hurtado,

[7] *Comisariado* is the term for the president of the board of the communal lands. This position is elected by the comuneros.

Cucapáh woman who has led the biggest Cucapáh fishing cooperative, also comments in this regard that:

> Now there is just Mexican representatives who take away the right of the Indigenous and there are sacred Cucapáh sites. And people who are not Indigenous have no respect for sacred sites, at least let us have that. The Mexican turns to see the hill and sees the sign of pesos, how much are they going to give him for that piece of land? That is why we fight to preserve that cultural part of us. (H. Hurtado, personal communication, 2022)

Hilda's quote clearly illustrates not only the relationality with the land (in this case with the hills), but also how their self-determination struggles are guided by the land. It is relevant to highlight that when Hilda was sharing this quote with me, she made the sign of money with her hand. I interpret that as an indicator of how embodied they have their understanding of the land. How much the land is part of them. It is an indicator of relationality.

This is also highlighted by Yacotzin Bravo, a legal scholar and activist that has worked as legal advisor for the Cucapáh: "Several Cucapáh don't have land rights. For example, one of the current problems is that the board of the *comisariado* includes non-Indigenous individuals and that affects their territory" (Y. Bravo, personal communication, January 2023).

On the other hand, the most harmful situation for the fishing rights of the Cucapáh arose in 1993, with a different type of dispossession. I argue that this dispossession is a form of green colonialism. In 1993, the Mexican government unilaterally created the Upper Gulf and Colorado River Delta Biosphere Reserve (RBAGDRC), prohibiting the Cucapáh from fishing in the entire area of the river Delta, and in several routes of it, where for over a thousand years they had fished to survive. The justification put forward by the government at that time was

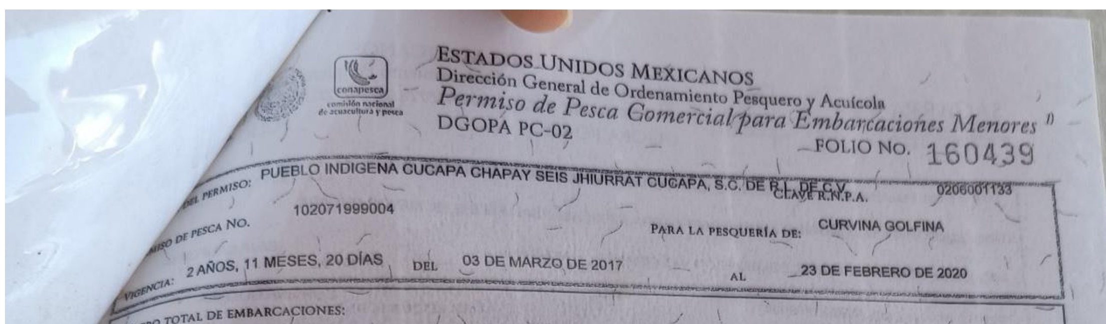
the protection of marine species. However, the fishing practiced by the Cucapáh does not have the intensity to put marine species in the area at risk: "The fishing carried out by the Cucapá is of low environmental impact, both for the fishing gear used and for the quantity; since they have 32 boats, some of them *pangas* that operate manually; and its capture comprises 10% of the recommended quota" (Anglés Hernández, 2011, p. 81). The number of fishers, the equipment they use, and the techniques do not present a risk to the species, so the justification of the Mexican State has no real basis. What happens in practice is that they perpetuate neocolonial oppression towards the Cucapáh group: "Since 1993 fishers have become accustomed to being watched and persecuted as part of daily life during the fishing season: they are treated as environmental criminals and the authorities justify their criminalizing actions with arguments of protection of the species that the cucapá fish" (Navarro Smith, 2013, p. 210).

From the establishment of this Reserve, a fishing ban was imposed, where the Cucapáh were especially affected. This situation led them to create fishing cooperatives to be able to legally protect themselves against the prohibition of fishing as Inés Hurtado explains:

> Our cooperative is called "Sociedad Cooperativa Pueblo Indígena Cucapáh" and was created in 93 or 94. Before, we were a communal unit, but by creating the reserve they did not let us fish. Every start of the season we had to promote *amparos*... we were forced to make a cooperative society to have legal personality, so we were legally protected. (I. Hurtado, personal communication, 2022).

In addition to this, in 2006, a decree prohibiting fishing *curvina golfina* was imposed. This prohibition applies from May 1 to August 31, this is linked to the "official Mexican standard NOM-063-PESC-2005, which prohibits the fishing of the *curvina golfina* in the core zone of the Reserve" (Anglés Hernández, 2011, p. 82). The way fishing works since the imposition of

the Reserve, is that the National Fisheries Commission (CONAPESCA) granted a certain number of fishing permits to cooperative societies, depending on the fishing volume established by CONAPESCA. Permits are assigned to a specific person, so only people with fishing permits can fish in the delta, and surrounding regions, and only in the seasons that CONAPESCA allows. There is also a fishing cap, which only allows each permit holder to take a certain amount of fish. This has generated many problems for the Cucapáh fishers, because few permits were assigned. Many Cucapáh fishers do not have a fishing permit, and although they have made requests to the government agency and established legal processes, no more permits have been granted: "Currently, all permits to fish curvina have been granted. This means that if the children of fishing families wish to continue fishing, they will no longer be able to do so legally... since the number of fishing efforts must be calculated in relation to the sustainable exploitation of the biomass of the species" (Navarro Smith, 2013, p. 212).



ESTADOS UNIDOS MEXICANOS
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Permiso de Pesca Comercial para Embarcaciones Menores
DGOPA PC-02
FOLIO NO. 160439

conapesca
comisión nacional de acuacultura y pesca

PERMISO: PUEBLO INDIGENA CUCAPA CHAPAY SEIS JHIURRAT CUCAPA, S.C. DE R.L. DE C.V.
CLAVE R.N.P.A. 0206001133
PESCA NO. 102071999004
PARA LA PESQUERÍA DE: CURVINA GOLFINA
VIGENCIA: 2 AÑOS, 11 MESES, 20 DÍAS DEL 03 DE MARZO DE 2017 AL 23 DE FEBRERO DE 2020
TOTAL DE EMBARCACIONES:

Figure 2.8 Cucapáh fishing permit for *Curvina Golfina*. Photography. 2023 (Márquez, F.)

As for the current process of fishing, important changes have occurred in recent years, not only because of the situations already analyzed of neocolonialism, green colonialism and mobilizations, but also because of the earthquake of 2010. This earthquake of 7.2 on the Richter scale damaged the roads and access to the river, so the Cucapáh fishermen have

had to adapt. Before the earthquake, in order to fish in the Delta, they went to an area of the "Zanjón", for the *curvina* season. But as that area was very damaged by the earthquake, they have to go further to be able to fish (Alvarado et al., 2018). This is explained by Inés Hurtado: "Because of the earthquake the roads were changed in 2010, we have to go further in the boat because cracks were made, it was more difficult because as the fresh water of the Colorado River is lacking, the fish no longer arrives here; we have to go further away" (I. Hurtado, personal communication, 2022).

The current problems regarding fishing for the Cucapáh, added to the dispossessions they have suffered and continue to do, are around more reductions to the river water levels, the lack of buyers and the low price of the fish. The river continues to be desiccated, making the Cucapáh the most affected:

> Actually, the river no longer exists, from the Morelos dam the river is totally diverted to agricultural infrastructure. The river has been reduced to puddles or very limited areas, therefore there is no longer pollution. There are areas where only the groundwater feeds the river; we call it a losing river. In certain sinkholes there is suddenly water. It is not that there is a river, it is the groundwater that has filtered for centuries. (G. Alarcón, personal communication, October 2023)

On the other hand, there is the issue of the price[8] and buyers of fish:

> The price of mojarra has been halved. We used to sell the kilo at 55 pesos, and others are selling it at 30 pesos, badly. Last time the buyer who normally comes with us, didn't come for 2 weeks, and we ran out of money because we don't sell cheap, and then it's counterproductive because we have to go up to km 40 for ice. For 3 bars is 400 pesos plus the gasoline for the boat engine and the car, it's a deficit. (B. Saenz, personal communication, January 2023)

There are two salient issues as shared by Belén: there is a lack of buyers and also there is a lack of coordination and cooperation between Cucapáh and other fishers of the Hardy

[8] As a reference, the price in any supermarket of a kilo of the *mojarra* fish, for example, oscillates between 90 and 115 pesos.

river, because there are fishers in the Hardy that are not Cucapáh, which just complicates the general situation of fishing for all the Cucapáh. Added to that, there is the problem of organized crime fixing the price of fish for the Cucapáh in the Delta:

> Let's suppose that I had 100,000 pesos left, now I have only 2,000 pesos left, because of the price the *narcos* set, and with that price I had nothing left to pay the workers. The other issue is that here in the Hardy River, they have to fight for the buyer. They don't have enough sales, for example the buyer comes for a few kilos, what's the point of fishing 100 kilos if the buyer only comes for 40? (L. Laguna Rodriguez, personal communication, June 2023)

To sum up the discussion about dispossession and fishing is worth highlighting what legal scholar Yacotzin Bravo argues: "Regarding fishing, the earnings are less now. And then, add all the prohibitions and security issues they have faced, as well as the conflicts they have endured" (Y. Bravo, personal communication, January 2023).

2.7 Reflections

In this chapter, I have discussed theoretical approaches regarding the land, relationality, and land dispossession, from three strains of literature: Decoloniality, Indigenous Thought, and Environmental Political Thought. I have discussed approaches from these areas because I argue that it is necessary to consider the perspectives of these three strains about the land, relationality and land dispossession, intertwined. They follow the flow of the river of thought (which is a symbolic way of saying that I try to present the theoretical approaches I discuss in a connected way, making an analogy of the flow of the river, which is constantly connected). Moreover, these are strains of political theory rooted in praxis, with and/or from oppressed groups from the Global South, especially Indigenous groups,

and with their lands. Both decoloniality and environmental political thought have a rich tradition of considering Indigenous thought of different groups in their arguments, especially from the Abya Yala. Moreover, a majority of literature (both academic and not academic) of Indigenous Political Thought center experiences, cosmovision, and struggles of Indigenous groups from the Abya Yala about the land. Moreover, several of the authors of these three strains of literature are Indigenous, such as Francisco López Bárcenas, Floriberto Díaz Gómez, Silvia Santiago, Glen Coulthard, Leanne Betasamosake Simpson, Shawn Wilson, Ailton Krenak, Ivan Neves Ordonio, and many others. Additionally, decoloniality helps me discuss the structural conditions that were imposed since the colonial invasion, that have lasting consequences to this day, namely land dispossession for Indigenous peoples. Discussing the issue of land from an Environmental Political Thought approach allows me to elaborate more on the issue of land dispossession and green colonialism, which are processes that the Cucapáh have suffered, and that have intensely affected their relationship with the land and their lives.

However, the thinkers that I sought to center in this discussion are my Cucapáh interviewees. It is through their voices and quotes that I interpret the understanding of the land as that space that allows them to have relationality with their river, hills, and their natural elements. Their ancient stories are foundations for their cosmovision, and their contemporary ideas show how their understanding of the land and relationality are practiced in their lives.

It is clear that the Cucapáh have suffered each one and all from the process of colonial oppression. Moreover, the Cucapáh continue to suffer processes of colonial oppression, in

the forms of neocolonial capitalism, internal colonialism, and green colonialism, and continue to resist these processes. For the current capitalist system the dispossession of Indigenous peoples' lands is necessary to exploit their land and nature without limits and to erase their resistance and cosmovisions that pose a threat to their interests. On the other hand, crushing their movements for self-determination is necessary to keep controlling and exploiting their lands and to prevent the capitalist system from any further collapse. Capitalist efforts to block Indigenous self-determination have been exercised through the inclusion framework. This directly affected the Cucapáh, not only through the 2001 Reform, but also through the 1992 land reform that allowed privatization, separation and selling/giving/donating of collective lands, both *ejidos* and communal lands, which I address in the next chapter.

CHAPTER 3: Legal context, Cucapáh decision-making, and resistance

3.1 Introduction

The Cucapáh Indigenous group has a long and complex history of struggles to defend their rights, their land, and for self-determination. In this chapter, I discuss the legal context, including both international treaties and national legislation in México that affects the Cucapáh. I also analyze the different decision-making areas that the Cucapáh have, and the decision-making processes that exist in each area.

Moreover, I discuss the resistance actions and mobilizations the Cucapáh have conducted to defend their rights to fish in the river and to their land. I argue that these are ways in which the Cucapáh exercise the relationality with the land, at the same time they practice their self-determination. As discussed in the earlier chapter, the self-determination ideas of the Cucapáh are rooted in the relationality with their land.

In this chapter, I use legal content analysis to discuss international treaties and federal legislation in México. I also cite legal scholars' analyses about the Mexican legislation and how it has affected the Cucapáh. I incorporate in the analysis the ideas and experiences of Cucapáh thinkers that have participated in self-determination struggles, that have been affected by green colonialism processes, that explain how decision-making processes develop, and that assess the conflicts and issues that exist among the Cucapáh.

I begin this chapter's discussion with the analysis of international treaties that México has signed and ratified regarding Indigenous rights.

3.2 International Treaties

It is important to analyze the international treaties and legal instruments that recognize the rights of Indigenous Peoples that apply in México, such as the UN Declaration on the Rights of Indigenous Peoples of 2007, as well as Convention 169 of the International Labor Organization. Although several countries have signed and ratified them, they have not complied with the agreements embodied in them, a factor that blocks the right to self-determination of Indigenous Peoples. The analysis of international treaties is relevant for this research project, since México has signed and ratified the treaties discussed, which recognize the right to the land and the natural elements in it (for these treaties the river is a natural element of the land, even though for the Cucapáh the land is based on the relationality with the river and hills, as discussed before), as well as the right to self-determination, but in reality, these rights are constantly violated. By analyzing these treaties, I argue that there is a two-sided issue: On one side, the fact that México signed and ratified these treaties makes them useful for Indigenous Peoples to use them as sources for establishing legal processes in case of the violation of their rights, and makes them useful to generate pressure on the nation-states to solve the issue, if enough attention from the media and organizations is gathered. However, on the other side, the ratification of these treaties by México doesn't prevent the nation-state or private companies from violating Indigenous rights over and over. This issue makes these treaties only useful -and in some cases- to sustain the legal argumentation of a case in case of Indigenous rights violations and to put pressure into the nation-state to take action, even if the courts don't resolve in favor of the Indigenous groups or a resolution is not reached at all. This

is appreciated in the case of the Cucapáh filing a case to the Inter-American Human Rights Commission, which is still unresolved, but has put enough pressure to the federal and state government of México, and Baja California (BC), respectively to take action on the issue, although not enough to solve it.

The first international instrument to be analyzed is the United Nations (UN) Declaration on the Rights of Indigenous Peoples. This Declaration is based on the recognition of the historical colonial oppression suffered by Indigenous Peoples and sets out one of its main objectives to ensure that Indigenous Peoples have the right to self-determination (United Nations Declaration on Rights of Indigenous Peoples, 2007)

The Declaration has more than 40 articles; however, for the purposes of this chapter it is considered that the most relevant are articles 3, 5, 23, and 26. Article 3 states that Indigenous Peoples have the right to self-determination explicitly. Article 5 declares that Indigenous Peoples have the right to maintain their forms of organization and self-government, while having the right to participate in the public decision-making of the Nation State. Article 23 declares that Indigenous peoples have the right to determine their own conceptions and strategies of development. Article 26 declares that Indigenous peoples have the right to the lands and natural resources they have occupied ancestrally, thus, the State must legally recognize and protect these rights, respecting the customs and forms of self-government of the groups (United Nations Declaration on Rights of Indigenous Peoples, 2007). However, this is not a binding treaty, there are no specified consequences for nation-states that violate the rights, even if they signed and ratified. This is a reason why this document is signed and ratified by more countries than Convention 169.

As can be seen, Articles 3, 5, and 23 refer to elements of self-determination, so that if a country establishes one of these rights, but not the others, the right to self-determination is not truly established. Therefore, if Indigenous peoples cannot maintain their internal forms of organization and government, as well as decide how they want to live, they cannot exercise self-determination. On the other hand, the right to land ownership is important, since Indigenous groups have occupied the lands long before the establishment of the nation state, so it is fair that their right to land ownership be recognized and respected, whether or not they have a written land title that complies with the criteria that the nation-state demands.

A second international instrument to be analyzed is Convention 169 of the International Labour Organization on Indigenous and Tribal Peoples. This agreement has two basic points: the right of Indigenous peoples to participate in the public decisions of the Nation-State, as well as to maintain their own forms of organization and self-government. It is important to emphasize that this Convention is a binding instrument, which obliges the States that signed and ratified it to comply with the measures and proposals indicated therein (Convenio Número 169 de La OIT Sobre Pueblos Indígenas y Tribales, 1989, p. 8,9).

The articles that are considered most relevant to the agreement for this chapter are the 2nd, 6th, 7th, 14th, 15th, and 28th. Article 2 specifies that governments that sign and ratify the Convention are committing themselves to protect the rights of Indigenous Peoples, in coordination with the peoples themselves. Article 6 states that governments must consult Indigenous peoples whenever legislation and/or regulations may affect them, as well as encourage the development of Indigenous peoples' institutions and initiatives. Article 7 states that Indigenous peoples have the right to decide on their own development. Article 14 states

that governments must recognize Indigenous ownership of lands that they have traditionally occupied and protect it. Article 15 states that governments must protect the right of Indigenous peoples to the natural resources of their lands, including their use, conservation and management. Article 28 states that governments must provide education to Indigenous groups in their own language.

The highlighted articles are important for this chapter, starting with the 2nd, since it starts from the recognition of the differentiated rights that Indigenous peoples have. As for Articles 7, 14 and 15, they are also recognized in the UN Declaration and are fundamental for self-determination. Likewise, Article 6 is very important, since in many cases Indigenous peoples are not consulted on projects, treaties, and legislation that affect them, and, in cases that they are indeed consulted, the consultations are not transparent. Moreover, the right to receive an education in their own language is crucial, since one cannot preach an intercultural education if it is not carried out in the language of the Indigenous group to whom the education is intended to be provided. Even in the situation of the Cucapáh languages, an intercultural education could be possible. There are documents about the Cucapáh language (although very few) that can be useful to reclaim and revitalize their language. However, Cucapáh interviewees have said that the government is not investing institutional and/or economic resources for these projects. For intercultural education to happen with the Cucapáh language, the Mexican government should have a permanent program with enough funding for the fluent speaker and trainers to replicate the language.

Another relevant instrument to consider is the American Convention on Human Rights. Article 21 of this international instrument recognizes the right of Indigenous peoples to lands that they

have historically occupied by their customary systems -even when nation-states don't recognize them- and asserts that they qualify as property rights. On the other hand, the Inter-American Commission on Human Rights has declared that nation-states have the obligation to prevent the negative impacts that extractive projects or development projects cause in the population, as well as the obligation to protect the rights of Indigenous peoples who are affected and guarantee their access to justice, in case their rights have been violated. Additionally, they must implement consultations with Indigenous peoples who may be affected by the project and conduct impact studies with the participation of Indigenous Peoples. The highlights of these two international instruments are consistent with the articles analyzed in the ILO Convention, as well as in the UN Declaration. They are also important because they are regional instruments that are specific to the American continent, further reinforcing the commitments acquired by the countries of the region in the international instruments already analyzed (Economic Commission for Latin America and the Caribbean (Comisión Económica para América Latina y el Caribe (CEPAL)/Fondo para el Desarrollo de los & Pueblos Indígenas de América Latina y el Caribe (FILAC), 2020). The Inter-American Commission on Human Rights is especially relevant for this chapter, because as I will discuss in the following pages, a delegation of Cucapáh people presented their case in the Commission almost 20 years ago. Moreover, the Commission has resolved in several cases in favor of Indigenous peoples, imposing specific measures that the nation-state and/or companies have to carry out to compensate for the harm imposed on the Indigenous group.

3.2.1 Legal cases of the Cucapáh in international courts

The Cucapáh have established legal processes at the international level, before the Inter-American Commission of Human Rights in Washington, D.C., and have participated in forums of the United Nations in New York, sharing their struggle. In this regard, Hilda Hurtado commented: "I went to Washington... thank God it was useful for something, even to Juana and Susana [the leaders of the other two fishing cooperatives] although they remained on the sidelines. The government gave us the engines for the *pangas*" (H. Hurtado, personal communication, 2022). Likewise, Inés Hurtado added:

> If a benefit has reached other cooperatives in the community, it is because of our struggle, because when we went to New York to the United Nations and denounced our needs and problems, that was why support came to us, to Juana and Susana, not just to us. Susana had 4 permits, now she has 32. (I. Hurtado, personal communication, 2022)

Ricardo Rivera, who was the lawyer that supported the Cucapáh to reach both the UN and the Inter-American Commission of Human Rights (IACHR), shared:

> In 2005 there was the opportunity to present in the Permanent Forum on Indigenous Affairs at the UN. I put the situation of the Cucapáh on the table at the forum. Then, three years later it was more formal because we filed a complaint with the Inter-American Commission on Human Rights in 2008. If it reaches the Court, I am sure they would win. (R. Rivera de la Torre, personal communication, January 2023)

Additionally, using archival research I found a summary of the information presented in the case filed by the Cucapáh with the support of attorneys in the Inter-American Commission of Human Rights in October 2008. The summary was compiled by Raul Ramírez Baena, the attorney that together with Ricardo Rivera de la Torre supported the Cucapáh to present the case both in the UN in New York and in the IACHR. The summary includes all the elements presented at the Commission, as well as the response by the Mexican authorities:

> The creation of the Reserve in 1993 was made without the free and informed participation of the Cucapáh and without prior consultation, notwithstanding the obligation of the Mexican State that, in terms of Articles 6, paragraph 1, subparagraphs a) and b) and paragraph 2; 8 and 13 of Convention 169 of the International Labour Organization, oblige it as a State Party. (Ramírez Baena, 2010)

The case presented in the IACHR specifies that the Reserve established in 1993 by the Mexican authorities was conducted in violation of Convention 169 of ILO, by not consulting the Cucapáh for this decision. In the session, three Cucapáh women were present. One of them, Hilda Hurtado, shared the following: "Even so, PROFEPA files administrative records against us and confiscates our *pangas* and fishing gear. Likewise, we have applied for additional fishing permits without having received a response" (Ramírez Baena, 2010). As stated by Hilda, the Mexican authorities have confiscated -on numerous occasions- the fish that the Cucapáh catch, and at the same time they don't grant more fishing permits for them, which constitutes a nefarious cycle against the Cucapáh: the authorities criminalize Cucapáh for not complying with their prohibitions of fishing, but don't allow the Cucapáh to have more fishing permits, so they can keep criminalizing them.

Moreover, the case filed in to the IACHR is based on the Mexican National Commission of Human Rights (CNDH) recommendation of 2002: "In Recommendation 8/2002 of CNDH, it was documented that the percentage caught by the Cucapáh is approximately 5% of the recommended quota, which proves that the fishing carried out, even if in the Nucleus of the Reserve, does not break the ecological balance or threaten the extinction of the species" (Ramírez Baena, 2010). CNDH concluded in their recommendation that due to the quantity of fish captured by the Cucapáh, the Cucapáh did not put at risk any marine

species. The CNDH recommendation dismisses the main argument that the Mexican authorities use to justify the prohibition of fishing against the Cucapáh: the supposed threat to marine species.

In the presentation of the case to the IACHR, the Cucapáh and their legal advisors also denounced how they have suffered repression by the Mexican authorities:

> The delegate of PROFEPA in Baja California has specified that the objective of his operations is to prevent fishing activities in the Nucleus Zone, and that for this reason more than 40 elements of the Navy participate in coordination with 26 inspectors of PROFEPA in each operation…Conservation International estimates that approximately 600 fishing boats originating from other ports fish within the Nucleus Zone of the Reserve (unofficially it is known that they extract up to 1,500 tons of *curvina golfina* in each of the approximately 6 tides per year), and are not pursued by PROFEPA while the Cucapáh only have 50 shallow draft vessels, and are harrassed. (Ramírez Baena, 2010)

The Cucapáh have suffered constant repression, a fact that was mentioned by the Cucapáh delegation to the IACHR. All of this, while other fishing boats, that are indeed industrial and catch a number of fish that does threaten marine species in the region, go unpunished and unbothered. Finally, the following summary indicates the actions that the Mexican authorities conducted in 2009 as a response of filing the case to the Inter-American Commission:

> In February and March 2009, working sessions were held with authorities from the three levels of government (led by SEMARNAT) and the Cucapáh that went to the Inter-American Commission, where the authorities offered the Cucapáh indigenous people investment and support projects in the productive, social, and service areas. The representatives of the Cucapáh People agreed to participate in these projects, but without abandoning the traditional fishing activity in their natural area, their millenary habitat, explaining to the authorities once again that fishing is intimately linked to their traditions, uses, customs and cosmovision. The official and definitive response of the authorities was that the fishing of the Cucapáh People is illegal and therefore subject to repression. Therefore, there was no agreement and the purposes of the Inter-American Commission on Human Rights to reach an agreement between the parties were not fulfilled…On May 21, 2009, SAGARPA, through the National Commission of Aquaculture and Fisheries (Conapesca) and with the support of the Navy, carrying high-caliber weapons, entered

> the community of El Indiviso, Baja California, to seize 8.6 tons of *curvina* from the Cucapáh Cooperative Society. (Ramírez Baena, 2010)

As a result of these cases, the Mexican authorities had to meet with a delegation of the Cucapáh. However, the authorities kept a stance that I characterize as green colonialism. Under the disguise of conservation and protection of marine species, what the Mexican government is doing is the perpetuation of land dispossession against the Cucapáh. There is no solution to environmental problems, if the supposed measures to solve them are perpetuating environmental injustice. The Mexican authorities don't want to recognize the rights of the Cucapáh to continue with their fishing activities, which they have conducted way before the Mexican state existed, justifying themselves by the protection of marine species, which as discussed before are not endangered by the Cucapáh. Instead, they offered them temporary and precarious income through productive projects that, based on experience, only last for two or three years, in the best-case scenario. It is not a surprise that the Cucapáh don't want to stop fishing in exchange for other productive projects, because as discussed extensively in chapter 2, fishing is not only conducted for economic purposes. It is how they exercise relationality with their river.

The International Treaties discussed earlier are relevant for Cucapáh struggles for self-determination, since these have been evoked by them during the presentation of the case at the IACHR, as well as in the UN Permanent Forum on Indigenous Issues. This was possible because México signed and ratified the International Treaties mentioned earlier on Indigenous rights, which allows for Indigenous groups in México to evoke them to defend their rights and denounce the violation of their rights. This has also allowed the Cucapáh to use them as a legal base in their lawsuits. Despite the fact that the Mexican authorities

have responded to some extent to the public pressure generated by these legal cases, the Mexican authorities have continued with the repression and criminalization of the Cucapáh for fishing in their river: for practicing relationality with their land.

3.3 Legislation in México

It is important to consider that in México international treaties are at the same level as the Constitution. However, in case of controversy of rights, the Supreme Court will rule in accordance with the legal instrument that provides and ensures more rights to the affected people (Comisión Económica para América Latina y el Caribe (CEPAL)/Fondo para el Desarrollo de los & Pueblos Indígenas de América Latina y el Caribe (FILAC), 2020). This is an important point, since, although in principle the most beneficial legal instrument for the subjects should be used, in practice this is decided by the Supreme Court, who on several occasions have made resolutions contrary to the benefit of Indigenous peoples. This puts in a complex situation the rights of Indigenous peoples established in international treaties, when they have some controversy with Mexican legislation.

An important precedent of the legislation on Indigenous rights is that México was the first country of the Abya Yala to recognize them in the Constitution, since the Constitution of 1857 recognized and guaranteed the right to self-determination of Indigenous peoples; however, that article was reformed and modified, so that right was never put into practice. It was not until the 2001 reform of the Mexican Constitution that Indigenous peoples and their rights were directly recognized. The 2001 reform was the result of negotiations with the Zapatista

movement and should have been enacted in 1996, but the federal government rejected it. It was not until the PRI (Party of the Institutional Revolution) left power that this reform reached Congress. An important element of the 2001 reform to consider is the criteria for considering a person as Indigenous in México. In México, self-ascription is used, which refers to the self-identification as Indigenous of a person, and that the Indigenous group to which they claim to belong, also recognizes them as part of it (López Bárcenas, 2002). However, this reform was lacking the most important demands for the Zapatista movement and for Indigenous groups that organized to demand the recognition of their rights, especially regarding land and self-determination. In document 2[9] of the agreements, it is specified that the right to self-determination and autonomy implies to recognize their own territory (point 5, section II) , and the right to establish Indigenous municipalities with their own decision-making processes and authorities and the right to use their resources (point 4, section II) (Acuerdos de San Andrés, 1996). As I discuss in this chapter, neither of these points were included in the 2001 reform explicitly, so these rights have not been respected in the case of the Cucapáh.

The rights of Indigenous peoples have been enshrined in the Mexican Constitution since the 2001 reforms, which recognize in article 2 that Indigenous peoples have the right to self-determination and autonomy. They have the right to decide their internal forms of coexistence and organization; to elect authorities according to their own system and rules; to preserve and revitalize their languages, knowledge, and culture; to have ownership of their land, to conserve and enhance the natural resources of their lands; to administer justice in accordance with their

[9] 2nd document of the agreements about the specific proposals agreed by both sides: "Propuestas conjuntas que el gobierno federal y el EZLN se comprometen a enviar a las instancias de debate y decisión nacional, correspondientes al punto 1.4. de las Reglas de Procedimiento"

internal rules; and to elect representatives to the municipalities to which they belong and to access the total jurisdiction of the state (Gamboa & Valdés, 2018, p. 9; López Bárcenas, 2002). This point is pretty relevant, because not only is the right of self-determination (free determination) recognized, but also several rights that are constantly violated. It is also important to note that there is a high degree of harmonization between the international treaties that México has signed and ratified and national legislation. The problem is that some of these rights have to be recognized and specified by each of the local assemblies for the 32 states in México for their exercise. Many of the states in México do not have them directly regulated, or they don't recognize specific mechanisms for Indigenous peoples to exercise their rights, making their exercise extremely difficult. Other problems with Mexican legislation on Indigenous rights are highlighted by legal scholar Anglés Hernández:

> ... How is it that the Constitution "guarantees" the right of Indigenous peoples and communities to self-determination, if to date no mechanism has been developed to allow its full exercise? How can we speak of access to the "preferential" use and enjoyment of the natural resources of the places inhabited and occupied by the communities, if it is subject to respect the forms and modalities of ownership and tenure of land established by the Constitution and the related laws? (Anglés Hernández, 2011, p. 73)

Another relevant law is the Sustainable Development Law that specifies in Article 175 that Indigenous peoples who live in protected natural areas (ANP) (such as the Cucapáh people), ""Will have priority to obtain permits, authorizations and concessions to develop works or economic activities"... In addition to this, the recent General Law on Sustainable Fisheries and Aquaculture indicates as one of its objectives to seek the right to access, use and preferentially enjoy fisheries and aquaculture resources of Indigenous communities and peoples" (Anglés Hernández, 2011, p. 75). Although rights are established for Indigenous groups in the aforementioned laws, these have been violated by the authorities in the case of the Cucapáh

group, since as I analyze in the following pages, a series of prohibitions have been imposed on the Cucapáh people to fish in the Colorado River Delta Reserve, which is an ANP.

As recognized in international treaties, Indigenous Peoples have the right to prior consultation regarding legislation, treaties and projects that may affect them, this is also specified by Mexican legislation (Comisión Económica para América Latina y el Caribe (CEPAL)/Fondo para el Desarrollo de los & Pueblos Indígenas de América Latina y el Caribe (FILAC), 2020, p. 75). Unfortunately, in México Indigenous peoples have not been consulted regarding the signing of international treaties; an example of this is the signing of the Treaty of Limits and Waters between the United States and México of 1944, without consultation to the Cucapáh, which allowed the deviation of the Colorado river and its desiccation, especially affecting the Cucapáh.

It is also important to consider that the Cucapáh Indigenous people have lived from fishing for centuries, long before the United States or México existed as it is explained by different interviewees: "Those who exercise the law must understand that local laws must be subordinated to national and international laws, and those laws clearly say that the law cannot be retroactive and if fishing is an ancestral activity of these communities they should not be prohibited" (A. Cardona, personal communication, 2022). Legal scholar Ricardo Rivera also adds to the topic: “The fishermen of San Felipe in one day with their machinery catch up to 1000 tons, and the Cucapáh all together in 3 months the maximum they have taken is 400 tons. And that's what the Cucapáh depend on” (R. Rivera de la Torre, personal communication, January 2023)

It is also necessary to know the context of the right to participation and political representation of indigenous peoples in México, since indigenous peoples have historically been marginalized from public decision-making and the political arena, and since this marginalization has affected their voice, capacity and resources to defend their land. Currently affirmative action exists in México, assuring that the Federal Congress has at least 30 Indigenous legislators that have to be elected through political parties (Redacción, 2021). In the state of Baja California[10], there is local affirmative action, assuring at least two Indigenous legislators in the local Assembly, and at least one *regidor* (similar to city council member) in some municipalities.

3.4 Decision-making and conflicts

Several Indigenous groups, as discussed in the previous chapter, have collective decision-making processes and are based on customary processes. Moreover, decision-making processes for Indigenous groups have a differentiated base. I argue in this part that the different decision-making processes of the Cucapáh are based on the land, to different degrees. Each of the three areas of decisions have a different relationality with the land. This difference affects their decision-making processes. Thus, I argue that the more the decision-making areas are based on the land, the more collective and horizontal the decision-making process is.

[10] For more information on affirmative action for Indigenous peoples in Baja California, see (Márquez Duarte, 2023).

I identify three main areas of decisions: fishing, community/cultural issues, and communal lands. The decisions made in each of these areas have their own processes; however, there have been times when two of these decision areas have overlapped. There is another important point to highlight before diving into the discussion of decision-making, which regards different leadership or authorities, as well as internal conflicts and multivocality.

There are currently three fishing cooperatives. Each one composed of Cucapáh individuals with fishing permits. The biggest one is the cooperative led by Inés Hurtado and Hilda Hurtado, with over 60 members. There is another one led by Susana with 32 members. The last one is led by Juana with fewer than 15 members. Fishing decisions are taken in each cooperative, which operate separately and autonomously from each other. There is not much cooperation between them.

The decisions regarding communal land are taken by the *comuneros*. The *comuneros* are individuals who have the property of a land right to the *tierras comunales* of the Cucapáh in BC, which could be translated into collective lands. This doesn't mean that *comuneros* have a determinate plot of land that belongs to them. It means that the communal lands belong to all of them collectively. There are currently around 70 *comuneros*. However, as discussed earlier, since the privatizing reform for land in the early 90's, land and *ejido* permits and property titles can be privatized and sold individually, which has meant that several of the current collective land rights of the Cucapáh are in the possession of non-Indigenous individuals. The *comuneros* have a directive board, consisting of a leader (which is the *comisariado*), as well as a secretary, a treasurer, and vocals. During the time I conducted my research, the *comisariado* was not Indigenous.

A third area of decisions is community and cultural issues. For this area, the Cucapáh Indigenous group in BC has an Elders Council, which was formed in 2022 with five original members. However, sadly, two of them have passed away in 2023: Maria Conde & Raquel Portillo Tambo and a third one, Victor Portillo, died in early 2024. Only two of them remain. However, there are some interviewees that argue that the Elders Council is more a symbolic figure: “Previously, decision-making was done by the Council of Elders, which was the body in charge of making important decisions. And now, as far as I know there's no council of elders, they're going to tell you there is, but they don't have meetings” (A. Cardona, personal communication, 2022). Adding to this discussion, Cucapáh elder Margarita, who is part of the Elders Council, shares that on some occasions it seems like a simulation:

> They put me in the Council of Elders, and then they held a meeting in the dining room in El Mayor and Monica came and told me "aunt, tell them to put my mom to be the traditional authority so that she can put the seals on the letter" and I said "ok" but when the commotion started in the meeting, my children took me out... And well, I didn't come back until now when Monica came with the CFE and they asked me to go to the meeting and I told them, "Oh, so now you remembered that I'm Indian?". (M. Valenzuela de Maclis, personal communication, 2022)

As can be appreciated, even though the organ of the Elders Council has been put in action again since 2022, it is more symbolic than in earlier times. Added to that, there is a traditional authority, which is the leader of the community in this area of decisions and is normally chosen from the members of the Elders Council. As mentioned before, the traditional authority passed away in December 2023. The traditional authority is chosen in an assembly where members of the Cucapáh Indigenous group participate and choose the traditional authority. It is by show of hands. The position is held until the holder is deceased. When the traditional authority is deceased there is a mourning period that lasts

around a year, and then the next traditional authority is chosen in an assembly. Mrs. Margarita shares her experience in the assembly where Raquel was chosen, in late 2022: “The assembly to elect traditional authority was like a dog fight. There were more than 50 of us, there were police and everything. Even the *comisariado* who is not Cucapáh was there, because there is a group of Susana's and they got into a fight” (M. Valenzuela de Maclis, personal communication, January 2023). A conflict brewed in the assembly especially between Susana’s group (the tribal authority) and the group that elected Mrs. Raquel. The conflict got so intense that the children of Mrs. Margarita had to take her out because the groups inside were on the verge of a brawl. Before Raquel, the traditional authority was Inocencia: “Inocencia lasted around 6 years as traditional authority, because she began a year after Onésimo died. I think Concha was *comisariada* of communal land at that time” (I. Hurtado, personal communication, January 2023). Before Inocencia, the traditional authority was Onésimo, who was the Cucapáh individual that has lasted longer as traditional authority, assuming the role in the 70’s when he led the mobilization to have communal lands recognized. He has also been the only Cucapáh individual that has been traditional authority and *comisariado* of communal land during a period of time:

> When Onésimo regains his land right, as well as Raquel, Inés, etc., around 2003, it coincides with the change of the board of directors of communal land. Onésimo was already the traditional authority of the Cucapáh, and Onesimo's slate was presented and won. For the first time, the traditional authority was also *comisariado* of communal land. (R. Rivera de la Torre, personal communication, May 2023)

However, there are other leadership figures in the community for this area of decisions. One of them is the figure of “tribal leader”, which is a recent figure introduced by the Zapatistas when they were in the Cucapáh community. However, this figure is not

recognized by several Cucapáh families and individuals, because they have argued that the current holder of this position was not elected, but rather self-proclaimed. In reality there are some families and individuals that recognize the current person holding "tribal authority". There is another leadership figure, especially regarding cultural issues, who is the cultural promoter in charge of the community museum of El Mayor Cucapáh. Same as the previous figure, there are several Cucapáh people that don't recognize the cultural promoter as an authority figure, because she wasn't elected. However, since the museum is the point of contact with most people outside the community, most non-Indigenous people think that the cultural promoter in charge of the museum is the authority, or at least some kind of authority regarding Cucapáh culture. On the issue of different authorities and decision processes, Inés Hurtado discusses the following:

> *Usos y costumbres* [traditional customs] are the way in which we as Indigenous people want to organize ourselves. If we want to organize ourselves independently or as family clans, according to what is in one's cosmovision as Indigenous, the *comuneros* say no. They don't even know what traditional customs say. For example, Susana calls herself a tribal authority. I don't recognize her because I didn't elect her, but I respect her. If the group of people who supported you want to organize themselves that way, go ahead. If other people here want to organize themselves as family clans, go ahead. If the other group wants to organize as a community assembly, go ahead. These are all ways that we, as Indigenous people, want to organize. But they have benefits there [makes money sign]. (I. Hurtado, personal communication, 2022)

Elaborating more on the different authorities in the Cucapáh Indigenous group, scholar Arturo Cardona comments:

> There is a problem because right now there are traditional, formal, and *de facto* leaders within the Cucapáh. The *de facto* ones are those that have to do with the nation-state. Before, people from the political party PRI went, for example, to mobilize the vote and designate a representative to get votes and that fostered the separation of the groups because that person benefited only their people, not the entire community. (A. Cardona, personal communication, 2022)

The point explained by Cardona is also highlighted by other scholars that have worked for years with the Cucapáh, such as Yolanda Sánchez Ogás: “Inocencia and her son had fishing permits and Susana took them away. Susana came to divide the community even more. The problem is that even government authorities take her into account, and since the Cucapáh are so divided, everyone seeks for their own benefit” (Y. Sánchez Ogás, personal communication, 2022)

It can be interpreted that the different factions and leaders that currently exist in the Cucapáh Indigenous group are moderately recent and have been caused by external actors in the community. Similar to when officials from the Mexican nation-state introduced the figure of “captain”, these situations alter the decision-making processes and power dynamics of the Cucapáh.

Moreover, the fact that just a few Cucapáh individuals hold certain power and/or are seen as an authority figure by people outside the Cucapáh group has caused inequality and hoarding of resources and opportunities that reach the community, by very few individuals. In this regard Samuel argues: “There is an inequality of conditions, there is no unification and if some resource gets to the community, there are a few people that appropriate it even if it is for all the community” (S. Saiz, personal communication, November 2023). This is also shared by other Cucapáh thinkers: “We had different ways to practice our culture, but now this person from INPI [government institution] enters the community and now everything is for power and money” (L. Laguna Rodriguez, personal communication, June 2023).

Having these three different areas of decisions, as well as the multiple authorities in these areas, have led to, and also came to being due to, internal conflicts of the Cucapáh group, some of which have lasted for decades and have become multiple family conflicts with time. This is especially salient when one individual receives resources from government officials or other entities and keeps it for themselves instead of distributing the resources to the Cucapáh communities, as pointed out by scholars: "Certain people have been presented as cultural representatives of the Cucapáh. That makes everything else that there is of the Cucapáh, invisible. You can only see that by being in the community, and I see that with this government" (Y. Bravo, personal communication, January 2023). By favoring a few Cucapáh individuals, government officials and politicians have intensified the internal conflicts of the Cucapáh, at the same time they present themselves as benefactors of the Cucapáh, when they are only favoring very few individuals that don't distribute resources and/or benefits to the community.

Another point to consider is that most Cucapáh people don't have land rights. Less than half of Cucapáh individuals have fishing rights: "One issue is fishing, and another is related to agriculture. Moreover, not everyone who is part of the fishing cooperatives has land rights" (Y. Bravo, personal communication, January 2023). This is also mentioned by Cucapáh political thinker Alejandro Maclis:

> The Cucapáh make the decisions in their clan, in the meetings. They get together to decide, and that's when the discussions happen. About fishing, they make decisions with their fishing group. In land decisions, only those who have land rights participate, those who do not have rights, have neither a say nor a vote. On other issues they hold meetings, it's the same, like assemblies. (A. Maclis Valenzuela, personal communication, September 2023).

However, he further adds that in reality, decisions are not made in assemblies entirely: “There is arrogance when making decisions, like "I'm the *comisariado* or I have a position of power and this is how it's going to be done"...Before they start a project, they are already fighting” (A. Maclis Valenzuela, personal communication, September 2023). Even if sometimes assemblies are called for some types of decisions, the interviewee argues that only the few individuals with some kind of position of power have decided unilaterally. This situation is also shared by Juan (Samuel’s son and Belén’s brother): “Decisions are made by just a few people, we don’t decide and if the people deciding don’t like you, you get marginalized, and they don’t care what the whole group wants” (J. Saiz, personal communication, December 2023).

The previous point is also shared by other Cucapáh political thinkers: “When a decision is to be made, a meeting is called, that’s how it supposedly is, but in the last years everyone is divided and there are only fights” (M. Figueroa Méndez, personal communication, October 2023). On the other hand, another Cucapáh thinker shared his point of view with the assemblies: “Here everyone has to agree, even if we are fighting, we vote in the same meeting. Even if we give each other a nasty look. It is by show of hands” (S. Saiz, personal communication, November 2023).

One of the areas where there are more conflicts, due to the way decisions have been made and how the people that have held the leadership have acted, is the area of land decisions: “Only those who have land rights go to the assemblies. They are not held in El Mayor, they are held in Carranza and there the majority of El Mayor don’t participate. In El Mayor they

are governed by a traditional authority" (O. Navarro Sainz, personal communication, October 2023).

Added to this, the situation of the privatization and selling of land rights has dispossessed most Cucapáh from having rights to their lands, and even from being in the meetings of the *comisariado*:

> We don't have land right. And what we are fighting for, isn't that Cucapáh land? The community is Cucapáh, why can't we go to the meetings? But if we united, they would be kicked out, not us. We have to go and fight for those rights, not go around dancing that *Kuri Kuri*, what do we gain from that?. (M. Valenzuela de Maclis, personal communication, January 2023)

In a different interview, Cucapáh elder Margarita shares that she has been blocked from the meetings of the *comisariado*: "It's divided into 2 groups. There are assemblies, but they exclude us, and they get together with the Mexicans, it's like discrimination" (M. Valenzuela de Maclis, personal communication, September 2023).

Added to the previous paragraph, attorney Ricardo Rivera shares: "The *comisariado* for economic interests is agreeing in some assemblies to suspend their rights and separate land right bearers from the community. As the saying goes "the less, the merrier", so fewer people get more, and those suspended are dissident voices" (R. Rivera de la Torre, personal communication, January 2023). This is also discussed by Olga, a Cucapáh woman who has been active in the defense of their land: "Of the 70 people who have agrarian rights, there are only about 3 of El Mayor Cucapáh, and what they take from the Cucapáh mountain range does not benefit most Cucapáh. The people who bought communal land rights, who are not Indigenous, are the ones who create the divisions" (O. Navarro Sainz, personal communication, October 2023).

Another reason why there are non-Indigenous people with communal land rights of the Cucapáh is explained by Mrs. Margarita: "With the land rights, they left them to the children or the wives, but the right came in the name of the men who were married to Cucapáh women, even if they were not Cucapáh. Then the men remarried and the rights were inherited by people who are not Cucapáh" (M. Valenzuela de Maclis, personal communication, June 2023). When Cucapáh communal land rights were recognized by the Mexican government, the rights were granted just to men. If a Cucapáh woman was married to a non-Indigenous man, the man would get the right anyway, and there were cases where the man divorced and remarried a non-Indigenous woman, then they passed away and a person who was not Indigenous inherited the Cucapáh land right.

However, considering that communal lands are where more economic gains could be reaped it is not much of a surprise that it is the area of decisions where more conflicts arise. On this regard, Elder Margarita comments: "It is said that in the communal lands there is gold, sulfur, and *kuar*, the Indians grinded that mineral" (M. Valenzuela de Maclis, personal communication, January 2023).

According to the Cucapáh thinkers and other interviewees that have worked with them, the area of communal land decision is the one with more conflicts, the most unequal and where more Cucapáh are marginalized. I argue that this is because it is the decision area that is less connected to the Cucapáh understanding of the land. As has been discussed, most Cucapáh people don't have a land right, and there are several non-Indigenous people with land rights. During this research project, the *comisariado*, leader of the board, is not Indigenous. Community issues are a peculiar case, because they are more based on the

land, since the decisions are supposedly made in assemblies in the El Mayor Cucapáh community. However, most Cucapáh thinkers argue that when the assemblies are made the factions/clans begin to fight, and decisions are not taken. This is due to the internal conflicts of the Cucapáh. However, I argue that these conflicts are influenced to some extent by people outside of the community that have legitimized different individuals to be "the" leader. The outside interests are not connected to their land through relationality at all, so they have influenced a disconnection to the land of the Cucapáh people. This speaks to the dichotomy presented by Coulthard in chapter 2 about the difference of basing self-determination projects *by the* land vs *for* land. Finally, the decision area that is more connected to the land through relationality is regarding fishing decisions. This is because fishing is the main way of exercising relationality with the land for the Cucapáh. I argue that this is one of the reasons why this decision area is more horizontal and equal than the other two. There are also other reasons like the repression all Cucapáh fishers have suffered, the leaders that the cooperatives have, and the history of the cooperatives. However, there are differences in how decisions are made in each fishing cooperative; it is not a homogenous process in the three cooperatives. I discuss this in the following paragraphs.

3.4.1 Gender roles in decision-making

A final point to discuss regarding decision-making is the gender roles that are manifest in the Cucapáh Indigenous group decision-making. First off, it is worth highlighting that currently the three Cucapáh fishing cooperatives are led by women. Moreover, on several

occasions, the traditional authority has been a woman, as well as the *comisariado* of communal lands. Moreover, the most important political mobilizations and movements in defense of fishing have been led by women, as I discuss in the next pages.

Regarding decisions, Cucapáh women argue that they lead because they solve issues: "According to Hilda Hurtado, women took the lead because the authorities repressed them less than men; In their community, women tend to resolve conflicts with a "cool head". In the fishing cooperative's decision-making system, the most experienced women bring the cooperative together to seek consensus. Men join listening" (Alvarado et al., 2018). Moreover, Lucia, a Cucapáh fisherwoman who has been involved in several mobilizations and defense of their rights argues:

> The matriarchy thing is because the women saw that men left to solve the issues and just got drunk. They didn't return until the next day and didn't resolve the issues, so the women took over and said, "if it has to be done, it's going to have to be me to do it well". And now, when I tell my husband that we have to do that, he tells me "you go" and I do it, and the men tell the women that we should talk and ask, they don't do it. (L. Laguna Rodriguez, personal communication, December 2023)

For Lucia, it is not a matter of less repression but rather Cucapáh women took leadership roles in their hands to actually have results.

The current leadership of women has been around for some decades, as a scholar that has worked with the Cucapáh analyzes:

> Since the 90's, women have taken a more protagonist role, so much that they are the ones who are most resorted to for information, and what I saw with Hilda in her fishing cooperative, is that they make decisions in assemblies, they are not totally horizontal but they are not so hierarchical, they are more democratic than other cooperatives. (A. Bonada Chavarría, personal communication, 2022)

There is also information on decision-making processes in the second largest Cucapáh fishing cooperative: "To make decisions in Susana's organization, members meet at her

home, or she asks them personally what they think about making certain decisions. On other occasions she does not have time to consult the opinion of the cooperative, so she must make decisions from one day to the next and then inform them" (Mora Reguera, 2016, p. 28). It can be appreciated that there are differences between cooperatives regarding their decision-making processes.

Another testimony that informs us about contemporary gender roles in the Cucapáh Indigenous group is what sisters Hilda and Inés Hurtado comment on the 2007 mobilization where they received support from the Zapatista movement, which I analyze in the following pages. In this regard, Inés Hurtado adds:

> But when they arrived [the Zapatistas], they found that here the women are the ones of the authority with the Cucapáh, because the strategy was with Monica, Hilda and me and they did ask why women, and we told them that we do not consider it rare because here the man wash clothes and do the chores too. Here we do not go behind the man, we are side by side. (I. Hurtado, personal communication, 2022)

On the other hand, Mrs. Raquel Portillo commented that there was always gender equality in her family: "My parents were also the same, even more because my *apá* was the cook and was the midwife of all of us...Men are shyer, quieter, and women are not, the Cucapáh woman does everything" (R. Portillo Tambo, personal communication, December 2021).

Additionally, I have had the opportunity to make participatory observations in fishing activities in the river, and in this experience, both women and men Cucapáh participate in fishing. Both are involved in the preparation of food to take away, the preparation of the *chinchorros* (fixing the *chinchorros*, for example), the placement of them in the river, the collection of the *chinchorros*, etc. It should be noted that this includes physically strenuous activities, and this does not prevent women from participating.

Adding to this point women are the public leadership figures, both within the community and outside the community, leading resistance struggles for the right to fish, for example. Moreover, men are characterized by being “shyer” in interactions with people outside the community, and at least in recent decades, the distribution of household and care tasks is more equitable than in more traditional Indigenous groups, and than in most Mexican households. While Indigenous groups in general are commonly criticized for *machismo* and oppression against women, this varies greatly from each group and community. In the Cucapáh Indigenous group at least, women are the leaders and care duties are distributed more equitably than in other groups.

It is also worth comparing how the Cucapáh of other regions make their decisions. The Cucapáh of Pozas de Arvizu in Sonora share that:

> We elect the indigenous *regidor* [city councilor]. In the past, we Indigenous people got together and decided who was considered Indigenous or not, but in recent years not-Indigenous politicians have been involved, so INPI or CEDIS have to give you a letter that says that you are indigenous, they are the ones who endorse. (A. Pesado, personal communication, April 2023)

There are important differences regarding decision-making between the Cucapáh Indigenous group in BC and in Sonora. In the state of Sonora, since 1997 the figure of ethnic *regidurías* was introduced due to a reform to the local constitution, triggered by the San Andrés agreements that put an end to the Zapatistas’ Indigenous uprising in 1994. In several municipalities of Sonora this figure was established, so Indigenous groups were assured representation in the local level. The Cucapáh were one of the groups that were benefited in Sonora by this reform in the municipality of San Luis Río Colorado, in which

their community is located (Paz Frayre, 2015). They elect in a community assembly their ethnic *regiduría*. This is a figure that the Cucapáh of BC don't have.

3.5 Cucapáh resistance and mobilizations

Of the resistance actions and movements that the Cucapáh Indigenous peoples have carried to defend their rights and way of living, the largest and most important mobilization of the Cucapáh in defense of their rights to fish has undoubtedly been the mobilization of 2007, where they received the support of the Zapatista movement.

The contact with the Zapatista movement was made possible by activists who directly contacted the women leaders of the Cucapáh fishing cooperatives. Inés explained the strategy of *Subcomandante* Marcos, leader of the Zapatistas, and the preparation to receive the Zapatistas: "We planned where the camp was going to be made, the whole strategy of what to do, a whole program of who was going to talk, my uncle Onésimo made the *ramadas* of *cachanilla* for their camp...When all that was well done, then *Subcomandante* Marcos came". Likewise, Inés explained that the first thing Marcos did when he arrived with the Cucapáh Indigenous group was an assembly: "An assembly was held where he listened to us and then he took the floor and said that he came to support us and that he was going to do everything possible so that they did not bother us." She also commented that there was a great media coverage: "Journalists came from Argentina, from Spain, from everywhere, and they always had the cameras on."

On the actions they took during this mobilization, Rita Hurtado, sister of Inés and Hilda, commented: "That was very notorious because we blocked the roads, we threw the fish there in SAGARPA[11] so that it would stink. That is, when they harassed us, we also did it to them, and people began to be aware and joined to help us, the community helped us a lot" (R. Hurtado, personal communication, 2022). Likewise, Rita declared that the *Subcomandante* did not come alone, but that a contingent of men and women of the Zapatista Army of National Liberation (EZLN) arrived with him: "He came guarded by the Federal Roads Police, and the Zapatista women were armed, with a big rifle, they brought their *rebozo*[12] but with their rifle." On the results of this mobilization and the support of the Zapatista movement Inés added: "We were like adrift in the sea, and he was like a log that helped us. And when he helped we fished well, even during the *curvina* ban, with papers and everything" (I. Hurtado, personal communication, 2022). Moreover, Ricardo Rivera shared:

> When the Zapatistas decided to start their "Other Campaign", of dissemination and support at the national level, they decided to put BC (Baja California) on their itinerary. I learned about this from Monica, she invited me and of course I agreed to accompany them. When they arrived, a delegation of 30 or 40 vehicles came, including 15 federal patrols guarding. The *Subcomandante* said that "if they ask me to come and support them, we can return to support them", that was like in October 2006. Then, when they had their camp here, in 2007, the Cucapáh fished like never before because neither PROFEPA or the Navy approached them because the Zapatistas were there. (R. Rivera de la Torre, personal communication, January 2023)

On the specific strategies and goal of the Zapatistas in their support campaign to the Cucapáh, Lucia Laguna, who was part of the mobilization, shares the following:

> They came because the government wouldn't let us fish *curvina*, so they came to rebel against the government and say, "they're going to fish and no one is going to stop them".

[11] Mexican Secretary of Agriculture and Rural Development

[12] Mexican Traditional shawl

> They accompanied us in the boats. And during the time they were here they made a big *ramada*, like a hut, and there was *Subcomandante* Marcos. But with the conflicts, there was a separation between us and them and they left. It was very supportive that they were here because we were able to fish. When they were here, we looked at the power they had and it was like a revelation, we learned a lot to rebel, and we learned we can confront the government so that they do not intimidate us and do not trample on us. We are no longer silent. (L. Laguna Rodriguez, personal communication, December 2023)

Lucia shares that the Zapatistas were literally with the Cucapáh fishers in their boats to protect them. This action allowed them to fish without any harassment from the government. More importantly, Lucia argues, the Zapatistas' support made her see that they could defend their rights and rebel against the oppressive policies that affected them. On this same mobilization, Belén shares her assessment of the experience with the Zapatistas:

> I remember that the Zapatistas came when the government didn't want to let us fish and they came to support us, and they got on the boats with us. Where the *palapas* are, they made their camp, with their *cachanilla* houses and bathrooms. And not everyone could enter their camp, first you had to approach one and he would let you pass. They were walking the streets meeting all the fishermen in the community. And at that time, we could fish like never before, but there was always one of the Zapatistas on top of each boat, I think they were armed. They lasted about a month, some didn't even want to leave because life here was very calm and they weren't just Zapatistas, they came from other places who joined them. They didn't let anyone photograph them. (B. Saenz, personal communication, December 2023)

Additionally, Belén shares that when the Zapatistas were with them, they could fish without any problem or obstacle. The Zapatistas got on the boats with the Cucapáh so they could fish, but the Zapatista camp was a restricted area. On the issue of the restriction of entrance and movement Lucia also shares the following:

> When they were here, what I didn't like was that they took over the community, they blocked the entrance, we couldn't get in and out, I got into an argument with them because when I went to buy groceries they wouldn't let us in the community, they checked us and asked who we were and I told them we couldn't live like that and then they included me in the decisions. (L. Laguna Rodriguez, personal communication, December 2023)

Not only did the Zapatistas camp have restricted access, but also the Zapatistas controlled access to the Cucapáh community of El Mayor Cucapáh, which created discontent among some Cucapáh. The discontent of some Cucapáh people was also due to other reasons as Lucia shares in the following quote:

> There were people who didn't want them to be here because of who they came with, because the community is divided. So, if you come with us and if you go with another family from another group they tell you "if you come with Lucia don't come with me", and they were with Francisco Ceseña who was the authority, his wife was Susana, and people were upset by that. When they realized that they were here to help us fish and to help us realize that the river was ours, they saw that they were not coming to harm us. It was indeed scary because they were hooded and armed, but after knowing them we saw that they were supporting us. (L. Laguna Rodriguez, personal communication, December 2023)

Due to the internal conflicts of the Cucapáh, there was discontent from one group in the community. The Zapatista presence and mobilization also created additional internal conflicts between the Cucapáh, even if they helped the Cucapáh and allowed them to fish, as several scholars argue: "When *Subcomandante* Marcos from the Zapatistas came with the Cucapáh, he names Francisco "tribal chief", just because. He was Susana's husband. For everyone's bad luck, little after, Francisco dies, and Susana names herself "tribal chief"" (Y. Sánchez Ogás, personal communication, 2022). Added to what Prof. Yolanda shares, attorney Ricardo adds: "When the Zapatistas came, the Cucapáh divided in Onésimo's group and Francisco's group (Susana's husband)" (R. Rivera de la Torre, personal communication, May 2023). This is also commented by legal scholar Yacotzin: "When the *Subcomandante* Marcos came he decided to name Francisco as tribal chief, and several conflicts surged" (Y. Bravo, personal communication, January 2023). Not only scholars and activists share this point of view but also Cucapáh political thinkers that were leading the mobilization with the Zapatistas: "That figure that Susana claims to have, was

not for her. Her husband was chosen, he was very different from her, he supported the Zapatistas' camp a lot" (I. Hurtado, personal communication, 2022).

On the other hand, there were people concerned with the strategy and ideas that the Zapatistas had about what to do, as Belén shares:

> They wanted to rise up in arms so that they would let us fish, but we didn't want that, it was too much. They came with everything to shoot bullets and there are people here who didn't agree. There were people in the community who were afraid that they would do something because the Zapatistas said that if they came, they would come to take up arms and do what had to be done. The second-in-command, the short one, he came to kill, he came to do violence. They wanted to give us weapons, but we said no. (B. Saenz, personal communication, December 2023)

The Zapatistas wanted to rise up in arms against the government if the government didn't let the Cucapáh fish. This stance created concerns in several Cucapáh people because they didn't want to take up arms. They wanted to defend their right to their river and to fish, not openly oppose the government with weapons. Ultimately, the internal differences between the Cucapáh, as well as the differences between the strategy of the Zapatistas and the Cucapáh led the Zapatistas to leave. However, this mobilization still remains the most important for the Cucapáh struggle for fishing rights, and thus, for self-determination.

Another important mobilization of the Cucapáh Indigenous group, and part of the struggle for their right to fish, was in 2010, when the police arrested two Cucapáh fishermen. In this regard Hilda Hurtado commented:

> ...They came to imprison my brother and my nephew in 2010, and we held a sit-in in the state government, we had a lot of support from the human rights commission and the community. A recommendation was generated from the CNDH. It was a daily struggle, they took something from us and we grabbed it back, but we did not rest until we achieved our goal. (H. Hurtado, personal communication, 2022)

This mobilization was significant because several Cucapáh made a camp outside the state government building and put up signs, and held protests and other actions to demand the release of the Cucapáh fishermen. Rita, Hilda's sister also shares her perspective:

> I was very glad that the whole community was in the government sit-in, not like right now, we are all like cats and dogs. Before it was cool, now many *comuneros* just want to benefit themselves, they take people out of the meetings, and I tell them: Well, if we are indigenous, we all have the right to be here. (R. Hurtado, personal communication, 2022)

Rita highlights that in that moment most of the Cucapáh united in that mobilization, putting aside their internal conflicts. She also commented on the current situation of the communal land rights board and meetings, where dissident voices are blocked and marginalized. Moreover, Inés, the younger of the Hurtado sisters, add: "When our fishermen were imprisoned in 2010, people from PRD [political party that was left-wing at that moment] were in the sit-in with us and they invited us to join their campaign for the 2012 presidential elections, but I didn't want to join, I have never liked politics" (I. Hurtado, personal communication, December 2023). As shared by Inés, not only Cucapáh participated in the mobilizations, but also community members, as well as people from political parties that were in opposition at that moment, participated. BC was governed from 1988 to 2019 by the right-wing political party PAN.

Figure 3.1 Cucapáh camp outside Baja California's government building in Mexicali. Photography. 2010. Inés Hurtado's personal archive.

Another mobilization was conducted in 2014. Cucapáh fishing leaders such as Hilda and Inés, together with members of their cooperative, blocked the federal highway from Mexicali to San Felipe, due to the seizure of 40 tons of *curvina* by the government: "Given the refusal of the fishing authorities to give them the necessary documents to market 40 tons of *curvina*, the Cucapás, organized in the SCPICCSC, moved to *El Mayor Cucapah* and closed the road, crossing their *pangas* on the federal highway" (Navarro Smith et al., 2014, p. 58).

The resistance struggles that Cucapáh have conducted have been focused mainly on defending their fishing rights. This is another indicator that their self-determination struggles are guided by relationality with the land.

3.5.1 Current struggles

The most recent struggles related to self-determination of the Cucapáh are around issues of collective land rights, the protection of their river, and negotiation with authorities regarding a specific project carried out in part of their collective lands.

Regarding land rights, currently, a group of Cucapáh that have their land rights blocked, and have been marginalized from the meetings by the *comisariado,* have a legal case running to recover their rights and to invalidate the decisions made by the *comisariado*, because they are illegal according to them.

> At the beginning of December, I sent a message to a journalist who goes to the President's daily press conference, Daniela Pastrana, and I told her about the problems that we are going through and how the sale of land rights affects the community. On December 28, she told the president that we were requesting his intervention because non-indigenous people were taking advantage of the rights of the indigenous people and that our concern was that they were going to take the land. (I. Hurtado, personal communication, January 2023)

In December 2022 the situation of the Cucapáh disposed of their land rights reached México's President, but the problem is still going on. The situation continues in 2024 in the courts: "On January 8 there will be a hearing in the agrarian court, where some of us demanded the nullity of the contract of Ocoroni[13] company that is extracting minerals from the hills of Cucapáh communal lands because they did not consult all Cucapáh who have communal land rights" (I. Hurtado, personal communication, December 2023).

As analyzed in earlier pages, the decisions regarding collective land rights are very important and impactful to all the Cucapáh Indigenous group, regardless of them having

[13] Construction company that has also conducted wind power energy projects in lands of other Indigenous communities.

land rights or not, because the projects that are approved in Cucapáh collective lands affect all Cucapáh. The *comisariado,* by blocking dissident voices (as the group that filed this case to the court), has approved projects of private companies that not only destroy the sacred sites in Cucapáh land, but also generate adverse environmental effects for the Cucapáh and the region as a whole. The mining conducted is open mining, the most polluting form of mining. Moreover, the land right bearers that were blocked don't receive the economic benefit that they are entitled to.

Another of the current Cucapáh struggles related to self-determination is the project with the Federal Commission of Electricity (CFE). CFE contacted the Cucapáh in 2022 because they were constructing a line of electric towers which crossed a part of the collective lands of the Cucapáh. Some Cucapáh individuals (around 8-10) began to organize meetings with the CFE and between them to decide the terms with which they would accept this project, and what they would get in exchange. During 2022 the meetings and negotiations were carried out. However, there were divided opinions on the project:

> In the meetings, someone said that we have to ask CFE to help so that everyone has collective land rights (but CFE can't do anything about that). They also said that CFE should help them with scholarships for speakers of the Cucapáh language. Another one said that it would be better to give the Cucapáh an amount of money. CFE wants to put up a photovoltaic energy line (Y. Godoy, personal communication, May 2022)

Yanira, who participated in the meetings, recalled what some Cucapáh participants wanted to ask CFE in exchange for the project approval. However, at the end CFE committed to other actions: "From the CFE meetings, they promised to build a multipurpose room with furniture in El Mayor, to fix the road to the Zanjón for fishing. Some of the Cucapáh signed that they accepted that CFE put the towers on part of their communal lands, but not

everyone" (I. Hurtado, personal communication, December 2023). Inés who also participated in some meetings shared what CFE promised to give to the Cucapáh in exchange for approval of the project. The project was finally approved in late 2022: "In the CFE meetings there have been fights. Of the 18 Cucapáh participants, only 8 were in favor and they approved it as if they were all of the Cucapáh" (Y. Sánchez Ogás, personal communication, 2022). By January 2024 CFE still hasn't delivered on their promise and the towers are already built; they are currently building the electric lines.

Figure 3.2 CFE new electric towers in Cucapáh collective lands. Photography. 2023 (Márquez, F.)

On the other hand, the Cucapáh are fighting another front at the same time: the right to keep fishing on the Hardy river. In late 2022 the NGO Sonoran Institute had a meeting with the Cucapáh Indigenous group because they want to make a protected reserve of the Hardy River, where the Cucapáh fish all-year long without the need for fishing permits. Génesis who works in the organization *Restauremos el Río Colorado* (organization that has the Colorado River restoration site *El Chaussé*) commented about this project: "I know that allied organizations such as Pronatura and Sonoran have been promoting and involving the

Cucapáh, because they want to turn the river corridor into a Protected Area, but we are not involved" (G. Alarcón, personal communication, October 2023).

The organizations that want to make the river a Reserve had a meeting with several Cucapáh, who opposed this project: "The other time the people from Sonoran came to Campo Mosqueda to hold a meeting because they want to make a reservation in the river and that fucks us all up, and then there were people who didn't have to be here like those from Pozas, they don't fish" (B. Saenz, personal communication, January 2023). As Belén shares, they oppose the project because making the Hardy River a protected reservation would make authorities prohibit fishing in several parts of it, just as they did with the Delta in 1993. This would only make the situation of Cucapáh fishers impossible, because fishing in the Hardy River is the only part where they can fish all year, contrary to the Colorado River Delta. In this same issue, Samuel, Belén's father commented: "Right now we are fighting because they want to make the whole river a protected area and they want to take away our fishing and we don't want that" (S. Saiz, personal communication, November 2023). Samuel's family is one of the families that still dedicate full time to fishing, but they are not the only family. This attempt by Pronatura and Sonoran Institute to make the river a protected reservation is just another example of green colonialism, where Cucapáh livelihood is sacrificed, because it is deemed inferior to marine species conservation, even if the marine species in the Hardy River are not endangered.

3.6 Conclusions

In the discussion of this chapter, I have begun by analyzing international treaties that are applicable in México, as well as specific federal laws that affect the Cucapáh. This legal content analysis is relevant for the discussion that I do about the struggles of the Cucapáh, because they have used both International treaties and national laws as a legal base for their lawsuits and human rights cases. I argue that despite the fact that México has signed and ratified international treaties, Cucapáh rights continue to be violated. These treaties are used by Cucapáh as legal sources to establish their cases in different courts. Even if this doesn't assure that courts resolve in their favor, they have used the cases to garner enough public pressure against the Mexican government to grant some concessions to them, but not long-term solutions or reparations. The analysis of treaties and legislation is deeply tied with the analysis of their self-determination struggles because they have used the lawsuits and legal cases to get attention and support in their self-determination struggles. Moreover, the discussion of their decision-making processes and conflicts is intertwined with the other two topics discussed in this chapter, since decision-making inside the community has been affected by foreign interests that perpetuate the violation of their rights, and decision-making influences their self-determination struggles. They are all parts of the same process.

In the discussion of this chapter, I have also discussed the decision-making areas, processes, and conflicts that take place in the Cucapáh Indigenous group. As discussed in earlier pages, the issue of decision making in the Cucapáh is incredibly complex, not only because there are three different, but sometimes intertwined areas of decisions: collective land, fishing, and cultural/community issues, but also because there are multiple authorities

and leadership figures, that have their own group that legitimizes them, and because there is not one single Cucapáh individual that is recognized as authority and/or leader by all the Cucapáh or all the Cucapáh factions, or even families. The internal conflicts in the Cucapáh Indigenous group are multiple and some have existed for decades. The power and money that are introduced by foreign interests together with a few Cucapáh individuals have created constant conflicts and divisions within the Cucapáh. I have also argued that the more disconnected a decision area is from the Cucapáh understanding of relationality with the land, the more unequal and individualistic the decisions are taken in that area. And vice versa, the more connected to the land that a decision area is, the more equal and collective the decision-making processes are.

Another topic to consider is the role that gender plays in decision-making. The Cucapáh in Baja California are characterized by having women leaders and authorities in most of the positions and mobilizations, especially since the 90's. Women lead the struggles and the fishing cooperatives, and women have been traditional authorities and *comisariadas* more than once.

Moreover, I have addressed several elements that are part of the Cucapáh Indigenous group struggles, to defend their collective land, their fishing rights, their river. The Cucapáh have mobilized on several occasions with different methods that, depending on the case, they have used, such as protesting, blocking the highway, civil disobedience, lawsuits, human rights legal proceedings, etc. Additionally, there are situations that are currently happening in the Cucapáh Indigenous group, such as the fight for collective land rights of Cucapáh people that have been violated by non-Indigenous *comisariados*, as well as the attempts to

make the river a protected reservation. These and other issues are important to follow in the short term, since they could have important repercussions for the whole Indigenous group.

Finally, it is clear that Cucapáh resistance processes and mobilizations are focused on defending the right to exercise relationality with their land, both the river and hills. Their self-determination actions and struggles are guided by their understanding of relationality with their land. That is why fishing is central to these efforts, because it's the main way they practice relationality with the land, the interactions with the river. This applies to all Cucapáh I interviewed, because not only most Cucapáh have fished in one point of their lives, but also, all Cucapáh people interviewed have a relation and connection with the river, even if they don't fish or have never fished, because their way of life (including alimentation, construction materials, practices, etc.) has been possible due to living elements that survive because of the river, including plants, animals, fish, etc. Through participant observation, I understood this better.

CHAPTER 4: Awi Uyáj Cucapáh

4.1 Introduction

An important element of Cucapáh thought, cosmovision and struggles for self-determination develops around their language, especially the dynamics of transmission of the Cucapáh language, the symbolic use of the language in their self-determination struggles, and the names of their sacred sites and beings. I have found that their language is rooted in their relationality with the land. The dispossession and colonial processes they have suffered have disconnected most of the Cucapáh from the relationality with the land that previous generations had. Thus, these colonial processes have also influenced a disconnection of the Cucapáh from their language.

In chapters 1 & 2 of this dissertation I have conducted a thorough discussion on the ideas of relationality and land, based on Indigenous scholars' ideas such as grounded normativity (Coulthard, 2014; Simpson, 2017), land-based pedagogy (Wildcat et al., 2014), knowledge and land (Wilson, 2008), and related themes. I have argued that the Cucapáh understand the land as their river and the natural elements that allow them to interact and constantly relate to their river as a whole (including the hills, plants, fish, and animals). This conception of the land is not about a fixed patch of soil, but rather the space that allows them to be and interact with their river. Moreover, the Cucapáh rely on relationality and reciprocity to understand and interact with the land. The Cucapáh have a relationship with the river, based on interaction, in giving to receive. Both the scholars cited and the Cucapáh people coincide in understanding that relationships and interactions are central elements of

the land. Language, as one of the most important ways of relating and interacting with others, thus, is inherently embedded in relationality with the land.

Many language scholars discuss the role of language in relations with the land. Language's central role in connecting to the land is appreciated in different Indigenous groups, such as the Sakha and the Cree (Ferguson & Weaselboy, 2020). Others argue that language is alive, and as such is a natural element of relationality with the land; not an object. Thus, to learn a language, a collective process of knowledge production "on and with the land" is necessary (Hermes et al., 2023, p. 1).

Additionally, for the Anishinaabe Indigenous group, according to Anishinaabe scholar Susan Chiblow, there are clear links between their language, the land, and the environment: "Anishinaabemowin actions relationships, reciprocity, and responsibility to the lands. The links between Indigenous languages and environmental knowledge are well documented and are necessary for sustainability" (Chiblow & Meighan, 2022, p. 208). Moreover, she argues that the Anishinaabe language is learned through the land: "Since Ansihinaabemowin is action based, learning from activities on the land is paramount for understanding the language" (p.209). Not only learning an Indigenous language is rooted in relationships to the land, but as I have argued in my dissertation, Indigenous cosmovision and political thought are rooted in relationships with the land. This will be further elaborated in chapter 5, with the map I created of sacred and significant Cucapáh sites with land-based methodologies.

Moreover, language scholars argue that the situation that several Indigenous languages suffer currently (extreme risk of turning dormant), are closely linked to land dispossession:

“The once coherent and fluid integrity of a vibrant and tightly connected language continuum across a territory can devolve into an archipelago of fractured and disjoint dialects, parallel to the loss of connectivity across traditional lands” (Shaw, 2001, p. 51). It is also argued that losing a language is accompanied by losing the connection to land “To lose one’s Indigenous language thus means the loss of certain cultural elements, and an ensuing connection to Land” (Ferguson & Weaselboy, 2020, p. 3). I argue that the Cucapáh language is suffering from this specific situation. Due to the land dispossession they have suffered, they have also suffered intense language dispossession, that is, since their land has been taken away, their language has been also taken away.

Finally, it is important to mention that all the interviews conducted with Cucapáh people were conducted in Spanish, because that is the first language of almost everyone, with the exception of Elder Margarita (she learned Cucapáh first). All the quotations of Cucapáh interviewees are presented in the original language in which I conducted the interviews (Spanish), followed by the English translation.

4.2 Language endangerment

It is relevant to address language endangerment and the negative effects caused on its speakers: “For many endangered language community members, it is a lack of interactions with other language users that creates a deeply felt sense of loss…”(Avineri & Kroskrity, 2014, p. 2). However, there is also a sensation of loss on Indigenous peoples that don’t speak the language in the case of the Cucapáh, due to the elements of their cosmovision

and culture that are missing for them, such as their oral stories in their language. It is important to note that for Wesley Leonard, a Miami Indigenous scholar, the categorization of Indigenous languages as “endangered” or “at risk of extinction” is problematic, due to the inevitability approach to the disappearance and the omission of addressing the colonial oppressions that lead a language to be endangered in the first place. For him, the focus should be on the efforts of language reclamation, and not generating a narrative of inevitability to disappear, because even when languages are very close to dormancy could be reclaimed (Leonard, 2023). There is a clear need and relevance to preserve the Cucapáh language, for current and future Cucapáh generations, so that the Cucapáh people can make revitalization and reclamation efforts in the future, if they wish to do so. Further in this chapter, I address one of the Cucapáh language projects. For this chapter, I do argue that the Cucapáh language is at an extreme risk of dormancy while at the same time I address in depth the colonial oppressions that have led the Cucapáh language to the current situation. It is worth highlighting that in chapter two of this dissertation, I discuss colonial oppression, internal colonialism, and land dispossession more in-depth. For this chapter I elaborate on the discussion, focusing specifically on the effects of these processes in the situation of the Cucapáh language.

The endangerment of this language is due to several factors such as: 1 Colonial oppression (Quijano, 2015) and internal colonialism (González Casanova, 2006; Márquez Duarte, 2022b), which, although not as intense as that suffered by the Indigenous groups of the center and south of México who were invaded by Spain, has had a negative impact on all dimensions of life of the Cucapáh group, including their culture and language. 2 The

indigenista policies of assimilation imposed by the Mexican State, which sought to homogenize all groups under a single *mestizo* identity, starting with education and language (Jiménez Naranjo, 2011; Muehlmann, 2012; Villoro, 1950). 3 The fact that the Cucapáh language has always been transmitted orally, a writing system was not developed, so the teaching and transmission has only been passed down from generation to generation within each family. Even though that the lack of the development of a written form of a language is not a direct determinant to its endangerment, I argue that the fact that there are no written records of their language influences the difficulty to revitalize the knowledge given its critical situation. 4 The lack of use of the Cucapáh language in the new generations, the adoption of Spanish as the absolute language of communication (Ochoa Zazueta, 1982) and the lack of transmission due to racism, derived from the colonial oppression of the Cucapáh group. However, for the Cucapáh the replacement of the Cucapáh language with Spanish has been somewhat different from family to family. Even though the Cucapáh language situation in Baja California currently cannot be addressed as the result of individual decisions in families, in previous decades there were some families and individuals inside the family that used it more than others.

Language is not only a form of communication, but expresses a central part of the essence of an ethnic group. I argue that to better understand Cucapáh thought and cosmovision, especially addressing their understanding of the land and relationality, it is important to understand how certain words, phrases and vocabulary are formed and where they come from; how language is used and what importance it has in rituals and processes of identity formation; how language is used and/or influences struggles for self-determination;

knowing the untranslatable words of Cucapáh into Spanish and vice versa, etc. These ideas are supported by Ngugi Wa Thiong'O, one prominent decolonial scholar, especially in the field of language. For him, language is culture:

> Language as culture has three important aspects. Culture is a product of the history which it in turn reflects. Culture in other words is a product and a reflection of human beings communicating with one another in the very struggle to create wealth and to control it…The second aspect of language as culture is as an image-forming agent in the mind of a child. And this brings us to the third aspect of language as culture. Culture transmits or imparts those images of the world and reality through the spoken and the written language, that is through a specific language. (Wa Thiong'o, 1987, p. 15)

Moreover, according to several linguists, the colonial invasion and the violence entailed in it have caused the disappearance and endangerment of languages: "We recognize in many cases that the linguistic situation—the dynamics of power and use—that we see ethnographically are the direct products of colonization, oppression, marginalization, ethnocide, linguicide and, at times, genocide" (Avineri & Harasta, 2021, p. 3). Moreover, linguists also argue that the colonial invasion has entailed "…The decrease of linguistic and therefore cultural diversity, including the loss of traditional knowledge of the natural ecologies of the affected populations. These changes, have especially made these populations less adaptive to their natural ecologies" (Mufwene & Vigouroux, 2017, p. 76). As these scholars argue, the disappearing of Indigenous languages has serious negative impacts on the life of Indigenous groups, including their loss of adaptive capabilities to their environment. Among the Cucapáh people, the endangerment of their language has also caused that they have also lost traditional medicine and botany knowledge, not only because most people don't know the names in the Cucapáh language of their plants, but also they no longer know how to identify them and their properties.

4.3 Context of the Cucapáh language and sociolinguistic analysis

The Cucapáh language belongs to the "Cochimí-Yumanas" group of languages and is considered to be extremely endangered. Although there is no exact figure for the number of speakers of the language in México, it is estimated that only two (2) people speak it fluently in Baja California, out of an estimated 330 Cucapáh people in México. It is important to mention that there are more Cucapáh people in Baja California that are not fluent in the Cucapáh language but do have some knowledge of the language. However, there is no data available about the number, or estimation. In recent months (December 2023 and January 2024, respectively) the other known two remaining speakers of the Cucapáh language in Mexicali died, specifically in El Mayor Cucapáh. It is important to highlight that in the Cucapáh community in Baja California there is currently a Council of Elders, which was formed in 2022' however, of the five members with whom it was formed, only two people are still alive, one of them is Elder Margarita Valenzuela Portillo, and she is the only person in the Council who is fluent in the language. The information about the language expressed in this chapter comes from Margarita, known as "Güera Maclis", who lives in Ejido Cucapáh Mestizo.

According to a linguist that has conducted research with the Cucapáh: "This group's sociolinguistic situation mirrors that of many indigenous people around the world who are shifting to the economically and culturally dominant languages of their regions. The Cucapá language has already reached a stage of advanced obsolescence in this community" (Muehlmann, 2012, p. 161). However, she also argues that enumerating speakers has been

used as a tool of state power, and at the same time as an element of the practice of knowledge production. It is worth mentioning that when Muehlmann conducted her research -in 2006, almost 20 years ago-, there were more Cucapáh fluent speakers. She even commented that when she asked if people spoke the language clarification was needed about what she meant:

> This was a question that always required clarification. What did I mean by ‘‘speak Cucapá’’? Did I mean just some words? Or whether the person spoke the language all the time at home? There were people who had a certain amount of comprehension, or passive ability, but could not or did not ever ‘‘speak.’’ Sometimes I would specify ‘‘con fluidez’’ (fluently). (Muehlmann, 2012, p. 163)

Some relevant aspects to highlight about the Cucapáh language is that according to Margarita, the Cucapáh elder who is fluent in the language, there are no words or ways in the language to say *thank you*, *sorry* or *please*. This is an interesting aspect of this language as it may indicate that there was no need to have those words to interact with other people. This may be because the Cucapáh Indigenous group anciently practiced reciprocity and collectivity in their daily lives and in a natural way. In such a way that it could mean that there was no need to ask please or say thank you, because relationality and reciprocity were natural and common elements of Cucapáh life. As for the lack of any words to ask for forgiveness, this could indicate multiple social dynamics such as the following two situations: 1 That interactions within the Cucapáh group and with other groups (at least in ancient times) were harmonious, so there was no need to ask forgiveness for wrongs that were considered unjustified or serious. 2 The other interpretation is that in the event of conflicts (especially warlike conflicts with other groups), the Cucapáh group had defined rituals or procedures where both the "victorious" and the "defeated" groups understood

their role and it was not considered a grievance that required reparation of damage. An example of this could be the ritual of purifying the hair of warriors killed in battle (Márquez Duarte, 2023). While a deeper understanding would be needed to make strong claims about the specific ramifications of the presence or lack of a given word, these examples clearly demonstrate that the language, history and cosmovision of the Cucapáh group are intertwined and express a complex society.

It is also worth considering that there are ideas that have a unique etymology, different from Spanish. One of the most interesting is the name of the Cucapáh deity. *Maj Kuayek* is the name for the Cucapáh deity. *Maj/Matj/Mat* translates as *land*. *Kuayau/Skuayau/Kuayek* translates as *teaching/advising*. As explained in chapter 2, this can be interpreted is the "Land teacher" or "Who teaches from the land". This shows the centrality of relationality with the land for the Cucapáh cosmovision.

Moreover, as discussed in the first chapter, one of the translations of the word *Cucapáh* translates as "people of the river" (Bonada Chavarría, 2016). However, another of the translations according to Onésimo González, who was a traditional authority of the Cucapáh community for several decades, was different: "One of the translations of what Cucapáh means, according to what Onésimo told me, means "man who returns", because every year that the river came and flooded everything they had to go to the mountains and then return when the level of the river went down" (Cardona, A., personal interview, 2022). This further sustains my claim that their language is based on the relationality with their river.

Another one of these ideas with a unique etymology in the Cucapáh language is *Iñuai pjuai pawelj*, which refers “to be happy”, where *iñuai* means *heart*, *pjuai* means *good* and *pawelj* refers to *feeling*, so in the Cucapáh language *being happy* literally means "to feel the heart good ". This may indicate that in order to feel good you had to feel your heart good, you didn't have to have more than other people, or other living beings, or accumulate more than necessary, just feel your heart well.

It is important to clarify that in this research I did not analyze sources of the Cucapáh language made in English about the language in the Cocopah reservation in Arizona, such as the studies of Kelly (1977) and Crawford (1983), since due to colonial processes and the imposition of the reconfiguration of the México-United States border in the mid-nineteenth century, the Cucapáh Indigenous group was separated, leaving some communities in the United States and others in México. This has undoubtedly led to important differences in their phonology, structure and writing. This is corroborated in other sources:

> Crawford's report seems valid for his English-speaking part of Arizona, but not so for the Cucapá of the Mexican area, speakers who, in a process of a hundred years, have developed a phonological variation that clearly warns of the not distant possibility of the loss of intelligibility between the Cucapá and the Cucapah, or perhaps it is better to say Cocopah. This problem of dialectal variation is also noticeable, although not as clearly, between the Cucapá of Sonora and the Cucapá of Baja California. (Ochoa Zazueta, 1982, p. 28)

As mentioned above, this study focuses on the language of the Cucapáh Indigenous people of Baja California, which has important differences with the variant of the Cocopah people living in Arizona, United States, and also has differences with the variant of the Cucapáh community of Pozas de Arvizu in Sonora.

In this document, the *Cucapáh* form is used, with *h* at the end and spelling accent on the second *a*. This is due to the phonology of the word-idea. The emphasis of stress is recharged in the second *a*. Likewise, it has been perceived that the elder Margarita, known fluent speaker of the language for this research, lengthens the pronunciation of the last letter *a*. There is not a homogeneous form of writing the word, since as mentioned before, there is no standardization of the language. However, in this study it is considered that the most appropriate form, based on what elder Margarita has said to me about how it should be written, and in the phonological aspects perceived, is with an orthographic accent and with an *h* at the end

4.4 Cucapáh language shift

The endangerment of the Cucapáh language to turn dormant is currently in a critical situation. According to an international indicator, the Cucapáh language is extremely endagered (EFE, 2020) and this is due to several factors such as:

1 Colonial oppression (Quijano, 2015). Quijano explains that the colonial oppression that was violently imposed since the colonial invasion that began in our continent, was shaped and has been perpetuated in a colonial matrix of oppressions, including the coloniality of power, of being and of knowledge. Subsequently, Walsh (2008) has added to this matrix the coloniality of Mother Nature. For this study, it is relevant to consider especially the coloniality of knowledge, which is inherently linked to the other three forms of colonial oppression. Since the imposition of colonial oppression, western imperial elites (in the case

of the Cucapáh, these have been the Spaniards and later the Mexican and U.S. states), have tried constantly and by various means, including, of course, violence, to erase Indigenous identity. The erasure of the Indigenous identity has always been used as a strategy of domination and imposition of an alien identity in order to control an entire population. To erase the identity of an entire society or people, such as the Cucapáh, it is essential to erase their language, as well as to erase their cosmovision and beliefs, their knowledge about traditional medicine, about the environment, political and social organization, among others: “The domination of a people's language by the languages of the colonising nations was crucial to the domination of the mental universe of the colonized” (Wa Thiong’o, 1987, p. 16).

2 Internal colonialism (González Casanova, 2006; Márquez Duarte, 2022b). Internal colonialism is the perpetuation of colonial oppression even after the processes of "independence" that the colonized countries went through. González Casanova argues that the countries that managed to obtain formal independence from the colonial and imperial powers, did not manage to end colonial oppression. The colonial structure of the State and all the violence and oppression inherent to it, did not change with independence, but were further perpetuated, due, among several factors, to the fact that local elites (or those of the colonized countries) perpetuated the colonial system as it gave them much more power and profit. The local elites, who are always capitalists, are mostly wealthy white men, descendants of the colonial European elites, have subjugated and continue to subjugate the groups considered as "minorities", which in México are mostly Indigenous groups. This subjugation does not allow their self-determination, by imposing Spanish as the only

language allowed, by not allowing a truly intercultural and bilingual education (Spanish-Cucapáh in this case). These processes have been imposed not only by physical violence, but also by racism as social and cultural violence, perpetuated by mass media and by the education system itself. A clear example of this process in México is the homogenizing idea of the "bronze race" imposed by Vasconcelos (Bonfil Batalla, 1987), at the beginning of the 20th century, by creating a false image that in México everyone is *mestizo*, trying to erase Indigenous cultures, languages, knowledge and practices. However, and against all this structure, the Cucapáh Indigenous group was able to resist to some extent.

3 The *indigenista* policies of assimilation imposed by the Mexican State (Villoro, 1950). This point is closely related to the previous point, since *indigenista* policies, especially in the Mexican educational system, were the tangible ways of imposing Spanish as the only language and trying to erase Indigenous languages. It can be argued that the first *indigenista* policy on education in México was in 1921, when the Secretary of Public Education (SEP) was created and the Department of Indigenous Education and Culture was created (Jiménez Naranjo, 2011), which trained people from the same Indigenous communities who were literate in Spanish as itinerant teachers to work in Indigenous communities, this was later linked to the figure of cultural promoters. The contents that the itinerant teachers taught were not only alien to the Indigenous communities they served, but also directly sought to eliminate the use of Indigenous languages and knowledge, as Jiménez Naranjo explains: "The teaching contents were reduced to basic knowledge of reading, writing and arithmetic and especially to the learning of Spanish, without translating it into the students' native languages" (p.6). In 1936 President Lázaro Cárdenas

created the Department of Indigenous Affairs (p.8), but in 1942 a new model was imposed: "named as “National Unity”... It was agreed to equalize the curricula for rural and urban teachers' colleges, thus ending the differential training of teachers for Indigenous regions" (p.7). It was not until 1978 that the intercultural bilingual education program began, with the creation of the General Department of Indigenous Education, however, the priority was to impose Spanish as the main language (p.13).

It wasn’t until the 21st century that the most important constitutional reform in México in terms of Indigenous rights was carried out: the 2001 reforms to Article 2 of the Constitution (López Bárcenas, 2002). One of the main points of the San Andrés agreements that ended the Zapatistas uprising (which I discussed in chapter three), refers to the education system: "The State must ensure that Indigenous people receive an education that respects and considers their *saberes*, traditions and forms of organization... it must be intercultural" (Acuerdos de San Andrés, 1996, Article 5). However, this wasn’t incorporated in the reform as the Zapatistas envisioned.

Finally, the two most recent reforms on this issue took place in 2019 and at the end of 2020, respectively. In May 2019 the president of México, Andrés Manuel López Obrador, issued a decree reforming three articles of the Constitution regarding education: articles 3, 31 & 73 (SE REFORMAN, ADICIONAN Y DEROGAN DIVERSAS DISPOSICIONES DE LOS ARTÍCULOS 3o., 31 Y 73 DE LA CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEXICANOS, EN MATERIA EDUCATIVA., 2019). This reform resulted in the *Nueva Escuela Mexicana* or New Mexican School; a structural project that aims to change the curriculum of public education levels K-12, the training of teachers, the

way how the materials are taught and the connection with the environment of students. One of the important aspects of this reform is that, for the first time in México, the free textbooks issued by SEP (Secretary of Public Education) include Indigenous stories, *saberes* and literature, written by Indigenous peoples themselves (some of these pieces with translation in their Indigenous language). The new textbooks that included these changes were distributed for the first time for the 2023-2024 school year. It is important to highlight that a Cucapáh story of cosmovision was included in the textbooks, narrated by Inocencia González, who passed away in 2021.

In addition to that, in 2020 a reform that modified article 2 of the Constitution on national languages was passed. In this reform, the 68 Indigenous languages recognized in México were elevated to constitutional rank and are recognized as mother languages along with Spanish, ensuring the State's protection of Indigenous languages, in theory (Márquez Duarte, 2022a). In the 2024 International Day of Mother Languages the new textbooks were distributed in 17 Indigenous languages in México for the first time in history (Instituto Nacional de los Pueblos Indígenas, 2024).

4 Because the Cucapáh Indigenous group was traditionally a semi-nomadic group, changing habitats between the riverbanks and the mountains, depending on the flow of the river (when the river's water stream rose they migrated to the mountains and when it came back down, they returned to the riverbank), they did not develop a writing system. Nomadic and semi-nomadic groups generally maintain their language in orality. Therefore, the Cucapáh language has been a language transmitted orally. Teaching and transmission have been passed down from generation to generation within each family. Due to this same

characteristic of the Cucapáh group, families lived far apart and organized into groups or clans, so that no single oral form or systematization of the language was developed. These characteristics explain why there are different ways of enunciating words and sentences, while maintaining clear intelligibility.

5 The lack of use and transmission of the Cucapáh language in the new generations, even within the same families. This is due to colonial oppression, manifested directly by the indigenist policies of assimilation discussed above and the imposition of Spanish not only as the main language, but as the only language, especially in the educational system. A constant element in interviews with different Cucapáh people is that their parents and grandparents refused to teach them the language and when questioned about the reason, many people assured that it was because previous generations had suffered racism, psychological and physical abuse for using their language, so they decided to avoid that situation for their children and grandchildren (Muehlmann, 2012). This can be appreciated in what Maribel Figueroa, a Cucapáh interviewee says:

“*Me hubiese gustado que mis hijos aprendieran la lengua, pero por las circunstancias ya no se pudo y pues mis abuelitos que eran los que me enseñaban ya no están, y pues poco a poco se fue perdiendo la cultura*”

"I would have liked my children to learn the language, but due to the circumstances it was no longer possible and my grandparents, who were the ones who taught me, are no longer here and little by little the culture was lost" (M. Figueroa Méndez, personal communication, October 2023).

As it can be appreciated in the interviewee's quote, there is a serious concern on Cucapáh people to be able to transmit their language to their descendants. This situation is common to other endangered languages as scholars argue: "Such communities may also be concerned about the availability of language, going forward in time, for their children, grandchildren, and future descendants" (Avineri & Kroskrity, 2014). In the following paragraphs, the use of the Cucapáh language in reclamation situations will be addressed.

4.5 The Cucapáh people as a metalinguistic community: Uses for self-determination and political struggles

The use of the Cucapáh language, even if it is no longer used for communication due to its extremely endangered situation, it is still used by some people for symbolic uses, as "metalinguistic communities, "positioned social actors shaped by practices that view language as an object"" (Avineri & Harasta, 2021, p. 2). The use of the Cucapáh language can be considered as a case of a metalinguistic community. This symbolic use is relevant for their struggles for self-determination and is inherently political, as it is argued by linguists: "What holds these communities together is that language use is symbolic and points towards broader communities of belonging…the choice to use the language is itself a political act" (Avineri & Harasta, 2021, p. 3).

It is important to consider the features of a metalinguistic community to analyze how the Cucapáh language is used in this way: "The five features of metalinguistic community are (1) Socialization into language ideologies over language competence and use, (2)

Conflation of language and culture, (3) Age and corresponding knowledge as salient features, (4) Use of code[14] in pedagogical ways, and (5) Use of code in specific interactional contexts" (Avineri & Harasta, 2021, p. 8). For feature 1, the Cucapáh people in Baja California clearly identify Margarita Valenzuela as the only fluent speaker. The other speaker in Baja California has been living in Ensenada (which is a city far from Mexicali) for decades, so she is not known by most of the Cucapáh people of Baja California. Feature 2 clearly manifests for the Cucapáh; the oral cosmovision stories were taught in the Cucapáh language, so their language is clearly linked with their culture. The few stories that Cucapáh people still know have been shared in Spanish. Sadly, most Cucapáh people don't know their stories due to that situation, as it is shared by Cucapáh interviewees:

"*En cuanto a historias, pues nosotros no supimos mucho la historia porque no aprendimos la lengua aunque mi mamá era hablante, porque nunca nos dejaron estar en sus platicas en Cucapáh, nunca quisieron hablar*"

"As for stories, we don't know much about them because we didn't learn the language even though my mother was a speaker, because they never let us be in their talks in Cucapáh, they never wanted to talk" (L. Laguna Rodriguez, personal communication, June 2023).

Another Cucapáh interviewee specifically links the loss of language to the loss of culture:

"*La lengua se perdió porque las personas que saben la lengua no quieren compartir con las nuevas generaciones, si ellos compartieran lo que saben no se perdieron las culturas*"

[14] "Code" refers to a language variety.

“The language was lost because the people who knew the language didn't want to share it with the new generations, if they shared what they know, the culture wouldn’t be lost” (M. Figueroa Méndez, personal communication, October 2023).

For feature 3, as discussed above, most people that were fluent in the Cucapáh language and knew their cosmovision stories have passed away, and although there are some people in the younger generations that are interested in the language, several people haven’t seen a chance, nor a need to learn it. As discussed in previous chapters, there is a clear disconnection between the Cucapáh oldest and youngest generations. Finally, feature 5 will be discussed in the following paragraphs. The only feature that is not possible to analyze is the use of code in pedagogical ways. Due to the situation of the Cucapáh language and the processes analyzed in this chapter, there have been temporary basic efforts to teach some words in the Cucapáh language in Baja California. These have not been continued for different reasons, but the most important according to the Cucapáh interviewees is that there is very little funding, and it is temporary funding. There was one project conducted a few years ago with Inocencia (who passed away in 2021), that materialized in a Cucapáh language schoolbook for children (Alvarado & Navarro Sainz, 2017). To be able to analyze the Cucapáh code, more pedagogical projects would be necessary with more robust materials to compare.

Another element that is relevant to analyze in the Cucapáh Indigenous group is the use of language as a marker of Indigenous identity. As I explained in chapter 3, It is important to note that in México, in legal terms, language is not a determinant of Indigenous identity. That is, the fact that a person is not a speaker of the language of their Indigenous group is

not a factor in determining whether the person is Indigenous or not. In México, there is qualified self-adscription, which refers to the self-identification of a person as Indigenous, and that the Indigenous community to which they claim to belong also recognizes them as part of it (López Bárcenas, 2002). However, each Indigenous group and each community has their own processes that are socialized in determining Indigenous identity. In the case of the Cucapáh Indigenous people, knowledge and use of the language is not used to determine Indigenous identity, mainly because almost no Cucapáh people, at least in Baja California, are fluent in the language. This is common practice for the other groups belonging to the Yuman, as well as other Indigenous groups from Northern México. In the information gathered through interviews with different Cucapáh people, only some people know some basic words, the most well-known being: *Auka/Auca* (hello/bye), *shapei/shapay* (Indigenous person), *jiku* (non-Indigenous person) *wá/ua* (house) *Wishpa/Wi Shpá* (Eagle Hill), and some insults such as *Mishit* (asshole) or *Shushit* (dick). This is not very different from what Muehlmann found on her study in 2006: "Through this line of questioning, I confirmed that *groserías*[15] were, indeed, the Cucapa vocabulary that most people knew" (Muehlmann, 2008, p. 36).

On the other hand, in the Cucapáh Indigenous group in Baja California, knowledge and use of the language has been considered to choose the traditional authority, as noted by one of the Cucapáh interviewees:

"*La autoridad tradicional tiene que saber Cucapáh, lo que comen y todo*"

[15] Bad words, insults

"The traditional authority has to know Cucapáh, what they eat and everything" (H. Hurtado, personal communication, 2022).

About the most known words, and the racism that they and their parents and grandparents suffered due to being Indigenous, some interviewees share:

"*Sé Auka el saludo, y unas groserías. Mishit: fundillo. Antes cuando estaba uno joven eras indio y era un bullying fuerte, uno ni quería ser indio*"

"I know *Auka* the greeting, and a bad word, *Mishit*: asshole. Before, when you were young and Indian there was a lot of bullying, you didn't even want to be Indian" (A. Maclis Valenzuela, personal communication, September 2023).

On the other hand, another interviewee adds:

"*El coyote se llama pei en Cucapáh, la víbora es AWI, casa es WA, agua es JA*"

"The coyote is called *pei* in Cucapáh, the snake is called *AWI*, house is *WA*, water is *JA*" (R. Méndez, personal communication, 2022).

Related to the previous point, there is the question of how to determine who is fluent in the Cucapáh language. Because there are only about 330 Cucapáh people in all of México (based on my own estimates, since there is no census of Cucapáh people), of which about 250 people are from Baja California, with the majority being in the community of El Mayor Cucapáh (about 180 people), most of the Cucapáh people are drawing on direct experience when assessing who is fluent in the language. As mentioned above, there are currently only two (2) people who are considered to be proficient in the language. However, community members report that only one is considered by everyone as a fluent speaker. Within the

Cucapáh, knowing the language necessarily implies mastering the language, that is, being fluent in the Cucapáh language, not just knowing a few words. As such, there is no certification in the Cucapáh language to measure proficiency. However, in the last few years, INALI (National Institute for Indigenous Languages) held some meetings to standardize the writing standards of the Cucapáh language. INALI is an entity of the federal government. None of the documents or results of these meetings have been disseminated to the majority of the Cucapáh people. In addition, I made an information request to INALI on any document resulting from these meetings,[16] but no response was received. In Pozas de Arvizu, Sonora, there are still some people who speak the Cucapáh language, but they are a minority. A majority of the participants in INALI meetings on writing standards were from Pozas de Arvizu. The status of the language in the *Cocopah* community In Arizona, United States is unknown. However, according to the official site of the Cocopah Indian Reservation of Arizona, there are currently around 1000 members[17]. This number might influence the situation of the language in that reservation. Likewise, based on the information gathered in a field visit carried out in October 2023 to the Museum of the Cocopah Indian Reservation, being an Indigenous group recognized at the federal level in the United States, as well as at the state level in Arizona, have made them receive a

[16] I made this request on January 5, 2024.

[17] An overview by Amy Miller (2024) about the Yuman languages that shows 2020 estimates of the number of fluent speakers of each Yuman language. However, it doesn't specify exact numbers, nor makes a distinction between the Cucapáh of Baja California and Sonora. Moreover, as specified in this chapter, several Cucapáh fluent speakers from both Baja California and Sonora have passed away in the last couple of years.

significant amount of federal funds to execute their educational programs, revitalization of the language, among others (*Cocopah*, 2023).

For the situation discussed in the previous paragraph it is relevant to consider the works on ecology of language, where it is considered "…the extent to which differences in local ecologies can explain, for instance, how a language can prevail in one setting but not in another; why a population in one setting shifted away from their heritage language to embrace another" (Mufwene & Vigouroux, 2017, p. 76). As explained in the previous pages, the environments of the Cucapáh communities have been different in all elements of life, including political, cultural, economic, and ecological, which have influenced the current situation of the language in the different territories.

Although contact between the Cucapáh in México and the Cocopah in the United States is very scarce, and has declined significantly in recent decades (Talamante Dominguez, 2014), some Cucapáh people in México who have relatives on the Cocopah Indian Reservation maintain contact. This point explains situations such as the songs that some Cucapáh people perform today in funeral rituals, celebrations and presentations. The chants performed by some Cucapáh people with rattles are not in the Cucapáh language (hardly surprising given the critical state of the language), but are taken from other Indigenous groups, especially from Arizona, even taking their clothing. This has been corroborated in interviews with some of the people who make these presentations and has also been corroborated by the Cucapáh speaker with whom I have worked:

"*Los que vienen de Pozas vienen y cantan pero esas no son palabras Cucapáh. Eso viene de los apaches del otro lado*"

"Those who come from Pozas come and sing but that's not Cucapáh words. That's coming from the Apaches on the other side of the border" (M. Valenzuela de Maclis, personal communication, January 2023).

One of the Cucapáh singers declared:

“El canto lo aprendimos al otro lado, porque aquí no sabían. No son en Cucapáh, tienen algunas palabras pero como son muy antiguos, no se sabe qué dicen exactamente. Antiguamente había cantos totalmente Cucapáh pero ya se perdieron. Estos cantos vienen de los Mohave”

> We learned the songs on the other side of the border, because they didn't know how to sing here. They are not in Cucapáh, they have some words but since they are very old, it is not known what they say exactly. In the past, there were songs that were totally Cucapáh, but they have since been lost. These songs come from the Mohave. (A. Pesado, personal communication, April 2023)

This situation is common to several Indigenous groups in southern California and Arizona, as well as with the Indigenous groups that were separated by the border, such as the Kumiai (Kumeyaay) and the Cucapáh, where they share songs that are not in their own Indigenous language, such as Bird Songs, to communicate with other groups (Hinton, 2022).

However, some decades ago there were Cucapáh individuals that actually sang songs in the Cucapáh language, as Arturo Cardona recalls:

> In their dances very interesting things were also represented, such as the song of the badger, and there is another that they sing to babies: *Kum, kum, makashu mali* and it is repeated, and the repetitive stimuli cause drowsiness and produce a feeling of well-being, and that is why they lull babies. That is why in their dance they repeat the songs a lot and go into a trance. That song for babies means "child, look who sings to you". All these stories, their art, have morals and their identity (A. Cardona, personal communication, 2022).

Another highly relevant sociolinguistic aspect of the Cucapáh Indigenous people is the use of language in the struggles for their Indigenous rights and for self-determination. As mentioned in this chapter, even if the Cucapáh people are not fluent in their language, there are some words that some of them know and that are used for their mobilizations and struggles. These processes of "minimal linguistic expression" for specific events are highlighted by linguists that analyze endangered languages:

> As an endangered language becomes "marked" as no longer the default language in many functional contexts, the process of noticing its markedness becomes an occasion for discursive consciousness…Under such conditions, even minimal linguistic expression or even "metalinguistic" participation, may be viewed as a semiotic resource for community identity production. (Avineri & Kroskrity, 2014, p. 5)

The public use of minimum expressions of heritage languages by non-fluent speakers is also pointed out by other linguists, as a way to reify Indigenous identity (Ahlers, 2006). This also explains why some Cucapáh people, even if non-fluent speakers, use some expression forms in the Cucapáh language for their self-determination struggles.

The Cucapáh Indigenous people have mobilized and carried out protests and civil disobedience actions to resist the dispossession of their right to fish and to the waters of their river for decades. The context of their resistance in defense of their fishing rights is important to highlight here. The Cucapáh Indigenous group have dedicated themselves for more than 1000 years to fishing in the Colorado River, especially in one of its tributaries: the Hardy River, and in the Delta, where the Colorado River joins the Gulf of California. They have suffered intense dispossession of their lands and river waters since the International Boundaries and Waters Treaty came into existence, signed between México and the United States in 1944, without consulting the Cucapáh. This dispossession of their

waters has intensified since 1993, when the Mexican government unilaterally imposed a ban on fishing in the Delta by creating a protected natural area, again without consulting the Cucapáh (Márquez Duarte, 2023).

As I discussed in the previous chapters, in these mobilizations and actions, language has played an important role, since officials from different levels of government have consistently ignored the protests and demands of the Cucapáh arguing that, since the Cucapáh no longer speak their language, no longer dress as they did more than 100 years ago, no longer fish in *pangas* made of *cachanilla*, they can no longer legitimize their claim to have the right to fish and to their river (Morales Aguilar, 2018). This situation is documented by Muehlmann, who conducted ethnographic research with the Cucapáh:

> The state had discouraged Cucapáh traditional ways of life in the first place and now dared to require these traditions to treat the Cucapáh with dignity. Cruz responded blandly to my rant as he exhaled a cloud of smoke: "Yeah, well," he said, "that's the great contradiction. Now the government wants us to act like Indians". (Muehlmann, 2008, p. 35)

As already explained, the use of the language is not required for Indigenous identity, and should not be taken as a justification from the government to violate Cucapáh rights. However, the Cucapáh people in their self-determination struggles, led by the women that lead the fishing cooperatives, have revitalized aspects of their Indigenous identity in a more visible way, such as performing purification rituals with sage at the beginning of the fishing season. Elders pronounce a message in the Cucapáh language. This was done several times by Onésimo González Sainz, who died in 2007 and who was the person that lasted longer as a traditional Cucapáh authority, and afterwards Raquel Portillo Tambo, who died in December 2023. Likewise, they also performed purifications with sage with a message in

their language at the beginning of Indigenous consultations and meetings with government authorities. This was also done in the largest mobilization that the Cucapáh have carried out, together with the Zapatistas in 2007.

Finally, it is worth noting, as already mentioned, that this study focuses on the language of the Cucapáh Indigenous people of Baja California, so all the sociolinguistic aspects analyzed apply to the Cucapáh group of Baja California. There are probably differences not only with the linguistic structure of the language, but also with the sociolinguistic aspects of the Cucapáh community (*Cocopah*) in Arizona, United States, and with the Cucapáh community of Pozas de Arvizu in Sonora.

4.6 Conclusions

In this chapter dedicated to the analysis of the Cucapáh language of the Cucapáh of Baja California, different elements of the Indigenous language were analyzed. However, it is worth highlighting that an important focus of the analysis has been sociolinguistic elements. I have argued that the current situation of the endangered Cucapáh language has been caused by the following processes:

1 Colonial oppression

2 Internal colonialism

3 The *indigenista* policies of assimilation

4 The lack of use and transmission of the Cucapáh language to the new generations

As discussed throughout the chapter, these processes are closely intertwined. Another important part of this chapter has been the analysis of the symbolic use of the Cucapáh language, that can be understood as a metalinguistic community, where the use of some words of the language, even if only a few, are still relevant today, especially for the defense of their Indigenous rights and their struggle for self-determination as an Indigenous group. Moreover, I argue that the Cucapáh language is strongly based in the relationality with their land, also discussing linguistic literature that addresses the relationship between language and land for Indigenous groups. I argue that the colonial processes that the Cucapáh have suffered, have affected their relationality with the land. Thus, they have caused a disconnection from the Cucapáh language, since the language is based in their relationality with the land.

Last but not least, there is only one fluent Cucapáh speaker recognized by all of the Cucapáh interviewed: Margarita Valenzuela Portillo, who is 96 years old. This is a situation that deserves more attention and making a more robust sociolinguistic study of the Cucapáh language of Baja California is a potential area of future research.

CHAPTER 5: Methodological and ethical reflections

5.1 Introduction

As discussed throughout my thesis, relationality is a central element of Cucapáh thought. I incorporated relationality as one of my research principles, to honor the Cucapáh and their understanding of the land. In this chapter, I explain the methodological approach that I have used in my research, focusing on the ethical elements of my research and the ethical issues that have been part of it. I present discussion about ethics that I have learned to be central throughout my research with the Cucapáh, including issues of reciprocity, access to Cucapáh thinkers (interviewees), and conducting research as a person with a permanent physical disability. It is worth noting, as I have mentioned in earlier chapter, that I don't treat my Cucapáh interviewees as research subjects or participants. I consider them political thinkers. I have learned from them, and I have interpreted their ideas as crucial theoretical insights to present the main argument of my thesis, sustain it, and present the conclusions of the research. I consider that anyone that is conducting research with Indigenous peoples about their cosmovision, thought, self-determination struggles and stories, should treat their Indigenous interviewees as what they are: political thinkers.

In this chapter, I argue that there are three important ethical elements to consider in my research: reciprocity with participants, access to participants, and conducting fieldwork with a permanent physical disability. Even though the discussion of forms and methods to practice reciprocity with fieldwork participants has been addressed in different disciplines, especially anthropology, I practiced what I call "*suam pushá* reciprocity", basing on the

needs and context of the Cucapáh people I interacted with. On the other hand, regarding access to participants, I chose to follow a somewhat uncommon path, which was directly contacting different families, through a combination of snowball techniques and through what I call "humidity-like pervasiveness", instead of going with the authorities or leaders of the community. I will discuss the reasons and results of these proposed methods in detail in the following pages. Finally, I also discuss the implications, obstacles, and nuances of conducting fieldwork as a scholar with a disability. This is a very relevant discussion that has been ignored in academia for too long. Ignoring and dismissing issues of disability in academia have perpetuated ableism and discrimination against people with disabilities, which is unacceptable in our current times, where supposedly academia is all for DEI. The incoherence of the discourses of admins in academia vis-a-vis their discriminatory practices are an example of how DEI is used as a simulation.

As discussed in the first chapter of my thesis, I don't present any hypothesis, because I'm not trying to falsify or test, but rather I present provisional hunches based on my exploratory contacts with the Cucapáh. After I identified objectives, research questions, and provisional hunches, I continued my fieldwork and research with the Cucapáh.

5.2 Methods discussion

My research has been conducted with a grounded theory method. Grounded theory is a research method in which the scholar first learns from exploratory visits to the field. From those first interactions within the field, the scholar defines their research protocol:

“grounded theory methods consist of systematic, yet flexible guidelines for collecting and analyzing qualitative data to construct theories 'grounded' in the data themselves” (Charmaz, 2006, p. 2). Moreover, I employed abductive logic, which refers to the production of new theories based on research data that arises from actors’ specific stances and postures, but using existing theories as a base (Timmermans & Tavory, 2012). Abductive logic implies building categories and avenues for theoretical proposals from the information gathered in the field, not just testing a pre-established hypothesis.

Additionally, my ethnographic fieldwork is composed of participant observation, place-based methodologies, as well as semi-structured interviews: “Participant observation is the process enabling researchers to learn about the activities of the people under study in the natural setting through observing and participating in those activities. Participant observation is characterized by such actions as having an open, nonjudgmental attitude, being interested in learning more about others…” (Kawulich, 2005, p. 2). This element is central; it is an important change from the positivist dominant position in social science research in western academia, even in qualitative studies, where subjects are commonly seen as “observable” objects of analysis; research participants can be co-producers of knowledge too. The praxis element of participation entirely shifts what you assume and understand about others and makes you more empathetic to their situations and struggles, which in turn makes your research richer and more complete. On the importance of place-based methodologies, Cook (2022, p. 39) argues that “Understanding land as both teacher and source of normativity challenges fundamental assumptions of Western ethical theory. The very distinction between theory and application collapses since theory emerges from

a particular place, from particular relationships". Moreover, Basso (1996) explains, based on his research with the Cibecue Apache Indigenous group, that for Indigenous societies their sacred and/or ancestral sites are not only part of their history, but they are part of their identity and culture. He argues that, by naming their sites in their language, the Apache were conducting place-world making. Thus, I hold that learning from the sacred and ancestral sites of the Cucapáh is crucial to understand their political thought.

Moreover, in interpretive research, it is understood that there is no universal truth, but rather it is crucial to be open to different interpretation and realities, based on what the interviewees share with you: "A researcher can interview based on the belief that there are multiple perceived and/or experienced social 'realities' concerning what happened, rather than a singular 'truth'" (Schwartz-Shea & Yanow, 2013, p. 4).

5.3 Indigenous research ethics

Research ethics are a central tenet of my methodological framework, but more importantly, through my interactions in the field with Cucapáh participants I have learned more about ethics than I have ever learned in the classroom or with any reading. To begin with the ethical discussion, it is necessary to discuss Indigenous research ethics. The relation of western academia with Indigenous communities has been problematic at best; this is mostly due to the colonialism, scholarly extraction, and harmful activities that academics have conducted in Indigenous communities (Tuhiwai Smith, 2016). It is crucial for my research to recognize this history to prevent repeating these unethical activities with the Indigenous

community and to apply the ethical principles that have been proposed by Indigenous scholars like Linda Tuhiwai Smith, a Māori Indigenous scholar part of the Ngāti Awa in New Zealand, such as the *Kaopapa Maori* priciples (Tuhiwai Smith, 2016, p. 168), especially *Aroha Ki Te Tangata* (respect for participants), *Manaaki Ki Tangata* (share with participants and be kind), and *Kia Mahaki* (don't brag about your knowledge).

Other ethical research principles have been posited by Indigenous scholars, such as learning from the land and specific context of the community you conduct research in (Wildcat et al., 2014), engaging directly in the physical world of the community, and in grassroot movement processes of the group according to Nishnaabeg knowledge as Leanne Betasamosake Simpson, a Michi Saagiig Nishnaabeg Indigenous scholar in Canada, argues (Simpson, 2017, p. 162). Moreover, for Indigenous scholars, research is about open collaboration, not about competing. Research is about relational accountability: "Indigenous knowledge is about relationality, whereas western knowledge is about competition and winning, finding faults in other research and proving how yours is better" (Wilson, 2008, p. 58). As it can be appreciated, relationality is at the center of Indigenous research. This is a crucial element of my research, since relationality with the land is the central element I identified about Cucapáh thought. Relationality, thus, is one of the elements that I have learned from Cucapáh thinkers. I have tried to adopt it as a central element of all my research project. This can be appreciated throughout my literature review, where I don't attempt to find a failure or something to prove that my research is better, but rather build upon research that has been made before me by Indigenous scholars and collaborate with those arguments.

5.4 Conducting research with a permanent physical disability.

I'm a person living with a permanent physical disability. This part of my life has definitely determined how I conducted my research and more importantly, it determined my academic journey during my PhD. My disability limits the physical activities I can do, and the extent to which I can do them. I cannot be standing up continuously for more than 15-20 minutes. I cannot sit down continuously for more than 2 hours. I cannot walk continuously for more than 35-40 minutes. If I pass these time limits, my chronic pain gets impossible to bear. Moreover, since my disability causes me chronic pain, I live with pain 24/7. I also need a cushioned chair with reclining seat. I can't sit on a stool, for example, the pain is unbearable. I need continuous access to electricity and a place to lay down, since I use an electric heat pad between 6-7 times a day to alleviate my pain, to some extent, and continue with my activities of the day. I cannot lift anything heavier than 15 pounds, I cannot run, I cannot jump, I cannot bend my back to the front, just to mention some limitations. It is necessary to consider disability in scholarly discussions, and in all spaces of life, like in our job, school, activism, etc. And more importantly, it is urgent that academic institutions have adequate accommodations for students, professors, and all staff with disabilities. I have suffered from ableism myself from faculty in my program, and from admins in the university, who have added unnecessary obstacles to my experience and unnecessary burdens to my life during my PhD. Even with all of those barriers, I have been able to successfully complete my research and PhD. This is not to be taken as an example of success, this is not to be taken as "if I could make it, you can make it too", due

to 2 reasons: if taken as a case of "you can make it too" for people with disabilities, it just puts a veil on the structural barriers, violences and obstacles that are imposed upon people with disabilities in academia. The toll on my physical and mental health has been heavy, and no person with disabilities should have to go through that to complete a PhD. Having a disability by itself imposes more than enough barriers to life already. On the other hand, there is a significant number of people with disabilities that have significantly more limitations, barriers and difficulties than me. Although my disability is permanent, its effects are not as limiting as several other disabilities. This is to be taken as a serious demand for real and adequate accommodations for people with disabilities in academia, in the job sector and in activism. Having conducted my research and field work with my disability has been a very difficult process, with constant and chronic pain, intensified by inadequate accommodations from the university, in the cases where I have been "granted" these accommodations. The issue of pain and suffering is central to people with disabilities, as disability scholars argue: "Disability studies must also incorporate the painful and sometimes unbearable aspects of being disabled, or the discipline itself will include only some of its purported demographic" (Price, 2021, p. 260).

No one should suffer from ableism in academia, or any other sector. There is an urgent need for a structural change in institutions regarding equal conditions for access for people with disabilities, including modality of classes, equipment for in-person requirements, timeline for international students, and healthcare. Fortunately, I have received support from my thesis advisor, from the current department chair and from the director of the PhD program, which have helped in this journey. It says a lot that I never suffered from ableism

from the Cucapáh people that I conducted research with, but I did suffer ableism at hands of faculty and admins of my university. My experience is not unique; the Disabled Faculty Study drew on a survey and in-depth interviews conducted with thirty-six disabled faculty members and analyzed published accounts by or about disabled faculty. The study found that "access, as envisioned and practiced in the contemporary university, actually worsens inequity rather than mitigating it" (Price, 2021, p. 257). I can corroborate this situation. Not only the accommodations that I was "granted" were not adequate, but also discouraged me to go through the accommodations request process again when teaching because 1) It is a slow process and 2) I already know that the university won't grant the accommodations that I require, specially referring to chairs and modality of teaching. The university says it is accessible because they have a disability resource center, but it doesn't have the necessary equipment and resources to actually make it accessible. Thus, it ends up perpetuating barriers to people with disabilities. However, there are way worse institutions regarding accessibility. I was offered a class to teach in a community college, but when mentioning my disability and the accommodations I needed, they withdrew the job offer because they didn't want to "grant" the accommodations. This is just an example of the barriers that exist for scholars with disabilities.

Moreover, my disability has imposed limits on the physical effort I have been able to do in the field. I have had to adapt my times, my agenda in the field, my routes. Prioritizing our health is an important part of how people with disabilities should conduct research, with radical self-care: "A radical politics of self care is inextricably tied to the lived experiences and temporalities of multiple marginalized people, especially disabled people of

color…crip time as a concept is urgently needed to understand self-care outside capitalist imperatives" (Kim & Schalk, 2021, p. 326). As discussed by Kim & Schalk, for people with disabilities time operates differently and resists the violent and unsustainable productivity and time frames of capitalism. Scholars like me operate according to "crip time". We cannot operate in traditional timeframes of immediacy impose by capitalist productivity impositions. Additionally, regarding self-care as a disabled scholar, just the action of being assertive with able bodied people and defend my rights to prioritize my health and wellbeing has caused me all kinds of negative responses from able bodied people, ranging from discrediting, mocking, and dismissing my disability, to direct discrimination. This is especially applicable to my situation since my disability is "invisible", I don't use any support equipment to move, such as a wheelchair. I only have to use lumbar support and knee support for some activities. The complexity of dealing with invisible disabilities is discussed in disability studies: "…flareups of chronic conditions are unpredictable…Even when a person with a chronic condition is unable to work because of a flareup, the absence will be interpreted as a conscious choice to play hooky. Pass-ing, then, is both a choice one makes and a choice that is paradoxically coerced" (Wang, 2023, p. 169). Passing as able bodied is a constant process that is mentally and physically exhausting, and I have had to continuously navigate the process for years: "To be normal is an exhausting, never-ending performance that will end in stigmatizing failure" (Wang, 2023, p. 168)

I have had to deal with these violences, while not being afraid to demand my rights as a person with a permanent disability. Nonetheless, I have to recognize that there were some

occasions where I overextended myself physically and forced myself to my limits of standing up, driving, sitting down, lifting things, that have affected my health, because I have decided to prioritize research participants over my health on some occasions. There were some visits that I only scheduled one interview but ended conducting two or three. Where I originally intended to stay an hour with the families, there were times that I stayed four hours. Even though I have always tried to prioritize my health and my wellness, I refused to cut short interviews. I always respected the stories, including the duration of my interviews.

However, prioritizing Cucapáh participants over my health is not a self-exploitation action (typical of capitalistic productivity notions) but has been guided by the deep empathy I have for them. The chronic pain and limitations that my disability causes me, all the physical suffering that I bear every day, have heightened my empathy towards the Cucapáh people. The Cucapáh people -as discussed extensively in this dissertation- have suffered structural oppressions and continue to suffer them. Suffering connects people from different contexts and situations that despite their differences, experience continuous suffering first-hand. I argue that his connection and empathy towards the Cucapáh political thinkers I conducted my research with is an indicator of how relationality is ingrained in my research. Through the interactions in the field I have had with the Cucapáh, enduring my physical limitations and pain caused by my disability, I have developed a stronger relation and connection with the Cucapáh, and with their land. The suffering that both the Cucapáh and myself have and continue to bear, is positioned in their land. Their land is what connected us through our suffering. Moreover, my disability has also made me have

a special connection to water. When I'm in the water I have less pain. The water alleviated my pain. This relation I have with the water has also made me more empathetic with the Cucapáh relationality with the river. Once again, the land has connected me with the Cucapáh.

5.5 Conflict and access

As argued before, the Cucapáh in Baja California have different areas of decisions, as well as multiple authorities in these areas. This situation has led to, and also came to exist, due to internal conflicts of the Cucapáh group, some of which have lasted for decades and have translated into multiple family conflicts lasting years, even decades. An important element of the context of the *El Mayor Cucapáh* community (where most Cucapáh people live) is that it has no unified authority or government council in reality. In June 2021 the traditional leader of the community Inocencia González passed away. It wasn't until late 2022 that a new traditional authority was named: Raquel Portillo Tambo, who, sadly, passed away in December 2023. The community hasn't elected a new traditional authority since then; traditionally the community mourns for around a year before choosing a new traditional authority. As mentioned before, non-Indigenous researchers that have conducted fieldwork with Indigenous communities have different ways of getting access to a community: contacting the leader or governing body of the community to have access, such as Basso (1996), who got access to the Cibecue Apache community by going to the West Apache Governing Council; inviting different cultural leaders to a meeting/feast like Hoskins

(1998) did in 1979 with the Kodi Indigenous peoples; participating in a community meeting to be introduced like Loera-González (2016) did in Rarámuri Indigenous communities; reaching the *Junta de Buen Gobierno* (community government council) as Granda Henao (2022) did in one of the Zapatista Indigenous communities; and participating in open events in the communities.

On the other hand, for scholars that have conducted research in the Cucapáh Indigenous group in Baja California, Navarro Smith and Bravo (2014) got access to the community through activists who have helped the Cucapáh in their political and legal mobilizations; Sánchez Ogás (2001) gained access to the Cucapáh while helping create their community museum, through one Cucapáh artisan (her work was mostly based in that artisan's oral stories); Bonada Chavarría (2016) got access to the Cucapáh by meeting a Cucapáh artisan at a cultural event where she was selling her art (even though he only interviewed 3 or 4 individuals); Muehlmann (2008) got access through one of the families, so she had access to families of different groups in the community of El Mayor. As can be perceived, none of the scholars discussed in this dissertation that have worked with the Cucapáh have asked the traditional authority or any governing council for permission.

The contemporary context of the Cucapáh Indigenous group in Baja California, as discussed extensively in this dissertation, is very particular: there are different factions/groups that have intense conflicts with each other, there are different leaders and no leader has the legitimacy of all the Cucapáh groups, and there is no active government council. Due to this context, contacting any leader or authority was not an adequate option; reaching a government council was not possible due to the lack of existence of such a

council in reality, introducing myself in a community meeting was impossible due to the conflicts between the different groups, and due to the incidents of violence that have happened in the past few years on the rare occasions they have community meetings.

During my field work, I clearly identified three different groups and with the passing of the traditional authority, there is not one leader that is recognized by everyone. Even when the traditional authority was alive, not everyone recognized the traditional authority as their leader. Moreover, according to scholars who have conducted research in the Cucapáh community, there are different “clans” that are not on good terms with each other (Muehlmann, 2008; Navarro Smith, 2013). Each clan has its own leader; thus, it wouldn’t be wise for a researcher to be associated with a clan leader, because the other clans would not talk to you. For my research I did not reach any of these leaders; I did not want to be associated with any group in particular. In this way, I could have access to people of different groups, and have different ‘sides of the story’, so to speak. Being perceived as neutral in the community you conduct research in, not being associated with a particular leader, as well as choosing neutral informants, are important elements to consider when conducting fieldwork (Kawulich, 2005, p. 12,13). Moreover, the community has internal conflicts that have lasted for decades, as stated by scholars -as well as by activists- that have conducted fieldwork with the Cucapáh community in Baja California: “The conflicts between the Cucapáh are conflicts with paltry results, endless fratricide conflicts” (Rivera, R., personal interview, 2023). Due to this conflict situation, the issue of understanding and identifying the different groups and conflicts in the communities, as well as trying not to

be associated with the leader of a specific group is important, but it wasn't an easy process. This position was also discussed by Hernández Castillo (2017, p. 35), who argues that:

> Several times, scholars tend to present ahistorical visions of Indigenous peoples, negating internal contradictions and power relations inside the communities, as well as the impact of colonialism in their contemporary practices. These representations can turn into new forms of "discursive colonialism" that don't allow us to see the domination and resistance dynamics that develop in Indigenous communities.

For my research I have not only considered these contradictions, internal conflicts, and power relations that develop in the Cucapáh Indigenous communities, but I have incorporated them into my analysis and tried to understand how they have affected the different voices and ideas on their political thought and struggles for self-determination, as could be appreciated in the previous chapters. Thanks to the strategy I call "humidity-like pervasiveness" I was able to interact with and interview Cucapáh people of different groups or "clans" to learn from different perspectives, and a multivocal approach to the main topics of the dissertation. I call this method "humidity-like pervasiveness" because I was patient and flexible with contacting more Cucapáh people. I make an analogy to how humidity increases its outreach slowly but steadily, waiting for the best conditions for it to be as pervasive as possible, at the same time it doesn't force entrance into places, contexts and surfaces that don't have the necessary conditions for humidity to get into. I used this process to amplify my outreach to the Cucapáh people. I didn't rush to talk to the most people I could in the shortest time, but rather, I let my first contacts introduce me to other people, and I also took the opportunity when conditions were adequate to meet different Cucapáh people in public events. All of this outreach was conducted with "baby steps", so to speak, while at the same time understanding and accepting that there were places and

people that I couldn't reach. An important element of ethics, especially working with Indigenous peoples and other structurally and intensely oppressed groups, is that they have all the right to not speak to researchers; silence and denial are totally valid when Indigenous people are approached or interact with people from academia. I accepted with humility when some people didn't want to talk to me and when I couldn't have access to some places. They don't have any obligation to talk with people from academia, and as researchers it is crucial that we understand this with grace.

5.6 Suam pushá reciprocity and place-based methodologies

On the other hand, during my ethnographic field work, I conducted reciprocity practices that I label *Suam pushá*. These are words in the Cucapáh language. *Suam* means Everyone/All and *Pushá* means to take care. The translation of this idea would be taking care of everyone and each other. I named my practices with this idea, because I argue that I did not only seek to compensate participants for their time, but I really conducted reciprocity as a way of taking care of my participants, because they were taking care of me while I was conducting my field work with them in their communities. I compensated Cucapáh research participants with non-perishable groceries/other items (like hygienic products, school supplies, etc.) with an approximate value of $15-20 USD.

Moreover, besides the compensation with non-perishable groceries/general items, I practiced reciprocity based on the needs of each participant. Some of my participants are artisans and create beautiful pieces of art with *chaquira* beads and other materials. Since

the community of El Mayor Cucapáh (where most Cucapáh people live in México, and where I interviewed artisans) is located an hour from the closest city (Mexicali) and several Cucapáh don't have a car and there is no public transportation available from the community, I practiced reciprocity by buying the materials in Mexicali for them and delivering them to their homes in their community. Some of my participants are dedicated to fishing. I have exercised reciprocity with them by searching for *chinchorro* (fishing net) suppliers online and finding a fair price for them to get their *chinchorros*. Before this, an intermediary (unethical profiteer) sold them the *chinchorros* for more than double the price I got from the supplier I found. This intermediary The supplier mailed them to Mexicali where I picked them up and delivered them to their houses. I also practiced reciprocity by sharing with them documents/books that I have found in specialized libraries about the Cucapáh language and culture. I truly believe that the Cucapáh have to be the first to have access to all the materials that have information about them, which sadly is not the case.

Finally, I have also practiced reciprocity by sharing opportunities and calls for projects that they could benefit from, like calls for awards for project funding, etc. There are two specific cases where I practiced reciprocity by conducting cultural projects together with Cucapáh people, where they had access to some funds: the project that was selected for PACMYC 2022-2023 and the call *Tesoros Humanos Vivos* (THV) 2023. In the PACMYC project, I worked with a Cucapáh Indigenous woman which ended in a popular book about Cucapáh culture published in 2023, and I delivered several copies to the Cucapáh families I know, so they can share them with other Cucapáh people. Moreover, I co-authored the chapter on the Cucapáh language in a book with Mrs. Margarita, a Cucapáh elder. For the THV

project, I saw a call for elderly people of Baja California that have preserved and/or shared aspects of culture in the state of Baja California, in modalities like handicrafts, music, language, dance, etc., to be recognized as *Tesoros Humanos Vivos* (Living Human Treasures). In this project the candidates can't present themselves, someone else has to nominate the candidate and conduct a project to help preserve and socialize the cultural aspect in which the candidate is presented as a Living Human Treasure. In this case, I presented Mrs. Margarita Valenzuela Portillo in the modality of language, and I'm happy to say that she was one of the three awardees, receiving her money prize in a ceremony in December 2023. The project I conducted with her was creating a "Manual" of the Cucapáh language, where we are both co-authors. The short "manual" (60 half-letter size pages) was published in March 2024, and I delivered copies to the Cucapáh families I know, as well as to Mrs. Margarita and her family.

Regarding the interviews, I interviewed members of the Cucapáh Indigenous group in their front yards and in their homes (some people received me in their yards and other people inside their homes). I also conducted place-based methodologies with the Cucapáh people in fishing processes, and to identify their sacred sites. One example of place-based methodologies led by Indigenous communities were conducted with the Taku River Tlingit Indigenous group in Canada, with place-naming using community-made maps and tours (Schreyer et al., 2014). Another example is detailed in the comparative study of the Waikato-Tainui Indigenous groups (part of the broader Māori Indigenous group) in New Zealand, The Grand Traverse Band of Ottawa and Chippewa Indians Indigenous group in the USA, and the Walpole Island First Nation Indigenous group in Canada. In that project,

tours were conducted through the rivers led by each of these Indigenous groups and dialogues were facilitated between the researchers and Indigenous peoples (Fox et al., 2017). Based on these sources, I conducted a form of place-based methodologies, where the Cucapáh people guide me and explain the ancient and current relevance of the river for them, as well as other sacred places and come up with some online/printed material for them.

This was not easy, because very few people in the community know about the places, and even fewer are interested in talking to external people about them. However, this was possible, due to the relationship developed by the exploratory interactions. As mentioned earlier, I participated in fishing with them in their *panga* at the Hardy River (tributary of the Colorado River) and got to experience what it feels like to fish in the river, while three Cucapáh fishers explained to me the fishing process. This participant-observation experience was truly valuable because it allowed me not only to better understand all the parts of the fishing process, but also experience first-hand the sacred relationship that the Cucapáh have with the river while fishing, the joy in their faces, the ability to get the fish, the collaboration, etc. However, one of the most unique place-based experiences I conducted was hiking their three sacred hills: the *Wishpaj/Wi Shpá* (Eagle Hill), the *Wi Jmú/Shmó* (*Metates* Hill) and the *Wi Shkap* (Window Hill). I visited these three hills (each hill on a separate occasion) guided by Cucapáh people from the El Mayor community. The *Wishpaj/Wi Shpá* is called Eagle Hill, because according to Cucapáh oral stories, there is an eagle spirit in the Hill that protects them. For the Cucapáh the eagle is represented in oral stories as a protector. This is the biggest of the three hills and it is right in front of the

El Mayor Cucapáh community. The *Wi Jmú/Shmó* is a smaller hill that is located around 3 kilometers before the community if you are driving from Mexicali (4 minutes driving from the community). This hill has several *metates* or mortars that were carved in the hill by the Cucapáh hundreds of years ago. The Cucapáh used to grind seeds and plants, as well as store food there and cover it to guard it from the weather and animals. As mentioned in the first chapter, the Cucapáh were semi-nomadic: when the river levels rose, they migrated to the hills and lived there until the river level decreased, so they could live on the riverbanks again. The *Wi Shkap* is a hill that is a little bit bigger than *Wi Shmó* and is located 9.5 kilometers beyond El Mayor Cucapáh community, or 10 minutes driving. To reach this hill you have to walk around 10-15 minutes from the highway. This hill has a special importance for the Cucapáh, since anciently the Cucapáh conducted rituals related to the transition from childhood to adulthood, as well as with the transition to the other realm (death). This hill also has a particular natural formation at the top: a hole that looks like a window, as it can be seen in the picture in chapter two (2). In that same chapter, the cosmovision stories regarding this hill are also presented. Getting to the top of the hill was a little harder than the other two hills, since the path to get to the top is full of loose stones that constantly slip; the path is not marked or clear. I consider it important to add that while being in the top (in the window), I felt an inexplicable sensation, and when the wind goes through the window it makes very peculiar sounds that can seem as whispers or soft voices even. These visits have allowed me to connect to the Cucapáh sacred and relevant sites in a way that I couldn’t have without being there physically. This has allowed me to better understand the meaning of these sites for their cosmovision. In place-based methodologies,

these types of visits are necessary, because they allowed me to create the maps and include the stories that are rooted in these sites, which as mentioned before, is one of the ways I'm exercising reciprocity with the Cucapáh.

Figure 5.1 Cucapáh sacred sites map[18]. Created with Google Maps. 2024 (Márquez Duarte, F.).

I created a map based on the visits of place-based methodologies with the Cucapáh to their sacred sites. The map language is in Spanish since this was delivered to them. It is for them. I used Google Maps to create a custom map which I called *Sitios sagrados Cucapáh*. In this map I marked the sites with their name in the Cucapáh language, as well as in Spanish.

[18] I want to thank Alejandro Bonada Chavarría for his help to learn how to create custom maps in Google Maps. To see the full map with descriptions of sites and pictures go to https://www.google.com/maps/d/u/0/edit?mid=18N-_ouKagARzbH0e2qSMDSCkNjcYXxU&usp=sharing

I used a different color for each site and an icon that represents the site. I used mountain icons, fishing icons, cemetery icons, car icons to represent entrances, and the art icon for the petroglyphs. In the full map (which can be accessed with the link in the footnote) I added a brief description of each site and a picture for some of the sites. Moreover, with the link you can get directions to reach any of the points marked in the map. I argue that this is part of *Suam Pushá* reciprocity, since as mentioned before, most Cucapáh people don't know where all their sacred sites are and don't know all their cosmovision stories. With this map that I have distributed both online and printed for the Cucapáh people, they can know their sacred sites and how to get there.

Additionally, even though the focus of this dissertation is on the Cucapáh communities in Baja California I have explored the Cocopah reservation in Somerton, Arizona, by visiting their museum. With this visit, I learned about the ancient context of the Cucapáh, some words in the Cucapáh language, and how the Cocopah in Arizona live regarding their economic and land situation, not only due to the information exhibited in the museum, but also because I talked briefly with the Museum Manager. I don't include any pictures of the inside of the museum because it is not allowed to take pictures in the museum.

Moreover, by conducting place-based methodologies, rapport, empathy, and committed relationships have been further generated and strengthened with the Cucapáh people. On the other hand, the issue of rapport is important. It is argued that creating rapport with participants can maximize the information that can be garnered from the interview, at the expense of forgoing sensitive topics. However, Blee argues that due to the way she was perceived by her interviewees with a white elderly population (white women), even

challenging the beliefs of research participants seemed to had no effect on their willingness to talk (Blee, 1993). I consider that it is important to always keep an honest and open -but at the same time- respectful conversation with participants, and strive for mutual understanding and rapport as a way to deepen my understanding of responses. However, striving for mutual understanding and rapport is not just a way to gather more information. For me, it is part of my ethical commitment with my research participants, because if I only did this to garner more information, that would be just a veiled way of academic extractivism. Having open, engaging, and interdialogical conversations and interactions is what I always try to do in the field, so it doesn't matter for me if that gets me more or less information; it is about treating the people I conduct my research with, with dignity and respect. It is about learning from their experiences, struggles, lives, and ideas and exercising solidarity in any way they ask for and I can help. As I mentioned at the beginning of this paragraph: empathy is the common rule for my conversations and interactions in the field with Cucapáh people.

5.7 Reflections

The methodological discussion presented in this chapter is centered in ethical considerations, introducing the chapter with a brief discussion about grounded theory and interpretive methods. I have discussed three main elements of my dissertation: reciprocity and relationality with participants, access to participants and conflict, and reflections on conducting fieldwork as a scholar with a permanent physical disability. The specifics of

my methodology are presented in a separate methodological appendix. Moreover, I have explained how I have treated Cucapáh interviewees as political thinkers, not only as research participants or subjects. I presented in each of these elements a main argument: pain and empathy as a scholar with a permanent disability, humidity-like pervasiveness in my discussion about access, and *suam pushá* reciprocity as land-based relationality. I base my methodological processes and decisions on principles of Indigenous research ethics, such as the principles discussed by Tuhiwai Smith, Wilson, and Betasamosake Simpson.

CHAPTER 6: *Mamñawi* (Conclusions)

6.1 Introduction: *Po'aw*

I want to begin this concluding chapter of my thesis by explaining the meaning of the title: *Mamñawi*. *Mamñawi* is a verb in Cucapáh language that is translated as *to learn*. I chose this title because this thesis and my whole research process have left me not only with a huge amount of learning, but also has made me realize that the most important avenue for future research is to keep learning from the Cucapáh.

During this dissertation research process of more than 2 years with the Cucapáh of Baja California, I have learned not only about their relationality to the land, their understanding of the land (including river and hills), their understanding and practice of self-determination, some elements of their language, but I have also learned about ethical relations and methodology of decolonial research, of research with Indigenous Peoples. However, I'm not an expert in any sense on Cucapáh relationality, self-determination, language, or understanding of the land. By putting *mamñawi* as the title of this concluding chapter of my dissertation I assert that I have a lot to learn yet from Cucapáh people.

In this concluding chapter, I sum up the main arguments and ideas that I have presented and discussed throughout my dissertation. I finalize this chapter by proposing specific future research avenues about Cucapáh thought and Indigenous thought in general, based on the findings of my research. I called this chapter introduction *po'aw*, which is a verb in the Cucapáh language that is translated as *to walk*. By using the verb walk I symbolize this

chapter, even though it is the conclusions chapter, as just the beginning of a journey of learning.

6.2 Land and relationality: *Matj Kuayek*

The Cucapáh understanding of the land is based on relationality with their river and hills. The Cucapáh understand the land as their river and the natural elements that allow them to interact and constantly relate to their river as a whole. This includes the living elements such as fish, birds, plants, and other species that survive thanks to the river. This conception of the land is not about a fixed patch of soil, but rather the space that allows them to be and interact with their river. The space is not fixed because the river course and flow have changed, thus their land space has changed. Moreover, the Cucapáh rely on relationality and reciprocity to understand and interact with the land. They don't conceive of the river and/or hills as things or natural resources; they don't see them as deities either, nor do they seek to speak for them. But rather, they have a relationship with them, based on interaction, in giving to receive. This is an important finding because it brings a different understanding of the relationship to land for Indigenous peoples, compared to previous scholarly works about or with Indigenous groups. I have argued how the Cucapáh understanding of land gives a unique perspective on Indigenous groups' ideas, practices, understandings, and definitions about the land. I have also argued how relationality is the foundation of the Cucapáh understanding of the land, based on the arguments discussed by Coulthard and Betasamosake Simpson.

Additionally, the theoretical approaches I have discussed regarding the land, relationality, and land dispossession, derive from three approaches: Decoloniality, Indigenous Thought, and Environmental Political Thought have allowed me to not only structure a scholarly discussion, but a discussion that is interdisciplinary. The Cucapáh ideas about land and relationality are very complex, and they cannot be understood in full by discussing just one scholarly discipline or field. Moreover, I argue that it is not possible to understand Cucapáh thought about land and relationality without considering the ideas of Cucapáh people as political thought. That is why I cite my Cucapáh interviewees as scholarly work.

I argue that only by discussing the three approaches of Decoloniality, Indigenous Thought, and Environmental Political Thought intertwined, could I really get into the details of the complex Cucapáh understanding about land and relationality. Both decoloniality and environmental political thought have a rich tradition of considering Indigenous thought of different groups in their arguments. Moreover, a majority of the literature on Indigenous Political Thought centers on the experiences, cosmovision, and struggles of Indigenous groups from the Abya Yala about the land. Additionally, many of the authors I discussed are Indigenous, such as Francisco López Bárcenas, Floriberto Díaz Gómez, Silvia Santiago, Glen Coulthard, Leanne Betasamosake Simpson, Shawn Wilson, Ailton Krenak, Ivan Neves Ordonio, and many others.

However, the scholars that I sought to center in this discussion are my Cucapáh interviewees. It is through their voices and quotes that I interpret the understanding of the land as that space that allows them to have relationality with their river, hills, and their natural elements. Their ancient stories are foundations for their cosmovision, and their

contemporary ideas show how their understanding of the land and relationality are practiced in their lives.

I also complemented my discussion of Cucapáh understandings of land and relationality with the analysis of their language, especially from a sociolinguistic approach. I argue that the Cucapáh language is strongly based in their relationality with their land, and that the colonial processes that the Cucapáh have suffered have affected their relationality with the land. Thus, they have caused a disconnection from the Cucapáh language, since the language is based in their relationality with the land. A clear example of what I argue in this paragraph is the Cucapáh idea of *Matj Kuayek*. *Matj Kuayek* is the name in the Cucapáh language of their deity. This is translated as "The land teacher". I interpret the meaning of the name of their deity as a being that teaches from the land. Thus, for the Cucapáh the land is the base of their life and knowledge, because their deity has taught them everything they know from the land.

The discussion of land and relationality is also intertwined with the discussion of land dispossession and self-determination, which are important topics in my dissertation. Discussing the issue of land from an Environmental Political Thought approach has allowed me to elaborate more on the issue of land dispossession and green colonialism, which are processes that the Cucapáh have suffered, and that have intensely affected their relationship with the land and their lives. Finally, decoloniality helped me discuss the structural conditions that were imposed since the colonial invasion, that have lasting consequences to this day, namely land dispossession for Indigenous peoples.

6.3 Land dispossession, self-determination, and decision-making: ***Ñup añam***

Another of the main issues discussed throughout my dissertation that is clearly intertwined with the Cucapáh understanding of land and relationality is the land dispossession the Cucapáh have suffered, and the understanding they have of self-determination and how their struggles for self-determination are articulated. The issue of land dispossession in the Cucapáh, as I have addressed throughout the previous chapters, is very unique. Since the Cucapáh understanding of land is based on relationality with the river, the most relevant mobilizations and self-determination movements that the Cucapáh have conducted have been in defense of relationality with their river, specifically in defense of the right to fish in their river. This applies to all Cucapáh I interviewed, because not only most Cucapáh have fished in one point of their lives, but also, all Cucapáh people interviewed have a relation and connection with the river, even if they don't fish or have never fished, because their way of life (including alimentation, construction materials, practices, etc.) has been possible due to living elements that survive because of the river, including plants, animals, fish, etc.

This doesn't mean that their struggles for self-determination are only to defend their right to fish. Their struggles have also been against the dispossession of their communal land possession, but not for the land itself. Their self-determination struggles are guided by the land, as I have discussed, since they fight for the collective ownership of the lands that they

have possessed anciently; lands that allow them to constantly practice relationality with their river and hills.

I began the discussion about land dispossession by addressing the historical context of the Cucapáh and their lands, as well as explaining how colonial dispossession has affected them in different historical stages. The Cucapáh are an Indigenous group that has endured so much through resilience and resistance. They have survived despite all the dispossession of their land, by both the US and México states, as well as private companies, especially transnational corporations. However, I have also addressed how several living elements of their lands have disappeared due to capitalist exploitation, fostered and imposed by the US desiccation of the river to service monoculture capitalistic agriculture in a first stage, and overconsumption in big cities in the US on a more contemporary stage. Species such as willow trees, beavers, deer, wild donkeys, boars, salmons, blue herons, giant tules, and others, have disappeared from the Cucapáh lands.

I have argued that the processes that the Cucapáh suffer can be understood as processes of colonial oppression, in the form of neocolonial capitalism, internal colonialism, and green colonialism. For the current capitalist system, the dispossession of Indigenous peoples' lands is necessary to exploit their land and living elements without limits, at the same time the elites constantly try to erase Indigenous resistance and cosmovisions that pose a threat to their interests. By crushing Indigenous movements for self-determination, the elites can keep controlling and exploiting their lands and preventing the capitalist system from further collapse. Capitalist efforts to block Indigenous self-determination have been exercised through the inclusion framework. This directly affected the Cucapáh, not only through the

2001 Reform, but also through the 1992 land reform that allowed privatization, separation, and selling/giving/donating of collective lands, both *ejidos* and communal lands. These reforms have allowed for the current dynamics of land dispossession to happen, especially the imposition of the reserve in the lower Colorado river, and the loss of their communal land rights to the hands of non-Indigenous peoples.

Moreover, I have analyzed international treaties that are applicable in México, as well as specific federal laws that affect the Cucapáh. This analysis has complemented the discussion of Cucapáh self-determination movements, since the Cucapáh have conducted both legal and political mobilization strategies intertwined in their self-determination struggles. The Cucapáh have mobilized on several occasions with different methods that, depending on the case, they have used, such as protesting, blocking the highway, civil disobedience, lawsuits, human rights legal proceedings, etc. I have argued that treaties are used by Cucapáh as legal sources to establish their cases in different courts. Even if this doesn't assure that courts resolve in their favor, they have used the cases to garner enough public pressure against the Mexican government to get the government to negotiate and concede some of their demands. However, these concessions haven't been long-term solutions or reparations.

In my dissertation, I have also discussed the different decision-making areas and processes that the Cucapáh people have: fishing issues, communal land possession issues, and sociocultural issues. Intertwined with this discussion, I have addressed the intense internal conflicts the Cucapáh have in their communities and how these affect their decision-making, their self-determination struggles, and the dispossession processes they suffer. It

is also relevant to highlight that I have identified multiple authorities and leadership figures in the Cucapáh of Baja California. Each of these figures have their own group that legitimizes them. Currently, there is not one single Cucapáh individual that is recognized as an authority and/or leader by all the Cucapáh, the different Cucapáh factions, or even families.

The internal conflicts in the Cucapáh Indigenous group are multiple and some have existed for decades. I have shown that decision-making processes inside the community have been affected by foreign interests that perpetuate the violation of their rights, and I have also argued that the different decision-making processes and conflicts influence their self-determination struggles. The main finding of the discussion of their decision-making processes and areas is that the more disconnected a decision-making process is from their understanding of relationality with the land, the more unequal and hierarchical it is. And vice versa, the more connected to the land that a decision area is, the more equal and collective the decision-making processes are.

Additionally, the research on the Cucapáh language of Baja California has also complemented the discussion about land dispossession, self-determination, and decision-making. I used for the title of this section the idea of *Ñup añam*. This is translated as *much fighting*. The literal translation is fight/struggle + much. I used this translation to show how the Cucapáh have constantly resisted and struggled, and they continue to struggle in defense of every aspect of their life: fishing rights, communal land possession, respect for their Indigenous rights, resistance against criminalization, etc. Another important part of the Cucapáh language research has been the sociolinguistic analysis, especially the

symbolic use of the Cucapáh language in self-determination struggles. This is an example of a metalinguistic community, where the use of some words of the language, even if only a few, are still relevant today, especially for the defense of their Indigenous rights and their struggle for self-determination as an Indigenous group.

6.4 Ethical and methodological considerations: *Já pjuai*

The dissertation I conducted has been complex and challenging, yet a rewarding and incredible journey. It has gone beyond just a research project I have to do to obtain my PhD, but I have interiorized teachings of the Cucapáh in my own life. The methodological discussion in my dissertation has been centered in ethical considerations, rather than in just specifics of the methods I used.

However, I have indeed conducted a rigorous methodological frame, using grounded theory and interpretive methods, where I conducted fieldwork, archival research, literature review, and legal content analysis. I used the methodological instruments and techniques of in-depth interviews, participant observation, place-based practices, sociolinguistic analysis, and even autoethnographic reflections, especially for the methodological chapter. Moreover, I have centered three ethical elements of my dissertation: reciprocity and relationality with participants, access to participants and conflict, and reflections on conducting fieldwork as a scholar with a permanent physical disability. I presented in each of these elements a main argument: pain and empathy as a scholar with a permanent disability, humidity-like pervasiveness in my discussion about access, and *suam pushá*

reciprocity as land-based relationality. Not only did I base my methodological processes and decisions on principles of Indigenous research ethics discussed by Indigenous scholars like Tuhiwai Smith, Wilson, and Betasamosake Simpson, but I also based them on Cucapáh people themselves. Grounded theory allowed me the flexibility to incorporate their teachings into my own methodological decisions and processes.

Additionally, one of the ethical reflections that I arrived upon during the research I conducted with the Cucapáh, is understanding the critical role that their river, and water, play in their lives, cosmovision, and political thought. For the Cucapáh, the water that flows through their river is literally life. It is life in quite literal ways. It is life because it generates life: of fish, birds, and plants. It is life because they have survived for centuries drinking water from the river. But it is also life in a cosmological sense, because for the Cucapáh the river is a living entity with which they practice relationality. I not only learned this, but I actually incorporate the river throughout my dissertation. As argued before, my dissertation follows the flow of the river, it flows naturally with the life that is embedded in the river, based on the Cucapáh understanding of the river, land, and relationality. Moreover, this is not just a symbolic move, but it turned out to be quite real for me. By coursing through the river and by practicing participant observation in fishing with the Cucapáh, I could feel the life of the river. The centrality of the river and water also allowed an empathetic connection with the Cucapáh, due to the pain I constantly suffer due to my disability, and the healing role that water has for me. Without understanding the Cucapáh ideas and understandings about the river (and thus relationality and land), I would have probably never realized exactly that water is also central to me.

Finally, the Cucapáh language analysis has also played an important role for my ethical and methodological reflections. That is why I called this section *Já pjuai*. *Já* is translated as water and *pjuai* as good. I consider that the ethical and methodological reflections that surged with my dissertation are good like water, because water for the Cucapáh is life, is what makes life good. One of the main elements that this linguistic analysis allowed me to do is to name the Cucapáh ideas in their own language and cosmovision. I argue that this naming process has embedded Cucapáh ideas with even more power in my dissertation, both in a scholarly setting as explanatory power, but also, in a more *praxis*-oriented sense as a tool for the Cucapáh in their self-determination struggles, and ultimately to preserve their way of living, culture, language.

6.5 Future avenues of research

When I introduced this chapter, I argued that the conclusions of this dissertation are not answers that solve the "puzzles" of political science, and other social sciences. The conclusions that I arrived upon in this dissertation are centered on learning: on all the learning that is still needed from me and from the readers of this dissertation about the Cucapáh. It is the realization that I really need to learn so much from the Cucapáh still. Thus, there are several research avenues for the future that are definitely worth pursuing.

One of these avenues is to further explore gender roles in decision-making processes for the Cucapáh. As mentioned in this dissertation, the Cucapáh in Baja California are characterized by having women leaders and authorities in most of the decision-making

areas and mobilizations. Women lead self-determination struggles and the fishing cooperatives, and women have been traditional authorities and *comisariadas* more than once. Further exploring this situation could shed light and generate reflections on the assumption that Indigenous peoples are misogynistic and violent against women, which is persistent in academia. Non-Indigenous scholars in academia should learn directly from Indigenous groups to rethink their assumptions about gender and Indigenous Peoples.

Another future research avenue is to study the current situations that are happening in the Cucapáh Indigenous group, such as the fight for collective land rights of Cucapáh people that have been violated by non-Indigenous *comisariados*, as well as the attempts to make the river a protected reservation, dispossessing them from the possibility of practice relationality with their river. These and other issues are important to follow in the short term, since they could have important repercussions for the whole Indigenous group. However, I'm not calling for the research projects that are still the most common with Indigenous communities: extracting, exoticizing and depersonalizing projects. What I'm calling for here is to conduct research projects with the Cucapáh, with clear ethical commitments that support the struggles of the Cucapáh, to accompany the fights of the Cucapáh, not telling them what to do, and not appropriating their causes.

Last but not least, there is so much to be done about the Cucapáh language, which as I argued several times during this dissertation, is in extreme danger of becoming dormant. Currently, there is only one fluent Cucapáh speaker recognized by all of the Cucapáh interviewed: Margarita Valenzuela Portillo, who is 96 years old. This is a situation that

deserves more attention and making a more robust sociolinguistic study of the Cucapáh language of Baja California is a very important and relevant area for future research.

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METHODOLOGICAL APPENDIX

In this appendix I present the specifics of the methodological processes used in my research. I discuss how I conducted coding, interviewing, and discuss my positionality and reflexivity.

Positionality and reflexivity

Discussions about ethics have been made about archival research (Subotić, 2021), covert research (Pachirat, 2011), or interviewing (Blee, 1993), to mention a few, but ethics should be central to all research. In qualitative research, ethics can be perceived or addressed in different ways. The most common is to have IRB approval (Yanow & Schwartz-Shea, 2016). However, IRB approval is not enough, nor adequate by itself, to deal with ethics in qualitative research, especially when undertaking research with Indigenous communities.

I also consider necessary to reflect upon my reflexivity (Reyes, 2020) and positionality (Collins, 1986). I was born and lived most of my life in Mexicali. I am a relatively light-skinned Mexican[19] from a middle-income family, sustained entirely by my mother. I was able to study in private middle and high schools because I earned scholarships based on my academic performance. I was the poor kid with the scholarship, especially during high school (I studied in the most expensive and elitist high school of my city with an

[19] In México, even though most of the population are *mestizos*, to different degrees, there is a clear racial distinction based on skin color; the lighter your skin is, the more economic, social and educational opportunities you tend to have. Additionally, according to the 2020 Census, 10% of Mexicans are Indigenous or from Indigenous descent and 1% identify as black or Afromexicans. Moreover, I might have been perceived differently in the Cucapáh Indigenous community due to my skin color.

“excellence scholarship” that covered 90% of my tuition). Even though it might not appear relevant to some people, this part of my life experience is extremely relevant because it made me develop class consciousness from a young age, as well as developing consciousness about racism, especially through colorism. This consciousness made me aware of the reality of oppressed groups in México, especially Indigenous groups. These experiences have made me empathetic with oppressed groups, even if I don’t share their identity and lived experiences, this has definitely reflected on the research I have conducted with the Cucapáh.

Another element of my positionality and reflexivity is my ethnic identity. I’m a non-Indigenous Mexican person. With that in mind, I have always known that I am a foreigner in the Cucapáh Indigenous communities, so I have always tried to help in ethical ways; to be an ally to the Cucapáh families that I conduct my research with. As I discuss in the following part, I first began my contacts with the Cucapáh with voluntary projects, non-related to academia. At that time, I didn’t know I would be doing my dissertation with the Cucapáh. After I met some Cucapáh people in November 2020, I led a voluntary project with the Cucapáh about Indigenous rights in 2021, with an exploratory visit to know what topics they wanted to know more about regarding their rights, based on the problems they were experiencing. This project concluded in 2022. In 2022 I began exploratory field visits for my dissertation project with the Cucapáh. By that time, I already knew some Cucapáh people of the El Mayor Cucapáh community. My fieldwork ended in December 2023. However, I delivered the maps in April 2024.

My position as a man can also shape how research participants interact with me, or explain lack of interactions. Even though I haven't perceived any hesitance to talk to me because I'm a man, I have noticed that the people who have talked to me are mostly women, this can be seen as a privileged position. However, in previous research with the Cucapáh community it has been stated that for several decades women are the most outspoken in the community to talk to outsiders, to lead organizations, and to lead resistance and political actions (Bonada Chavarría, 2016; Navarro Smith, 2013; Navarro Smith et al., 2014; Sánchez Ogás, 2001). It is also important to highlight that how I am perceived could have potentially influenced what people shared with me. Reyes argues (criticizing the work of a male academic that conducted fieldwork in an underserved community) that being reflexive about strategic positionalities "and how he may have been differently received could provide insight into his data collection and analysis by showing variation in access to people and their lives" (Reyes, 2020, p. 222).

Finally, it is important to acknowledge that being a PhD student in a US university makes my position privileged, not only in terms of "prestige", but also in funding opportunities for my research. The funding obtained has allowed me to cover transport, housing and food expenses, as well as allowing me to being reciprocal with my Cucapáh interviewees for their time and disposition.

Coding

To analyze the information gathered in the field I used focused and in-vivo coding (Charmaz, 2006). In-vivo coding refers to the process of creating codes to process the information 'live', that is, at the time you are analyzing the transcription of interviews for example, not focusing only on pre-established codes or categories. Focused coding, on the other hand, refers to the process of filling codes that you have already created with extracts of your transcriptions. I have used both coding types. Coding is central in qualitative research, especially (but not limited to) grounded theory, since coding allows to find common themes or contradictions, which in turn lead to theoretical breakthroughs (Rubin & Rubin, 2005). Grounded theory also calls for the use of memos or reports to analyze information and create narratives useful for your research, where you can make reflections and analyze not only the information gathered in the field, but also elements such as gestures and reactions (Birks et al., 2008).

For the codes analysis, I used the software *Atlas.ti* to help me organize, process and make connections between quotes, ideas, codes, and finally, reports. In the following tables I show the different codes and density of each code (the number of quotes that each code contained). The first table shows the codes analysis for the interviews conducted during the exploratory phase of my field work. The second table shows the codes analysis for the interviews conducted during the second phase of my field work. I had 16 codes for my exploratory codes analysis and 21 codes for the second phase of field work.

Since I used grounded theory as my method, I had some codes considered at the beginning of the analysis of my interviews. However, there were some topics that were common in the interviews that I haven't considered, so I practiced "in-vivo" coding, which means that I create codes live, while analyzing the transcription of the interviews. In the exploratory phase of interviews, some of the in-vivo codes I created while analyzing the transcriptions of the interviews were: language, organized crime, food, and plants.

Code	Density (# of quotes)	Code	Density (# of quotes)
Conflict	20	**Art**	8
Cosmovision	13	**Self-determination**	8
Fishing	13	**Decisions**	8
Identity	13	**Gender**	7
River	12	**Food**	7
Language	10	**Good living**	6
Dispossession	9	**Death**	4
Organized crime	9	**Plants**	2

Table 7.1 Codes and quotes in the exploratory phase of interviews' analysis.

Through the course of the interviews I conducted during the exploratory phase of my field work, I had noticed the importance of certain topics, which I defined as my codes at the beginning of the analysis of the interviews. However, during the analysis of the transcriptions, other issues became more salient, such as organized crime, language, food,

and plants. Even though I have conducted an extensive literature review about the Cucapáh, no source explained the intensity of the effects of organized crime, nor the current extreme situation of language for the Cucapáh of Baja California. Moreover, through analyzing the interviews' transcripts I noticed that the importance of the river for the Cucapáh went further than fishing, the river allowed the Cucapáh to survive also due to the animals and plants that lived due to the river, so I also decided to include them as codes.

For the second phase of analysis of my fieldwork, more codes surged, and two codes that were salient in the exploratory phase, were not salient in this second stage (food and gender). For this second phase of the analysis, the in-vivo codes I created while analyzing the transcriptions of the interviews were: Stories, jobs, animals, pollution, and clothing.

Code	Density (# of quotes)	Code	Density (# of quotes)
Conflict	25	**Jobs**	8
Stories	22	**Animals**	8
Fishing	21	**Cosmovision**	7
Dispossession	17	**Identity**	7
Language	16	**Pollution**	4
Death	14	**Plants**	3
Good living	11	**Art**	2
River	10	**Green Colonialism**	2
Self-determination	9	**Lands**	1
Decisions	8	**Clothing**	1
Organized crime	8		

Table 7.2 Codes and quotes in the second phase of interviews' analysis.

During the second stage of the analysis of the transcriptions, there were some topics that I added as in-vivo codes, such as stories, jobs, animals, pollution, and clothing. These were codes that were not part of the exploratory stage of analysis, nor defined at the beginning of the second stage of analysis of interviews' transcriptions. The code that I labeled as "stories" is a peculiar case, because I decided to make a distinction from related codes like river, cosmovision, and identity, just to mention a few, because the quotes added to this code were regarding how their life was before, what has changed in their own words, and what is their appreciation of those changes. In the case of the code "jobs" I noticed that it

was a salient issue mentioned in questions regarding the problems of the community and what is a good living for them, thus, I decided to add it as a code by itself. The codes of animals, pollution, and clothing were topics that surged when interviewees talked about the river, and how the river has been dispossessed from them. This dispossession generated important impacts in their life, including the animals that no longer exist, the pollution of the river, or lack of, and there was a single quote that I included in the code “clothing”.

To finish the discussion about coding, I consider crucial to point out that, as researchers, we made decisions all the time, and these decisions are influenced by the literature review, our life experiences, the context of the field, our experiences in the field, our reasoning, our creativity -and in my case with this research my commitment with the Cucapáh peoples-. There is no such thing as “objective” and/or “neutral” decisions in our analysis as researchers. This is especially important for grounded theory research. The decisions regarding coding, categorizing, memos, etc. are subjective. That is why acknowledging our positionality, reflexivity and being transparent with our methodological processes for our research is the ethical thing to do.

Interviewing

In interpretive methods, interviewing is a very useful technique, allowing intensive data gathering: “Qualitative methods require a flexible response ‘in the moment’ to observational (including participation) and talk or interviewing circumstances…” (Yanow,

2014, p. XVIII). I used this type of interviews because they allowed the flexibility needed in grounded theory research (Creswell, 2007).

I sought to compensate Cucapáh research participants with non-perishable food/other items with a value of $15-20 USD, considering that the minimum salary in the northern border of México is 312.41 MXN per day of work (Secretaría del Trabajo y Previsión Social (STPS), 2023). I chose this compensation value, so it is not so much that people feel coerced to participate, or compromises the veracity and honesty of the information shared in the interviews, but also to have a fair compensation for their time and availability for the interview and/or guidance through their sacred sites. Regarding reciprocity, it is important to analyze the conflict situation that the Cucapáh peoples live. My presence in the community with the resources I bring whether directly or indirectly could generate conflicts, especially within groups that have had conflicts and enmities for decades, and with people that I don't get the chance to talk with. As I mentioned, in the community some people do or don't talk to you based on who you are perceived to be close with. Alejandra Navarro Smith, a Mexican anthropologist who has done research with the Cucapáh for over 10 years argues that an open and honest discussion between the researcher and the participants is important to humanize research with Indigenous communities. She also questions the idea of "distance" between researcher and research participants, arguing that an empathetic and committed relationship with research participants is needed. Moreover, she argues that in situations and places where conflict is central to the social interactions, such as the Cucapáh, a collaborative methodology with the research participants allow the researcher to understand the internal logic that shapes conflicts, warning that the researcher

has to recognize their privileged position (Navarro Smith, 2012, p. 18). This is why I have conducted place-based methodologies that will potentially benefit all the Cucapáh people of the communities I go to, whether they talk to me or not, whether they know me or not.

To conduct my field work, including interviews, participant observation and field visits, I traveled to the Cucapáh communities from Mexicali (city in which I stayed during the fieldwork) by car, because is the closest city to the communities and there are no lodging options in any of the communities where I conducted my fieldwork. As mentioned in the first chapter, I interviewed Cucapáh people in three communities: *El Mayor Cucapáh*, *Ejido Cucapáh Mestizo* and *Ejido El Indiviso*. Since the weather in the region is extreme during the summer, I didn't conduct any fieldwork from June to August, because the temperatures normally go over 122 degrees Fahrenheit.

For my research project, collaboration with the Cucapáh community has been central, that is why I have sought place-based methodologies in collaboration with the Cucapáh, and member's validation. The aspect of collaboration with the community for land-based projects is pointed out by Indigenous scholars: "It is a challenge to think about how we create review processes that involve people from the communities that support and foster these land-based initiatives…This requires academics to think further about how we can practice and foster reciprocity with communities in order to create land-based sites of education" (Wildcat et al., 2014, p. V). I sought member's validation (Bloor, 1997) to be accountable to my interviewees, at the same time that I can enrich my research; I sent extracts of my research to interviewees (translated to Spanish because that is the language that everyone uses and understands in the community). Moreover, I also gave interviewees

the map (based on place-based methodologies), which is another form of getting member's validation. Only two participants offered any feedback as member's validation: One participant made two comments: One comment was about another important hill for the Cucapáh: Cerro Corral, that I didn't include in the map. The other comment was about the language. For her, their language should be thought first in their community, not outside. This was in response to a situation of Cucapáh person that was offering Cucapáh classes to non-Indigenous peoples and charging money for it. The other participant offered alternative ways to write a wod in the Cucapáh language.

The interview guide I used for my fieldwork is the following (for Cucapáh interviewees):

NAME:

1 Where were you born and Where have you lived?

2 What does it mean to you to be Cucapáh?

3 What is the importance of the river for you?

4 Do you currently fish or have you fished?

5 What is good living as a Cucapáh person?

6 How do you understand and consider death?

7 What are the most pressing problems for the Cucapáh currently?

8 How is decision-making for the Cucapáh?

9 Do you consider Indigenous self-determination important? Why?

10 Do you speak the Cucapáh language or know any words?

11 Can you share an anecdote of how was life before in the community, when you were a child?

12 Do you know any Cucapáh sacred site?

13 Anything else you want to share?

It is worth noting that for non-Indigenous interviewees I adapted the questions of the guide to each interviewee, depending on what specific information I was seeking from that interviewee. The questions were not the same for an activist that helped the Cucapáh in their mobilizations, that for scholars that have conducted research with the Cucapáh. Moreover, the type of interviews I conducted were semi-structured. This allowed me to use the questions as a guide, while being flexible, adding follow-up questions when the conversation allowed for further exploration.

Informed Consent Statement

This research project included over 40 interviews. The study and interview questions were approved by the Institutional Review Board (IRB) of the University of California Riverside (#HS- 22-075). Informed oral consent was obtained from all participants in the study.

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