



The Stages of the Comic Book Co-creation and the Restitution to the Chiquitano Indigenous People

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Abstract This chapter delves into the analysis of the methodological steps of the co-created process involved in producing a comic book, following the steps outlined in Chapter 2. Extensive research material, outlined at the end of the book, was utilized throughout the project in conjunction with co-creation stages and legal research. The project

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focuses on the Chiquitano people from Mato Grosso, Brazil, specifically the community in Vila Nova Barbecho, due to their precarious environmental situation and human rights violations.

Keyword Methodological steps · Co-creation of the final results · Involvement of the Chiquitano People

1 STEPS IN THE CREATIVE PROCESS: THE CREATION OF THE COMIC BOOK

The steps outlined in Chapter 2 were followed during the creation of the comic book. Throughout the project, extensive research material was used—these materials are at the end of this book—in coordination with the previously outlined co-creation stages. Legal research material was consulted throughout the project’s duration, which concluded with the production of the final comic book.

1.1 Selection of the Chiquitano People as the Project Recipients and Participants

The recipients/participants group chose to work with the Chiquitano people from Mato Grosso (Brazil); particularly, they selected members of the Chiquitano community in Vila Nova Barbecho. The Chiquitano territory is not fully demarcated; consequently, the Chiquitano people are facing serious environmental threats, while also suffering from gross human rights violations by state-sponsored actors. These actors are primarily landowners who have occupied their territory. As reported by Silvano Chue Muquissai and Loyuá Ribeiro F. M. da Costa (2021), “many villages are currently delimited by farms [...] and therefore it is impossible to build school buildings, hospitals, and other infrastructures that could enhance their quality of life. In addition, many [I]ndigenous people depend on work and daily allowances on farm owners as their contractors, committing, often informally, to clear the pasture on farms and other services”¹ (p. 304). The authors make clear that “the lack of

¹ The original quote in Portuguese is translated by the authors.

access to their own territory hampers hunt, swidden planting, and access to water, threats that repercuss to a series of violations of human rights that put the existence of the [I]ndigenous population at risk.”

The reports from Silvano Chue Muquissai and Loyuá Ribeiro da Costa pose a critical question regarding the survival of the Chiquitano people within their villages. The answer to this question can be found in the reflection on what legal choices the Chiquitano people have in the face of this existential threat. Their situation involves intricate socioeconomic and legal complexities, spanning decades of human rights issues and environmental challenges.

While this book is not the sole solution to address the plight of the Chiquitano people, the premises that LD explores can effectively imbue the community with the necessary legal knowledge. This book establishes a process of both affirmation and emancipation, co-creating legal material that can be used to articulate the struggles the Chiquitano people have been facing since colonisation.

1.2 Study of the Needs of the Chiquitano People

As aforementioned, one of the milestones of the creative process is the development of empathy within the participants, accomplished through the study, assessments, and conversations concerning the needs of the recipients/participants. This study helped the members of the working group understand each other’s perspectives, which encouraged a focus on an empathetic approach to law. As previously noted, before delving into empirical research, the group consulted the primary and secondary legal resources to understand the Chiquitano origins and the Chiquitano knowledge system. Moreover, further insights into the Chiquitano people’s value sets, cosmovisions, and legal principles were gained via ongoing conversations with Silvano Chue Muquissai. These conversations were developed via videoconference. Silvano provided essential information on the Chiquitano people through talks and his participation in course lectures. He thoroughly explained how and why the lack of access to Indigenous territories threatens the Chiquitano culture and knowledge system. As he put it, “Even today, some members of the Chiquitano people do not recognize their identity, because only then they can access

jobs in the farms surrounding their land.”² When secure access to land is missing, this leads to insecure access to water and raw materials that are needed for life, health, food security and safety. Ultimately, the Chiquitano people’s self-determination is jeopardized. Hence, as highlighted by the Chiquitano representatives who participated in the videoconferences led by Silvano, the community’s primary need was to gain visibility and enhance the legitimacy of the issue in the public’s eyes. Increasing visibility is predicted to lessen the likelihood of public authorities colluding with farmers, which is a common occurrence throughout Mato Grosso. The premise is that with greater visibility, the Chiquitano people will see authorities defend their rights.

The urgent need for visibility contributed to developing sentiments of accountability, cultural awareness, and mutual respect throughout the project. It is important to underline that in our project, the path travelled, comprised of knowledge exchanges and sharing, was mutual, where both sides—university researchers and Chiquitano community members—could cultivate reciprocal empathy (Fig. 1).

1.3 Study of the Legal Issue and Choosing the Legal Materials: The Escazú Agreement 2018

On 4 March 2018, in the city of Escazú, Costa Rica—twenty years after the signature of the Århus Convention (ÅC) on *Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (CEE/ONU, 1998)—after six years of negotiations,³ twenty-four countries in Latin America and the Caribbean

² Interview during the first online meeting, 18 November 2021. Translation by the authors.

³ In November 2014, the countries launched the negotiation phase of the regional agreement and established a Negotiating Committee with a view to concluding the negotiations by December 2017. The Negotiating Committee was composed of the signatory countries with the significant participation of the public and met for the first time in Santiago (May 2015). At that meeting, it adopted its organization and work plan, which established that countries would continue with their national consultations on the preliminary document of the regional agreement prepared by CEPAL and submit language proposals on the document by 31 August 2015. The Committee met again in Panama City (October 2015), Montevideo (April 2016), Santo Domingo (August 2016), Santiago (November 2016), Brasília (March 2017), Buenos Aires (August 2017), and Santiago (November 2017) and in March 2018 in Escazú whereby the Agreement was adopted.

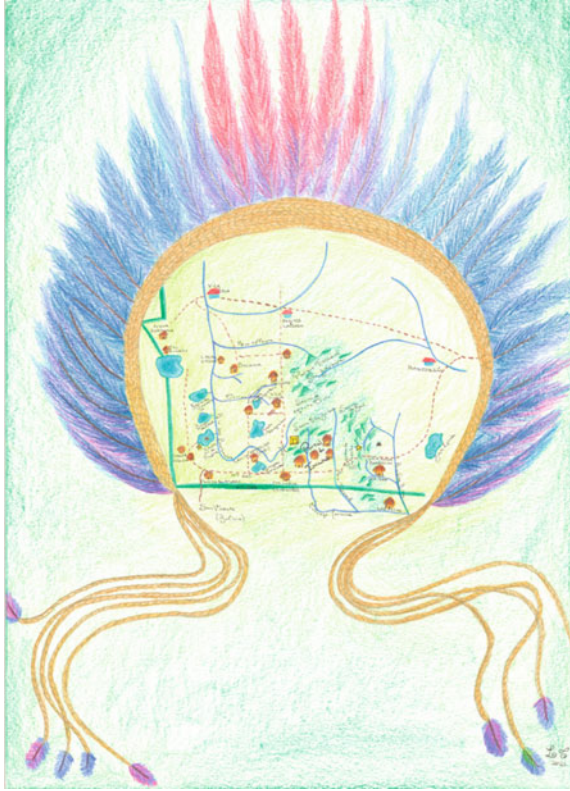


Fig. 1 The Chiquitano indigenous territory, illustrated by L. F. M. Da Costa (2020)

adopted the Escazú Agreement (EA) on *Access to Information, Participation and Justice in Environmental Matters in Latin America and Caribbean* (CEPAL, 2018). The EA is the first legally binding treaty on environmental rights in the region, which was enacted on 22 April 2021.⁴

The Agreement was negotiated by 24 countries in Latin America and the Caribbean but the signature and ratification are open to the 33 countries of the region.

⁴ To date, 24 countries have signed it, and 15 of which have also ratified it: Antigua and Barbuda, Argentina, Belize, Bolivia, Chile, Ecuador, Grenada, Guyana, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Saint Lucia, and

The negotiating parties of the EA were inspired by the ÅC, which was the first international treaty that implemented Principle 10 of the Rio Declaration on Environmental Access Rights.⁵ The ÅC established a process of assessments that includes individuals and their right to exercise control over acts of government, thereby participating and contributing to decision-making in environmental matters. The ÅC represents the first international treaty aimed at creating transboundary environmental procedural rights of individuals and NGOs—access to information, participation, and access to justice—previously referred to as the three pillars, which constructs an Environmental Democracy.

Being inspired by the ÅC, the EA is also an implementation of Principle 10. It aims to “move a step closer towards making equality,”⁶ and to “leave no one behind” (Agenda 2030).⁷ The EA seeks to accomplish these goals by removing socioeconomic barriers that hinder access rights to persons that have been underrepresented in participatory processes

Uruguay. At <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-inf-or-mation-public-participation-and-justice-environmental>, last access May 2023.

⁵ Principle 10 provides that: “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.” Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I), 31 ILM 874 (1992).

⁶ In the words of Alicia Bárcena, Executive Secretary Economic Commission for Latin America and the Caribbean (ECLAC): “Visionary and unprecedented, it is an agreement reached by and for Latin America and the Caribbean, reflecting the ambition, priorities, and particularities of our region. It addresses key aspects of environmental management and protection from a regional perspective (...) The strong regional commitment to environmental protection and human rights is expected to lead to the Regional Agreement’s prompt entry into force. By joining this landmark treaty, the 33 countries of Latin America and the Caribbean will not only continue to strengthen environmental democracy, but will also move a step closer towards making equality, sound economic growth and sustainable development for all a reality” (Barcen, 2018, p. 5).

⁷ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, available at: <https://www.refworld.org/docid/57b6e3e44.html>, last access May 2023.

and to combat inequality and discrimination. The EA was chosen as the legal material used within the co-created project of LD and VL, primarily because of its specific focus on improving the three pillars amongst groups of people in vulnerable situations, such as Indigenous peoples or traditional communities. Throughout Latin America and the Caribbean, there are sectors of society that have historically been marginalised from decision-making on environmental issues. Consequently, the EA defines these individuals in Article 2 as “those persons or groups that face particular difficulties in fully exercising the access rights recognised in the present Agreement, because of circumstances or conditions identified within each Party’s national context and in accordance with its international obligations.” ‘Persons or groups in vulnerable situations’ are not just recognized as the focus of the Agreement, but the text itself requires governments to take action to ensure that these populations can effectively exercise the three access rights. In particular, Article 4, paragraph 5 states, “each party will ensure guidance and assistance to the public—especially to the people or groups in vulnerable situations—in a way such that the exercise of their rights to access is facilitated.” To this end, steps have been taken in the EA—both before and during the drafting process—to build the capacity of persons that, historically, have been underrepresented in participatory processes. The States that negotiated and signed the EA are committed to finding ways to facilitate the rights of the three pillars. Moreover, there are specific paragraph(s) for each right outlined in the agreement—access to information,⁸

⁸ With regards to passive access to information, Article 5 of the Escazú Agreement in paragraphs 3 and 4 ask each party to “3. facilitate access to environmental information for persons or groups in vulnerable situations, establishing procedures for the provision of assistance, from the formulation of requests through to the delivery of the information, taking into account their conditions and specificities, for the purpose of promoting access and participation under equal conditions. 4. Each Party shall guarantee that the above-mentioned persons or groups in vulnerable situations, including indigenous peoples and ethnic groups, receive assistance in preparing their requests and obtaining a response.” Concerning active access to information, Article 6 (6) also requires the government to favour access by groups in vulnerable situations to information that particularly affects them and also includes the directive that each Party shall also endeavour “where applicable, to ensure that the competent authorities disseminate environmental information in the various languages used in the country, and prepare alternative formats that are comprehensible to those groups, using suitable channels of communication” (Parola, 2018). It is important to add that in 2022, the website of CEPAL was updated to include the Quechuan version of the Escazú Agreement. Quechuan languages are the languages of the former Inca Empire and the principal native languages of the central Andes today,

participation,⁹ and access to justice¹⁰—concerning a corresponding action that increases support.

which consists of a large Indigenous population, many of whom are monolingual. Encyclopedia Britannica, Quechuan languages, <https://www.britannica.com/topic/Quechuan-languages>, last access May 2023.

⁹ The agreement essentially follows the AC but adds, (Parola, 2019) in Article 7 (10) and Article 7(11), new aspects, as it affirms that each Party must adapt the environmental decision-making processes to the public, taking in account “the social, economic, cultural, geographical and gender characteristics of the public” (10). Moreover, paragraph 11 specifies that if the affected public primarily speaks a language that differs from the official language, “the public authority shall ensure that means are provided to facilitate their understanding and participation.” Moreover, Article 7 (13) outlines that, in order to facilitate participation, the parties shall establish “appropriate spaces for consultation on environmental matters or the use of those that are already in existence in which various groups and sectors are able to participate” and also “promote regard for local knowledge, dialogue and interaction of different views and knowledge, where appropriate.” Finally, concerning the persons and vulnerable groups, paragraph 14 of Article 7 affirms that the public authorities will identify and support those persons or groups “in order to engage them in an active, timely and effective manner in participation mechanisms. For these purposes, appropriate means and formats will be considered, in order to eliminate barriers to participation.” Additionally, paragraph 15 talks about the implementation of the Agreement, and requires that “each Party shall guarantee that its domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed.”

¹⁰ Concerning article 8 (2) of Escazú, it is important to highlight that this article goes beyond Aarhus in the following paragraphs so as to better remove barriers that undermine vulnerable communities’ ability to exercise access to justice. Paragraph 3 provides that: “To guarantee the right of access to justice in environmental matters, each Party shall have, considering its circumstances: (...) (e) measures to facilitate the production of evidence of environmental damage, when appropriate and as applicable, such as the reversal of the burden of proof and the dynamic burden of proof.” In fact, the agreement adopted the reversal of the burden of proof and the dynamic burden of proof following the doctrine and jurisprudence from different Latin-American states (In Brazil we can cite the following decision by the Superior Tribunal Justiça 2a Turma. Resp 1071741/SP. Rel. Min. Antonio Herman Benjamin, j. 16.12.10. Cappelli, 2018, p. 133).

Then paragraph 4 of Article 8 provides that to facilitate access to justice, each Party shall establish: “a. measures to minimize or eliminate barriers to the exercise of the right of access to justice; b. means to publicize the right of access to justice and the procedures to ensure its effectiveness; c. mechanisms to systematize and disseminate judicial and administrative decisions, as appropriate; and d. the use of interpretation or translation of languages other than the official languages when necessary for the exercise of that right.” Requirement (d) is the most important for Latin American society as it states that each Party shall take due care to help individuals who do not speak the official languages. This obligation is linked to paragraph 5: “In order to give effect to the right of access to justice, each Party shall meet the needs of persons or groups in vulnerable situations

To conclude, the EA aims to help people and/or groups in vulnerable situations to effectively exercise their rights to access, and the co-created project of LD and VL sought to achieve this objective within the context of the Chiquitano community of Mato Grosso. By converting the referred rights and legal concepts into visual materials, this project enabled the active participation of the Chiquitano people. Advancing both the understanding of environmental rights and active participation of the Chiquitano people has created different avenues to voice the community's struggle, continuing the development of co-created legal projects and, ultimately, increase empathy amongst all participants.

1.4 Ideation and Options: Creating Proposals, Requesting Feedback, and the Comic Book

After studying the Chiquitano people and their needs, and choosing the legal material, the next step was to establish ideas on how to convert the EA into an easily accessible document. In our project, a collaborative effort integrated all stakeholders in the creative process that generated the final content. Much of the project's value was derived from this cross-cultural learning experience. Hence, Silvano participated in each step of the idealization process. Additionally, to support the provision of constant feedback on the proposals made by the group, Silvano led our efforts to understand which choices were most suitable for the Chiquitano people. Towards the end of the idealization process—composed of brainstorming and reverse brainstorming—the group came to a consensus to convert the EA into a series of comics.

by establishing support mechanisms, including, as appropriate, free technical and legal assistance.”

1.5 *Prototyping and Finalizing the Proposal of an Illustrated Agreement in Comics (2021)*¹¹

In LD, the first rule for creating an accessible document, essay, or composition that readers can easily understand is to use short sentences. Writing for the final recipient requires translating legalese into colloquial language that accounts for the target population's age range, level of education, profession, experience, and other characteristics. In this case, these characteristics may include the appearance of Indigenous ethnicity. The likelihood of the legal document being understood and utilised by the intended party increases when the above methods are implemented, especially with clear writing and limited use of complicated language and jargon. Accordingly, the first step in creating the comic book was drafting a script about the EA between Silvano and other community members of the village Vila Nova Barbecho. This approach transformed the articles of the Agreement—written in technical legal language—into an easily accessible dialogue, readily comprehensible by everyone.

Furthermore, each sentence in the comic dialogue was paired with an illustrated description of the village. These descriptions represented places and actions that different individuals could recognise and relate to within the story. Additionally, Silvano and Edmundo Nicolau Chue Muquissai—another resident of the village and project team member—took several photos following this descriptive dialogue. The group then transformed these pictures into cartoons by using an app named *Comica*, which converts photographs into cartoon-style images. It then finalises the comic book by including the corresponding speech bubbles to each image (Figs. 2, 3, 4 and 5).

The two books were published in 2021 and delivered to the Chiquitano villages on 29 August 2022. A book launch event was organised in Vila Nova Barbecho to accomplish this delivery. A workshop was held on the same date that contributed to building understanding and consensus

¹¹ Parola, G., Poto, M. P. (2021) (ed. by) *The Escazú Agreement in Comics with and for the Chiquitano People. A Co-Created Project of Legal Design and Visual Law*, ISBN/EAN 978-88-921-4266-4 (English version), pp. 1–80, Giappichelli, Torino; Parola, G., Poto, M. P. (2021) *O Acordo de Escazú Em Quadrinhos Feito Pelo e Para o Povo Chiquitano Um Projeto Co-criado de Legal Design e Visual Law* ISBN/EAN 978-88-921-4267-1 (Portuguese version), pp. 1–80, Giappichelli, Torino.



Fig. 2 Three examples of pictures taken by Silvano Chue Muquissai and Edmundo Nicolau Chue Muquissai and transformed into comics



Fig. 3 Three examples of pictures taken by Silvano Chue Muquissai and Edmundo Nicolau Chue Muquissai and transformed into comics

Fig. 4 Three examples of pictures taken by Silvano Chue Muquissai and Edmundo Nicolau Chue Muquissai and transformed into comics



on the importance of these tools—the books themselves—and how these tools can strengthen community knowledge of environmental rights and duties. The books were also disseminated to the other Chiquitano communities in Portão do Encantado (Fig. 6).¹²

1.6 An Integrated Volume With Realistic Images of the Comics

After the book launch, during which we shared the results of the EA in comics with the Chiquitano villages, we realized that our methodological approach had become more robust and well-structured. This led us to the decision to create the current work, in which the comics are integrated into a methodological framework, detailing all the steps taken to empower effective participation in environmental matters. During this process, we also decided to enhance the comics' version by making it more realistic, accurately representing the people and places as they exist in reality. Additionally, we included new pictures and involved the protagonists of the restitution phase who appeared during the book launch. In the new edition, the same pictures were transformed using a web app called PicsArt. Additional pictures from Chiquitano territory were also used in the new version, demonstrating the natural environment in which

¹² For a report of the restitution journey see <https://en.uit.no/project/ecocare/blogg>, Last access August 2023.



Fig. 5 The two book covers of the comics edition 2022 (*Cover Description* From Left To Right: Adriano Boro Makuda, Alanis Valentina Rodrigues Urupue, Anderson Ferreira Rocha, Elena Laura Chue, Silvano C. Muquissai, Edleny Chue Muquissai, Elza Margarida Chue Akurudodo Arogiareudo, Florêncio Urupe Muquissai, Francisco Xaviel Dorado Ferreira, Leiliane Chue Muquissai, Maria Chue Muquissai, Renivaldo Nezokemae, Samyla Chue Manaca. Original Photos by Edmundo Nicolau Chue Muquissai)

these communities live. This was deemed important, as the importance of the environment is heavily emphasised throughout the comic book and the EA. Using Canva, the edited photos and their associated speech bubbles were added. From there, the final pages of the comic book were created and assembled. While each version is distinct from the other, they both accomplish the overall goal of educating readers about the EA (Figs. 7, 8 and 9).



Fig. 6 Book launch in Vila Nova Barbecho, 2022



Fig. 7 The new version of the comics embodying a more realistic portrayal of people and places



Fig. 8 The new version of the comics embodying a more realistic portrayal of people and places

Fig. 9 The new version of the comics embodying a more realistic portrayal of people and places



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