Te koleloob yook’ol kaab ku tzak uh kuxtaliloob yoolal uh pahtalu kuxtal u palaloob mas maaloob.

To women who forgo their life goals so that their children can have better lives.
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<td>Caribbean Court of Justice</td>
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<td>CORPI</td>
<td>Coordinadora Regional del Pueblos Indígenas</td>
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<td>FPIC</td>
<td>Free and Prior Informed Consent</td>
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<td>GOB</td>
<td>Government of Belize</td>
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<td>NICH</td>
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<td>PUP</td>
<td>Peoples United Party</td>
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<tr>
<td>SATIIM</td>
<td>Sarstoon-Temash Institute for Indigenous Management</td>
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<td>Statistical Institute of Belize</td>
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<td>SPEAR</td>
<td>Society for the Promotion of Education and Research</td>
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<td>Toledo Alcaldes Association</td>
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<td>TIM</td>
<td>Toledo Indian Movement</td>
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<td>TMCC</td>
<td>Toledo Maya Cultural Council</td>
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<td>TMCM</td>
<td>Toledo Maya Cultural Movement</td>
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<tr>
<td>UDP</td>
<td>United Democratic Party</td>
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<td>World Council of Indigenous Peoples</td>
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“Get out of my office!” demanded the Chairperson of the Maya Land Rights Commission of the native alcaldes of Toledo, Belize, in May 2016. The Commission, composed of non-natives, was established that same year to implement a Caribbean Court of Justice Consent Order (2015) which granted property rights to 39 native Mopan and Q’eqchi’ villages of the Toledo District. Being thrown out of the Commission’s office is a reification of the recurrent displacements Native People endured in the European colonies and postcolonies. While traditional leaders (caciques/alcaldes), and by extension Native Peoples, were incorporated into the governing structures of the colonies and postcolonies, they are continuously made expendable especially when sovereignty is threatened. However, native forms of government are institutions used by the colonies and postcolonies to police the native people and their territories. This dissertation analyzes the engagements of the native forms of government with their counterparts.

To achieve this analysis, Part I of this dissertation explores the genealogy of cacique-alcaldes, focusing on techniques used to establish colonial hegemony over the native peoples and their territories by the Spanish (Verapaz and Yucatán) and British
(Belize) colonies. Chapter 5 serves as an intermezzo to discuss the colonial formation of Belize and the colonial present in the Toledo District. Part II is an ethnography which analyzes the contemporary social movement of the 39 Mopan and Q'eqchi’ villages as they assert rights to ancestral territories. In addition, it discusses opposition to the social movement as mediated by unquestioned Belizean nationalism, which continuously seeks to marginalize and erase the Mopan and Q’eqchi’ Peoples and their territories out of the national imaginary.

This dissertation illustrates that despite the periodic erasures and displacements, Native Peoples’ aspirations for an autonomous and dignified life continue to evolve and can take numerous trajectories, including invoking national and international human rights.
CHAPTER 1
INTRODUCTION

May 16, 2016. It was Iq’ (Wind) on the Tzolkín Calendar pasted on my bedroom wall in the upper flat that overlooks bushes, a cattle pasture, and the Indianville neighborhood. Indianville is the deep side of Punta Gorda Town, Belize. It is the neighborhood where “Indians” are relegated, now accompanied by Displaced Central Americans, and, poor Belizeans who cannot afford neither land nor rent in Punta Gorda Town. Indianville, a peripheral neighborhood, in a peripheral town, in a peripheral post colony. Punta Gorda, a town of two lies. It is neither fat, nor is it a point, as its Spanish name implies. Garifunas, Native Blacks, displaced from the Caribbean Island of St. Vincent, call it Peini since the early 1800s. Like many towns in Belize, Punta Gorda also has a Queen St, a Prince St, (King) George St, (Queen) Victoria St—paying homage to British Emperors, longing to connect with the British metropole.

On my purple beach-cruiser bike, standing to propel my weight to climb this small hill, I made it to North Street. The taco shack – Orange Walks Town style, it claimed – attended customers in English Creole. “A mi me da sin chile”, I requested. I sat on the plastic chairs, under the blue canvas that served as roof. Between fanning away house flies, I admired the green Cerru – the hills – where Garifuna People continue to live today, without portable water; while its forests produce water for the town of two lies. I paid US $2.50 for the tacos and instant coffee and mounted my bike. On North Street, near the entrance of the Toledo Community College, which is a high school and not a college, a white cab ran from one side of the street to the other, avoiding potholes. Its muffler banged as it fell in a crater. It sped off, leaving us pedestrians and bicyclists engulfed in dust. The gentle Caribbean Trade Winds of May eventually settled the dust
on the houses along North St. I rode downhill toward the sea. It is Monday. Market day. Retired school-buses from the United States of America continue to labor here, shuttling people from the inland villages of the Toledo District to Punta Gorda Town. At the east end of North St is the Caribbean Sea, greeting humans, as it has done for centuries. I turn left onto Front St.

Front Street is where the British colonial government established in 1884. Front St continues to be “the capital” of this peripheral postcolonial town. Parallel to the Caribbean Sea, on a strip of land no longer than 200 yards, sandwiched between the sea and the asphalt, are the Methodist elementary school, the Immigration and Port Offices, and the market. On the other side are the Police Station, the Magistrates Courts and the Government of Belize Treasury. This year, a new postcolonial office was established on Front St. In January 2016, the Toledo Maya Land Rights Commission was announced by the third-term United Democratic Party Government. A new office, born out of an historically unequal relationship between the settler nation-state of Belize and the Native Peoples of these Lands. The Commission is the culmination of two decades of litigation by the Mopans and Q’eqchi’s against the State of Belize. Although the office is a product of the demands of the Native Peoples of Toledo for the Government to recognize their rights, the office is still a postcolonial office. Honoring its coloniality, it was established less than a hundred feet north of the Punta Gorda Town Police Station. On May 16, 2016, we were headed to the new post-colonial office.

1 In April 2015, the Caribbean Court of Justice ordered the State to take affirmative measures to identify and protect the rights of the Mopan and Q’eqchi’ villages arising from Maya customary land tenure (see Maya Leaders Alliance et al. v. Attorney General, Caribbean Court of Justice Appeal No. BZCV2014/002, para. 1). The CCJ is Belize’s appellate Court since June 2010.
The previous Saturday, May 14, 2016, Cristina Coc, Spokesperson of the Maya Leaders Alliance, announced, “we will walk there just before 9 AM”. She continued, “we don’t want the police to say that we don’t have a permit to protest”. However, we were not protesting. We were attempting to have an audience with the Chairperson of the Toledo Maya Land Rights Commission, Lisel Alamilla, a former Senator and former Minister of Sustainable Development, Forestry and Fisheries.3 Her unsustainable eight-cylinder white pickup truck was parked in front of the Commission’s office. I padlocked my bike underneath the stairway. Around fifty Mopan and Q’eqchi’ village alcaldes were assembled at the footsteps of the stairway. I said “Sa’ch’o’ol”, as I shook hands with alcaldes.

Last week the Maya Leaders Alliance and the Toledo Alcaldes Association received a letter inviting them to be observers in the consultation process to implement the hard fought 2015 Caribbean Court of Justice Consent Order. The Commission unilaterally decided to split the 39 litigant villages into five zones and meet with a zone at a time. The MLA and the TAA called an emergency general assembly to discuss the Commission’s colonial strategy of dividing the villages and limit their technical and legal counsel as it engaged them to implement the Consent Order. At the TAA general assembly, the alcaldes decided on hand-delivering a letter to the Chairperson of the Commission, reminding her that the alcaldes have internal structures and procedures to

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2 Quotations for this section are from field notes labelled 2016.05.14-PG-MTN-M&T-001. File name is: Year-Month-Date-Place-Type of Activity-Protagonist-Number of File

3 Lisel Alamilla was Minister of Sustainable Development, Forestry and Fisheries in the United Democratic Party administration of March 2012 to November 2015. Two months after the UDP won a third consecutive term, Alamilla was appointed Chair of the Toledo Maya Land Rights Commission.
engage the Belizean State. The native governing structures have morphed and consolidated during the last three decades; leading to the successful litigation, resulting with the 2015 Consent Order.

The Maya Leaders Alliance and the Toledo Alcaldes Association executive leaders disembarked in front of the Police Station. After the ritual hand shaking and sashing of the alcaldes in “Maya-colors”, we walked up stairs into the Maya Land Rights Commission Office. After greeting the receptionist, Alfonso Cal (President of the TAA) and Pablo Mis (Program Coordinator of the MLA), knocked on Alamilla’s office door. “Come in”, responded Alamilla. They entered, leaving the door open. Inside Alamilla’s office, Cal asked to speak with her for ten minutes. Alamilla stood up and told the two men that she had a meeting about to begin—meeting with one of the village zones. Stepping into the lobby, Alamilla was taken aback by the presence of the fifty alcaldes, some holding their long staff-of-office. She yelled, “get off my property!” Pacing back and forth, she continued, “if you’re here for the meeting, let’s proceed. Let’s proceed!” Returning to the lobby, Alamilla said, “who is here to stay for the meeting, as per the agenda, you are welcomed to stay. There are no two meetings happening today!”

The exchange that ensues between the alcaldes and the Chair of this postcolonial office harken memories in our oralities when Native People entered colonial spaces, out of necessity, and were mistreated and made to feel unwelcomed. Spaces that even when designed to accommodate them, as if by default, makes them out of place—displaced. In May 2016, the postcolonial officer was not a white man who spoke with an Iberian Spanish accent, nor a British Isle accent. She spoke with an English
Creole accent. However, little has changed. The intense engagement that an alcalde had with Alamilla, the Chair of the Commission, continued:

**Alcalde 1:** You see, this da the thing, you got all the villages separated!

**Alamilla:** No. You are welcomed [at my office]. If you are one of the village [invited]…

**Alcalde 2:** But you just asked us to leave!

**Alcalde 1:** We just want to suggest something to you Minister. So we can…

**Alamilla:** Come (escorting a non-Native invitee to her planned meeting).

**Alcalde 1:** And we can’t just leave because you tell us to leave!

Staring at the alcalde and pointing at the conference room, Alamilla continued:

**Alamilla:** If you wanted to suggest something, you should have done it, back [there, in the conference room] on the agenda.

**Alcalde 1:** Well, that is what we are doing. You invite us to your office, and now you are chasing us!

**Cal:** This is why we want to meet together, but you don’t want to accept it (their suggestion).

A discussion spontaneously began in Mopan and Q’eqchi’ in the lobby. An alcalde suggested, “let us call off the meeting” which Alamilla was having with one of the zones. He continued, “this is not the way that we do our meetings (i.e. consultation process)”.

Alamilla continued pacing and disappeared into her office. Before we realized, the Commander of the Punta Gorda Police Station – Clement Cacho – entered the lobby. Alamilla called the Police on the alcaldes, the very people the CCJ ordered the Belizean State to engage to “identify and protect” their rights.

Throughout colonial history, caciques, renamed alcaldes, have been engaged by the colonies and postcolonies to further the Sovereign’s goal—to police the population and territory. However, as we will learn throughout this dissertation, their engagement and incorporation is opportunistic. When alcaldes threaten sovereignty, they are made
expendable. Policeable. Cacho, the Police Commander, asked the alcaldes to vacate “the (postcolonial) premises”. While going down the flight of stairs, Pablo Mis, the MLA Program Coordinator, asked the Police Commander to allow him time to address the alcaldes before leaving the premises.

“We are here to simply communicate to the Chair what you (the alcaldes) decided on Saturday”, stated Mis. The alcaldes then walked across Punta Gorda Town to the office of the MLA and the TAA. Two alcaldes who were invited to the zone meeting remained at the office of the Commission. Their oral report of the meeting to the TAA and the MLA was passed on to the general assembly of alcaldes at the following meeting. Before everyone left the MLA-TAA office, the alcaldes gathered for a picture. Those with staff-of-office – which have King George engraved on them – were placed in the front row. An hour later, the TAA issued a press release stating, “the Maya Land Rights struggle has been and will continue to be a collective process…under the governance system, the Toledo Alcaldes Association” (see Figure 1-1).4

**Genealogy of Native Forms of Government and Colonial and Postcolonial Governments**

The governance systems mentioned in the Toledo Alcaldes Association’s press release is the alcalde council. The alcalde council incorporated by the Belize Colony was a Spanish colonial institution in the Americas: municipal councils. Municipal

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4 Two days later, May 18, 2016, Rastaman News, posted a commentary “Chair of Indigenous Rights Commission Creates New Indigenous Territory”. Rastaman News is a Facebook Page which uses satire to re-represent national political news. The post mocked the Commission's Chair stating, "the Chair…was reportedly excited that she was addressing like-minded chairs, always just sitting motionless and empty of ideas". Rastaman News was established in April 2015. In a private message, the Administrator responded to my questions, "our inspiration comes from ganja we smoke on a daily basis and all the madarass (crap) happening around us". It has 7,293 followers. The post quoted above had 190 likes, 16 shares, and generated 9 comments. Consulted on April 14, 2017. Available at: [https://tinyurl.com/lxvyq7p](https://tinyurl.com/lxvyq7p)
councils in Spanish America and alcalde councils in the Belize Colony are the result of
colonial and postcolonial engagements with native forms of government in the
Americas, informed by conceptions of government by the European Empires. To
understand the interactions of these governments I conduct a genealogical study of
both councils in the British and Spanish Colonies in Chapters 2, 3, and 4 of this
dissertation.

Genealogy as a method is not about a “quest for the origin” of the subject of
inquiry, according to Michel Foucault (1977, 144). Foucault notes that our desire to
identify the origin of the object of study is our bias to want a ‘divine birth’ of the entity
under study. Citing Friedrich Nietzsche, Foucault contends that “things are most
essential and precious at the moment of birth” (143). Birth, however, is “lowly,...derisive
and ironic, capable of undoing any infatuations” (ibid). In addition, birth does not give an
entity its “inviolable identity of [its] origin; [birth] is the dissension of other things. Its
disparity” (142). According to Foucault, things that arise from birth entangles the entity,
in confused parchments, of which the genealogist’s task is to untangle. Thus, a
genealogical study does not map the evolution of an entity, neither does it map its
destiny (146). It identifies the accidents, deviations, and false appraisals that gave birth
to the things that have value today (ibid). The central tenet of a genealogy study,
therefore, “is to discover that truth or being do not lie at the root of what we know or
what we are, but the exteriority of accidents” (ibid). One of the things that has sustained
its value throughout the centuries for the Mopan and Q’eqchi’ People of Toledo, Belize,
is the alcalde council and its form associated with this practice of governance.
While traditional, alcalde councils (and municipal councils) have been influenced by British and Spanish Colonies, the Spanish Empire encounter Peoples without governing structures during the invasion of the Americas. Chapters 2 and 3 of this dissertation discuss six technologies I identify through which the Spanish Crown sought to subjugate the native people and their lands. The establishment of the municipal councils among the Peoples of the Americas is one of these technologies discussed in Chapter 3. While imposed by the colonizers on the Peoples of the Americas, the native elite adapted the municipal council and other colonial posts to maintain control over their affairs and worked through this institution to retain status and traditions. In the Belize Settlement, specifically, the settlers and colonial officials encountered the municipal councils which were recreated by the displaced Yucatán People during the mid-1850s.

Chapter 4 analyzes the engagement of the Belize Settlement – and consequently of the Belize Colony – with the municipal councils recreated by the people displaced into the northern and western regions of the colony by the 1847 Yucatán War. I explore how the Belize colonial administrators incorporated the municipal councils into the governing structure of the colony by renaming the council as ‘alcalde system’ and redefining its jurisdiction. Chapter 5, an intermezzo, places these developments within the wider context of Spanish and British colonialism of the Yucatán Peninsula and the grater Mesoamerican Region, concluding with present day Belize.

Chapter 6 shifts closer to the Toledo District, Belize, where the alcalde council has acquired its “modern” form today. While the chapter explores the Mopan and Q’eqchi’ social movement revolving on property rights to ancestral lands, it also
illustrates how the alcalde council is a key institution threatened by the colonial, and now postcolonial state. This vulnerability of the alcalde council, which reflect the vulnerability of native life in Belize, has made the council a central unit of pride and power in the social movement. Chapter 7 discusses how the alcalde council to engages with the Belizean State and Belizean nation-state and how it mediates nationalism, liberalism and modernity.

This genealogical research relies on primary and secondary colonial sources, however, insights into the history explored also heavily depend on native sources, conversations with leaders and participants of the social movement, and records of the social movement archived by the native organizations. In the introduction of each of the following Chapters I elaborate on the sources I use for each particular genealogical inquiry. This dissertation research is also based on sixteen months of ethnographic work among the Mopan and Q’eqchi’ People of the Toledo District, Belize, conducted in 2014, and during the Summers of 2015 and 2016. As an ethnographer, I spent most of my time at the office of the Maya Leaders Alliance and the Toledo Alcaldes Association. My interest in the Mopan and Q’eqchi’ social movement also led me to volunteer at the office of the MLA and the TAA.

Inter-ethnic Politics in Toledo District, Belize

My interest in Toledo morphed over the research period. In the Summer of 2012, after recommendation of an advisor, I traveled to Belize to “explore” research topics. I was caught in the Millennium Development Goals fad. The Japan Social Development Fund (JSDF), via the World Bank, was funding a health project to improve – not eliminate – malnutrition among Native Peoples of the Toledo District, Belize.
Malnutrition is seen as a result of poverty among the Native People.\(^5\) I arranged for a meeting with Pulcheria Teul, another former UDP Senator, the recently hired Director of the JSDF Project.\(^6\) I learned that the “health project” was in its initial implementation phase. Teul and I discussed how my research interest could compliment the JSDF Project. During that Summer, I also visited Dr. Natalia Beer, Director of Maternal and Child Health in the Ministry of Health to discuss my intersecting interest of health and development. Dr. Beer graciously arranged a meeting with the Director of the San Antonio Village Policlinic, Toledo District. The Policlinic served mostly native people in the Toledo District.

After visiting the Policlinic, I asked my chauffer to drive me to Laguna Village to meet with the Spokesperson of the Maya Leaders Alliance, Cristina Coc. Mutual friends in the U.S.A. had coordinated a meeting with her to discuss my research interests. Cristina sat in a hammock in her parent’s living room. I sat in a chair in front of her. We discussed the medical subject making of the native people of the Toledo District by the JSDF Project. Section by section she went through the Operation Manual of the JSDF Project I was interested in analyzing. Cristina, and by extension the Mopan and Q’eqchi’ village leaders, were not supposed to have access to the Operation Manual. Some of her friends from the Ministry of Health, recognizing the project’s impact on the native

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\(^5\) Q’eqchi, Mopan, and Yucatec Peoples (collectively known as Mayas) are concentrated in the Toledo, Stann Creek, and Belize Districts. The Toledo District was home to 64% of all of Belize’s Native People in 2010 (Statistical Institute of Belize 2010). Mopans and Q’eqchi’s living in the Toledo District represented 6% of the total population of Belize. The 2002 and 2009 Belize country poverty assessment reported that the Toledo District has the highest percentage of indigence (> 50%) and poverty (>60%) in Belize (Halcrow Group Limited 2010, 59).

\(^6\) At the time of my interview, the Project was being managed by Pulcheria Teul. Teul was Senator in the February 2008 – March 2012 United Democratic Party Administration. The Project was valued at US 3 million, titled ‘A Healthier Lifestyle for Indigenous Women and Children in Belize’. During its implementation, the project was “diluted” by targeting non-Native villages.
villages and knowing her role as Spokesperson for the villages, leaked the document to her. Coincidentally, Cristina finished reading the Operation Manual the day before we met. It was my first introduction to the intensely fraught politics of the Toledo District.

When I asked, “are you saying that this project implementation is discriminatory?” Cristina replied, “it is not just the implementation, it is the entire concept on which it was born”. She continued, “the Implementing Agency for it is the Toledo District Health Council. There is not a single Maya representative on that Council. …How will you even implement a project, which the World Bank demands that you have wide community support for, how do you implement it when you do not even speak (with the villages) in their own languages?” Cristina then noted, “why there is no input from the President of the Toledo Alcaldes Association? Why was he bypassed? I can tell you why. Because he leads the claim for Maya land rights and he is very outspoken”. It was not simply representational politics on the health project that was fraught. At heart was the systemic exclusion of native people in Belize and elsewhere. When included in the nation-state, Native People are seen as subjects that require intervention.

The JSDF Project taught native children to “develop good hygiene habits”, echoing the 1550 colonial words of Tomas Lopez Medel who believed that Native People of Guatemala and Yucatán had to be taught how “to eat, drink, dress, clean and treat their bodies… because they are made brutes by these forests and it is necessary to transform then a new” (cited in Ares Queija 1989, 115; my translation). Native people’s inclusion in the postcolony continues to be as intervention, to make them better

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7 Quotes for this paragraph are from my field notes labeled: 2012.07.19-LGN-MTN-CCC-001.

– cleaner, healthier – subjects. However, their inclusion means they are excluded in the process. In Toledo, Belize, while they were being included as medical subjects, who spoke, decided, planned, and executed development projects on their behalf were non-natives. Nicholas De Genova (2013) terms this the “obscene of inclusion”, ‘including to exclude’. Obscenity of inclusion is the product of uneven power relations between colonies and postcolonies and native peoples. The uneven power relations are historic and multifaceted, thus, difficult to dismantle. My interest on the uneven and multifaceted power dynamics between native peoples and the colonies and postcolonies intensified, becoming the central theme of this project.

On Friday of that July 2012 week, I visited the office of the Maya Leaders Alliance and the Toledo Alcaldes Association located on the Voice of America Road in Punta Gorda Town. The office is the first floor of what was Maria and Mateo Coc’s residency. The Cocs were among the first Mopans and Q’eqchi’s to move to Punta Gorda Town to diversify their income and to send their children to high school. Subsequent construction on the Cocos’ residency made it into a “maze” with rooms that served as different offices for the MLA and the TAA. The TAA’s office was once the living room of the Cocs. In the kitchen was a fire heart; it is now a shelf for books and a satellite modem. On the kitchen wall hung a large picture of Julian Cho, the most renowned leader of the Mopan and Q’eqchi’ social movement, now deceased. His spirit continues to wander the hallways of the Coc residency, a home he shared with one of the Coc daughters, his wife. Making company to Julian are old pictures of Mopans and Q’eqchi’s captured by Grant Jones, an ethno-historian, who donated the pictures to the
Julian Cho Society, a member organization of the MLA. The MLA occupies the former kitchen and dining area.

The Maya Leaders Alliance and the Toledo Alcaldes Association are currently the two brokers of the uneven postcolonial power between the Mopan and Q’eqchi’ Peoples and the State of Belize. On that Friday in 2012, being a clinic-day, Ligorio Coy and Alfonso Cal, Presidents of the MLA and the TAA, respectively, were present at the office.9 “He is Maya too”, noted Cristina as she introduced me to the traditional leaders. Cal and Coy greeted me and started to speak with me in Q’eqchi’ Maya. I clarified that I spoke Yucatec Maya. I felt welcomed. The ethnic hierarchies promoted by the nation-state were irrelevant.

Although not an official policy, the nation-state reveres the contributions of Yucatecs, my ethnic group, over its Native counterparts—the Mopans and Q’eqchi’s. Official history highlights Yucatec stories in the northern and western districts of Belize.10 Yucatec history of “transforming terra nullis” into sugarcane estates and other industries is privileged over the history of other native groups of Belize. Yucatec

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9 The most remote villages of Toledo District generally have bus service on Mondays, Wednesdays, Fridays and Saturdays. These days are called “clinic-days” or “market-days”. On these days people come to town to market their produce or to seek medical assistance. Coinciding with these days of the week, the MLA and TAA dedicate the mornings of Mondays, Wednesdays and Fridays to attend to the needs of the traditional leaders or villagers. Assistance from the MLA and TAA office range from paralegal advice, liaison between a villager and a State Office, to inter-village and intra-village disputes, adjudication of justice by the alcalde, et cetera.

10 Funding for Creole, Garifuna, Mestizo, and Yucatec cultural performances by the National Institute of Culture and History (NICH) outnumber those of Mopan and Q’eqchi’. NICH funds performative culture—staged acts and objects that do not threaten or question the powers of the nation-state. Throughout Belize, NICH resources fund houses of culture (i.e. community museums) which rehears and curate culture. Interestingly, the Toledo District does not have houses of culture (see: https://tinyurl.com/lg3ejzk. Consulted on April 19, 2017). Toledo has a majority Native population of Garifuna, Mopan and Q’eqchi’. The Belize tourism industry promotes it as “the culture mecca of the Maya and Garifuna” (see: https://tinyurl.com/m7k7l6s. Consulted on April 7, 2017). While Native Peoples of Toledo’s culture is not consumed in the context of community museums, their cultural resources are co-opted and marketed as authentic, worthy of consumption.
“preference” of private parcels versus common property is promoted by the Government as “modern”. However, Yucatec landlessness is not mentioned as an entrapment of their “modernity”. My interactions through my research with the Mopan and Q’eqchi’ made the false-hierarchies meaningless. When I introduced myself – as Maya – I was always asked, “from where?”. The follow up question was, “do you know x person?” Ethnicity was overridden by kinship and non-kinship relationships.

Learning What has Value

I returned to Gainesville, Florida, and wrote a research proposal on “The wellbeing of Maya People of the Toledo District”. I defended my Qualifying Exams and returned to Belize to start an investigation on the “History of the Mopan and Q’eqchi’ social movement”. The only source of information on the history were the Maya Leaders Alliance and the Toledo Alcaldes Association. I did not have authorization to work at their office. While the MLA and the TAA have collaborated with other social science researchers, they had not been the “subject” of research. Social scientists “pay homage” to their work but generally do not engage the MLA and the TAA in a meaningful manner. There are very few exceptions, especially social scientist who served as expert witness for the “land rights” litigation. To change this researcher-village relationship, the MLA and TAA asked me to formulate a Memorandum of Understanding which detailed my commitment to the Native People of Toledo, Belize. It was not a quid pro quo. After the MOU was drafted, the Spokesperson, the Program

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11 Social scientist who served as expert witnesses for the 2007 and 2008 Belize Supreme Court Cases include Liza Grandia, Grant Jones, Joel Wainwright, and Richard Wilk. Outside of the Court Room, there are key allies of the Mopan and Q’eqchi’ villages whom I do not have an extensive list of and might omit some of the most supportive allies.
Coordinator, and I discussed my research plan. Part of the agreement was that I volunteer as an additional office-staff during my fieldwork.

During my volunteer-research it became clear that the textually documentation of the history of the social movement – while important – was not urgent. It is an academic fetish, not a village necessity. Oral history in the villages propagates knowledge of the key events/projects/causes, places, and actors (local, national and international) of the social movement. Mopan and Q’eqchi’ orality helps construct a non-linear story, almost impossible to replicate in academic text. Orality is not sanitized. It maintains an honest story of who sold-out to the “enemy camp”, who selflessly works for the social movement, who is vilified as manipulative, who is always foreshadowed by ego, who was murdered for the social movement. Thus, I acknowledge the flattening effect of my text in Chapter 6 which provides a brief history of the social movement.

As a volunteer-researcher I assisted with MLA and TAA activities, including organizing and participating in public and private meetings of the MLA and the TAA with their constituents, state officials, attorneys, local allies of the social movement and international visitors (including World Bank Officials, Ambassador of the U.S.A., Professors, and Investors). During these meetings, I was often tasked with documenting and reporting (see Chapter 6 and 7). Other events I assisted with were planning rallies in the Toledo District, Belmopan City, and Belize City. During November and December of 2014 I also assisted with alcalde elections which occur every two years. Another activity I assisted with, in a limited manner, was the Native high school scholarship program, funded by the Maya Education Fund, managed by the Julian Cho Society—a
member organization of the Maya Leaders Alliance. During clinic-days – Mondays, Wednesdays and Fridays – the MLA and the TAA office “pause” to provide services to village leaders and their members.

Villagers, including their traditional leaders (alcaldes) and non-traditional leaders (chairperson) visit the office to seek assistance on innumerous issues. The most common concern was outsiders, including companies and private persons, encroaching on their lands to extract resources. In villages closer to the major highways, or villages that are “strong holds” of incumbent area representatives, the most common complaint was illegal surveying of village lands. Our task – which included all abled bodies that can use a computer – was to document every case, file them, and forward the information to the attorneys of the MLA and the TAA. Generally, a ‘cease and desist’ letter from the attorney’s office was addressed to the violator.

Being at the Toledo Alcaldes Association during my sixteen-month long volunteer-research I witnessed innumerous interactions of the alcaldes with the President of the TAA, Alfonso Cal. Alcaldes visited Cal, the ‘chief-of-chiefs’, as we fondly called him, to seek his guidance on how to resolve internal village conflicts, conflicts that involved outsiders, or conflicts with neighboring villages. Intra-village conflict revolved on usufruct rights to land, especially in larger villages with land “shortages”, or where land tenure patterns have changed (where freehold titles were issued to some villagers over others by the Central Government). Land disputes, especially those that did not involve freehold titles, were mediated by alcaldes with help

12 It is very awkward to fundraise in a PhD dissertation, but heck, it might work. Visit the MEF website and donate: http://mayaedufound.org/
from the TAA President. Sometimes disputes became violent. Alcaldes, along with Cal, visited the Punta Gorda Police Station to seek protection for the disputing parties as they resolved the matter.

As we will learn in Chapter 6, the social movement was successful, in part, because it incorporated the alcalde councils of the 39 Mopan and Q’eqchi’ villages into the Toledo Alcaldes Association. The TAA, assisted by the Maya Leaders Alliance, formulates and presents the economic and political visions of the villages vis-à-vis the Belizean State and third parties. While these organizations advocate for the interests of the Mopan and Q’eqchi’ People, the power difference favors the state. The genealogical work presented in this dissertation nonetheless demonstrates that native people have used their engagements with the colonial and postcolonial governments to protect and pursue their interests. Sometimes, the interests represented by the native elite conflict with the interests of the people they represent.

**Contributions of this Dissertation**

This dissertation explores the historical and contemporary interactions of the alcalde council with the postcolonial government and nation-state of Belize. To achieve this, I disentangle the genealogy of the alcalde council, tracing it to colonial Spanish America, including the Audiencias of Guatemala and Yucatán. In these regions, I rely on the work of Lina Barrios Escobar (2001), Nancy Farriss (1984), Gudrun Lenkersdorf (2010), Sergio Quezada (2014), Philip Thompson (1986), and John Weeks (1997) to understand the colonial and postcolonial engagements of the native forms of government—principally the municipal council. In Belize, the history of alcalde councils—a manifestation of the municipal councils of the Yucatán Peninsula—has been studied by O. Nigel Bolland (1987) and Cedric Grant (1967). For the Toledo District, Belize, an
analysis of the alcalde council was conducted by Richard Wilk (2008) for litigation in the Belize Supreme Court. Other studies that have discussed the alcalde council are James Gregory (1984), Michael Howard (1973), Colin McCaffery (1967), Jon Schackt (1986), are Joel Wainwright (2008, 2009). Mark Moberg (1992) conducted an analysis of the alcalde council among the Garifuna People of Belize.

This dissertation places into conversation both “bodies” of research as it demonstrates that the genealogy of municipal councils and alcalde councils is key in understanding the contemporary engagements of the Belizean State with the alcalde councils of Toledo. The genealogy demonstrates that colonial and postcolonial governments imposed councils as it attempted to police native lands and native people. However, it also evidences that at different times, governments have considered transforming or replacing the municipal and alcalde councils as they construct an imagination of the nation-state (Anderson [1983] 1991), especially during or after independence from European Empires.

I argue that the Belizean postcolony continues to rely on the alcalde council to police the native population, native lands, and the national territory. However, the social movement to assert property rights to ancestral lands of the 39 villages meant the “indigenousness” of the Mopan and Q’eqchi’ People has also been interrogated. Litigation was grounded on customary law, administered by the alcalde council. Thus, questioning the “indigenousness” of the Mopan and Q’eqchi’ also means questioning the “indigenousness” of their governing structures. More contemporaneously, in 2015 the predominantly Mopan village of Santa Cruz exercised its customary law as it attempted to evict a non-native person from its village lands. This incident raised
questions on the “usefulness” of the alcalde council in the Belize nation-state. It also highlighted the “undesirability” of customary law and the alcalde council in a modern Belize. The tensions that arise from the co-existence of traditional law and the alcalde council within the nation-state are mediated in a climate of unresolved racial tensions. These racial tensions, as we learn in the genealogy of the alcalde and municipal councils, have colonial origins. In the concluding Chapter I discuss the possibilities the Mopan and Q’eqchi’ social movement represent for the native people and the Belize nation-state.
FOR IMMEDIATE RELEASE

Toledo Maya Land Rights Commission to Maya Traditional Leaders
—“get off my premises!”

May 13th, 2016, Punta Gorda Town, Toledo – “Get off my premises!” was what the Chair of the Toledo Maya Land Rights Commission, told Alcaldes and the chosen representatives of the Maya people who attempted to meet with the Commission during the meeting scheduled for this morning.

Last week, the Toledo Maya Land Rights Commission invited Alcaldes and other persons to a meeting scheduled for this morning. The Commission also invited a single observer from the 21-person Maya Steering Committee, which was established by the TAA for the purpose of negotiating with the Commission to implement the CJJ Order.

On May 14th, 2016, the Toledo Alcaldes Association - the highest governing body of the Maya People - and the Maya Leaders Alliance, met to discuss the invitation of the Commission to a single observer from the Steering Committee. After discussions and consensus building, the assembly of traditional leaders adopted the following resolution:

1. That the Maya Land Rights struggle has been and will continue to be a collective process where the Maya People are represented collectively under the indigenous governance system, the Toledo Alcaldes Association.

2. That the implementation of the CJJ Order by the Toledo Maya Land Rights Commission must be based on good faith. That it must be guided by international normative on consultation including the Maya Consultation Framework, Free Prior and Informed Consent and the United Nations Declaration on the Rights of Indigenous Peoples.

Prior to the commencement of today’s meeting at the Commission’s headquarters, the President of the TAA tried to communicate the above resolution, to the Chair of the Commission.

“Thank you for your invitation to the meetings that you have scheduled. However, we are here today, my Alcaldes and I, to inform the Commission that we are very concerned about the way the Commission is carrying out consultation,” said Mr. Alfonso Cal to Chair Alamilla.

Ms. Alamilla refused an audience with Mr. Cal on behalf of his Alcaldes, and instead called the police to remove all the Alcaldes and members of the Steering Committee out of the Commission’s office.

The TAA and MLA expect that consultations should be guided by good faith principles, and the legal standard of free prior and informed consent. Though we are extremely disappointed in the treatment we experienced today at the Maya Land Rights Commission’s office, it is our sincere hope the Commission will schedule a follow up meeting with the Maya People’s chosen representative - the Maya steering committee - to collaboratively develop the proper procedures and subjects for consultation, and to determine the overall schedule for consultations.

We remain hopeful that we can collaborate with the Commission to implement the CJJ Consent Orders by way of mutual respect.

For more information you can reach the MLA/ TAA at 637-5611.

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Figure 1-1. Press Release of the Toledo Alcaldes Association. Toledo Maya Land Rights Commission to Maya Traditional Leaders—“get off my premises”.
CHAPTER 2
COLONIAL TECHNOLOGIES: CO-OPTING HIERARCHIES, SECULAR OFFICIALS, TRIBUTE COLLECTION

“We have our pigs, beans, and corn up here in abundance, and no buyer would come and buy in great quantity as before, and no place where to go and sell”, wrote ____________,1 alcalde of San Antonio, Toledo, Belize, to the resident Catholic Priest in Punta Gorda Town.2 It was the month of February 1932. The Great Depression was impacting global markets. Exports for timber products, the Belize Colony’s major sources of income, fell sharply. Local demand for agricultural products also fizzled. “…we are unable to meet our obligation in paying our [land] rents in due time”, worried ____________. The alcalde pled the Priest to intervene on their behalf before the British colonial administrators to finding ways for the Mopan native farmers to pay their land rent. Without paying the rent, farmers were not allowed to cultivate the land. At the time, land rent was collected by the Toledo District Commissioner, a secular colonial administrator who served as tax collector and district magistrate, among other capacities.

Tax collection and the administration of law are two instances where the sovereign exercises hegemony over its subjects (Foucault 2000).3 Both functions, ________________

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1 ____________, a blank space, is used to remind the reader that colonizers who wrote the history of the American conquest were not interested in recording the names of the people they decimated. Social scientists continue to perpetrate this colonial history by denying the humanity of the colonized by continuing to make them nameless.

2 The letter is quoted in Wainwright (2008, 58). The primary source is the Archives of Belize, MP 508-32.

3 Michel Foucault provides a genealogy of how the sovereign came to monopolize wealth, armed forces and judicial power in the early middle ages. This lead to the formation of monarchies. The monopoly over judicial forms brought three changes in the law: a “mode of proceeding” where disputing parties submit to an external power to settle differences; the office of “prosecutor” who represented the sovereign in an investigation/case; the creation of “infraction” instead of “wrong act” where the infraction inflicts damage onto the person and the sovereign; and, the invention of compensation to the victim and the sovereign.
however, have not been monopolized by neither British nor Spanish sovereigns in the Americas. In the New World, Spanish colonizers encountered native sovereigns and their vassals. Native sovereigns, as we will learn throughout Chapters 2, 3, and 4, had networks of vassals from whom they extracted tribute. Thus, Spanish colonization had to deploy strategies to subjugate the sovereigns and their vassals.

I contend that the Spanish Empire used six ways in which they sought to subjugate the Native People of the Americas. These what Foucault would call “technologies” are: first, the co-optation and consolidation of existing hierarchies among the native people; second, the deployment of the first set of royal secular officials on the Island of Hispaniola; third, the conversion of the native nobility into royal secular officials; fourth, the continuous attempt to resettle the native peoples of the Americas into larger pueblos (towns); fifth, the incorporation of native people and native lands into the Crown via segregated municipal councils; and lastly, sixth, the use of violence by Spanish and Native royal secular officials.

Chapters 2 and 3 explore why these six technologies were deployed. They also explore the ramifications of the colonial experiment with these technologies. In this Chapter I discuss the first three technologies. The remainder are discussed in Chapter 3.

through fines. In the name of compensating the victim and the sovereign, property of the person who committed the infraction was confiscated. Confiscations became the principal form of expanding the estates of monarchs. Foucault’s thus demonstrate how European sovereigns consolidated the monopoly of law and how that was transposed in the European colonies.

4 By colonizers I refer to encomenderos, the secular government at the audiencia and provincial level, the clergy, the Concejo de las Índias, and the monarch. In addition, I include the lower-ranking soldiers who were officially excluded from the colonial structure by not being granted royal charters to extract tribute from the native population. However, lower-ranking soldiers used their racialized status to capitalize – unofficially – on native property and labor.
This Chapter reviews Spanish colonial technologies of subjugation of the Native People of the Americas, focusing first on the Island of Hispaniola (1512) and consequently on Verapaz (1524-1625), which belonged to the Guatemalan Audiencia. My interest in the province of Verapaz is due to its geographic location during colonial Spain. Verapaz included what is today the southern-half of Belize, parts of the Mexican state of Chiapas, and present-day Guatemalan departamentos of Alta Verapaz, Baja Verapaz, Izabal, and Petén. From the sixteenth century to the first half of the nineteenth century, the southern-half of Belize fell within the Audiencia of Guatemala. Since its independence from Spain, Guatemalan continues to lay territorial claim of the southern-half of Belize, first from the British Empire. Today, Guatemala maintains territorial claim to the southern half of Belize (Shoman 2010). Contemporary native peoples of southern Belize – the Q’eqchi’ People and Mopan People – continue to live on the land which once fell within the colonial province of Verapaz.

To analyze the first three technologies, I use historical document and studies of historical documents of the Spanish invasion and the establishment of the Spanish colonies. For the first two technologies, I use the Laws of Burgos (1512) as the primary source to understand the sentiment and ideologies that influenced the expansion of the Spanish Empire in the Americas. While it is possible that the Laws were not enforced as stated, they reveal the strategies the Spanish colonizers deployed in their efforts to gain hegemony over the native people on the Island of Hispaniola and beyond. For the third technology, we move from the Island of Hispaniola to the Audiencia of Guatemala to analyze how the Spanish Crown used the native nobility as it wrestled control of taxes and tribute from its encomenderos (former invading soldiers and their descendants). For
this section, we benefit from the extensive archival work of Lina Escobar Barrios (2001) who investigated the “Traces of Local Authority, from the 16th to the 20th Century” in Guatemala. Escobar Barrios’ study form part of the national project of reconstruction after the thirty-six-year civil war.\(^5\) By combing through the Guatemalan Archives and published academic scholarship, the study informs of the interactions of the native peoples’ governing institutions with the Guatemalan colony and postcolony.

**Technology One: “ Chiefs and their Wives Should be…Better Treated”**

Spanish invaders of the Americas were mandated to stake claim on land and people on behalf of the Spanish Crown. As payment for their service to the Crown, soldiers were granted encomiendas: royal charters to extract tribute from the people on the claimed land. Granting tributary rights to soldiers as payment for services to the Crown was a practice common in Iberian Spain with the Christian Reconquista (Nader 1990). Soldiers were granted tributary rights to lands and populations they had won from Muslim rule. Soldiers quickly gained status and capital with an encomienda, becoming a señor (lord). In the Americas, the equivalent of the Iberian señor were the encomenderos.

Unlike the Iberian Peninsula, native people on some Caribbean Islands resided in settlements across the landscape. On the Island of Hispaniola, encomenderos forcefully removed native populations from their communities and resettled them near their mines and pueblos (towns). Tribute was extracted from the native population through labor and/or goods. As expected, the native people, returned to their

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\(^5\) Barrios Escobar (2001, ix) notes that the study contributes in achieving one of commitments of the parties in the 1996 Peace Agreement; that is, guaranteeing the civil, political, social and economic rights of the native peoples of Guatemala.
settlements, running away from the mines. Queen Isabella I decreed in 1503 that “cacique[s] (“chiefs”) take charge of a certain number of the said Indians so that you may make them work wherever necessary. … And see to it that the said Indians are well treated, those who become Christians better than the others…” (McKennie Goodpasture 2000, 8). Native chiefs were seen as an important figure in the subjugation of the population. The native nobility became assistants in supervising a labor force—their former vassals. However, the Spanish monarch was interested in forming a Christian labor force. By insisting that native people be converted to Christianity, the Spanish monarchs authorized the mistreatment of non-Christians. Christianity was promoted among the native population as a way of receiving “better treatment”.

From the onset, colonizers understood that caciques held prestige among their vassals. However, the colonizers viewed caciques simply as headmen or chiefs ruling a commoner population. This simplified view of native social structure, was transposed onto other American societies invaded by the colonizers. Native social structure, however, was much more complex and varied across the Americas. At the time of invasion of Mesoamerica by the Spanish colonizers, for example, there were kingdoms. These were political, familial, and religious networks, not necessarily defined by spatial boundary. Kingdoms were stratified, with specialized knowledge and labor. Aside from war and disease, Spanish invasion disrupted the native nobility-vassal relationship in two ways. First, the settlement of population into permanent and larger communities displaced vassals from their economic life—disrupting their ability to pay tribute to the noble class. And secondly, colonizers created a new hierarchical relationship between the nobility and their former vassal through the encomienda system.
Encomiendas were “royal grants of (ostensibly informal)” native labor and territorial to the encomenderos (past soldiers) as compensation for conquering lands and people on behalf of the Spanish Crown. From reports of the clergy in Hispaniola, the cruelty of perpetuated against the native population by the encomenderos reached the capital of the Spanish Empire. Dominican friars were summoned to investigate the abuses. As a result, legislation was drafted to formally protect the interests of the Spanish Crown, the Church and the encomenderos. While the Laws of Burgos (1512) governed many aspect of native life, here I highlight the clauses that restructured the existing hierarchical relationships between the native nobility and the commoners:

- XX “…chiefs and their wives should be better dressed and better treated…”
- XXII “…we order that … chiefs … have people to serve their personal needs…”
  “…we command that … chiefs … shall be well treated and not forced to work save at light tasks. …”
- XVII “…we order and command that all the sons of chiefs, of the age of thirteen or under, shall be given to the friars … so that the friars may teach them to read and write, and all the other things of our Holy Catholic Faith;…”

Colonizers understood that the royalty and nobility (now reduced to cacique/chief) had tributary relationships with the native population. In addition, native royalty had slaves and/or laborers—products of war. In the highlands of Guatemala, slaves were distinguished into two types (Zamora Acosta 1985, 269-270). The first type were populations captured during war and now had to provide indentured work for the king and/or noble class by cultivating the land. The second type were slaves in the true

sense. True-slaves were generally criminals who were made as personal servants – for life – to the king and/or nobility. According to Zamora Acosta, the first type had many freedoms, including the possibility of paying their way out of slavery. Families could also rotate the labor required of the indentured work (Borah 1983, 39). On the other hand, the encomienda system practically enslaved native subjects to the encomenderos. While oversight of the native population was reduced, chiefs, especially their children, were seen as beneficial to the spiritual policing of the native population.

Clause no. 17 of the Laws of Burgos commanded that the children of the chieftains be sent away to the friars for four years to be indoctrinated in the Christian faith. Chieftains with more than one son, were to send the second with the encomenderos to be taught “Spanish ways”. Consequently, the “sons of chiefs may teach the Indians, for the Indians will accept it more easily from them” (Clause no. 17). Indoctrinated sons of chiefs would participate in the colonial subject making of the wider native population by preaching against “customary idleness and vice” (Paragraph 2).

**Technology Two: First Royal Secular Officials**

The first set of colonial laws for the Americas, the Laws of Burgos, attempted to establish the first secular colonial officer: the *visitador* (auditor) of encomiendas. Six clauses are dedicated to define the authority, role, appointment, and audit of visitors. In reality, visitors were inspectors, evaluating “how the Indians are being taught in the things of our Faith, and how their persons are being treated, and how they are being maintained, and how they or the persons who have them in charge (encomenderos) are
obeying and fulfilling these our ordinances” (Clause no. 29). Visitors were inspecting the work of the clergy, the encomenderos, and the conformity of everyone with the Laws of Burgos.

The Laws of Burgos stipulated that encomenderos and clergy were to be monitored by the visitor. While the clergy disagreed with the mistreatment of natives by encomenderos, Christianization was facilitated by larger resettled populations. Visitors, on the other hand, were required to report on the mistreatment of the native population by the encomenderos. Other than fines, visitors had no other procedures to hold encomenderos accountable of their abuse. As for native chiefs, it is clear that the visitor was to “look carefully after the said chiefs”. Visitors were to purchase clothing for the chiefs’ wives and feed them as well. In addition, the visitor was to “teach them the things of our Holy Faith better than they teach the others (commoners), because the said chiefs will be able to indoctrinate the other Indians, who will accept it more readily from them” (Clause No. 22). Like their children, chiefs were to assist in the indoctrination of the native population.

Unlike the preferential treatment of the chiefs, commoners were intimately policed and disciplined by the visitor. During the semi-annual inspections of homes, visitors were to ensure that natives were sleeping in hammocks provided by the encomenderos, thought to civilize the sleeping of the natives. If hammocks had been bartered for other goods, the visitor were to “punish the Indians…and void the exchange” (Clause No. 19). The Laws stipulated that no one should beat natives nor

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call them dogs, and if a native person deserve to be punished, the native should be brought to the visor for punishment (Clause No. 24). Neither offences nor penalties are defined by the Laws, giving broad discretionary power of discipline to the visitors. Aside from disciplinary power, the visitor had other policing tasks, principally information collection.

Visitors were required to produce information on the life and death of native people in the encomiendas, and by extension, the Spanish colonies. Clause 23 required visitors to “keep a book in which to enter every person who has Indians in encomienda, and the Indians that each one has, with their names, so that those born may be entered, and those who die removed”. Encomenderos were required to report these births and deaths to the visitors. Of such importance was this knowledge to the Spanish Crown that encomenderos were to be fined 2 pesos of gold for each failure to report his native subjects. Census data was necessary for the Spanish Crown to determine if its share of gold was being remitted to its coffers.

As for the enslaved natives brought to the islands from neighboring islands, visitors had little jurisdiction over them. In such instances, the native enslaved brought to the islands could be “treated by their owners as he pleases” (Clause No. 27). The remainder of the clause reveals that the “imported (native) enslaved” were to not be “treated with that rigor and harshness with which other slaves (i.e. enslaved Blacks) are customarily treated”. Instead, the enslaved natives were to be treated with “much love and gentleness, in order to better incline them to the things of our Faith”. We see that the incipient ideology of colonial subject making were grounded on three pillars: living in larger settlements—conducive to a civil life; work—necessary to expunge the customary
idleness and vice; and the Christian faith—grounded on love and gentleness. The ideology, varying across the Spanish empire, aspired to make ideal-subject on those three pillars. The Laws of Burgos restructured the hierarchical relationships among native nobility and the native commoners, structured labor for the encomenderos, established the Christianizing role of the clergy, and stipulated the role the secular royal officer – the visitor – to ensure that he colonial structure function. The colonial ideology and structure varied across the Americas, however, it continued to exist into the nineteenth century.

Hierarchies in the Highlands of Guatemala: From Kings to Caciques

Above I describe the co-optation of existing hierarchies in the main islands of the Caribbean. Did the Spanish colonizers co-opt the existing hierarchies in the greater Verapaz? What did this mean for the native people in the Audiencia of Guatemala, specifically Verapaz? In the following section I review over a century of colonization in Guatemala; from the initial military invasion (1524), the creation of royal laws for the provinces in the Audiencia of Guatemala (1625), including Verapaz, and conclude with inspections of the native peoples of Verapaz conducted by the secular Spanish royal officers (1635). I use colonial law, reports, annals and wills written by native peoples of Guatemala to understand how the technologies of subjugation were implemented in colonial Verapaz, Guatemala.

In what is now Guatemala, there were complex native kingdoms prior to the Spanish invasion of 1524. Native kingdoms were called chinamits organized in a kingdom, a calpul which enabled royal rule (Barrios Escobar 2001). A chinamit was a vassal-lineage that lived in a territory subjected to a chief. Chiefs traced descent to semi-god founders of their lineage. Commoner lineages also existed; however,
commoners were not allowed to hold the posts of chiefs, much less of king. A chinamit’s territory could be discontinuous, which meant that vassals lived in multiple ecological regions. This allowed for tribute to be collected from the coast to the highlands. A confederation of chinamits formed a calpul, ruled by an ajpop—a king. Calpuls were kingdoms.

Surviving records of the social structure of Verapaz during the Spanish invasion are few. From scant colonial accounts, we can infer that the principal native population – the Q’eqchi’s – were organized in a kingdom. To understand the government structure of the Q’eqchi’ kingdom, we review the K’iche’ kingdom. K’iche’s are a native population in the western highlands of Guatemala. I use the K’iche’ kingdom as proxy to understand the Q’eqchi’ kingdom of Verapaz.

The K’iche’ kingdom was comprised of three supralineages: Tambu’, Nimak’iche’, and Ilokab’ (see Figure 2-1) (Barrios Escobar 2001). Tambu’ and Nimak’iche’ had 22 and 24 chinamits/chiefs, respectively. Nimak’iche’ was the most powerful and prestigious supralineage; thus, the five most powerful posts of the K’iche’ kingdom came from Nimak’iche’. For example, if a king did not have a male successor upon his death, a successor was elected from his paternal uncles or cousins—maintaining the office in the Nimak’iche’ supralineage.

The K’iche’ kingdom was stratified and categorized from the lower level, level IV, to the most powerful, level I. All supralineages had judges and spokespersons, considered as level II. Tamub’ and Nimak’iche’, the two most powerful supralineages, also had warriors, priests and administrators, performing tasks that required specialized knowledge. At the lower level, level IV, both supralineages also had lineage chiefs, a
total of forty six. Of “lower status”, in comparison to the king, lineage chiefs, made up the grand council of chiefs. The grand council of chiefs held significant decision making authority over the kingdom. Its authority was considered as the supreme power. Significant decisions, especially those regarding succession of level I and level II offices, were made through the consensus of the grand council of chiefs. The faith of the kingdom remained, largely, in the hands of the grand council. While we lack extensive knowledge on how this process operated at the grand council of chiefs’ level, we can get a glimpse from the annals written by the Cakchiquels, another native population of the Guatemalan highlands.

Cakchiquels had a similar hierarchical kingdom as the K’iche’s. *The Annals of the Cakchiquels* recount the story of Cinahitoh – a noble chief – who coveted the post of supreme spokesperson, the equivalent of *atzij winäq* among the K’iche’. However, that post is to be approved by the grand council of chiefs of the Cakchiquel Kingdom. In going beyond the authority of the grand council, Cinahitoh “wished to exercise the power alone, above the chieftains, therefore Cinahitoh was condemned by all the chiefs, and his death was carried out…” (*The Annals of the Cakchiquels*. No. 105). A similar faith befell another chief, Belehe gih, who plotted to exercise the supreme power.

Oxlahuh tzy and Cablahuh tihax, Cakchiquel Kings at the time, proclaimed

‘Truly there is an evil mind in the chiefs Ahtziquinahay and Belehe gih. They have turned war toward us, and the chief Caoke has already in his heart assumed the *supreme power*. Let us give them war.’ So said the *chieftains* from that time the death of Caoke was resolved upon. Warriors set out to slay him. (*The Annals of the Cakchiquels*. No. 98; my italics)

Decisions to go to war, with dissenting chiefs or neighboring kingdoms, laid in the hands of the chieftains—the grand council. Although kings presided over a kingdom, the
supreme power rested in the grand council, incidentally, the lowest level in the hierarchical structure of the kingdom.

Unfortunately, the complex kingdoms of the Guatemalan highlands were devastated by the Spanish invaders. Initially, the Spanish Crown maintained existing native political figures by recognizing kings and assistant kings as caciques or cacique-gobernador (see Figure 2–2 below). As we have learned, cacique is what Spanish colonizers took all native “heads of state” to be. For the Spanish colonizer, caciques were not kings; they were considered chiefs who governed a small territory and small population. Instead of presiding over kingdoms, the Spanish Crown only allowed caciques (former kings) a maximum of five tributary communities near his residential town (Gibson 1964). The native “technocratic and administrative” class which assisted in the governance of the kingdom became unnecessary and an economic burden for the Spanish colonizers, thus, they were eliminated. Where the q’alels (supreme judges) once adjudicated criminal and civil matters in the native kingdom, caciques – the demoted king – now adjudicated justice. Labor, once managed by level III “officials”, was now managed by caciques. More insulting, perhaps, is that native labor was not destined to serve the former kings or the former nobility. Instead, caciques assisted in managing and distributing native labor to the encomenderos. With the disarray caused by the dismemberment of the native government, caciques were granted some privileges under Spanish hegemony, in return for their role in supervising labor and the population.

Barrios Escobar (2001, 41-47) identifies the curtailed privileges of the cacique into three categories which are economic, judicial and social. As part of the economic
privileges, caciques were allowed to collection tribute, restricted to a maximum of five communities; possess slaves captured in former wars; royal tax exemption; and the possibility of owning and renting property. Judicia\n\lly, caciques could not be tried by lower court officials, such as the *alcaldes ordinarios* (municipal judges), *alcaldes mayores* (provincial judges), or *oidores* (Spanish royal civil judges). Only the Audiencia of Guatemala could supervise and try a cacique for wrong doing (Zamora Acosta 1985, 392). If convicted, caciques were generally fined, their property confiscated, or they served jail-time. However, they were generally exempt from corporal punishment.

According to Francisco de Solano (1972), social privilege included keeping the honorific title of Don; purchasing the privilege of dressing as a Spaniard; and preserving special attentions from the Audiencia of Guatemala (Carrasco 1967, 252).

Even in a new social arrangement, most caciques continued to be accountable to their vassals. Having “direct access” to the Audiencia of Guatemala and the clergy, caciques denounced abuses by lower ranking royal officials and Spaniards living in their towns. A royal decree in 1547, for example, required that accusations made by caciques against encomenderos were to be heard by the courts of the Audiencia of Guatemala, to guarantee the ‘right course of justice’. In terms of the spiritual protection of the native population, Barrios Escobar (2001) suggests that the participation of noble children in the church guaranteed the protection and syncretism of the native religion with Catholicism. And while less analyzed, caciques indirectly protected their vassals by converting their inherited chinamits into property—land (Weeks 1997).
As early as 1539, in Verapaz, cacique Cristóbal Ba wrote his will on his hereditary rights over his lands—Chicojl.\textsuperscript{8} Notwithstanding Ba’s explicit statement that his “native lands belong to [his] grandchildren for all time”, the will hid another elemental concept of noble-vassal tributary relationship. Cristóbal Ba mentions that his lands included the community corn fields. Community fields – from planting to harvest – was one way vassals provided rotational-labor to native royal chiefs. Aside from the corn fields, cacique Ba lists his waterholes. Water was a valuable resource that benefitted both vassal and cacique. Overtime, these wills, bills of sale, and covenants among native royal lineages or towns served to avoid land dispossessions by Spanish encomenderos, or neighboring caciques (Weeks 1997, 61).\textsuperscript{9} As we recall, encomenderos were legally authorized to extract tribute from their encomiendas (royal grant of land and its people). By transforming their native royal territorial domain to the Spanish colonial conceptions of property via wills, caciques were protecting their land and its people from encomendero exploitation.

**Technology Three: From Noblemen to Tax and Tribute Collector**

The titles of cacique and cacique-gobernador was gradually abandoned, replaced with the title of *gobernador indígena* (indigenous governor) (see Figure 2–2).

\textsuperscript{8} According to John M. Weeks (1997), Chicojl was a village north of San Pedro Carchá and Cobán, the eventual capital of the colonial province of Verapaz. At the time, the king of Verapaz was Ajpop Juan Matal Batz (1529 – 1568). The king’s *tinamit* (capital town) was relocated to San Juan Chamelco. We can infer that Cristóbal Ba was a royal chief—a cacique. Cacique Ba’s mentions another cacique, Don Gaspar Cuculná, who had neighboring lands. The wills demonstrate that caciques – the only native class allowed to own property – quickly created wills to protect their lands and its people.

\textsuperscript{9} Testamento Tontem of cacique Diego Zeb, written in 1779, is very explicit in defining the *calebal* (village), including its households, fields, and neighboring caciques. Before the aldermen of the municipal council of San Pedro Carchá, cacique Zeb states that he has lost his original title. In lieu, Zeb brought along the titles of his neighboring caciques, along with the caciques to witness the rewriting of his will on November 18, 1779 (Weeks 1997).
Gobernador indígenas were predominantly noble men from level II to IV in the hierarchical system of native government. This new secular royal officers was appointed to office for an average of seven years, though some appointments were for life. Gobernadores indígenas had limited economic and social privileges. Unlike caciques and cacique-gobernadores, they lacked judicial immunity from lower ranking Spanish officers. In addition, gobernador indígenas were not allowed to administer law among their vassals.

Furthermore, gobernadores indígenas were now banned to collect tribute from vassals. Instead, they collected tribute solely for the Spanish Crown. However, they were allowed weekly-rotational servants to produce and collect food for their own households, collect their firewood, take care of their horses, and other personal need (Luján Muñoz 1980, 62-65). Social privilege was restricted to the use of status symbols that connected them to the Spanish Crown: coat of arms, mounting horse, and carrying swords.

I contend that the office of the gobernador indígena became the first instance when the Spanish Crown used the native nobility to implement a form of direct native policing. Unlike caciques or cacique-gobernadores, gobernador indígenas were increasingly appointed by the secular Spanish royal officers. While cacique successions needed approval from the Audiencia of Guatemala, they were not appointed by it. Caciquehood was indirect rule. On the other hand, gobernador indígenas were secular royal officers, largely implementing policies toward native peoples. Fundamental to the distinction are three domains where caciques and cacique-gobernadores retained some degree of sovereign authority, while gobernador indígenas did not: a) the collection of
tribute, b) ownership of (landed) property—derived from royal authority, and c) the adjudication of justice. Gobernador indígenas, while having some privilege, were in effect the first native secular royal officers to police fellow native population. However, their authority emanated from the Spanish Crown, and not native hereditary status. Spanish colonizers, in weakening the hereditary succession of the native nobility, converted the office of gobernador indígena into a commoner office.

The following tasks were required of gobernadores indígenas to perform among their fellow native population: hispanize and Christianize, ensure that communal work is conducted, care for public infrastructure, celebrate authorized community festivities, monitor the abuse of power by lower ranking Spanish officers, enforce the separation of Spaniards from Native communities, and, ensure that each household pay tribute (Barrios Escobar 2001, 66-67). In addition, gobernadores indígenas were required to provide labor for different secular and ecclesiastic projects.10

Hispanizing or ladinizing means having nuclear households; sleeping in beds or hammocks; adequate clothing, especially for the women; and that children attend school. Read differently, gobernadores indígenas were to police the transformation of the native people into “civilized” town residents, conforming to Spanish ideal of vecino (residents).

Notwithstanding the suggestion that Spanish colonizers utilized existing hierarchies to pursue their hegemony on the native people of the Americas, some

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10 Karen B. Grabuart (2016) notes that gobernadores indígenas in the Audiencia of Peru were also required to provide labor for the Crown, the mita. Labor was principally for the silver mines. In addition, gobernadores indígenas also had the policing task of tribute extraction, administration of law, and care of the house and communities.
scholars have analyzed the erasure of the hierarchical social structures of the kingdoms as a racial enterprise to make the native people – commoner and noble – as one-inferior-Other. Christin E. Cleaton (2005, 9) examines how Spanish colonizers of highland Mexico used law, schooling, language policies, and the Holy Inquisition to effectively “destroy indigenous hierarchy and compress a diverse body of people into one category—turning caciques (kings) and principales (nobles) into indios”. With a different angle Rodrigo Núñez Arancibia (2014) analyzes how the purity of blood, directly linked to ethnic and religious perceptions of Spanish Christianity, dictated who occupied secular and religious posts in New Spain. The author illustrates how native peoples’ commitment to Catholicism was always in question since they “easily reverted to paganism”. Purity of blood, a policy designed to maintain “old Christians” in colonial posts, set the foundation for a caste system that discriminated against native people and mestizos/ladinos people.

**Competing Authorities in Verapaz, Guatemala: King Juan Batz and Spanish Officers**

On the Caribbean island of Hispaniola, Bartolomé de las Casas, a Dominican friar, saw firsthand mistreatment of the native people. Las Casas wrote that compared to the native population, “beasts enjoy[ed] more freedom” from the encomenderos (Bartolomé de las Casas 1540, cited by H. McKennie Goodpasture 2000, 9). Las Casas and his Franciscan brotherhood lobbied the Church to recognize that native people were full humans. Via a Papal Bull, *Sublim Deus* (1537), the Church recognized that native people were worthy of receiving the Christian faith. That same year, De las Casas became Dominican Vicar of Guatemala. Seeing violence against the native populations on the island of Hispaniola, Bartolomé lobbied the King of Spain to grant
him five years to peaceful settle the native population of Tezulutlán (Verapaz) into larger towns. Verapaz, still unconquered by the Spanish invading forces, became the land where De las Casas tested the “peacefully conversion” of the native population to Christianity. On the Dominican friars’ behest, Tezulutlán was renamed Verapaz, *la tierra de vera paz* (the land of true peace).

At the time of the Spanish invasion of what is today Guatemala, the native peoples had kingdoms.\(^1\) Similar to the K’iche’ native population, the Q’eqchi’ of Verapaz had supralineages.\(^2\) Holom Nah – head house or head mother – was the most powerful supralineage among the Q’eqchi’ native population.\(^3\) Lineages, both royal and commoner, were dispersed among the rugged terrains of Verapaz. Spanish soldiers, led by Sancho de Barahona, and assisted by Tzutuhil native people, attempted and failed to militarily conquer the Q’eqchi’s. Barahona and his army did not march, conquer, nor

\(^1\) In the region that today is southern Belize and the south wester department of Petén of Guatemala, the Manche Chol People and Mopan People that existed there during the Spanish Colony did not have centralized kingdoms. It is presumed that these People were organized around kinship. The Itza Kingdom around the Petén Lake had hegemony over the Manche Chol and Mopan Peoples until the Itza were finally conquered by the Spanish at the turn of the eighteenth century (Jones 1998).

\(^2\) The same cannot be said of the Yucatán, which colonially encompassed the Mexican estados of Tabasco, Campeche, Yucatán, and Quintana Roo, the northern part of the Guatemalan departamento of Petén, and the Belizean districts of Cayo, Belize, Orange Walk and Corozal. Around mid-thirteenth century, the *ah tepal* (sovereignty) of the city-state of Chichén Itzá in the Yucatán Peninsula disintegrated because of differences with the *halach uinic* (overlord) of the city of Mayapán. This gave rise to lineages and clans of nobility as a form of organizing the population. After the fall of Chichén Itzá, overlords organized into *multepal* where decisions were made in common. A semblance of the multepal was ‘an associated-federation’. Halach unics, overlords, did not have direct contact with the commoners. Between them were the *batabs* or *caciques* understood as lords. Between the fall of Chichén Itzá and the formation of the multepal which preceded the arrival of the Spaniards, some batabs did not have overlords. They were independent batabils. For an extensive description of the political structures, or lack thereof, in the Yucatán Peninsula during the Spanish conquest see Sergio Quezada (2014) *Maya Lords and Lordships*, Chapter 1: Personal Ties and Maya Political Organization, and Inga Clendinnen (2003), Chapter 10: Connections.

\(^3\) Holom Nah is also spelled Jolomná in the literature. Gomez Lanza (1978) state that in essence Holom Nah is the Q’eqchi’ speaking population that settled in the region around the sixth century.
settle in Verapaz. When Barahona attacked, the Q’eqchi’s retreated into the mountains and caves. In 1528 Barahona finally captured sixty warriors and _____________.¹⁴ king of the Holom Nah supralineage and the Q’eqchi’ native population. Holom Nah and the larger Q’eqchi’ population, however, were not captured.

A year later, ______________, the king of Holom Nah, died in the mines of Santiago, Guatemala where he had been taken by Barahona. Warriors who escaped the mines returned to Chamil, the capital of Holom Nah. Upon learning from the returning warriors of the death of their king, the grand council of chiefs convened at Chamil to elect his successor (Ruano Granados 2004). Procedures to elect a king (ajpop) were recalled. Messengers were sent to all the settlements in Holom Na, convening the grand council of chiefs at the vacant palace of the king. After much deliberation, by unanimous decision, the grand council named 29 year old Batz as ajpop—now Ajpop Batz. Prudence, valor and balanced judgement were qualities the grand council of chiefs saw in Batz (Ruano Granado 2004). Ajpop Batz, now king, regrouped his warriors and held the Spanish colonizers away from Verapaz. After learning of the wrath brought upon other native peoples, Ajpop Batz invited the friars to establish communication with the Dominican friars. Friars engaged the young King. Intent on making inroads with the native population of Verapaz, the friars convinced Ajpop Batz to convert to Christianity and be baptized.

¹⁴ See footnote 1.
In June 1543 Ajpop Batz was baptized and renamed Don Juan Matalbatz by the Dominican friars. His capital, Chamil, was relocated to what is today San Juan Chamelco. Two years later, Ajpop Batz along with three chiefs and two assistants, took the seven-month trip to Spain to meet King Charles I. Impressed, Ajpop Batz accepted to peacefully belong in the Spanish Empire (Kistler 2013). Ajpop Batz’s visit to Spain was one of the first documented case of a native king visiting his counterpart in Europe and accepting his rule. Ajpop Batz allied with the imperial power to enhance his status. Becoming cacique-gobernador allowed Ajpop Batz to ‘protect’ his Q’eqchi’-speaking vassals from Spanish colonizers. However, it also allowed Ajpop Batz to assist the Spanish Clergy to colonize other lands, including those we call as ‘southern Belize’ (Caso Barrera and Aliphat Fernández 2006).

A decade after his visit with the Spanish monarch, Ajpop Batz was named “Governor of the provinces of Vera Paz” via a royal charter. Charles I ordered, “that he remain in that position AND NOT REMOVED, NOR DEPOSED OF IT THROUGHOUT HIS LIFETIME” (Kistler and Si Pop 2012, 27-28). For Charles I, Ajpop Batz was fitting for the post of cacique gobernador because he, “in particular had provided for the clergy

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15 For a reconstructed history of the baptism of Ajpop Batz to Juan Matalbatz and the resettling of the capital of Holom Na – Chamil – to San Juan Chamelco see Juan Ruano Granados (2004, 28-32) Fundación de San Juan Chamelco in Monografía de San Juan Chamelco.

16 For a first hand report of Ajpop Batz and his delegation’s visit to Spain in 1545, see Helio Gómez Lanza (1978, 85-92). The report was made by Ajpop Batz and three caciques that accompanied him on the trip. The archive is held at the Church of San Juan Chamelco. The Kings of Spain and Tezulutlán engaged ritual gift giving to establish a relationship of trade and “protection” of the native vassals of Ajpop Batz. For instance, the delegation negotiate payment of one real instead of the one week of labor to pay for the Christianization services of the Dominican friars.

17 The practice of recognizing native kings was also adopted by the British Empire. From 1687 the British allied with the Miskito Kings to contest the imperial power of Spain and other sovereign native peoples along the Atlantic coast of what is today Honduras and Nicaragua (Schneider 1983). For 200 years succeeding Miskito Kings were crowned by British colonial governors in Jamaica and then in Belize.
and Ajpop Batz, which secured his lifetime appointment. Nonetheless, Spanish royal recognition of Ajpop Batz as king meant little, “because the Q’eqchi’ lordships had already named him governor, like they have always done” (22). His royal recognition was symbolic.

Five months after making Ajpop Batz lifetime governor of Verapaz, Charles I abdicated. The new Spanish King, Phillip II, issued a charter making Cobán a royal city—with honors and privileges (Kristler and Si Pop 2012). A year after, Pedro de Angulo was named bishop of Verapaz, with residence in Cobán. The year Cobán was given royal status, Francisco de Rebolledo was named its first alcalde mayor—provincial governor with judicial and administrative authority over Verapaz. Alcaldes

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18 It is difficult to ascertain with clarity the nature of an alcalde mayor in Verapaz. Back tracking on its Iberian Peninsula history provide some insight. Helen Nader (1990, 30) determined that in the Iberian Peninsula, alcaldes mayores were appointed by the Spanish Crown to administer law to non-citizen Spanish subjects: Jews and Muslims. After the Christian Reconquista of the Iberian Peninsula the Spanish monarchs had to contend with the Jewish and Muslim “corporate communities” which had their own laws and al-qadis (Arabic word for judge). Alcaldes mayores were appointed to oversee the work of al-qadis in these communities, especially to adjudicate serious crimes. Likewise, to impose on the non-citizens stiffer penalties and higher fines. In the Americas, John F. Schwaller (2013, 392) categorizes alcaldes mayores as local magistrates who “served in rural areas”. These local magistrates had three principal tasks: to collect local tax and tribute, administer royal law, and hear certain legal cases in their jurisdiction. During the governorship of Pop Batz, alcaldes mayores were “under” the supervision of the Audiencia of Guatemala. Following Nader’s observation of Iberian Peninsula where alcaldes mayores were appointed to supervise Jewish and Muslim al-qadis, it becomes clear that Rebolledo’s authority emanated directly from the Spanish Crown to supervise native subjects. Supporting this conclusion is Hauseller Paredes’ (1985) assertion that in Guatemala, alcaldes mayores came about because of the proliferation of encomiendas. Encomiendas were granted either as particulares (as payment for helping in the conquest of Guatemala) or reales (land and people were being captured on behalf of the crown). In the encomiendas particulares, encomenderos started to live among the native people. In particulares, encomenderos assigned a representative to collect royal tribute. However, in the reales, the crown had to place a trusted person to extract tribute (and administer law). Thus, the alcalde mayor had to supervise the collection of tribute from all encomiendas, royal or particular. Verapaz, was unique since the Dominicans, from 1537, had plenipotentiary power to collect tribute on behalf of the crown. Interestingly, the 1625 De Paz Ordinances by Juan Maldonado de Paz stipulate that collection of royal tribute was to be supervised by the alcalde mayor. Verapaz, though eventually divided into Alta Verapaz and Baja Verapaz, remained alcaldías mayores until 1810. During Guatemala’s independence in 1821, Verapaz
mayores, however, were generally not *letrados* (lawyers). Audiencias in the Americas were authorized to name civil judges to oversee the administration of law in the provinces. However, in Verapaz, a civil judge was not appointed until 1570, two years after the death of Ajpop Batz.

Immediately after the appointment of the alcalde mayor, the native peoples of Verapaz opposed the new arrangement that granted almost unmitigated and unsupervised powers to the alcalde mayor. Many left the settlements and moved further north and possibly east into unconquered territory, joining Lacandon and Manché-Chol native peoples. As a compromise, a post of coadjutor and asesor (counsel) was created for the native cacique gobernador of Verapaz. The post was to be filled by a “prudent Spaniard to assist and direct Ajpop Batz in his governorship” (Estrada Monroy 1979, 311; my translation). Pedro de Angulo, the bishop of Verapaz, and close friend of Ajpop Batz, filled the post. It is presumed that de Angulo respected the authority of the Ajpop Batz. While catechizing in the outskirts of Cobán, De Angulo was poisoned after serving only six months as coadjutor and counsel to Ajpop Batz. De Angulo was replaced by a secular and “prudent” Spaniard. Juan Guerrero (2007) argues that the creation of the secular political-administrative post to assist the native cacique governor

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Lawrence Feldman (1982, 303) demonstrates that in a span of 18 years (1564-1582) there was a 53% decrease in the number of taxpayers in the 10 largest communities of Verapaz. Even more telling are the remaining 7 communities that are further away from the Spanish colonial control. In these communities, there was a 93% decrease for the same period. A plausible conclusion is that many native people died from diseases brought to Verapaz by the Spanish colonizers. Another conclusion, more difficult to ascertain is that both large and small communities moved beyond Spanish control, into Itza and Lacandon native territories, unconquered by the Spanish.
was lobbied by the Audiencia of Guatemala—which had always desired that Verapaz be
within its jurisdiction.

The naming of the alcalde mayor of Verapaz and coadjutor-and-counsel of Ajpop
Batz ended an experimental era where secular Spanish colonizers, mainly
encomenderos, were kept out of Verapaz. The “peaceful conversion” pursued by
Bartolomé de las Casas and implemented by Dominican friars in Verapaz, was
subsequently weakened and the autonomy of the Q’eqchi’ Kingdom severely eroded.
Nonetheless, Juan Guerrero (2007, 26) contends that Verapaz was effectively a
“sovereign country” in the Americas for more than two decades: from 1537, when its
peaceful reduction was authorized, to 1558, the year of the instalment of a parallel
secular government – along Ajpop Batz’s – in the form of the alcalde mayor of Verapaz
by Francisco de Rebolledo.20 While Ajpop Batz continued as native cacique
gobernador, it is possible that the day-to-day operation of the government was
conducted by de Rebolledo, the alcalde mayor. Years before passing away, circa 1568,
Ajpop Batz went into seclusion in the caves of San Juan Chamelco because he
disagreed with secular Spanish meddling in his governorship. Today he protects
Chamalqueños from the cave where he retired (Kistler 2013, 290).

20 Carlos Molina Argüello (1982, 120-121) suggests that the first alcalde mayor of Verapaz was Alonso de
Pas, appointed in 1562 by the President of the Audiencia of Guatemala. However, Scholes and Adams
(1960), in translating the book of Martín A. Tovilla, came across notes made by the author on the history
of the alcalde mayor of Verapaz—placing Rebolledo as the first to hold the post. Likewise, Guerrero
(2007) convincingly argue that Rebolledo was the first alcalde mayor of Verapaz. In addition, Nader
(1990) demonstrates that in the Iberian Peninsula fueros reales (royal charters) are dispensed to invest
municipalities in-the-crown. Fueros reales, which was dispensed for Cobán in 1558, also required a
representative of the Crown to defend it and populate it. In this case, the royal city of Cobán was
defended against the military organized Lacandons by the alcalde mayor, Captain Francisco de
Rebolledo.
For twelve years the secular alcalde mayor of Verapaz operated without supervision from the Spanish Crown or the Audiencia of Guatemala. In 1570 an oidor (civil judge) of the Audiencia of Guatemala was instructed to supervise the administration of law by the alcalde mayor of Verapaz. Colonial law dictated that civil judges were to "carry a staff of justice…and at all times procure to guard justice, peace, and conformity [with the law]" (Leon Pinelo 1680). Doctor Mateo Arévalo Sedeño, professor of canonic law in Mexico City, became the first civil judge of Verapaz. While civil judges knew of colonial and canonic law, they were stationed in the capital cities of the Audiencias and seldom visited the provinces. Thus, access and administration of law was mediated by the alcaldes mayores—who were not trained lawyers. See Figure 2-3 for a visualization of the new configurations of law in Verapaz with the naming of the alcalde mayor.

While the administration of law was an obstacle for the Spanish Crown, the native peoples were negatively impacted by the new legal arrangement. The lack of supervision of the secular alcalde mayor, due to the distance between Verapaz and the capital city, gave way for abuse of power; and, while appeals of the decision of the alcaldes mayores were possible, they were costly. In addition, the clergy and the secular

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21 Oidores were judges of the civil court. The Audiencia of Guatemala, however, did not have a criminal court, the civil judge heard criminal cases that could sentence capital punishment. Civil judges, in this case, heard capital crimes within the capital city and its municipality, or crimes committed in the various provinces. Likewise, appeals from the lower court of the alcalde mayor, which was very restricted, was heard by the civil judge. On the other hand, appeals to a civil judge's decision could be made all way to the Council of the Indies in Sevilla, Spain. For an extensive outline of the judicial powers of the first civil judges of New Spain see Vasco de Puga ([1563] 1878, 85-108). Of note is that a law of 1550 gave extraordinary power to the senior civil judge to take over the functions of the president of an Audiencia should he become absent due to death or illness (Libro II. Título XVI. Ley XVI).

22 Recopilación de Leyes de los Reynos de las Indias. Tomo II. Libro II, Título XVI, Ley VIII. De Los Juzgados de Provincia de los Oidores, y Alcaldes de el Crimen de las Audiencias y Cancillerías Reales de las Índias.
officials contested who had authority over the lives of the native people. Specification of
the legal role of the clergy, the alcalde mayor and the native subjects became
necessary for the Spanish Crown as it asserted hegemony over the Q’eqchi’ People of
Verapaz. This was achieved in 1625 by the Maldonado de Paz Ordinances.

Conclusion

In this Chapter I discussed three technologies used by the Spanish Crown to
subjugate the native peoples of the Americas. Fundamental to deploying technologies
to establish hegemony over the native people was the creation of a legal foundation for
the encomienda system via the Laws of Burgos (1512). The Laws set a legal foundation
for the encomienda system to establish a nominal native elite – as chiefs/caciques – to
assist in the subject making and policing of the native population. In addition, it granted
nominal privileges to the native nobility in exchange for their assistance in Christianizing
the native populations. The Crown also established the office of visitador (auditor) who
traveled Hispaniola to supervise encomenderos, native people, and to a lesser extend
the clergy.

The third technology discussed was restructuring of the native kingdoms found in
Guatemala, including the Q’eqchi’ Kingdom. Spanish royal laws were passed, curtailing
the authority of the nobility over their vassals. Native kingdoms were dismantled as the
Spanish Crown established hegemony over the population to extract tribute. The
Spanish Crown demoted kings to cacique-gobernadores, eventually discontinuing their
appointment. Instead, the office of gobernador indígena was created, reducing their role
to tribute collectors and the supervision of labor for the encomienda system.

In both cases analyzes, in Hispaniola and in Guatemala-Verapaz, the Catholic
Church had divergent views on how colonization was to happen. Verapaz was an
experimental “peaceful colonization” advocated before the Spanish Crown by Bartolomé de las Casas, a Dominican Friar. Peaceful conversion granted unprecedented authority to the Dominican Friars to collect tribute from the native people and allowed intervention on the administration of law. Being a “Dominican Protectorate” deterred direct Spanish colonization of the Q’eqchi’ Kingdom until 1558, when a secular government was established, eroding the autonomy of the kingdom. This meant that tribute collection and the administration of law was removed from the Dominicans and placed in the hands of the alcalde mayor, a provincial governor with judicial and fiscal responsibility.

The opening vignette for this Chapter recounts a Mopan alcalde of Toledo, Belize, pleading the Catholic Priest to intervene before the local secular British officials to ameliorate their land tax burdens. As in the Spanish colony, collection of tribute (i.e. land tax) was a task assigned to district commissioners in the Belize Colony. Similar to the Spanish alcalde mayor, the British district commissioner was also allowed to administer British colonial law (Wainwright 2009, 447). In the south of the Belize Colony, the Church also had divergent views from the British colonial officials on how to “settle” and “civilize” the native people (see Wainwright 2009). Today, in Mopan and Q’eqchi’ villages where private land leases exist, their land tax are collected by the Central Government’s Treasury in Punta Gorda Town. As for the administration of law, petty criminal and civil matters can be addressed by the alcalde. Capital crimes were tried and decided by the District Commissioner, at the Supreme Court (see Figure 6-1).

In the following Chapter I discuss the Spanish Crown’s continuous attempts to resettle native peoples into larger pueblos (towns), eventually incorporating native lands
and native subjects into the Spanish Crown, and the use of physical violence to police incorporated native subjects.
Figure 2-1. Structure of the K’iche’ Kingdom upon Spanish invasion in 1524. Source: Barrios Escobar (2001, 30; my translation).
Figure 2-2. Social organization of native people’s kingdoms in Guatemala and their reconfiguration after Spanish invasion in 1524. Source: Barrios Escobar (2001).
Figure 2-3. Legal configurations of Verapaz province upon the establishment of its alcaldía mayor in 1558. Concejo municipales appearing in bold indicate towns as capital of the Audiencia or Province.
CHAPTER 3
COLONIAL TECHNOLOGIES: SETTLING, ORDERING, AND VIOLENCE

Wednesday, April 30, 1913. Herman Tenk,¹ Reverend of the Toledo District, wrote the Belize Colonial Governor, “the delegation of Indians now in Belize [Town] will, without doubt promise Your Excellency that they will establish another village if you grant them their own Alcalde. This will, however, be a promise only. The Indians of Aguacate (Moho River) made a like promise and now are continually wandering about.”² Tenk continued that the Natives requesting their alcalde were, “living in the bush, scattered and isolated like wild animals”. In his appeal to the Governor, Tenk stated that “We and Your Excellency also, I am sure, are desirous to have them learn at least a few of the most rudimentary sanitary laws and some of the first duties of persons living in a civilized community”. Tenk, asked the Governor to “compel [the Natives] to live together in a village”. As for the appointment of an alcalde for the Native delegation in Belize Town, Tenk defers to the Governor to, “do what you think [is best]”.

Tenk’s word echo Tomás Lopez Mendel’s in 1550 where he advocated for the teaching the Native People of Yucatán Peninsula “… how to eat/ drink/ dress/ and clean and care for their bodies… for the forests have made them brutes and it is necessary to transform them all together” (cited in Ares Queija 1989, 115; my translation). Mendel, the civil judge of the Audiencia of Guatemala, was sent to the Yucatán Peninsula to oversee the resettlement of the Native People into larger towns. Resettlements, termed reducciones by the Spanish colonizers, was a technology used

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¹ Herman Tenk was leader of the Catholic Church in the Toledo District, Belize, from 1914 – 1937 (Source: Historiography of the Catholic Church posted at the Parish Hall Building, Punta Gorda, Belize).

² Quotations for this paragraph are from Wainwright (2009, 429). Original source is the Archives of Belize, MP,1685-1913.
to concentrate people on the landscape for labor and to have them *live in police*. Living in police meant living according to European comportment, according to Ares Queija (1989). Resettlement is one of the six technologies used by Spanish colonizers used to subjugate the Native People.

The technologies are: first, the co-optation and consolidation of existing hierarchies among the native people; second, the deployment of the first set of royal secular officials on the Island of Hispaniola; third, the conversion of the native nobility into royal secular officials; fourth, the continuous attempt to resettle the native peoples of the Americas into larger *pueblos* (towns); fifth, the incorporation of native people and native lands into the Crown via segregated municipal councils; and lastly, sixth, the use of violence by Spanish and Native royal secular officials. In this Chapter I discuss technologies four, five, and six.

To analyze these technologies I review accounts of the colonization process of the Americas by the Spanish Monarchy and from secular Spanish colonial administrators. I include Queen Isabella I’s advocacy to have racially integrated municipal councils to administer *pueblos* (towns) in the Spanish Colony. I also cite Antonio de Mendoza’s – the first viceroy of New Spain (México) – justification to the Spanish Crown of his incorporation of Native government practices. Lastly, I analyze the ordinances drafted by Juan Maldonado de Paz in 1625 for the provinces of the Audiencia of Guatemala, which included Soconusco, Čapotitán and Verapaz. Ordinances, as its Roman etymology indicate, were used to impose order on the territories and peoples of the Americas. The clergy and secular colonial officers,
including the Native nobility (via municipal councils), were tasked with the implementation of the ordinances to police the native people and territories.

**Technology Four: Recurrent Settlement**

The native people of the Americas were made Spanish subjects – for the first time – by the Laws of Burgos (1512), drafted to govern the island of Hispaniola and the American mainland. The Laws of Burgos legalized the distribution of land and its people to the Spanish soldiers who had participated in the invasion of the Americas. Where the native peoples were dispersed, the Laws ordered that its “chiefs and Indians should forthwith be brought to dwell near the villages and communities of the Spaniards…so they may be treated and taught and looked after as is right and as we have always desired…”.³ Both encomenderos and friars benefited from the resettlement of the native people. On the one hand, encomenderos extracted labor and tribute, and on the other, the task of Christianizing the native people was facilitated by the settlements. While the Laws of Burgos made the native people colonial subjects, they were also subjects in a feudal system where encomenderos were lords.

Like feudal lords in medieval and post-medieval Spain, encomenderos in the Americas had plenipotentiary authority over their subjects. While the Laws of Burgos recognized natives as Spanish subjects, their rights to not be abused by the encomenderos, were difficult to be protected by the Spanish Crown. The Spanish Crown did not have enough secular officials in the Americas to protect the Spanish subjects and its interests. Where secular officials existed, they were at the mercy of the

higher ranking royal officials (president, inspectors, among others) whose interest aligned with those of the encomenderos. As for the clergy, some protested the maltreatment of the native people, however, they had limited authority and interest in protecting them. The feudal encomienda system thus weakened the economic and sovereign authority of the Spanish Crown (Milton and Vinson 2002, P 7).

The need to finance the Spanish Empire’s wars in Europe and the Americas brought into focus the economic disadvantage of maintaining the feudal encomienda system. In New Spain (Mexico), circa the 1530s, the Spanish Crown initiated the process of recuperating jurisdiction over the land and its native people by promulgating new laws to govern New Spain, and by extension, the Americas. A Second Audiencia – a royal government – was installed to implement the new set of laws. These new laws are often referred to as ‘the Second Audiencia’. According to Ethelia Ruiz Medrano (1991), these laws and policies reasserted the sovereign authority of the Spanish Crown in its colonies. Ruiz Medrano contends that the Crown centralized many key realms of the colony, including tribute collection, native labor, and native forms of government. Reassertion of sovereignty via centralization removed tribute collection from encomenderos and channel it directly to the royal exchequer—which was being drained by the Empire’s wars.

What of the native peoples that were granted autonomy in return for their assistance in the Spanish invasion of the Americas? An example is the native people of Tlaxcala, Mexico (Gibson 1967, Graubart 2016). Tlaxcala was allowed to maintain its hierarchical government. In addition, it did not pay tribute to the Spanish Crown. The sets of laws of 1530, however, removed their preferential treatment (Ruiz Medrano
The Second Audiencia required Tlaxcala to provide 800 laborers during four years, to be distributed by the Spanish secular officials to the encomenderos. In addition, Tlaxcala had to pay 800 bushels of corn demanded by the Spanish town of Puebla, purposefully settled in their territory by friars.

While the new laws of the Second Audiencia converted feudal colonial subjects into royal colonial subjects, the Tlaxcala example demonstrate that the inverse also occurred. Up to 1530 Tlaxcalans were largely autonomous from the Spanish Crown. The Second Audiencia converted them from autonomous native subjects to royal colonial subjects.

Restructuring the colonial government had a logic. For Ruiz Medrano (1991), the Spanish Crown could not extract capital without tributaries. The new laws and policies sought to avoid the extermination of the native peoples at the hands of the encomenderos, as had happened on the island of Hispaniola. To achieve this, the Second Audiencia nullified encomiendas granted by former presidents, and purged ‘ghost encomenderos’; thereby “liberating the native populations [from the encomenderos] and placing them in the royal crown” (Lenkersdorf 2010, 33; my translation). Naturally, encomenderos who felt entitled to the rewards of colonization opposed this initiative. As a compromise, the Spanish Crown continued to distribute native labor to the encomenderos, but this time, secular Spanish royal officers managed the labor force, in many instances, with help from the native nobility (Ruiz Medrano 1991, 58).

In the Audiencia of Guatemala, the native population was placed in the crown in early 1600s (Feldman 1992). The native population in the province of Verapaz—under
the protectorate of the Dominican Brotherhood – was placed in the Crown much earlier. It started with the “peaceful conversion and settlement” of the town of Rabinal circa 1537 (Kristler and Si Pop n.d.; Ruano 2004).

The new laws of the Second Audiencia revived the technology of resettling native peoples. The ideology and language for the resettlement of native people on the American mainland continued to follow the judicial doctrine established in the Caribbean Antilles at the beginning of the sixteenth century. As late as mid-sixteenth century, a Spanish royal decree commanded that “for the good of the naturales [native people] of those lands and their salvation, it is advisable that they come together” to form larger towns (Lenkersdorf 2010, 65). The Spanish Crown sought to police the native population. Gudrun Lenkersdorf (2010, 33) makes the observation that the decree attempts to invest the native subjects/vassals in the crown, removing them from the purview of the encomenderos and placing them under the tutelage of the secular royal officers. If during the first decades of colonization, decrees protected the native people from the abuses of the encomenderos and the clergy at the turn of 1550s, “the Indian had become a problem that had to be controlled and combated” (Fernández Sotelo 1995, 359). The native population needed to be watched and policed.

By the sixteenth century European monarchies were experimenting with policing techniques, which were transposed onto new invaded territories. Michel Foucault

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4 Christin E. Cleaton (2005, 11) interprets the investment of the native people in the crown differently. Labor was central to the incorporation of the native people; however, the Crown was removing the go-betweens – native elite – which the encomienda system required. Labor was still being provided to the Spanish settler, however, instead of the native elite negotiating terms of native labor with the encomenderos, now the Crown was in charge of the native subject. The new repartimiento system dictated that the Crown dispense native labor to the Spanish settlers. By removing the go-betweens, the Crown made the native nobility, simply “Indian”.
(1977-1978) identifies three meanings of police during the fifteenth and sixteenth centuries in Europe. It is a “form of community or association governed by a public authority”. Second, police was also understood as the “set of actions that direct these communities under public authority”. And lastly, it meant the “positive and valued result of a good government”. While Spain is not included in his comparison of European police state formations, the development of the French police state resembled the development in Spanish colonies. As in France, in the Spanish Empire the police state arose from administrative practice; institutionalized through measures, rulings, collections of edicts, and critiques and projects from individuals in the colonial state administration.

In the Americas, the Catholic Church (clergy) and the Spanish colonial administrators (especially civil judges) were the principal entities that created administrative practices in the colonies. In Verapaz, as observed above, Bartolomé de las Casas was the most influential cleric who had access to the Spanish Monarch. After being ordained, Las Casas intervened on behalf of the native people, making his

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5 By the seventeenth century, state craft had evolved to strengthen and increase the power of the state in its interior and making efficient its use of force (Foucault [1977-1978] 2007, 410). Foucault states that the Vienna Accords of 1815 essentially reduced the dynastic wars, allowing the states to strengthen the interior of the state. While wars decreases, states wanted to know the interior of each other. Foucault argues that stable ‘state A’ meant stability for ‘state B’. Data was necessary to know the interior of each state. Statistics on a state’s population, army, natural resources, production, commerce, and monetary circulation became a means to judge the internal stability of each state. While statistics was required for policing, Foucault states that “police also makes statistics possible” (ibid 411). Presence of state apparatus in its interior allowed for the collection of statistics. The collection of statistics made for better policing. A dialectic relationship in statecraft had born.

6 Bartolomé de las Casas’ peaceful conversion approach of the native people of the Americas had two sites (Clayton 2011, 63). The first was in Tierra Firme, the northern South American region of today’s Venezuela, Colombia, and Panama, from 1518-1522. Tierra Firme did not take off the ground. The second project was Chiapas in the Audiencia of Guatemala. More specifically, de las Casas sought permission to peacefully settle the Verapaz of what is today Guatemala. For a definitive biography of de las Casas see Lawrence Clayton (2011) Bartolomé de las Casas and the Conquest of the Americas.
life’s goal the peaceful conversion of the native people to Christianity. While some of the clerics (e.g. Bartolomé de las Casas, Francisco de Vitoria) and civil judges are credited for “defending” the native people, in so doing, they were also creating administrative “policies” for the policing of the native population.

King Charles I, in writing to a civil judge of New Spain in 1526, acknowledged the “grandeur and nobility of New Spain and its lands and its provinces and its populations and [its] abundance and fertility, and the order and the treatment among [themselves] and living in police of the naturales (native people)…” (Puga [1563] 1878, 15; my translation and emphasis). For the monarch, living in police meant that the native people had “understanding”. Charles I instructs that to further ennoble the land, it was necessary to deploy “bishops and people endowed in the holy life who will teach the native people how to live as Christians”. Returning to Foucault, he notes that at the turn of the seventeenth century, European authors considered police to be “…everything that gives ornament, form, and splendor to the city” (Louis Turquet de Mayerne, cited in Foucault [1977-1978] 2007, 408). Life in police among the native people, further ennobled with Christianity, would augment New Spain’s grandeur, as desired by Charles I.7

While the 1525 decree from Charles I concerned the spiritual policing of the native people, taken in its totality, civil or religious “royal legislation was police regulation” (Pihlajamäki 2015, 102). Queen Isabella I asked the virrey

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7 In 1526 Charles I writes the Governor or resident judge of New Spain to send 20 children of the native nobility to the Iberian Peninsula so that they be “thought in the matters of our holy faith and that they understand it well, and they be placed in police and in forms of living in order and reason, and [then] return to their lands to instruct their fellow native …” (Puga [1563] 1878, 37; my translation).
(viceroy/president) and civil judges of the Second Audiencia of New Spain to allow native people to enter in municipal office.\(^8\) For Isabella I, native council men, serving alongside Spanish council men, would

begin to understand our way of living, as its government like police and matters of the república, it would be beneficial to have native people, who along with the Spanish council men already assigned, together they enter in regiment and that they have voting [privileges] in it (the municipal council).\(^9\) (Puga [1563] 1878, 164-165; my translation and emphasis)

Isabella I referred to the municipal council as the entity or space that endowed the municipal officers with the authority to police a town.\(^10\) Ironically, five years earlier, Charles I had acknowledged that the native people of New Spain already live in police, but according to Isabella I, they did not know how to police themselves. Throughout the Americas, where municipal council existed at the time, its posts were monopolized by encomenderos and their sons. Unsurprisingly, encomenderos resisted Isabella I’s proposition of integrating the policing regiment, the municipal council, where Spanish men and Native men would administer law and collect taxes and tributes within a municipal territory.

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\(^8\) In the remainder of the document I use ‘president of an audiencia’, instead of Viceroy. This choice is to limit the use of colonial officials/terms and improve on readability of the document.

\(^9\) …para que los indios naturales de aquella provincial comenzasen a entender nuestra manera de vivir, así su gobernación como la policía y cosas de la república, serían provechos o que hubiesen personas de ellos, que juntamente con los regidores españoles, que están proveídos, entrasen en el regimento, y tuviesen voto en él. … (Spanish “modern version” transcribed by Lenkersdorf 2010, 42).

\(^10\) Isabella I advocated for the colonizers to allow native men to participate in the concejo municipal. However, this was not accepted by the encomenderos. Charles I issued a royal charter in 1549 to establish two separate municipal councils for towns in the Americas. Concejos municipales had jurisdiction over Spanish towns, or to govern Spaniards in mixed-towns. On the other hand Cabildos – native municipal councils – had jurisdiction in all-native towns or over natives in mixed-towns.
Gudrun Lenkersdorf (2010) contends that the first and second presidents of New Spain promoted the establishment of native municipal councils as a way of eroding the influence of encomenderos in native communities. Nonetheless, it was Tello de Sandoval, a visitador (auditor) in New Spain, who advocated the Spanish Crown to establish native municipal councils. De Sandoval noted that Antonio de Mendoza, the first president of the Audiencia of New Spain (México), had adopted native practices of government, such as the election of caciques, and promoted those practices. During his inspection in New Spain, de Sandoval wrote Prince Philip recommending that local jurisdiction should be placed in the hands of native alcaldes ordinarios (municipal judges) and native regidores (municipal aldermen) (Lenkersdorf 2010, 51). Four years later, in 1549, the first Spanish royal charter to incorporate native municipal councils was issued, cosigned by de Sandoval.

Formalizing the establishment of the native municipal councils, via the 1549 Royal Charter, had a political end. Antonio de Mendoza purposefully accepted and promoted the election of native forms of government. Lenkersdorf (2010) notes that de Mendoza’s “accommodation” of elective forms of government bolstered his position that the native people did not have a monarchical system; thus, they were not sovereign. For de

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11 Tello de Sandoval arrived in New Spain in 1544 to investigate wrongdoings by Antonio de Mendoza, the first president of the Audiencia. Mendoza countered de Sandoval’s investigation by providing written statements from character witnesses to the Concejo de Indias in Spain. In 1548 Antonio de Mendoza was absolved by the Concejo de Indias of all the 44 charges brought against him by Tello de Sandoval. See Hanke et al. (1976, 59-126) for key documents of the four-year proceedings.

12 Upon completing his appointment as the first president of New Spain, Antonio de Mendoza wrote the Charles I that “in some pueblos, alcaldes índios are named, who are necessary for the execution of the ordinances that have been made regarding Indians, and experience has demonstrated that [they] are convenient and necessary for police” (Hanke et al. 1976, 49; my translation).
Mendoza, heirs of kingdoms inherited authority, along with its lands and vassals. Since elections of monarch occurred after the office was vacated, it was not a monarchy in the strict sense. Most importantly, since native lands and vassals were not transferrable “property” of native monarchs, it was for the Spaniards to have.

In defending his decision to promote and confirm the election of municipal councils before the Spanish Crown, Antonio de Mendoza wrote that he

…ordered, with the voluntad (agreement) of said caciques, gobernadores and nobility, that there be in every town, municipal council, alcaldes, sheriffs and aldermen, elected by the towns and confirmed by the president in Your Majesty's name. This has resulted that since the jurisdiction was in the power of said caciques and gobernadores, now it is all placed in the head (crown) of Your Majesty, which has been one of the greatest service made to Your Majesty, and [of] benefit to the natives.

(Hanke et al. 1976, 108-109; my translation and emphasis)

De Mendoza understood that the source of native authority was from hierarchical system of governments. In confirming the elections of native municipal council officers in the monarch’s name, de Mendoza was taking their jurisdiction away from the native system of government and placing it in the Spanish Crown.13 In essence, de Mendoza presided over the incorporation of native authority into Spanish law, and by extension the Spanish Crown. Thus, Spanish monarchical absolutism was being established in the Americas, as had been done during the Reconquista, after the Iberian Peninsula was recaptured from Muslim rule.

Formalizing the incorporation of native municipal councils into the Spanish Crown was a turning point in colonial history. While resettlements occurred before 1549, the

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13 “Puesto en cabeza de Su Majestad” can be translated as placing in the crown of your majesty. In other words, it is placing something in the body, in corpus, of something else. Latin incorporare - to incorporate - was being achieved.
Spanish Crown had not articulated and harmonized the policing of native people and the landscapes.\textsuperscript{14} The 1549 Royal Charter states

...for the good of the \textit{naturales} (native people) of those lands and their salvation, it is advisable that they come together and do \textit{pueblos} (towns) of many houses, in the \textit{comarcas} (districts) they chose because being the way they are now, a house as a barrio, they cannot be indoctrinated as is advisable, nor promulgate laws that are made for their benefit, nor enjoy of the sacraments of the eucharist and other things they could benefit and make use of by being in town together, and not scattered. And, in all towns that exist and those to be established it is advisable that \textit{alcalde ordinarios} (local/municipal judges) are created and provided to do justice in civil matters, as well as yearly \textit{regidores} (aldermen) from among the Indians, whom they elect, who are to be in charge of the \textit{bien común} (common good). And provide \textit{alguaciles} (sheriffs) and other necessary officials as is done in the province of Tlaxcala, New Spain and other places. And that they have jails in each town too, for the criminals, and a \textit{corral de concejo} (coral) to hold livestock that cause damage. And to persuade the Indians to have livestock, at least sheep or pigs, owned in common or alone, and be told of the penalties of not having them. And that in each Indian town there be a market and \textit{plaza} (square) so that the Spanish and Indian travelers can buy with their monies what is necessary for their travel. And that they [the Indians] be compelled to have \textit{rocines} (animals of draft) for rent or other use. With all this [stated], the Indians are to be persuaded in the best, gentle and loving way possible for these are for their good and benefit. (transcribed by Gudrun Lenkersdorf 2010, 65-66; my translation)

I now return to a question posed by Michel Foucault in his 1978 Spring lecture: What is police concerned with? In the 1549 Royal Charter, police is concerned with the common good, morality, surveillance, food, circulation of goods, tribute payment (pigs and sheep), and public space. While Foucault considers police to govern “all forms of men’s coexistence with each other” in metropolitan Europe, the 1549 Royal Charter sets the stage for the policing of native people in the Americas.

\textsuperscript{14} I refer to landscapes as juridical landscape, spiritual landscape, natural landscape, and social landscape—scapes that intersected prior to the Spanish invasion.
Prior to the 1549 Royal Charter, native people were considered *feodalis*, vassals of lords, either to Spanish encomenderos or to their native kings. Over time, they were settled into larger towns, by encomenderos or clerics, while remaining *barbarus*. The next step marked the need to recognize their humanity via De Sublimis Deus, the papal bull mentioned above. The 1549 Royal Charter called for *regius civitas*, royal subjects residing in *pueblos* (towns). Richard L. Kagan and Fernando Marías (2000) note that for Europeans, *civitas*, human association, was of equal, if not higher importance, to *urbs*, the material construction of the town/city. Following Aristotelian tradition, a town represented a *polis*, healthy, self-sufficient, defensible settlement of a reasonable size; “a community of citizens, enjoying the mutual benefits accorded by law” (10). During the Spanish invasion, however, highlands of Mexico, Guatemala, and elsewhere in the Americas, had *urbs* and laws.

Yet it was the natives *derramados* (scattered) in the forest that preoccupied the colonizers. Reading from a 1550 correspondence of Tomás Lopez Medel, civil judge of the Audiencia of Guatemala, he assessed that the native people needed to be taught “…how to eat/ drink/ dress/ and clean and care for their bodies… for the forests have made them brutes and it is necessary to transform them all together”15 (cited in Ares Queija 1989, 115; my translation). For Lopez Medel, the native people needed to be removed from the forest and brought into civitas, in a town, similar to Spanish towns, gridded, with its streets and barrios, along with its respective public buildings (ibid 116). A town, with centralized secular and cleric authority and buildings, provided a panoptic

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15 “…como se han de aver en el comer/ en el beber/ en el vestir/ y en el limpiar y tratar sus personas… porques estan hechos unos brutos por estos montes y es menester formallos en todo de nuevo…” (Ares Queija 1989, 115).
view to manage the native people. Native municipal councils were concerned with
*transforming all together* the native *barbarus* into *regius civitas*, royal subjects policing
themselves in a civil life.

Few members of the Council of Indies (and the Spanish Crown) desired for the
native people to police themselves.¹⁶ Ideally, the newly established native municipal
councils (*cabildos*) were to be supervised by secular officers. While required to ‘police
themselves’ they had to be monitored by secular officers and the clergy. The local
Spanish elite – encomenderos – fervently resisted the challenge to their local authority.
The Crown’s incorporation of the native people and their lands as a municipality meant
that they were being removed from the encomienda system and placed in the Crown. At
the same time, the Spanish Crown was also creating *dos repúblicas* (two republics)—
segregated. In large cities and towns where Spaniards and native people were living,
the former kept jurisdiction over Spaniards. The 1549 Royal Charter, nonetheless,
allowed the native population in the segregated *barrios* (neighborhoods) of the larger
cities and towns to establish their cabildos (all-native municipal council). In rural areas
where encomenderos once monopolized many aspects of life, native settlements were
now authorized to establish their cabildos.

At a glance, the incorporation of municipal councils *as native*, would seem benign
for the native peoples since it granted them some autonomy to govern themselves.
While native municipal councils collected tribute, those deciding the tribute schedule

¹⁶ Gudrun (2010, 41) contends that Queen Isabel I was the only member of the Spanish Royalty who
advocated the incorporation of a single municipal council that included Spaniards (and their sons) and
Natives to govern one municipality. Her desires were overrun by other members of the Spanish Royal
family and Presidents of New Spain (See Gudrun 2010, 41-43).
continued to be encomenderos and later Spanish royal officers of the Audiencia. Eventfully native municipal councils (specifically municipal judges) were in charge of elaborating the census and tax schedule for the native population within its jurisdiction. Native people soon learned that Spanish municipalities did not pay tribute. In some instances native municipal councils declared themselves as mestizo/ladino, in other words, non-native to avoid paying tribute. In response, the Audiencia of Guatemala decreed that native municipal councils could not declare themselves as mestizo/ladino (Barrios Escobar 2001, 78). In this instance, the category of “native” perpetuated the legal authority of the Spanish Crown to extract tribute from the native peoples.

In urban towns closer to the capital of the Audiencia of Guatemalan and in the rural areas, encomenderos and non-native municipal council officers consistently intervened in the performance of the duties of the native municipal council (Barrios Escobar 2001, 76-79). In response, during the five decades after the passage of the 1549 Royal Charter, the Audiencia of Guatemala issued multiple decrees detailing the authority of the native councils. From Barrios Escobar’s (2001) recompilation of decrees, it is evident that the encomenderos, many who dominated the Spanish municipal councils, attempted to intervene in civil matters of the native municipal councils, especially where they had interest in the extraction of labor and tribute from the municipality in question. Where encomenderos succeeded in civil matters within native municipalities, they used their jails to subjugate the native native people. Jails became another subjugating apparatus.

Technology Six: Violence and Discipline of the 1625 de Paz Ordinances

The 1549 Royal Charter instructed the resettlement of native populations and consequently establishing native municipal council for them. Gudrun Lenkersdorf (2010,
62) asserts that both the secular government and the clergy of the Audiencia of Guatemala followed the first step; however, they opposed the second step of establishing native municipal councils. As we recall, the province of Verapaz was a “protectorate” of the Dominican clergy until a parallel secular government was established alongside the cacique-governorship of Ajpop Batz. Thus at the time of the 1549 Royal Charter, Spanish law did not apply for the province.

In Verapaz, resettlement of the native population into larger towns was led by Dominican friars. It is not clear whether the friars entertained the establishment of native municipal councils in the resettlements. However, the wills of two caciques (chiefs), Don Cristóbal Ba of Chicojl, Verapaz, and Don Poncio Tux of Xalija, Verapaz, both dated 1539, have as witness an all-indigenous municipal council (Weeks 1997). Both wills name two noble notary public from a third native community as witnesses. However, Pedro Mejía, a Dominican Friar, appears as the author of both wills. From these wills we can infer that at least in the larger settlements of Verapaz, even prior to the 1549 Royal Charter, there were functioning native municipal councils. Pedro Mejía’s intervention in the native municipal council suggest that the Dominican friars closely monitored the council and its operation.

Above I discussed the transformation of the native population from feudal colonial subjects into royal colonial subjects—*regius civitas*. Civil life entailed living in a large settlement, paying tribute, and living a Christian life. During the time Verapaz was a “Dominican Protectorate”, the civil and spiritual life of its native peoples was closely policed by the Dominican friars, with some assistance from the native municipal councils where they existed. Tribute from the native population was shared between the
Dominican friars and the Spanish Crown. After the installment of the secular royal
officials in Verapaz, the civil and tributary life of the native peoples of Verapaz was most
likely policed by the alcalde mayor and the royal civil judge attached to the Audiencias
of Guatemala. Policing of the spiritual life of the native population, however, was
conducted by the Dominican Brotherhood of the Catholic Church.

In 1625 Juan Maldonado de Paz, the civil judge and inspector attached to the
Audiencia of Guatemala, issued thirty-eight ordinances that governed many aspects of
native life.¹⁷ The 1625 De Paz Ordinances were for the three provinces that fell within
the Audiencia of Guatemala—Soconusco, Čapotitán and Verapaz.¹⁸ Reading from other
colonial regions, civil judges issued ordinances where there was “disorder and
concert”.¹⁹ Ordinances were designed to police native populations so they do not
“commit...crimes and excesses” (Rojas Rabiela et al. 1999, 46; my translation). The
Ordinances detailed the duties of the secular and clerical officers who were policing the
native population; these included municipal council officers, the clergy, and the Spanish
alcalde mayor or corregidor (similar to provincial governor of lower rank). It established
the role these entities had in the policing of the native people as royal and legal
subjects.

Maldonado de Paz incorporated some native practices of government in the
1625 Ordinances. One such practice was the election of high ranking officers in native

¹⁷ Ordenanza is derived from Roman Law – ordinamiento, which, according to Giorgio Agamben (1998,
8), includes in its manifold of meanings political and juridical rule, regulation, and system.

¹⁸ Appendix B is the Spanish transcription of the ordinances from Martín A. Tovilla ([1635] 1960, 129-
139). The English translated version by Feldman (2000, 85-95) has significant flaws. Considering this, I
have included in the Appendix the ordinances as published by Martín A. Tovilla in 1635.

¹⁹ For example the Ordinances of Tlaxcala, Mexico (1545).
kingdoms by the nobility. Similar to the pre-Spanish invasion, native noble families retained local power by monopolizing the election of municipal officers. Outgoing municipal officers elected the new cohort of officers. The list of officers was submitted to the Spanish alcalde mayor who forwarded the list to the Audiencia of Guatemala for confirmation. Upon taking office, the incoming cohort of municipal officers were required to recite the 38 ordinances. In so doing, the municipal council ritually reincorporated their authority in the Spanish Crown, annually. Simultaneously, the municipal council ritually invoked the Spanish royal authority to create and dispense law. The native nobility which controlled the municipal council this time around pledged allegiance to a Spanish Monarch instead of a Native King.

What did the 1625 De Paz Ordinances represent for the commoner native population of Verapaz, who continued to be governed by the native nobility with a new ‘source of authority’? The Ordinances demanded new roles from the native municipal council officers, for example, to assist the clergy in the spiritual policing of their peers. Although the officers were required to follow Spanish ideologies of law, Christianity, and work, we see that they found ways to subvert the demands encoded in the Ordinances.

**Children**

Revealed in the ordinances is the new role caciques had in the secular and spiritual policing of Native life *desde su niñez* (from childhood) (Tovilla [1635] 1960, 131). Policing was believed to be conducive to creating a subject more disposed to serve the Church and serve as municipal officers. Serving as municipal officer meant enforcing the ordinances. Policing was achieved by teaching children to read, write, count, help with mass, and play flute (a request from the Spanish monarch). Children who were *defectuosos* (defective) were to be flogged a maximum of 12 lashes. The
clergy was paid from community funds to police the children. Parents could not intervene, on penalty of being restrained for three hours on the community cepe (stock), for a first-time offence, six hours for a second offence, and, three hours restrained upside-down for a third offence. If all fails, the native alcalde ordinario (municipal judge) was required to flog the parent. Corporal punishment was a key policing technique used by the colonizers to impose subjugating violence.

Racial Monopoly of Trade

Corporal violence and the instances where authorized as punishment reveals the political strategy of the colonizers to restrict access and trade of resources, thereby preventing autonomous existence of native communities. In Verapaz, the most severe punishment – 200 lashes and four years banishment from the province – was for Natives, Blacks, Mulatos or Mestizos who sold sugarcane and other sugar products in native communities. Sugar products were used to produce guarapo (local rum). In addition, no native person was to manufacture or consume guarapo, on penalty of 100 lashes. However, was it control over alcoholic consumption or was it a racialized policy to control trade of sugar and alcoholic products by the Spanish colonizers? Of note is that when a Spaniard made unauthorized sale of sugarcane and other sugar products, his penalty was simply the loss of the product and a 20 pesos fine paid to the royal exchequer. On the other hand, non-Spaniards were flogged and banished from the province. Another racialized policy was the interaction of Blacks, Mulatos, and Mestizos with Native People. Ordinance no. 34 ordered that “no Black, Mulato, nor Mestizo enter nor reside in Indian towns. Nor should they buy or sell anything, even

\[20\] I take Non-Spaniard to be Natives, Blacks, Mulatos, or Mestizos.
permitted items”. Aside from the loss of the traded produce, non-Spaniards were to be banished from the province, not before being flogged 100 times.

**Tax and Tribute**

Another ordinance which invested authority in the Spanish Crown was the monopoly over tribute collection. Ordinance no. 21 stated that “no tribute be collected for any purpose and any amount by anyone” but the municipal judge and/or municipal *mayordomos* (stewards/treasurers). While the ordinance claims that banning tribute payment to the native nobility was to protect the commoners who were “the poorest”, we can assert that this law was designed to guarantee payment of tribute exclusively to the Spanish Crown. Data analyzed by Lawrence Feldman (1982) demonstrate that native peoples in the province of Verapaz were paying tribute to the Spanish Crown and the Dominican friars, even before Ajpop Batz, the cacique gobernador, passed away.

*Tasación* (rate and type of tribute) was established as early as 1564; suggesting the possibility that even with a Spanish *tasación*, the native nobility continued to collect tribute from their former vassals. Hence, alcalde mayores were required to punish native nobility who collected tribute with 100 lashes, banning them from municipal office, four-year banishment from the province, and a 20 tostones fine paid to the royal exchequer. Alcalde mayores who did not carry out this punishment were to be fined during their *residencia* (audit) at the end of their appointment.

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21 Gundrun Lenkersdorf (2010, 33-38) illustrates the evolution of the extraction of tribute from native vassals. Bartolomé de las Casas influenced Charles I to sign a 1542 cédula that declared that upon the death of encomenderos, native vassals were transferred to the Spanish Crown. Heirs of the encomendero were to continue to collect tribute. After protest and lobbying of encomenderos, three years later, the cédula that “transferred” native people to the Spanish Crown was revoked, returning the native people to the encomenderos and their family. The following year – in 1546 – Charles I ordered the president of the Audiencia of New Spain to distribute the native people to the encomenderos in perpetuity. However, the monarch reserved “civil and criminal jurisdiction” over the native people.
Indigenous Justice

A special case of interest to this study is justicia índia (native justice). Ordinance no. 10 ordered and commanded that “Indian justices [could] not give nor execute sentence without enough investigation, nor [could] they do so even after praying”. It implied that 100 years after the Spanish invasion of the Guatemalan highlands, native justices continued to consult the metaphysical world to arrive at judgements. I discuss Rabinal Achí, a theatrical representation of conflict resolution in native communities in the Guatemalan highlands to illustrate how native judges in highland Guatemala consulted the metaphysical world as they conducted their tasks. At the time of the Spanish invasion of Guatemala, Rabinal Achí was being performed in public spaces.

Rabinal Achí is a theatrical representation of conflict resolution between two chieftaincies in pre-Columbian times in the Verapaz. Rabinal Achí is principally about the trial of a renegade warrior, Cawek who attacked his king. Cawek raided the town of Rabinal, the home-town of Quicab, the King. In so doing, Cawek broke an alliance his father had with the King. After his capture by Rabinal Achí, another warrior, Cawek is tried in the court of Quicab. The theatrical performance is the representation of events that culminate with the trial and execution of Cawek.

Dennis Tedlock (2003) notes that actors of Rabinal Achí dance in square-form and promenade in circular-form, placing the events in "one world", even when the events range across six generations. Likewise, the stops made during the dance highlights the 260-day divinatory calendar granted to Cawek to bid farewell to the land
and its beauty. While Cawek’s sentence was to return what he had taken from Quicab and the acceptance of his sacrifice, his status as a noble person was preserved. Before Cawek is sacrificed, he is given a Tzol Kiín year to visit the lands he helped rule, to indulge in its beauty one last time. Instead of “prison” or “hell”, Cawek continue to live in the K’iche’ pantheon of noble ancestors. Native justice, as we see in Rabinal Achí, is reparatory, instead of incriminatory.

Rabinal Achí demonstrates how native justice in highland Guatemala articulated away from a dichotomy of good and bad, or criminal and non-criminal. Instead, natural law and cosmic law intersected to define the relationship of the mortals with their ancestors, who live in perpetuity—together. Ordinance no. 10, which prohibited praying to gods when deciding and executing a sentence, disrupted the intersection of terrestrial and cosmic law and authority.

Spanish colonizers were concerned of the transcendence of cosmic law in native justice that the performance of Rabinal Achí was banned by the 1625 Oridinaces. Anyone caught promoting or performing the theatrical dance was to be lashed 100 times. If they held municipal office, they were to be banned for four years. Spanish

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22 To this day native priests across Mesoamerica consult the 260 day Tzol Kiín (Maya Calendar) to identify suitable days to embark on specific endeavors. In terms of adjudication, be it terrestrial or cosmic, No’j, Kan, and Toj are days to seek clarity in decision making, especially decisions that require justice. Tz’i’ (dog), “the symbol of terrestrial and cosmic law and authority, and justice”, however, is the most adequate day to seek decisions requiring justice (Academia de la Lengua Maya de Guatemala 2010, 24). Those born on Tz’i’ are destined to be ajq’ij—day keepers, or spiritual guides (K’iche’ language). Ajq’ijab’, plural, mediate the social and cosmic energies. In essence, they understand and exist in the 13 Maya skies, earth, and underworlds. It is not incidental that in Rabinal Achí, the assistant to Quicab is a person that has both male and female features—two-spirits. In other native people’s cultures of the Americas, two-spirit people, possessed deep understanding of the truth and justice, placing them in esteemed position of advising the nobility. While today ajq’ijab’ are generally understood to be men and women, this could have been different in precolombian Guatemalan highlands. Nonetheless, the acceptance of women and men as ajq’ijab’ demonstrate that gender roles of day keepers have not been completely westernized to favor men.
judges – principally the alcalde mayores – were required to provide surveillance of this ban or be fined 200 ducados paid to the royal exchequer and being charged during his audit.

Civil and criminal law was to be strictly terrestrial, invested in the Spanish Crown. Criminal matters (including murder) was to be heard by the civil judges attached to the Audiencia of Guatemala in the capital city. Native justices were to adjudicate petty civil matter that had a maximum fine of one tostón. For each tostón collected, half went to the royal exchequer, recorded in the community book. Native justice were to follow the procedures, on penalty of being fined four tostones for any infraction. Adultery by women was the gravest civil matter that Spanish or Native justices were to hear. Husbands were to authorize such hearings. Unauthorized hearings of this nature was to be punished with a banning from municipal office and a ten-tostones fine paid to the royal exchequer.

Ordinances no. 38 specified that no one, except the secular Native justice and the secular Spanish justice were to hold accountable native men or women in civil and criminal matters. Interestingly, jurisdiction was no longer restricted to the alcalde mayores or the civil judges. Native people – noble or commoner – who held

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23 Of note is that since 1528 the Spanish Crown appointed civil judges to serve as royal appellate judge to “hear civil and criminal matters before them” in New Spain (Mexico). I transcribe the Royal Charter from Vasco de Puga ([1563] 1878, 56) for the reader’s benefit: Para que los oidores de la Nueva España traigan vara de justicia, y en primera instancia conozcan de causas civiles y criminales. (Foja 15) El Rey. Por cuanto entendiendo ser cumplidero a nuestro servicio de la nuestra justicia y buena administración de ella, y a la paz y sosiego de la Nueva España y de los vecinos y estantes y naturales de ella, abemos proveído una nuestra audiencia y cancillería real que ha de residir en la gran ciudad de Tenoxtitlán, México, en que al presenta ha de haber un nuestro presidente y cuatro oidores, y porque han de conocer de todas las causas que ante ellos fueren, así civiles y criminales, así en primera instancia como en grado de apelación, es nuestra voluntad que traigan varas de nuestra justicia. Por ende, por la presente mandamos que los dichos nuestra justicia, que para ello por la presente les doy poder cumplido. Fecha en Madrid, a 5 de Abril de 1528. Yo el Rey. Por Mandado de su majestad, Francisco de los Couos.
unauthorized trials of this nature were to be flogged 100 times. Coincidentally, the Church’s sexton and his wife were given full authority to discipline native boy and girls, respectively. Children, via this ordinance, were established to be anyone 12 years or younger. Punishment for them was to be a maximum of 12 lashes.  

**Morality**

While native justices now had the limited authority to adjudicate civil matter – after investigation – they were authorized and required to police matters that did not require investigation. One such example is prohibiting arranged marriages. Arranged marriages, as in other places, were strategies used by the native nobility to establish monarchical alliances. Ordinance no. 7 obligated native judges to prohibit arranged marriages among the nobility. This prohibition ended the perpetuation of power, intertwined with kinship ties. Men who arranged their daughter’s marriages were to be flogged 50 times on the stake. He was to be banned from holding municipal office. If the offender belonged to the nobility, they were to be considered commoners henceforth. There is no stipulated penalty for non-executing this ordinance by the native justices; however, the alcalde mayor and corregidor were to be fined during their audit if they did not impose a ban on arranged marriages.

Another instance where native justices were required to make genderized moral policing is the prevention of contact between native women and secular royal officials during their visits to native communities. Ordinance no. 36 orders that no native young women be allowed to be present in the same space, preparing food, where the secular

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24 For purposes of the law and tribute payment, native people became adults at 13. A former royal charter (1538) had established adulthood to be at 14 years; the De Paz Ordinances granted one more tribute-year to the Spanish Crown by reducing adulthood to 13.
royal officials. Only women 40 years and older were to be allowed to cook their food and interact with them. Penalties for either the gobernador indígena or native justice in allowing Spanish-Native women interaction were 100 lashes and being banned from holding municipal office. Secular royal officials who had contact with women during official royal visit were fined 200 ducados toward the royal exchequer and being fined during their audit.

Spanish mingling with Native women was banned for one fundamental reason: tax exemption. As observed above, mestizo/ladino municipal councils could seek tax exemption from the Spanish Crown (Barrios Escobar 2001). Mestizos are a product of misogyny between Spanish and Native parents. Banning contact between Spanish men and Native women was an attempt of the civil judge to avoid the proliferation of mestizos, a possible non-taxable population. Likewise, illegitimate mestizo children of encomenderos could also claim tax exemptions. Thus, the Crown was keen in avoiding a mestizo population. Paul Lockken (2001) demonstrate that in Guatemala, for example, native women established relationships with enslaved black men to have their children exempt from tribute payment. Misogyny was used to avoid tribute payment. In 1572 Phillip II decreed that subjects of black and native parentage were to also pay tribute as natives (Recopilación de Leyes de los Reynos de las Indias. Tomo II. Libro VII, Título V, Ley IJ).

As other colonial ordinances, the 1625 De Paz Ordinances policed many aspects of native life, including Christian indoctrination, arranged marriage, elections and audits of the municipal council, summary justice, wills and inheritance, tribute and tax, community public fund, trade, land sale, dress code, labor, public work, Spanish-Native
etiquette, holidays, and the discipline of children. A close look at the Ordinances reveals that Natives, Blacks, and Mulatos were punished more severely than Mestizos and Spaniards for violating the same ordinances. In addition, while official duties of the clergy were defined, there were no punishments when they failed to comply with the ordinances.

“…I Flogged them on the Street at their Doorstep. …”

In Verapaz, where municipal councils were established, native or otherwise, alcalde mayores were mandated to inspect the implementation of the 1625 De Paz Ordinances, a minimum of twice a year. Martín A. Tovilla, alcalde mayor of Verapaz, reported that native communities were largely following the 1625 De Paz Ordinances during his two-year tenure. On July 21 of 1631, the second year of his tenure, Tovilla visited the towns of Rabinal and Copulco to inspect the implementation of the 1625 De Paz Ordinances (Tovilla [1635] 1960). The following day he convened the residents of Rabinal at the plaza where he read autos (documents) that authorized his visit. Tovilla reports that the auto of the inspection provided for

…anyone who had complaints to make against present or past alcaldes, to come forth and that they would be heard in justice; if any are living in a common union, that they declare it; or if they are mistreated by Spaniards, or if anyone has brought wine or product of that nature to sell in the town, but especially if the alcaldes have derramado (misappropriated) council funds, which they always do and is unbeficial, and everything else done against the royal ordinances, that they declare it, so it can be fixed and that the guilty may be punished. Having made this declaration, all of them went to their homes, and the next day the inspection was made in the following manner… (Tovilla [1635] 1960, 205; my translation)

25 Today there are semblances of the judicial roles of alcaldes in Toledo, Belize perhaps originating from the Maldonado de Paz Ordinances of 1625 in Verapaz.
The following day, Tovilla states that all of the municipal council officers and the noblemen of Rabinal accompanied him during his inspection. Tovilla rode his horse because “the town was very large and it was [damn] hot”. His accompanying notary public and sheriff walked along with the local noblemen and municipal council officers. With sounding trumpets before him, strutting on his horse, Tovilla recounts:

…we left our homes, and started inspecting those of the Indians, and the alguacil mayor (chief sheriff) entered their homes to see if they had beds to sleep in, tools to do milpa (corn farms), and images to pray, if they had chickens, homes well covered and repaired, and all that the ordinances mandated. If there is a lack of chickens, the woman is flogged. [Women] are obligated to have guipiles y naguas (traditional clothing and skirts) in good conditions and a white handkerchief with which to go to mass, and if they did not have it (the clothing), they were punished, as required. At least that is how I did it, fulfilling the ordinances, and I flogged them on the street at their doorstep. I say this because at times some [Spanish] judges use their inspection of their jurisdiction, throwing the Indians in jail to extract two [silver] reales from them, and in this way they extract a lot of money from the towns. Nothing is tolerated of them, so they could be thrown in jail. Nothing is forgiven of them. Some pay [the fines], or no one pays. Just because there is one chicken missing of the [required] twelve, or because the house is slightly uncovered, or for other shortcomings of this nature; nothing is forgiven. I tolerated [shortcomings] from many during this visit, postponing [punishment] to the following visit. If the shortcoming is not grave, or it was not because of their laziness, I did not flog them. We visited fifty homes in the morning, and a similar amount in the afternoon, because it is mandated that no more than one hundred homes are visited in a day, because some [Spanish] judges visited a town of four hundred households in less than two [days], that is why this order was made.

There is no other inspection day like this one for them. They go about trembling [in fear]. And each [household] finds something to give to the alcalde mayor, be it a hen or rooster, cacao, chile, or eggs. Almost every [household] offers anything they have. The better off give silver reales, continuing the Jewish tradition of non apparebis vacuum, etc.26 In this way, they never go meet with their alcalde mayor or the cleric that

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26 Non apparebis vaccum is translated from Latin as: appear empty handed. In this context Tovilla is making reference of the Bible where Jews are instructed to make offerings to god in the month of Abib. See Exodus Chapter 23, Wycliffe’s Old Testament.
I include Martín Alfonso Tovilla’s accounts which he wrote in the provincial capital of Verapaz, Cobán since it demonstrates the intimate violence brought on the native peoples of Verapaz by the 1625 De Paz Ordinances. To be sure, there was violence before 1625. However, the Ordinances codified and authorized the intimate violence, the invasion of homes to police every aspect of native life. Incorporation of the native people in the Crown brought them in proximity with the Crown’s affect. Dominant power structure and political systems, intentionally construct, orchestrate and rely on affective states – such as fear – to be able to govern (Nouvet 2014, 85). In the study of violence in the colonial capital city of the Audiencia of Guatemala, Robinson Herrera (2012) notes that even if not widely reported, native people were aware of the permanent threat of corporal violence should they protest the rule of the colonizers—oftentimes living among them. In Verapaz, violence was corporalized and socialized.

Painfully evident from Tovilla’s report is an intense normalization of corporal punishment against native women. Women who did not have the required number of tributary chicken were flogged at their doorsteps by the Spanish alcalde mayor. From inside their homes, their husbands and children saw the swell of tears in their eyes. On the streets, neighbors heard the cracks of whip, unable to do much. Violence against native women, perpetrated by non-native men, occurred in the most intimate and public manner. The Spanish colonizers, “used, or attempted to use the body as a site for the construction of its own authority, legitimacy, and control” (Arnold 1993, 8).

Notwithstanding the psychological violence perpetrated against native people, by
arbitrarily throwing them in jail, individual bodies served as canvas for the affective power of colonization.

The 1625 De Paz Ordinances required the municipal council officers to punish transgressions made by the residents of the municipality. Even when they deferred punishment of their fellow townspeople, they were required to witness the enfleshment of violence during the alcalde mayor’s inspection (Braidotti 2006). Outward folding of the bodies, with tears, screams, trembles, or stoic faces, traversed the municipal officers. During these inspections, the ‘head of the body politic’ – the municipal council officers - of the native people were socialized on the affective power of violence. Native bodies thus served as the public canvas of colonial violence.

**Conclusion**

In the opening vignette of this Chapter we learn that in 1913 a group of Native People of the Toledo District, Belize, visited the office of the Governor of the Belize Colony, requesting the appointment of an alcalde. The Catholic Reverend called the request a bluff, since, according to him, the Native People were merely interested in the investiture of an alcalde by the British Crown, but not necessarily interested in settling in a permanent “village” as they promised. Regardless, the delegation knew that the British Colonial policy was to settle native people into larger permanent settlements, a similar policy to the Spanish colonies. Living in a permanent settlement was thought to “civilize” the Native People. Native People of Toledo tried to exploit the British colonial policy to their advantage by having the British Crown invest their traditional leader with authority.

Traditional leaders, be they caciques, cacique-gobernadores, or alcaldes (judges) of municipal councils could only be invested with authority by the British and
Spanish colonies if there is a space (pueblo or village) and if there are subjects to be policed. To meet these two requirements, colonial officials resettled the scattered populations of the Americas. In this Chapter we note that as the Spanish Colony expanded, it introduced segregated municipal councils to govern settled populations. Each municipal council was imagined to exist within a *comara* (district) which granted the council spatial jurisdiction over the district (see section: Incorporating Native Lands and Peoples Via Municipal Councils). In the following Chapter, we will learn that the British Belize Colony also imagined the jurisdiction of the alcalde council within a district where the alcalde had summary jurisdiction.

Today in the Toledo District, Belize, there are no ambulatory populations of Native People on the landscape who need settling, as at the turn of the twentieth century. Most Native People live in settled villages that have an alcalde council and a village council, the latter introduced in the 1950s by the Central Government. Alcalde councils are no longer being “granted” in exchange for settlement. However, alcaldes are expected to police the people that live within the native villages. Alcalde councils are expected to prevent the settlement of “Guatemalan immigrants” into Belizean Native Villages. Oftentimes, those referred to as “Guatemalan immigrants” are family members of Native People who currently live in Belize. Families reside in both countries due to marriages or displacements. Alcaldes are expected to prevent the settlement of “Guatemalan immigrants” in their villages even when they have familial and economic ties to villagers in Belize. During my research with the Maya Leaders Alliance and the Toledo Alcaldes Association, on multiple occasions leaders spoke of ‘standing order’ where the TAA has a “policy that no person who do not hold Belizean citizenship or
nationality should be allowed to enter into the villages without following proper immigration laws” (Mis 2016). The standing order was discussed at an undated TAA general assembly.27

Another form of incursion consistently discussed on national media are illicit and licit economic activities conducted by Guatemalans on Belizean territory, especially along the border. These incursions are driven by economic opportunities created from the extraction of timber and non-timber forest products (including xate palm, mahogany, cedar, et cetera) and the production of cattle and cash crops (including corn, beans, and pumpkin seed). These economic activities, with different economic and environmental impacts, occur with and without knowledge of the alcalde or village councils. Nonetheless, alcalde councils – who have territorial jurisdiction on village lands – bear the burden of policing the landscape against these economic incursions.28 Guatemala continues to claim the southern half of Belize, including the Toledo District, thus migration or economic incursions are mediated in a nationalistic discourse that sees Guatemalans as archenemies of Belize.

Heightened border tensions in the Toledo District since 2015 cast the alcalde councils as not doing enough to take a stance against the incursions—either by Native

27 The Toledo Alcaldes Association was established in 1992 as part of the Mopan and Q’eqchi’ social movement as it sought to orchestrate a collective body and voice to engage the Government of Belize. The TAA is composed of the first and second alcalde of each of the 39 Mopan and Q’eqchi’ villages of the Toledo District. It generally meets on a monthly basis in the town of Punta Gorda.

28 In a March 2016 interview granted to the Belize’s largest newspaper, The Amandala, Pablo Mis, Coordinator of the Maya Leaders Alliance detail the violence alcalde council members face when they get involved with the incursions made by the Guatemalans. In the report, it becomes clear that the alcaldes are expected to provide “national service” to police Belizean territory with very limited assistance from the State. It is also evident that alcaldes are seen as not doing enough to curb the incursions. See Guats Taking Over Southern Belize. Available at http://amandala.com.bz/news/guats-southern-belize. Consulted on June 15, 2017.
Families or economic incursions. Thus, there is a renewed pressure on alcalde councils to police the Native villages, regulating who has access to village territory—and by extent, the Belizean territory. Another form of policing village territory is through the semi-annual cleaning of the village border lines among neighboring native and non-native villages. In addition, alcalde councils continue to police the settled spaces within the residential areas of villages, including the upkeep of public infrastructure, which are the village community center, schools, health clinics, roads, water systems, cemeteries, soccer fields, et cetera. The upkeep of public spaces was first instituted by the Spanish Colony through the *fajina*—unpaid community labor which made operational public infrastructure for the flow of people and goods in the colony.

The most palpable policing authority the alcalde council continues to hold today is the summary civil and criminal authority granted by Part VII of the Inferior Courts Act, Alcalde Jurisdiction, of Chapter 94 of the Laws of Belize (2000). In civil matters, an alcalde can hear and determine disputes where the value of property in question is equal or less than US $12.50. Criminal jurisdiction is over defamation, disorderly behavior, and assault.29 Most criminal cases heard and determined by alcaldes during my research with the MLA and the TAA was the ‘breach of the peace’ and the use of ‘abusive language’. The former was mostly from alcohol abuse and the latter from verbal threats casted among villagers due to familial or neighborly disputes. To this day, alcaldes police the behavior of villagers in Toledo, Belize. As we have noted in Chapters

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29 More specifically, an alcalde can hear and determine riotous and disorderly conduct and breaches of the peace; common assaults; trespass and malicious injury to property, the damage resulting from which does not exceed US $12.50; threatening and abusive language; fraudulent evasion or attempted evasion of customs duties where the valued of the goods or articles does not exceed US $12.50; the commission of any wanton or mischievous act causing damage or annoyance to any person (Chapter 94 of the Laws of Belize of 2000, Part VII, P 73 (1) a – g).
2 and 3, policing technology was introduced by the Spanish Crown in the Americas to police the subjects residing within a municipality—via the municipal council, guided by multiple ordinances. In Chapter 4 we will examine how the British Colony also instituted policing of the Native subjects in the mid nineteenth century as the Belize Colony established.
CHAPTER 4
BRITISH COLONIAL ENCOUNTERS WITH NATIVE MUNICIPAL COUNCILS OF
YUCATÁN, MÉXICO

Kinsaab Manuel Antonio Ay. Yes, they killed him. On July 26, 1847 Ay was
executed by a firing squad in the town plaza of Valladolid, Yucatán, México. Ay’s blood
soaked the ground as “[m]asses of Indians are said to have watched and waited
silently” (Dumond 1997:93). Ay was the young cacique (chief) of the pueblo of
Chichimilá. Antonio Rajón, the Mestizo justice of the peace of Chichimilá, accused Ay of
assisting Native rebel leaders presumably planning an armed uprising against the
Government of Yucatán.¹ A military court ordered that Ay be executed in the plaza. Ay’s
public murder, sanctioned by the State, and a chain of events that occurred in the
following days, brought about what social scientists have relabeled as the Caste War or
Peasant War of the Yucatán (hereafter the 1847 Yucatán War or Yucatán War).²

¹ A note on ethnic category: in this dissertation Mestizo is used instead of Hispanics, Latinos, White
Yucatecos, or Ladinos (Guatemala). Mestizos generally claim White Spaniard and Native ancestry. A
similar category arose in Belize where Creoles claim both White British and African ancestry, though
emphasizing White British ancestry. Creole is used instead of Colored, free Colored, and Half-White or
Half-Black.

² Research of the Yucatán War of 1847 – 1900s posit the War was an ethnic war that was waged against
the Native people of the Peninsula of Yucatán by the minority Mestizo. The two classic literature are
Nelson Reed’s (1964) The Caste War of Yucatan and Victoria Bricker’s (1981) Indian Christ, the Indian
king. A counter narrative has emerged by reanalyzing day-to-day living in Mestizo and Native pueblos.
posit that, more than an ethnic war, it was a class war opposing the varying taxes that the Yucatán
Government, the incoming Revolutionary Governments, and the Catholic Church imposed on the Native-
majority population. These taxes, while at times “equal for all citizens”, disproportionately affected the
native population. Shifting alliances – between Natives and Mestizos – demonstrate that the common
issue of contention was the exploitation of the peasant class by the Yucatecan elite. Likewise, rebel
composition of Mestizo and Native soldiers confirm that ethnicity was not the principal reason for picking
up arms. Researchers conclude that the discourse of the war ‘being a race-war’ was created by the
Yucatecan elite to justify the use of force, to re-create the nation state after every failed coup d’état, and
to seek legitimacy to govern. In analyzing a more contemporaneous War in México – the 1994 Zapatista
Uprising – Charles R. Hale (1996) underline the dead-end pursued by academics who sought to identify
the war as either ethnic (Indian) or as a peasant uprising. For Hale, the uprising was neither strictly
Native, nor was it strictly a peasant uprising. It was both, and therefore, strictly speaking, neither (157).
Adopting this approach, I refer to the War of Yucatán of 1847 as the 1847 Yucatán War.
The Yucatán War displaced civilians into what was then the Belize Settlement—today the northern half of Belize. Those displaced included Mestizo and Native Peoples fleeing violence. In the Belize Settlement, civilians elected municipal councils as they had for centuries under Spanish colonial rule and post-independent Mexican rule in the Yucatán Peninsula. Colonial and post-colonial Yucatán required that Mestizos and Natives be governed by separate municipal councils. Aside from sanctioned municipal councils, Native pueblos of the Yucatán Peninsula also kept the post of cacique even when this post was not recognized by the colonial and post-colonial governments. Caciques continued to command power among pueblos, demonstrated by Manuel Ay’s execution as powerful theatrical display of the state’s attempt to contain a purported uprising. In rebel pueblos during the War, caciques served as commanding officers. The San Pedro were a rebel faction who settled in the northwestern region of the Belize Settlement. It was these Mestizo and Native Peoples

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3 “Belize” is used throughout the dissertation. Belize Settlement (before 1862), Belize Colony (1862 – 1981), and Belize (after 1981) refer to the three time periods of the nation-state formation. This is not to be confused with its many historical names, from the Bay Settlement, Settlement at the Bay of Honduras, the Honduras Settlement, British Honduras, Settlement of Belize at the Bay of Honduras, and Belize.

4 I use displaced instead of immigrant or refugees because Native Peoples of Mesoamerica have had the freedom to move throughout the region in times of crises, for example drought, political strife, and war. Impediment to move across the landscape arose from territorial claims made by the European Empires initially, and then modern settler nation-states. For example, in Belize, Native People who have been forced to flee Guatemala due to harsh social and economic conditions are considered “recent immigrants”, “aliens”, et cetera, as a way to deny them rights to citizenship. Native People of the Americas generally have little control over the political-economy of the regions/nation-states they are fleeing. Thus, they are displaced. Prior to borders created by Empires and nation-states, Native People could migrate with relative ease.

5 Hereafter, the Yucatán Peninsula, the land mass that includes the Mexican States of Campeche, Quintana Roo, and Yucatán are referred to as the Peninsula. As for the “Government of Yucatán”, from Spanish Contact to 1868, refers to the Government of the States of Campeche, Quintana Roo, and Yucatán.
governing institutions that Belize settlers and British colonial administrators interacted with as a result of the Yucatán War.

I contend that British settlers and colonial officials’ interaction with Mestizo and Native municipal councils in the northern and northwestern regions of the Belize Settlement served as the first template to establish hegemony over the population and territory. In 1858, the British colonial government incorporated municipal council into its governing structure. Municipal councils were being elected by displaced civilian population. To understand the municipal council’s operation, I review its genealogy in the Yucatán Peninsula. As we learned in Chapters 2 and 3, Spanish colonialism dismantled hierarchical kingdoms in the Americas and coopted the local nobility as it imposed segregated municipal council on the Mestizo and the Native-majority population. In the Yucatán, segregated municipal councils continued after Mexican independence and were abolished until the late 1860s.

To trace the genealogy of Native governing institutions in the Yucatán Peninsula prior to the Spanish invasion I focus on the ethnohistorical research by Okoshi Harada (1995) and Sergio Quezada (2014). We learn that while there were no highly centralized kingdoms in the Peninsula during the Spanish invasion, Native people organized around batabs (caciques/lords/chiefs) who continued to wield power outside of the officially sanctioned municipal councils. For the Spanish colonial period I use the ethnohistorical works of Nancy Farris (1984), Matthew Restall (1997), and Philip Thompson (1986). Ethnohistorical research describes the operation of the municipal council and how Native Peoples manipulated the council to their advantage as they maintained some control of their affairs.
For the nineteenth century, I discuss two thematic areas of research, the Yucatán War and Belize colonial formation. For the Yucatán War I analyze the historical work of Terry Rugeley (1992, 1995, 2009). As for the colonial formation of Belize, I analyze the work of Grant Jones (1977) and O. Nigel Bolland (1987) who discuss the incorporation of the cacique into the Belize colonial government. On both sides of the nascent border between the Mexican State and the Belize Colony, governors and superintendents, respectively, elaborated on their efforts to police the native population and territory during the Yucatán War. On the Yucatán Peninsula, I analyze the emergency legislation passed by Domingo Barret in 1847 as it sought to suppress the “native uprising” against the Yucatán State’s government (Aznar Perez 1851). As for the Belize Settlement, its superintendent, Frederick Seymour, wrote the local legislative assembly and the colonial office in London to justify the need to incorporate the municipal council into the government. Seymour’s accounts are published in Bolland (1987) and Jones (1977).

This Chapter expands on the six technologies used by the Spanish colony as it sought to subjugate the native population of the Americas, focusing on the Yucatán Peninsula.6 Analyzing the genealogy of the municipal council in the Yucatán Peninsula is deliberate. As noted above, it was municipal councils from the Peninsula that were incorporated into the Belize Settlement’s government by the British Empire. While there were Mopan Native People in the southern region of the Belize Settlement during the Yucatán War, the nascent British colonial government did not have presence there. At

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6 The six technologies discussed in Chapters 2 and 3 are: first, the co-optation and consolidation of existing hierarchies among the native people; second, the deployment of the first set of royal secular officials on the Island of Hispaniola; third, the conversion of the native nobility into royal secular officials; fourth, the continuous attempt to resettle the native peoples of the Americas into larger pueblos (towns); fifth, the incorporation of native people and native lands into the Crown via segregated municipal councils; and lastly, sixth, the use of violence by Spanish and Native royal secular officials.
During the Spanish invasion of Mesoamerica, the Yucatán Peninsula’s political authority differed from the highlands of Guatemala and México. In Chapter 2 I demonstrate that in the Guatemalan Highlands, there were highly centralized kingdoms. In Guatemala and México, surviving Spanish colonial documents and Native colonial documents describe a centralized and stratified governing apparatus, where officials had specialized tasks (Barrios Escobar 2001). In the Yucatán Peninsula, recent research describes a different scenario. Scholars posit that the governing authority was unstable and far less centralized (Dutt, 2012; Okoshi Harada 1995; Quezada 2014).

From the terminal classic to and early post-classic period (800 A.D. – 1200 A.D.) city-states in the Peninsula were governed by halach uinics (overlords) and not kings, as occurred during the apogee (300 A.D. – 800 A.D.). Overlords resided in larger settlements and had vassals dispersed among villages. Representing the network of people before the overlord were batabs (lords/caciques). Overlords did not preside over a territory. Jurisdiction arose from his network of vassals, represented by caciques (see Figure 4-1). At the turn of the thirteenth century, the overlord of Chichén Itza had conquered all the other overlords of the Peninsula (Castellanos and Andrews 1986; De la Garza Robles 1983). After conquest, the Chichén Itza overlord granted himself the title of ah tepal (sovereign/king) (Quezada 2014). The Chichén Itza dynasty that established allowed a multepal (federation) government, removing the emphasis from a centralized figure (Fox 1989; Schele and Freidel 1992). These scholars conclude that
the confederacy relied on a set of royal family members and overlords to rule the Chichén Itza kingdom.

During the mid-thirteenth century, the overlords of Mayapán successfully orchestrated an attack on the Chichén Itza King (The Book of Chilam Balam of Chumayel n.d.). The King’s hegemony over the overlords and the network of caciques disintegrated. Overlords who had been installed by the Chichén Itza King lost legitimacy and their caciques and vassals gained their independence. Overlords were either recognized or replaced by the “new Mayapán King”. Along with their caciques and vassals, overlords pledged allegiance to the new king. Transition between kings created power vacuums. Once again, a governing federation developed where overlords made decisions on regional matters (Quezada 2014, 13-14). Some caciques maintained their independence. Cacicazgos thus were the smallest units of organization of households.

Cacicazgos were the personal networks that the cacique constructed and maintained across time and across the landscape. As seen in Figure 4-1, cacigazgos generally overlapped in multiple places/villages. A village can have more than one resident cacique, or none. In addition, villages could have vassals from multiple caciques at any given time. However, the organization of population was not anchored on territory, as it is today. Upon the Spanish invasion, “villages” were relocated to larger settlements and renamed pueblos by the Spanish invaders. Prior to the invasion, cacique-vassal relationship was referred to as cuchteel, without reference to territory

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7 I use village as descriptor of the conglomeration of households and family units at different places across the landscape in the Peninsula.
Being a network based on interpersonal relationships, cacicazgos and associated-federations were unstable.

The cacique-vassal relationship was not for-life, nor were vassals inherited. The commoner population maintained allegiance (or remained in the relationship) with the cacique for two principal reasons: on the premise of protection during war, since caciques were powerful with access to key resources, or because of kinship ties. In return, the cacique’s vassals planted his corn milpa and built and repaired his home. In addition, some vassals were slaves and servants to the cacique. Allegiance – or subordination – was severed depending on circumstances. For example, marrying into a more powerful lineage led to switching cacique. In times of crisis, e.g. war, entire cacicazgos migrated, reducing the network of overlords. Such was the case in 1547 when cacicazgos moved into northern Petén, Guatemala, after their overlords were massacred by Spanish invaders (Quezada 2014, 36-37).

After the invasion of the Yucatán Peninsula by the Spaniards in 1546, scattered population was relocated into pueblos. Entire pueblos were encomendados (given in-care) to former Spanish soldiers who participated in the invasion. Encomenderos benefitted from forced labor and tribute payment by the native population. Eventually, especially during war-years, the Spanish Crown discouraged the encomienda system throughout the Empire as it sought to monopolize tax collection. The encomienda system was, however, was officially abolished until 1783. While in-kind tribute from the native population was discontinued after the second and third generation of encomenderos, they found ways to continue to extract tribute from the Natives. One example was thought the repartimiento (labor distribution) system which guaranteed a
supply of cheap labor to encomenderos. In some instances, encomenderos discontinued any form of tribute collection from the Native and instead resorted to collecting a set pension from the colonial government. Native authority, embodied by the office of the cacique and his support staff, became fundamental in the expansion of the Spanish colonial apparatus.

**Native Municipal Councils in the Yucatán Peninsula**

While the authority and influence of the Native elite of Mesoamerica changed with the Spanish invasion, Gudrun Lenkersdorf (2016, 32-36) identifies four phases – albeit in Chiapas – where the elite maintained authority: legitimate or illegitimate caciques named by encomenderos to manage labor and extract tribute; *fiscales de doctrina* (religious marshals) named by the clergy to provide surveillance for religious observance and the collection of religious tax; indigenous governors who were recommended by the clergy and confirmed by the colonial presidents of the Audiencias (provinces); and lastly, *cabildos* (all-native municipal councils) which officially had two alcaldes, four aldermen, a steward, and a sheriff. In this Chapter, we focus on the municipal council because it is the entity and space which allowed for the preservation of native traditional leadership.

From the onset of the Spanish Empire, members of the Spanish Monarchy differed on the composition and jurisdiction of native municipal councils (see Chapter 3 and Gudrun 2014, 62-65). It was resolved that Spaniards and their descendants, referred to as *vecinos*, were to have an ayuntamiento to govern them; meanwhile, Natives were to have a cabildo. Towns that had Natives and Spaniards (vecinos) within them were segregate into *barrios* (neighborhoods), each barrio having its respective
“type” of municipal council. Ayuntamientos and cabildos were municipal councils, similar to those of Iberian Spain.

In the Aztec and Maya highlands, kingdoms existed and governing councils were in operation during the Spanish invasion. In the remote northern areas of Verapaz where the Acales, Manché-Chol, and Mopan Peoples lived, it is not clear which religious-political structures existed during and after the Spanish Invasion. From chronicles of Antonio de Remesal ([1619] 1932) we learn that Manché-Chol cacique interactions with the Dominican Friars was influenced by neighboring caciques. For example, Ahzuz Ahao, cacique of Cucul, “always demonstrated an inclination to receive the holy faith, although he abandoned it out of fear from neighboring caciques who were more powerful than him” (ibid 172; my translation). Ahzuz Ahao was pressured by other caciques to not invite or allow Dominican Friars into Manché-Chol territory because it would anger the Itza King, their powerful northern neighbor. While in remote northern

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8 In 1630 the Itza-Mopan army attacked the village of Manché, cannibalizing the bodies of the principal Chol cacique, Martín Kuk, and Friar Jacinto de San Idelfonso (Jones 1998:50-51 citing León Pinelo). Itzas also captured 300 Manchés and took them as slaves. Manché-Chol settlement responded to Spanish and Itza-Mopan attacks by disappearing into the forest. The following year, 1631, with authorization to establish a Dominican Mission in Manché-Chol territory, the alcalde Mayor of Verapaz, Martín Alfonso Tovilla, marched into the war-devastated region. On his arrival, Manché settlement was renamed Toro de Acuña. From here Tovilla marched onto Yol. Tovilla found empty homes. Residents of Yol were rounded from the forest. At night fall Yol was surrounded by an Itza-Mopan army of 800. “Divine intervention” saved Yol. Tovilla and his captives retreated to Manché. At the end of 1631 Friar Francisco de Morán, along with 12 men, ventured to the town of Mopan. All the men fled leaving behind the women and children with the cacique. Cacique ____________, was murdered and 40 women captured, taking them to Manché. Mopans later came to the women’s rescue. Fearing for their lives friars and auxiliaries abandoned Manché. So did the other Manché-Chol neighboring settlements. In 1632, months after the clergy fled the Itza-Mopan army, the President of Guatemala sent the alcalde mayor, Tovilla to resettle the Manché-Chol. The forests were empty. It is presumed that the Itza, with the help of 1000 Mopan soldiers raided Manché again, killing Spaniards and capturing slaves. A similar raid was made in 1633. Manché was torched. The church and convent were looted. Many Manché-Chols were taken as slaves. Those that managed to escape retreated into the forests. Sixteen thirty-three concluded the first attempt to subdue the Manché-Chol territory and people by the Spanish clergy and secular colonial government (Source: Grant Jones 1998, 49-52 Itza-Mopan Attacks on Manche Chol Misions 1631-1632).
Verapaz there seems to be a lack of centralized power, in the highlands of Verapaz and Chiapas and in the Yucatán Peninsula, the imposition of the indigenous cabildos circa the 1550s by the Spanish Colony to some degree restored council-decision making to the Native elites.

While the Yucatán Peninsula did not have highly centralized kingdoms that operated in-council at the time of the Spanish invasion, caciques had *chuntanobs* (assistants) (Quezada 2014, 31). In addition, cacigazgos had *ahmenob* (noblemen) who held status and privileges. Native municipal councils established by the Spanish colony provided the space for the nobility to retain power until the nineteenth century (Restall 1997; Rugeley 1995; Thompson 1986). Sanctioned native municipal councils, however, were authorized to have a maximum of eight officers who were to be elected on a yearly basis. The post of cacique was not integrated into municipal council. Nonetheless, pueblos maintained the posts of caciques, who retained their power (Farriss 1984; Quezada 2014; Restall 1997). Elites nevertheless outnumbered available posts. Mathew Restall (1997, 338-347) document that from 1646 to 1835, native populations in

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9 In remote northern and eastern areas of the colonial Verapaz region where the Manché-Chol and Mopan existed there is limited knowledge of the religious-political structures during and after the Spanish invasion of what is today Guatemala and Yucatán-México. Grant Jones (1998) document the royal religious-political structures of the Itza Kingdom—whose ancestors migrated from Chichén Itza. However, Jones makes brief mentions of the Mopan and Manché-Chol populations south of the Peten Lake, in today’s Guatemala. In Juan de Villagutierre y Sotomayor (1932) *Historia de la Conquista de Itza*, Volúmen I, Libro 3, Capítulos I – IV, Libro IV, Capítulos XVII – XIX, Libro VI, Capítulos VI & XI, and Libro IX, Capítulo II Spanish chroniclers mention caciques, noble men and heads of households among the Manché-Chols and Mopans, however, they do not distinguish any hierarchy or religious-political structure. Spanish colonizers (especially Dominican chroniclers) during the seventeenth-century consistently tried to ‘reduce’ these populations, especially the Manché-Chol—to no avail. Understanding and documenting the Native Peoples’ religious-political structures was not in their priority. In 1675 the Dominican chronicler states that as the friars settled communities north of Cahabón, Verapaz (i.e. Chols) “they named Justices (alcaldes) in the name of the King” (Libro III, Capítulo I, pg 152). At the shores of the Yaxhá River they “baptized some of the sons of the nobility” (ibid 156).
and near Merida, the capital of the Yucatán Peninsula, had a “greater native municipal council” with varying number of officers (see Figure 4-2). In some instances, Restall notes that there were as many as 30 “greater native municipal council” officers, outnumbering the eight official posts, reflecting the expanding elite class (71).

Members of the greater native municipal council created unsanctioned posts to labor for the Spanish colony and the Church. For example, some posts created were the justice of the town guesthouse (alcalde meson), teachers/catechists (maestros), and apprentice teacher/catechist (tupil doctrina mandamiento). Restall also suggests that members of the greater native municipal council could hold emeritus status, especially for the nobility. In addition, members of the greater native municipal council were fundamental to endorse and validate documents prepared for the native population or for colonial officials. Greater native municipal councils also created the key unauthorized posts of teniente (lieutenant), second in command of the cacique. Lieutenant caciques served intermittently, with a cacique, or while the post of cacique was in dispute or vacant. Lieutenant caciques were appointed, presumably, by the greater native municipal council.

Returning to the official municipal councils sanctioned by the Spanish Crown in native pueblos, these were part of the strategy of Crown to abolish the encomienda

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10 Restall (1997) calls it the greater Maya cabildo. For purposes of consistency I use greater native municipal council.

11 Expanding Philip Thompson’s (1986) theory of upward mobility in the municipal council of Tekanto, Restall (1997) notes that while fluid, there are restrictions to the occupation of council posts. Noblemen could start careers as lower-tier in the greater native municipal council, and over the years ascend to the post of cacique. Commoners could also serve in the lower-tiers, but would generally not ascend to hold the posts of aldermen, justice, and much less of cacique.

12 The list of witnesses to wills, bills of sale, and correspondence included women witnesses. Thus, noble women belonged to the greater native municipal councils.
system. Spanish colonists were benefitting directly from tribute payment from the native population via the encomienda system. After their establishment, native councils were expected to collect taxes from the native population throughout the year and transfer it to the royal coffers at the end of the year (Rugeley 1992, 96). The Crown discontinued tribute payment by native commoners to their caciques and elites; nonetheless, elite monopoly of the greater native municipal council subverted this policy. Another strategy used by native pueblos to accumulate “surplus” was through cofradías (confraternities). Pueblos collected monies, and invested them to finance pagan and non-pagan festivals. Confraternities served as a cushion for pueblos in times of crisis. The Church entertained confraternities because these were exhaust valves for the tributary exigencies of the Crown, the encomenderos, and the Church itself (Farriss 1984).

With such broad strokes of the dense history of the Yucatán Peninsula, it can be difficult to convince the reader that the Native nobility survived 250 years. Without a doubt, the Spanish colonial government severely weakened the nobility by the turn of the 1600s (Quezada 2014). This was achieved by sabotaging hereditary succession, limiting inter-pueblo political alliances, and confining jurisdiction of the municipal council over native-to-native affairs. According to Nancy Farriss (1984), for more than two hundred years, internal governance of the pueblo was left largely to the Native elite. A reason for this was the absence of secular colonial officials among the native population throughout most of the Yucatán colony (Borah 2002; Farriss 1984).

Prior to the 1786 Bourbon Reforms of the Spanish Empire, native municipal councils in Yucatán had little interaction with secular and religious officials in Mérida, the capital. Annual visits were for two purposes: to provide the list of elected officers of the
municipal council for confirmation, and, to provide a report on the annual budget of the pueblo. If pueblos had surplus, they were required to deposit the collected tax with the royal exchequer.\footnote{Farris (1984, 361) suggests that innumerous pueblo annual reports were balanced between income and expense. If pueblos did not have expenses, the cacique and municipal council simply did not collect taxes. If there were large unreported expenses, these were supplemented with pueblo confraternities (which included cattle raising, corn planting, land titles, etc.).} Visits to the office of the Defensor de Índios (Indigenous Protector) was to report local abuse of power by the Native elites, Mestizos (especially encomenderos), and the Church. As for disputes among Natives, these were generally addressed internally by the alcaldes (municipal council justices).

Unlike neighboring Verapaz and Chiapas, Yucatán did not have alcaldes mayores or corregidores; “no [secular] administrative structure stood between the individual Indian pueblos and the governor of the entire province or his assistants” (Farriss 1984, 88). Carmen Yuste (2002, 118) notes that the absence of secular colonial officials between the governor and pueblos made the colonial government rely on local municipal judges or a municipal aldermen to collect taxes. Hence, these offices were coveted. This was dramatically changed by the Bourbon Reforms crafted from Iberian Spain during the last quarter of the eighteenth century. The Reforms were aimed at eliminating “contradictions and abuses” inherent in the Spanish colonial government (Soulodre-La France 2006, 155). It was seen as “rationaliz[ing] the colonial system” (ibid). Instead of eliminating abuses, however, the Reforms provided opportunities for secular colonial officials and municipal council officers to abuse their power.

The Spanish royal charter of 1787 – part of the Bourbon Reforms – calling for the establishment of intendencias merely renamed provincial governors as intendentes.
Provinces were subdivided into partidos (districts) to be supervised by subdelegados, the equivalent of alcaldes mayores and corregidores (Borah 1985, 38). Subdelegados were secular colonial officers tasked with supervising the administration of justice and increasing the efficiency of tax collection. Assisting the subdelegados were jueces españoles (Spanish justices) who the native population now had to go through to seek access to the office of the Indigenous Protector’s office. As for tax collection, native municipal council officers were now required to extract higher taxes, and in cash. Farriss (1984, 361) estimates that taxes collected from the pueblos of Yucatán during the first twenty years of the Bourbon Reforms increased by 2,692%. During this same period, the Franciscan bishop of Yucatán confiscated and auctioned two thirds of all the estates of the Native confraternities (363).

It was in this climate that the Mestizo elite of México rallied the peasant class, mostly Natives, to declare independence from Spain. Independence in 1821 eventually reduced taxes for every citizen and abolished Church tribute. In the Yucatán Peninsula, this was short-lived.14 After independence, the Mestizo elite embroiled the Yucatán Province in secessionist-wars with the federal government of México. Taxes were reinstituted to finance the war. In an unsurprising alliance, the Church was also allowed by the Yucatán Government to reinstate disproportionately higher taxes on the native population. The rural Yucatecan population, on the other hand, was not as enraptured

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14 For a review on the shifting alliances between the Yucatecan Mestizo elite and the Native caicques, prior to the Mexican independence see Don E. Dumond (1997, 63 – 141). The Mestizo elite was divided, one side advocating for Yucatán to remaining in the Mexican federation, and the other for Yucatán to become fully independent. Each side courted and enlisted the support of the largely native population. Mestizo elites also forged alliances with the Church, when convenient. At an international level, the Mestizo elite leveraged the economic and military support of the United States against the Mexican government.
with nationalist/secessionist sentiments; their concern was on recurrent taxes and the loss of land due to expanding agricultural enterprises.

Don Dumond (1997) and Terry Rugeley (1992, 1995) contend that the “Caste War” that broke out in 1847 was in reality a peasant war. Peasants, mostly Native, were aggravated by the economic policies of the post-independent government. At the onset of the War, the Mestizo elite framed the war as a Native uprising, intent in exterminating the White Yucatecan race (Rugeley 2001, 11). As such, it had to be suffocated, as the Government did with the Jacinto Canek in revolt of 1761 (Patch 2003). Mestizo paranoia moved the governor of Yucatán to declare a state of emergency and issue sweeping decrees targeting the Native leadership, which includes the greater municipal council. Native pueblos and their municipal councils were placed under the tutelage of the Mestizo elite. Under these violent conditions, White Yucatecans and Native People – along with their caciques – moved south into northern Guatemala and the Belize Settlement (Rugeley 2009) (see Figure 4-3).

“That the Indigenous do not have the Necessary Aptitude to Continue to Enjoy Rights Granted by the Constitution [of Independent Yucatán] of 1841”

It was exactly a month since the public execution of Manuel Antonio Ay in the plaza of Valladolid. Domingo Barret, the provisional governor of Yucatán, suspecting that there was indeed an “Indian uprising”, created a state of exception. Engaging Carl Schmitt, Giorgio Agamben (1998, 15) defines state of exception as the ability of the “sovereign to legally place himself outside the law”, because it has the “legal power to

15 Settler nation-states – of which all are in the Americas are – have paranoid sensibilities especially when there is the “continued existence of [the] colonized…trying to reassert its sovereignty over all or part of the territory” (Hage 2002, 418). In the Yucatán, the threat to the sovereignty of the government became apparent at the end of 1848.
suspend the validity of the law”. Therefore, “the law is outside of itself” (ibid). Barret suspended the individual rights of the Natives guaranteed by the 1841 secessionist-Constitution of Independent Yucatán. The Governor justified the state of exception by racializing the Natives. This is achieved by qualifying that Natives no longer had the aptitude to enjoy the rights and privileges granted to citizens of Yucatán. The preamble to the decree stated:

Due to the lack of this aptitude they are exposed to multiple disorder, very damaging to their persons and interests and offensive to society, thus it demands efficacious measures to repress them and place them in a position for the good and preservation of public order:

For this reason, it is of absolute necessity to sanction adequate laws for their character and customs, and, inspiring them with the necessary morality, moderate their inclinations, and thus dedicate themselves to activities that are constant and useful, and in this manner obtain their submission and obedience that the government is due:

To achieve such important objectives, it is very convenient to subject them to strict tutelage, regulating their actions and rights for their benefit, which they cannot use due to their lack of awareness of the necessary principles for the legal exercise [of those rights]: (Aznar Perez 1851, 146-147; my translation hereafter).

Barret acknowledged that the Constitution of 1841 treats Natives as equal citizens. Nonetheless, he continued, the “unpleasant circumstances demands that we follow autocratic law”, necessary to establish “order, security and peace among the pueblos” (147).

The decree allowed for the appointment of Native or Mestizo caciques to supervise native municipal councils, “whosoever inspire[d] more trust” (Article 3).

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16 Rights guaranteed by the 1841 constitution were: right to an expedited and fair trial before a judge, serving convictions only by a judge, right to free speech, right to acquire and own property, right to practice any trade, and protection from random searches of homes and postal mail (Crescencio Rejón [1841] 1960, 97-98).
Caciques, as we recall, were not officially recognized by the Mexican colony and postcolony. Municipal judges of the Mestizo municipal council and justices of the peace appointed by the Governor had the same jurisdiction and obligation as the Spanish judges appointed by the Bourbon Laws of 1787 (Article 4). Only adults who can read and write Spanish could be appointed as justices of the peace, excluding many Natives from serving in that post (Article 5). Mestizos in their pueblos or nearby pueblos were allowed to name justices of the peace for a Native pueblo (Article 6). After their appointment, justices of the peace were exempt from being reelected by either the Natives or officers of the native municipal council, which meant they could not be removed (Article 7). The Governor had the authority to suspend or remove justices of the peace and caciques from their post if they erred in their execution of duties. If justices of the peace or caciques were to be removed from office due to failure of office, they were to be referred to pertinent tribunals (Article 9). In addition, the decree established a special court to address civil and criminal matters of the native population, financed with a one-\textit{real} head tax per annum by Natives only (Article 14).\textsuperscript{17} This meant that native-to-native affairs, historically mediated by the native municipal council (specifically native alcaldes) were placed in the hands of Mestizo justices of the peace. In addition, the Church succeeded in imposing a 12 \textit{real} annual tribute on the Natives, to be paid in cash on a monthly basis (Article 18).

Officers of the native municipal council and its caciques were placed in the unenviable position of collecting the reinstated Church tribute and the new Native-court

\textsuperscript{17} The special court had a “chief judge”, a “defender of Natives”, a prosecutor, a clerk, two translators and an administrative assistant.
tax. On the one hand, native leaders could be removed from their posts and charged for failing to fulfill these new tasks. On the other hand, the decree permitted a 6% overhead incentive for the municipal council to collect the Church tribute (Article 19). Further, caciques, Native or Mestizo, were required to “collect all weapons and ammunitions” and “allow the Indians to only have machetes, axes and other tools they accustom to use for agriculture” (Prevenciones 6). The Government’s fear also called for Mestizo judges, justices of the peace and caciques of native pueblos to “never permit the Indians to join the military, nor receive military training, because they were prohibited to belong to the army or armed militia”. They were also granted the authority to “employ the necessary corrections” when “advice is not enough to make [the Indians] docile and submissive” (Prevenciones 9). In addition to authorizing violence against the Natives to make them docile, the decree placed the clergy, the Mestizo municipal council judge, and the cacique in surveillance of each other (Prevenciones 2 and 3). Each was required to monitor and report compliance of the decree by their counterpart. The Church once again gained tutelage over the native population. Mestizo judges and justices of the peace, in coordination with the Clergy, were required to supervise the annual election of the native municipal council posts (Prevenciones 10). The Church, Mestizo municipal council judges, and caciques were required to relocate the displaced native population “scattered in the forest” so that they “fulfill their civil and religious obligations” (Prevenciones 5). As the Yucatán War intensified in 1848, some of the Displaced population crossed into the Belize Settlement.

The next twenty years were to be the most violent of the Yucatán War. Violence focused on the shifting rebel-government disputed conflict zone and displaced entire
pueblos. Government opposing forces evolved into the Pacificos del Sur (Pacifics of the South) located in the south-center of the Peninsula and the militant Chan Santa Cruz in the south-east. The Pacifics signed a peace agreement with the Government of Yucatán in 1853, brokered by British colonial officers in Belize Town (Rugeley 2009, 135). Making peace with the Government of Yucatán came at a cost for the Pacific Faction. In retaliation, Pacific pueblos were repeatedly ransacked by the Chan Santa Cruz. Fighting displaced hundreds of Natives and Mestizos across the Rio Hondo River, into the Belize Settlement.

**The Belize Settlement**

At the time of the 1847 Yucatán War, the Belize Settlement existed from the limited concessions granted to Britain by Spain (see Figure 4-3). After gaining independence from Spain in the early 1820s, México and Guatemala made territorial claims to the northern half and the southern half of the Belize Settlement, respectively (Shoman 2010). Impoverished by wars and with low economic output, neither country could militarily threaten the limited sovereignty granted to Britain by Spain.

The Belize Settlement was politically and economically dominated by a tiny British and Creole elite. Their economic wealth was derived from forest extraction for the United States of America and British markets and entrepôt trade with neighboring Guatemala, México and Honduras (Bolland and Shoman 1975; Bulmer-Thomas and Bulmer-Thomas 2012). Timber extraction, however, was impacted by the abolition of slavery in 1838 in the British Empire. Settlers could not legally subjugate the freed labor force to work on their mahogany and logwood worksites. Upon emancipation, Settler complained that there was “no law” to “enforce the [debt-peonage] contracts” (Bolland
and Shoman 1977, 63 – 64). In 1840, the Settlers voted that “the law of England is and shall be the law of the settlement or colony of British Honduras” (Gibbs 1883, 92). The vote initiated the process of accepting British hegemony over the Settlement, culminating in the status of Belize Colony in 1862.

Returning to the Yucatán War, the Displaced, which included native and non-native peasants and wealthy urban elites (Rugeley 2009), moved onto lands where mahogany was being extracted by the elite of the Belize Settlement. For timber extractivists, the population surge was a threat and opportunity. On the one hand, the Displaced occupied lands they were claiming as property. In addition, they felled forest to plant their corn milpas, hence affecting their forest stands. On the other hand, the Displaced peasants represented an end to the shortage of labor necessary for their forest enterprise (Bolland and Shoman 1975). In Belize City, where the merchant class headquartered, the “new population” represented a potential market for imported products. As for the British colonial officers appointed by London, they viewed the Displaced with apprehension and favor.

It was in these regional geopolitical and economic conditions in which Native Peoples of Yucatán and their caciques were displaced into the north and northwestern regions of the Belize Settlement. The changing relationship between Natives, Mestizos, the Church, the mostly Native peasantry, and the short-lived independent country of Yucatán, dictated the social relations which spilled into the frontiers of the Belize Settlement.


19 Angel Cal (1991, 217) notes that the influx of laborers into the Belize Settlement, as a result of the Yucatán War, suppressed mahogany cutters’ wage at $7.50 per month for the next 30 years.
Municipal Councils Reduced to Alcaldes

In this section we focus on the role of the cacique along the British-Rebel frontier during the 1847 Yucatán War. As mentioned above, Yucatán Natives arrived onto lands granted to Britain – for the exploitation of British Settlers - by Spain via treaties (see Figure 4-3). Likewise, British Settlers had taken measures to accept full British hegemony over the Settlement. Britain, being “invited” by the Settlers to establish hegemony, took the opportunity to expand the territory and formally have its claim recognized by México. Native Rebels, especially the militant Chan Santa Cruz and the Icaiche, were a threat to British assertion of territorial hegemony. However, the Rebels were also used as a “bargaining chip” by the British with the Mexican Government. In exchange for recognition of the northern border of the Belize Settlement by México, Britain agreed to cutoff arms trade with the Rebels. Scholarship on the 1847 Yucatán War focus on military and rebel activity. However, those impacted included civilians, mostly native people. Those displaced into the Belize Settlement organized municipal councils, as they had in the Yucatán Peninsula.

Civilian settlements were first observed at the mouth of the Rio Hondo River, suggesting that the first wave of Displaced arrived to the British Settlement oversea (Rugeley 2009, 131). Later on, the Displaced moved inland to Corozal, San Esteban, and Orange Walk to establish permanent residence and agriculture plots (ibid). Many worked for the British mahogany logging companies, the most important economic activity at the time (Bulmer-Thomas and Bulmer-Thomas 2012). The majority, however, were dedicated to hacienda-style agriculture (Rugeley 2009, 132). Rugeley suggests that *amo-serviente* (master-servant) relationships of the Yucatán Peninsula were recreated in the Belize Settlement by Mestizos who had a supply of cheap labor,
predominantly Native. At the time of the 1847 Yucatán War, Natives in the Yucatán Peninsula had “adapted” to the hacienda-style labor conditions monopolized by wealthy Mestizos.

In the norther region of the Belize Settlement, however, labor contracts between master and servant were precarious due to war conditions. Mestizo fear of Rebel raids, or Rebel “infiltration” among the Displaced was the source of precarious labor condition. In addition, Rugeley contends that weak political authority or lack thereof exacerbated labor conditions. While Mestizos and Natives were interacting in the spaces such as haciendas of Yucatán, civil and criminal matters were generally governed separately for each race. Even when sharing a town or city, Natives and Mestizos had separate municipal councils. Although the emergency decree of August 1847 called for tutelage of Native pueblos by Mestizo caciques and Mestizo alcaldes, Native-to-Native affairs was largely conducted by Native municipal officers.

In the Belize Settlement, however, Mestizo and Native populations had to interact. At the end of the 1850s it seems that the Displaced were organizing by electing political authority in their settlements—the office of alcalde. In justifying the need to formalize the office of alcalde in the Belize Settlement, the British Superintendent wrote to the local parliament:

where the inhabitants are of Yucatecan (read White Mestizo) or Indian race, and accustomed to Spanish polity, my predecessors have allowed the people to elect and present to them certain individuals for appointment to a vague and indeterminate authority, with the title of Alcalde. The office is unknown to our law as the designation is to our language, so I need hardly say that these supposed officers of justice have exposed themselves to an action in every case where their decision has been enforced by personal restraint. … (Superintendent Frederick Seymour, January 21, 1858; cited in Bolland 1987, 43).
Evaluating the seminal paper of O. Nigel Bolland (1987), Rugeley (1995, 489) concludes that what is described above resembled the cacique system in the Yucatán Peninsula. Most likely, the elections being conducted was for the post of alcalde-one and alcalde-two, posts in the municipal council in the Yucatán Peninsula (see Figure 4-2). As we recall, although segregated by pueblos or barrios within pueblos, Mestizos and Natives had municipal councils with the same posts. What is described by the British Superintendent in the northern region of the Belize Settlement was the typical Displaced population which had Mestizo and Native Peoples. The structure of majority-Native pueblos which moved further south into the northwestern region of the Belize Settlement was different (see Figure 4-4).

After the outbreak of the 1847 Yucatán War, the rebels grew into two factions. The Chan Santa Cruz, using the forests of Quintana Roo as base, engaged in military combat with the Government of Yucatán. Chan Santa Cruz maintained a cordial commercial relationship with the Belize Settlers, who sold them arms. The Pacifics of the South Faction, confined in the heart of the Peninsula, tried to avoid conflict with the Government of Yucatán, the Chan Santa Cruz, and the Belize Settlers. In 1853 the Pacifics signed a peace agreement with the Government of Yucatán in Belize City (Rugeley 2009, 135). This brought the wrath of the Chan Santa Cruz on their villages. Pacific leaders who disagreed with the peace agreement – and fearing the Chan Santa Cruz – moved further south closer to the Hondo River, forming the Icaiche Faction. The Icaiche Faction eventually became militant, fighting the Belize Colony (and timber companies) and the Guatemalan Government (Bolland 1987). In 1857 a third faction of the Pacifics – the San Pedro - moved even further south into northern Petén,
Guatemala, and into the northwestern area of the Belize Settlement establishing
villages (Jones 1977). The San Pedro Faction was led by Asunción Ek.

Grant Jones (1977) contends that the second wave of displacement into the
Belize Settlement during the mid-1850s, which included the San Pedro, was opportune
for the British colonial officials to assert their hegemony over the territory and the
people. In 1858 the British proposed the Alcaldes Jurisdiction Act to incorporate the
“alcaldes” (i.e. municipal council) into the British colonial apparatus. As we recall,
México and Guatemala had claims to the Belize Settlement’s territory at the time. The
1847 Yucatán War complicated efforts to settle those claims.20

Incidentally, the following year, Britain and Guatemala signed the Anglo-
Guatemalan Treaty (1859), which stated that territory north of the Sarstoon River and
East of the boundary line “belongs to Her Britannic Majesty” (Foreign Office 1867, 8).
The territorial treaty was preceded by the Treaty of Friendship between Britain and
Guatemalan in 1849. The following year, in 1850, diplomats were exchanged in Belize
City, Guatemala City, and London. The Anglo-Guatemalan Treaty, nonetheless, was the
first instance where British sovereignty over the territory was formally recognized by
Guatemala. The second wave of Displaced by the Yucatán War settled in the frontier at
the time Britain sought to define its western border with Guatemala.

20 For a detailed discussion of the various multi-lateral treaties signed throughout Belize’s history see
Assad Shoman (2010) Belize’s Independence and Decolonization in Latin America: Guatemala, Britain,
and the UN. New York: Palgrave Macmillan.
“An extremely sensitive machinery at our extreme limits”

The second wave of Displaced included the San Pedro Faction who settled in the northwestern frontier of the Belize Settlement. Dispersed across an area spanning more than 1 100 km², in thinly populated settlements, the San Pedro Natives had three layers of organization (Jones 1977, 139).\(^2\) The smallest unit was the village, which had one or two caciques. Jones notes that some of the alcaldes had the complimentary title of alcalde-capitán, indicating the military organization of the independent Native pueblos during the 1847 Yucatán War. Alcalde-capitanes gathered in regional councils to make decisions, perhaps regarding defense. The conglomerate of San Pedro villages was presided over by a general or commandante. The commandant was also the first alcalde of the village of San Pedro, in this instance Commandante-alcalde Asunción Ek. Cacique-alcaldes served as military leaders of their respective villages, and adjudicated intra-village disputes. It is reasonable to conclude that caciques of San Pedro had military and political authority among the Natives, even before being formally recognized by the British colonial government. For example, even before officially recognized by the British government, Asunción Ek signed as “General Commandant of Chichanha [Yucatán]”.

In 1862, a British Commissioner was sent into San Pedro territory to appoint its commandante-cacique and cacique-alcaldes as alcaldes (judges), recognized by the British Crown. As I have discussed above, caciques were part of the nobility without a post in the officially sanctioned municipal council in the Yucatán Peninsula. As such, the

\(^2\) Grant Jones (1977) claims that the British overestimated the number of Displaced at 8 000 Natives in the northwestern frontier.
appointment of caciques as alcaldes reduced the ‘greater native municipal council’ into a smaller version of the municipal council which only included alcalde-one and alcalde-two. Correspondence between the Belize Settlement’s Superintendent and the Governor of Jamaica reveals that the San Pedro caciques invited the British colonial officers to “experiment” with their appointment by

adopt[ing] the plan in use in the Altos of Guatemala, which works there admirably under the Indian [President, Rafael] Carrera; that of conferring recognition on the Headman of each village, allowing direct communication between him and the Administrator of the Government and in giving orders to all Indians [only] within a limited circuit to obey the recognized Chief. Their authority would be doubled and consolidated, they think if I would both present each of them with a staff of office such as I have seen used in Santa Catalina [Antigua, Guatemala] & the mountains of Quetzaltenango [Guatemala]…. Once adopted…we shall probably have an extremely sensitive machinery at our extreme limits which will make known in Belize with extraordinary rapidity any suspicious movements of the formidable tribes beyond (Superintendent Frederik Seymour to Lieutenant Governor of Jamaica, Edward John Eyre, October 8, 1862; cited in Jones 1977, 147-148).

It is difficult to assert whether in reality the Natives convinced the Superintendent to appointment them as alcaldes, based on similar politico-legal structure of Guatemala. Jurisdiction “within a limited circuit to obey the recognized chief” – within the village/pueblo – seems to be a colonial practice in Yucatán. Prior to the Bourbon Reforms of 1787 in the Spanish Colony, there were no intermediaries (secular colonial officials) between the Provincial Governor and the cacique or municipal council. Was this what the San Pedro caciques requested the British Superintendent, who perhaps did not have a historical understanding of pre-Bourbon Reforms in Spanish America? As for the issuance of paraphernalia of office to caciques or municipal officials, it is perhaps accurate that this was practiced by colonial Guatemala.
In November of that year, a British official anointed caciques and lieutenant cacique as first alcaldes and second alcaldes, respectively. Jones (1977) argues that the perennial military threat of the Icaiche and the Chan Santa Cruz obligated the San Pedro Faction to establish a binding relationship with the British Empire. Recognized as comandante-alcaldes, Asunción Ek, requested ammunition from the British Superintendent to prepare for an eventual attack from the Icaiche or Chan Santa Cruz. In exchange for arms, Ek was required to catch all runaways accused of murder or escape from the Belize gaol gang. To respect the mahogany trees. To keep the peace, and to punish Indians who ill-treat women or commit theft (Superintendent Frederik Seymour to Lieutenant Governor of Jamaica, Edward John Eyre, July 13, 1863; cited in Jones 1977, 148-149).

San Pedro, as we recall, settled on mahogany works being claimed by Belize Settlers. In effect, caciques were now protecting the interest of the logging companies by taking care of the mahogany trees, and suppressing theft of their operation. In addition, by being an armed and ‘extremely sensitive machinery’, the caciques and the battalions they commanded, labored in the protection of the British territory. Alcaldes of San Pedro would become the “de facto border police”, stated the Lieutenant Governor of the Belize Settlement (Shoman 1994, 82). By providing security against the formidable (rebel) clans beyond the territory, caciques and their battalions were creating conditions propitious for timber extraction by companies in the Belize Settlement.

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22 Kojin Kartani (2014) refers to this mode of exchange as Mode B: brute force, or rule and protection. Mode B is implied to apply for scale of the capital-nation-state.

23 A similar phenomenon occurred in British Guyana. After defeating the Dutch, Britain continued Dutch practice of granting the title of Postholder to Native traditional leaders. Mary Menezes ([1977] 2011, 70) notes that despite the continuous transfer of colonial authority of British Guyana from the Dutch, French and British, the Natives continued to demand the same privileges initially granted to them by the Dutch. These included a staff of office, gifts, tax exemption, and salaries. As abolition of slavery became more
Britain’s recognition of caciques as alcaldes was no coincidence. The Belize Settlement was preparing to accede to the status of Crown Colony of British Honduras, with dependence on Kingston, Jamaica, occurring in 1862.\(^{24}\) Investing Native caciques as representatives of the Empire allowed Britain to assert sovereignty along the frontier. Britain was also intent on establishing hegemony in the “interior of the state”.\(^{25}\) Maps of the territory were sanctioned, in an attempt to domesticate the official space, as referred to by Odile Hoffmann (2014, 47). A census was also conducted to establish who were occupying the space. Danilyn Rutherford (2009, 3) terms this internal imperialism, where States expand their governance within a given boundary for territorial control.

Nonetheless, policing the population found in the interior, was made difficult by a skeletal colonial apparatus. Caciques were an opportune alternative. Their appointment by the Superintendent incorporated them into the Colonial apparatus; living among the population, and having the authority to adjudicate petty civil and criminal matters, likely during the first quarter of the nineteenth century, desertion into the interior of Guyana increased. Menezes notes that Native Arawak of British Guyana were used as “interior police” to capture runaway slaves. British colonial officials rewarded traditional leaders with annual subsidies, triennial presents, allowances and rations for policing runaway slaves. Rewards were justified as “retention fee[s] for their fidelity and friendship” of traditional leaders (59-60). In addition, British officials adopted the practice of the Dutch of granting staves of office to the Natives. Engraved on the head on the staves of office were Arms of the colonial companies from where the Enslaved deserted. Across the British Empire, Native leaders were used to pursue the interests of the colonies, which were intimately linked with the economic interest of British companies, financed by metropolitan capital.

\(^{24}\) It is important to note that armed rebels of the 1847 Yucatán War raided the mahogany companies in the interior of the Belize. Marcus Canul, for example, raided British logging camps, and demanded and received rent. This enraged the landed elite, whose mahogany works were being preyed upon. However, mahogany price in the international market was too low to pay to securitize the territory. In 1862 the elite voted to “surrender” the privileges of self-government and accepted the status of colony, dependent on Jamaica. According to Bolland (2003), this decision was to have the British Empire foot the bill to secure the territory.

\(^{25}\) Michel Foucault ([1977 – 1988] 2007, 409-410) citing V.H.G. von Justi (1756), describes policing as “the set of laws and regulations that concern the interior of a state and which endeavor to strengthen and increase the power of this state and make good use of its forces”. The objective of the British Empire is the “use of state force”. In this case, data collection achieved with census and map making enabled the British to use of force to establish sovereignty (and hegemony) over the territory and the population.
replicated the colonial apparatus across the landscape. Thus, the cacique/alcalde’s appointment further established British colonial hegemony on the territory by populating the territory with colonial administrative officials (Wainwright 2008, 53). Cacique-alcaldes became the panoptic eyes for the colonial government.

Michel Foucault (2000, 72 – 73), in discussing the introduction of the post of prosecutor in the French Empire, described the Emperor as the “universal eye observing the entire expanse of society”. Through a line-of-command, the prosecutor’s surveillance of the population was transmitted to the Minister of Police, who conveyed the data to the Emperor. Panopticism, at the individual level of the French population, is analogous to the surveillance provided by the cacique-alcaldes of the Yucatecan Displaced population, criminals running away from mahogany sites, and the Yucatecan Native Rebels. Instead of inquiring into facts after a crime, panopticism used “surveillance and examination”, even before crimes were committed, to determine who was doing “what one must do or not do” based on norms (58 -59). Cacique were required to report on the security of the interior to the Lieutenant Governor, who in turn corresponded with the Colonial Office in London—ultimately, reporting to the British Monarch.

Foucault (2000, 60 – 65) describes the development of voluntary associations in Britain to provide surveillance of community morals. Subsequently, self-defense paramilitary group organized to establish order. Finally, at the turn of the eighteenth century, economic societies (e.g. merchants) created private police forces to protect their property. He argues that the lower class and petty bourgeoisie used surveillance and self-defense “against the law”; a bloodthirsty judicial system, controlled by
aristocrats, who could hang someone for more than 300 crimes (63). Foucault contends that eventually, surveillance provided by voluntary associations “stopped being a penal self-defense and became, on the contrary, a reinforcing of power of penal justice itself” (ibid). Instead of providing surveillance, morality was criminalized. “[M]oral control was exerted by the bourgeoisie” (ibid). In Britain, and consequently the British Empire, moral control, now a part of the penal system, controlled by the bourgeoisie, aligned with the interest of the state. In many instances, such as the case of the Belize Settlement, the bourgeoisie belonged to the state; at minimum, they continued to influence the state.

The history of surveillance and self-defense groups, coopted by the penal system of Britain, helps to clarify why the British colonial office incorporated caciques into the colonial government. This can be seen as “bringing social control organizations under state control” as in Britain described by Foucault (2000, 63). Alcaldes – or rather, municipal councils – in operation in the Belize Settlement were seen as social control organizations which policed the population. In the same letter describing the 1858 Alcaldes Act, the Superintendent saw the alcaldes as providing “unpaid services [of policing]” of “unquestionable benefit” to the Belize Settlement (Superintendent Frederik Seymour to Lieutenant Governor of Jamaica, Edward John Eyre, October 8, 1862; cited in Jones 1977, 148).

The 1858 Alcaldes Act determined the jurisdiction of the cacique-alcaldes and allowed for their appointment by the British Superintendent. Yet cacique-alcaldes could adjudicate a limited number of civil and criminal offenses. Alcaldes could only preside

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26 The remainder of this paragraph and the following, concerning the 1858 Alcaldes Act is from a secondary source: O. Nigel Bolland (1987, 45 - 46). This document is not widely available.
over civil disputes where debt or damage did not exceed $25 (or a higher value, if both parties agreed that the alcalde adjudicate their case). A court hearing could proceed with only one party present, provided that both parties had enough notice of the proceedings. Alcaldes were authorized to collect debt or damages by ceasing and selling property or by imposing in-kind payment. If defendants did not have property, the alcalde could impose imprisonment of a maximum of ten days. In terms of criminal matters, alcaldes could hear cases of riotous and disorderly conduct and common assault. In addition, they could try cases of malicious injury to property, provided that it did not exceed $15 in value. Fines allowed were between $5 to $25. Inability to pay required a mandatory imprisonment of a maximum of seven days (Bolland 1987, 45 - 46).

In civil and criminal matters, alcaldes could seek sworn oral testimonies, and demand documents to decide a case. Alcaldes were also required to document proceedings of their hearing – in English – and forward the reports to the Summary Court in Belize Town. Aside from the civil and criminal matters that are broadly defined, alcaldes were allowed to establish prisons with their villages. In addition, they were required to register foreigners (Bolland 1987, 45 – 46). The colony was intent in documenting the influx of displaced people from the 1847 Yucatán War.

The 1858 Alcaldes Act also illustrates the intent of the government to police a laboring population, through the office of the alcaldes. While enslavement officially ended in 1838, a docile labor force was still needed, especially by the forest extracting companies. The Acting Superintendent communicated to Jamaica that he would ask the mahogany companies to name a “fit person, as Alcalde…who shall have under his
orders some 3 to 4 Special Constables” (Bolland 1987, 47). Alcaldes were to be appointed at every forest worksite by the Colony’s Superintendent. It is unclear if the Act defined the district where an alcalde’s jurisdiction was applicable. That the Acting Superintendent suggested that alcaldes be appointed at every mahogany worksite, suggests that alcaldes had limited spatial jurisdictions. However, alcalde appointment at mahogany worksites could be a pragmatic decision to have surveillance and discipline of the population at all times—even in the depths of the forests, away from a village or town nucleus.

It is difficult to ascertain if alcaldes were appointed at mahogany worksites. Bolland suggests that Creoles were favored as alcaldes at the worksites. If true, it was the first instance where an ethnic group – Creoles – was used to supervise a largely Mestizo and Native labor force, in an official colonial capacity, as alcalde. Racial conflicts between the Native villages and the Creole alcaldes and Creole Workers increased with the appointments (Bolland 1987, 47; Jones 1977).27 Granting privilege to one subaltern ethnic group over another was a colonial practice, as seen with the Postholders of British Guyana and the runaway Enslaved (see footnote 23).

Secular policing of the laboring class, however, did not begin with the passage of the 1858 Alcaldes Act. For one, Enslavement was legal just two decades prior. An influx

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27 Cedric H. Grant (1976, 54) argues that the arrival of the Native labor force in Belize due to the 1847 Yucatán War allowed the “lower-class Creoles to feel that they were not the most inferior group in society. …Indeed, the official practice of distinguishing them from the whites as colored gradually fell into disuse… . …As early as 1859 ‘Whites and Blacks’, or ‘Africans and all who speak the English language’ were grouped as Creoles as opposed to the other three, Indians, Spanish, and Caribs (Garifunas). The economic and cultural considerations prompted the Black Creoles to assume a more positive outlook towards their social status and to put as much distance as possible between themselves and their African past in their attempt to achieve upward social mobility. This entailed the uncritical acceptance of upper-class behavior as ‘proper and right’ and even the copying of it.”
of Displaced by the 1847 Yucatán War in the north of the Belize Settlement convinced British officers to appoint another magistrate in Orange Walk town, in addition to the magistrate assigned to Corozal Town. Angel Cal (1983, 210) notes that in 1856, managers of mahogany companies were appointed as justices of the peace. Corozal’s magistrate complained to the Lieutenant Governor that he had no infrastructure to perform his duties. In 1858, $5000 was allocated for the construction of a police station, a magistrate’s office, and a jail for Corozal town (Cal 1983, 214). Institutionalized policing was starting to be established in the Belize Settlement.\textsuperscript{28}

Since mahogany company managers were being appointed as justices of the peace, why create another office – the alcalde – to police villages or mahogany worksites in the interior? The office of JP was restricted to the wealthy and influential people of the Belize Settlement. At the time of the influx of the Displaced, the elite was not ready to confer such a coveted and prestigious title to poor Creoles or Natives, or even the rich White Yucatecans.

**Alcalde Jurisdictions**

I argue that the 1858 Act granted unprecedented economic authority to alcaldes over “vassals” within their jurisdictions. As we recall, the Act allowed alcaldes to adjudicate civil matters where the value of the property owed or damaged did not exceed $25. Let us consider the economic authority alcaldes held over timber cutters, which was the principal economic activity in the Belize Colony. Considering that his monthly wage was $7.50 per month making a conservative estimate that a cutter was

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\textsuperscript{28} Institutionalized policing would disproportionately affect the native population. Cal (1991, 280) notes that by 1865, Natives made up 56% of her majesty’s prison population. At the turn of the twentieth century, he also notes that those executed were exclusively Natives.
hired for 6 months of the year, his gross annual income was $45. Based on the practice that only half of a cutter’s wage was paid in cash, his net liquid income was around $22.50. The Act granting jurisdiction over property $25 or less granted the alcalde significant authority over the proletariat class. Even if timber laborers were hired for longer periods, alcaldes still held significant economic authority over them. In addition, alcalde administration of justice had limited colonial oversight due to the lack of colonial officials and the long distance towns and rural settlements. We can conclude that alcalde economic authority over their “vassals” was similar across all ethnic groups, which were imposed the alcalde council by the Belize Colony.

Prior to the establishment of the alcalde office in the Belize Settlement, there was no rural colonial officials with significant judicial and economic oversight over the population. Native alcaldes in the municipal council of Yucatán, however, did have judicial oversight of pueblo residents. Among the Creole labor class in the Belize Colony, twenty years prior to the 1858 Alcaldes Act, many were enslaved. Even as freedmen, Creoles had no judicial authority over the Enslaved. As for the Afro-Indigenous Garifuna of the Belize Colony, they had headmen whose power was dwindling at the time the alcalde council was imposed on their communities (Moberg 1992). Nonetheless, with the imposition of the alcalde council, Garifuna headmen, now alcaldes, “enjoyed legitimate authority”, being “more than minor functionaries for the colonial administration” (7). A different scenario evolved in the north of the Belize Colony where agricultural haciendas/estates developed. In this region, Mestizos and Natives lived in mixed-settlements.
Extralegal offices

In the Yucatán Peninsula, while Mestizos and Natives interacted, rights and laws were administered in separate municipal councils for each race. With brief exceptions, Mestizos did not have legal jurisdiction over the native population, and vice versa. Rugeley (2009) concludes that in northern region of the Belize Colony, the hacienda (plantation style) labor conditions, similar to the Yucatán Peninsula’s, emerged among the predominantly Mestizo elite and the Native proletariat. The proletariat found themselves in the very labor conditions that triggered the War and forced their flight.

Mestizos with capital leased tracts of land from British Settlers, who claimed those lands as property. Some of the Mestizos started to extract mahogany and logwood, using largely Native labor. Aside from logging, they raised cattle and crops to be sold to the laborers living on their haciendas or leased lands. Laborers rented land from Mestizos to grow corn to supplement their income. This labor condition is described as the patrón (boss) system by Cal (1991) and Jones (1969). The patrón system and its labor conditions operated outside of Belize colonial law.

Angel Cal (1991, 297 – 301) documents the case of Manuel Jesús Castillo, a Mestizo from Tekax, Yucatán, who settled in the norther Belize Settlement in 1847, the year the Yucatán War started. Castillo purchased and leased land from British logging companies. Although illegal, Castillo used physical violence to obligate laborers to repay debt incurred on his haciendas. Labor conditions in the patrón system were as harsh as those in the haciendas of Yucatán or during British slavery. According to Cal, in 1872, British colonial officers enhanced Castillo’s authority by naming him captain of the San
Antonio militia (299). The militia was established to combat depredation of mahogany worksites by the Icaiche in the Colony’s frontier.\textsuperscript{29}

We can infer that British colonial officers were either unable or uninterested in monitoring the extrajudicial power of patrones such as Manuel Jesús Castillo. The inability was compounded by the lack of judicial officers outside of Belize City. As late as 1884, there were only two magistrates in the north of the Belize Colony, the most populous region besides Belize Town. The proletariat class who were impacted by the patrón system faced extenuating economic circumstances which impeded them to seek justice before justices of the peace or district magistrates. Perhaps British officials saw the Patrones as essential to the defense of the colony against the militant Icaiche, as seen in the appointment of Castillo as captain of the San Antonio militia in 1872. Ten years later, when the Icaiche were no longer a military threat to the Belize Colony, Castillo was tried and convicted of treason—for apparently assisting the Icaiche, the very people he was appointed to combat (Cal 1991, 299-300).

Castillo’s case demonstrates the temporary granting of power, legal or extralegal, to either cacique/alcaldes or patrones, characteristic of colonial and postcolonial governments. However, when sovereignty is threatened, the limited-powers granted to the low-tier colonial officials is suspended. In the case of the native municipal councils of Yucatán Peninsula, the Government created a state of emergency (i.e. state of exception) when the Mestizo elite believed the majority-Native population was planning

\textsuperscript{29} The Icaiche were a faction of the Pacific Natives. The Pacifics (a term ascribed to them by social scientist) had a militant faction, the Icaiche who remained in northern Guatemala and southern Yucatán. The San Pedro are also believed to be a faction of the Pacifics who disbanded from the Icaiche. The San Pedro faction settled in the western region of the Belize Colony and the northern department of Petén, Guatemala (See Jones 1977).
an uprising against them. In the Belize Colony, the British razed the villages of San Pedro in the western frontier when they were presumed to be collaborating with the militant Icaiche Rebels across the Hondo River. Manuel Castillo, a recognized militia leader on behalf of the Belize Colony, his “extra-legal” military status removed and his property expropriated when he was accused of assisting the Icaiche Rebels.

**Conclusion**

In Chapters 2, 3 and 4 of this dissertation I have discussed the genealogy of the alcalde council which continues to operate in the Toledo District, Belize. We learned that the alcalde council is a result of Spanish and British colonial influence on Native institutions of governance dating to kingdoms which existed prior to Spanish invasion of the Americas. Despite the multiple restructuring of Native institutions of governance, Native Peoples retained power over their affairs, at times intentionally designed by the empires and oftentimes because of the lack of imperial resources to police native subjects and their territories. Alcalde councils in operation in Belize today are a product of British incorporation of the municipal councils brought into the Belize Settlement by Mestizo and Native Peoples fleeing the Yucatán War.

Establishing municipal councils was one of the technologies used by the Spanish Empire to subjugate Native Peoples and their territories in the Americas. In Chapters 2 and 3 I discussed six technologies which include

- the co-optation and consolidation of existing hierarchies among the native people
- the deployment of the first set of royal secular officials on the Island of Hispaniola
- the conversion of the native nobility into royal secular officials
- the continuous attempt to resettle the native peoples of the Americas into larger **pueblos** (towns)
- the incorporation of native people and native lands into the Crown via segregated municipal councils
- and, the use of violence by Spanish and Native royal secular officials
As the Spanish Empire consolidated, it created laws and ordinances which incorporated subjects and territory in the Crown. Imperial officials, Church officials, encomenderos (former soldiers of the Spanish invasion), and the Native nobility had competing – and at times complementing – roles in policing the territory and people.

The lack of an imperial governing structure during the first decades after the invasion forced the Spanish Crown to adopt indirect rule, recognizing the native nobility and allowing them to maintain some jurisdiction over their vassals. However, as the Spanish Empire sought to monopolize tax and tribute extraction, it implemented direct rule by converting the native nobility into secular royal officials. Subsequently, Spanish officials elaborated ordinances for provinces in the colony, as it clarified the policing roles of the clergy, provincial royal officials, and municipal councils established in towns under Spanish hegemony. Ordinances for municipal councils expanded the direct rule of the Spanish Empire on the population and territory. Included in the municipal ordinances were detailed punitive measures for the policing of its residents. Despite the direct and oftentimes violent rule, Native elites maintained some control over their affairs. This was especially true in Native pueblos of the Yucatán Peninsula where there was a skeletal colonial government.

Similar to other regions of the Spanish Empire, the Yucatán had segregated municipal councils for the Mestizo and Native races. As discussed in this Chapter, the native elite maintained control of the municipal council. The argument can be made that the native elite’s survival is in part credited to the municipal council and its jurisdiction over native people and their territories. Regardless, the Mestizo and Native civilians who were displaced into the Belize Settlement elected members of the municipal
council as they did in the Yucatán Peninsula. British colonial officials, faced with a significant increase of population, and its inability to police the territory and people incorporated the governing structure being recreated by the displaced population.

Granting authority to representatives of the sovereign, in this case members of the municipal council or alcalde council, dilutes the absolute monopoly of power by the sovereign. However, as I discussed in this Chapter regarding the Belize Colony and Yucatán Peninsula, when sovereignty is threatened, representatives of the sovereign are stripped of their authority. Sovereignty, as Schmitt ([1934] 1985, 133) demonstrates, is not the “monopoly to coerce or rule, but as the monopoly to decide”. Thus, the sovereign decided who is included as representative of the British Crown or the Mexican State, and the conditions under which they are included in the governing structure. While the sovereign, in both instances, temporarily stripped the authority of their representatives because of “military threats”, suspensions can occur under non-military threat as was the case of the alcalde of Santa Cruz, Toledo, in 2015.

On June 25, 2015, the Government of Belize charged Manuel Pop, alcalde of the village of Santa Cruz, Toledo, for the false imprisonment of Rupert Myles. Five days earlier, Pop presided over a village meeting where Santa Cruz residents discussed the eviction of Myles. Myles was accused of illegally occupying village lands and destroying an archaeological mound to build his house. Myles threatened the villagers during the meeting. In response, Pop ordered his arrest, as empowered by the Inferior Courts Act (2000). The Government of Belize construed the arrest by the alcalde as false imprisonment, suspended his authority as alcalde, and charged him with false imprisonment. The conditions under which the State uses its monopoly of decision to
suspend the authority of the alcalde (its representative) is the central topic of Chapter 7. The 2015 incident demonstrates that the state continues to monopolize the decision on who is included as its representative and decides when to suspend the invested authority of its representative.

As I discuss in the concluding section of Chapter 3, the Belize state and nation expects alcaldes to police Mopan and Q’eqchi’ population and the Belizean national territory. However, alcaldes also mediate Mopan and Q’eqchi’ positions and interest before the state and third parties. This is enabled by the Toledo Alcaldes Association, an organization established in 1992 by the social movement of the Mopan and Q’eqchi’ villages. In Chapter 6 I discuss the inflorescence of the social movement and the role alcaldes have in the social movement.
Figure 4-1. Distribution of Batabs and their jurisdictions, prior to 1552. (Adopted from Quezada 2014:19).

Figure 4-2. Greater native municipal council, including the official municipal council (A1 for alcalde 1, A2 for alcalde 2, AR for alderman, SF for sheriff, and SW for steward).
Figure 4-3. Colonial settlement of Belize (Hoffmann 2014, 14). The Belizean border had not been established at the breakout of the 1487 Yucatán War.
Figure 4-4. San Pedro Settlements in the western frontier between Petén, Guatemala, and the Belize Settlement. Source: Grant Jones (1977, 142).
CHAPTER 5
INTERMEZZO: ENGAGEMENTS OF THE ALCALDE COUNCIL IN COLONIAL POSTCOLONIAL BELIZE

In this brief Chapter I contextualize the political economy of the Belizean colony and postcolony and its effect on the native people and the alcalde council. I discuss the racial tensions that are rooted in enslavement. I also discuss the racial tensions that arose from the influx of Yucatec Mestizo and Yucatec Natives into the Belize Settlement as a result of the Yucatán War. In addition, I explore the lack of engagement of the alcalde councils by the labor movement as it sought to improve working conditions for the lower and middle class. Most important to this dissertation is the rise of the nationalist movement and its monopoly of internal self-government and its repercussions on the alcalde council. We will see below that the Belizean colonial government initiated the move to replace the alcalde council with village councils, considerably successful, except in Mopan and Q’eqchi’ villages of the Toledo District. This Chapter concludes by briefly discussing the assimilation strategies of the State and the Church on native peoples in Belize. For this Chapter I rely on studies of the colonial formation of the Belize colony, the labor movement in Belize, and the rise nationalism and independence movement.

Governing Different Races in the Nascent Belize Colony

In Belize, racialized ethnic hierarchy was created and fomented by the White and Creole elite who used a majority-Black labor force to extract forest products from the settled territory. According to Melissa Johnson (2005, 45), racial hierarchies were especially justified during the British Empire’s consideration and push to abolish enslavement. The Settlement’s elite (White and Creole) constructed a racial hierarchy to justify the continuation of enslavement and to limit the opportunities of the majority-
Black population to acquire property—land. Colonial officials attempting to lure London investors noted that the majority-Black population had “excellent physique and capable of great exertion in laborious work of mahogany and logwood cutting” (Bristowe and Wright 1883, 15). Concurrently, the majority-Black population was construed as having an aversion toward agriculture. Agricultural enterprise, was not allowed by the limited territorial concessions made by Spain to the British Settlers. Likewise, agricultural development would have competed for land and labor required for the forest industries, the main economic activity of the Settlement’s elite (Bolland and Shoman 1975, Bulmer-Thomas and Bulmer-Thomas 2012). Johnson (2005) concludes that the White and Creole elite essentialized (read racialized) ethnic groups to specific labor regimes in which their work was needed. The majority-Black population was not seen as capable of developing and administering the Settlement and consequently the Colony.

Labor relations in Belize were slightly altered by Emancipation.¹ Post emancipation, labor regimes between the formerly enslaved and the enslavers changed, property interests shifted from enslavement to land, and the Yucatán War meant engaging “new” peoples by the Belize Settlers. Enslavement was completely

¹ Lauren Benton and Lisa Ford (2016), legal anthropologists, propose that at the turn of the nineteenth-century, the British Empire was in an “unsystematic legal reform”, in the middle of a debate over colonial rule. The debate centered on parliament’s legislative power over the colony or the establishment of the Crown autocracy in the colonies (42 – 43). Participants of the debate included colonial administrators who were not trained in law. In the Empire’s periphery, especially where some degree of autonomy existed in colonies, the discussion of the colonial administrators was on the despotism that existed among the local elite. Enslavement was one institution where abolitionists saw despotism in full exercise. According to Benton and Ford, abolitionists were not as concerned with the suffering of the Enslaved at the hands of the enslavers, as with the “anxieties about the unconstrained legal powers” wielded by the enslavers. This despotic behavior was a threat that “might infect…any sort of political community in which the delegated power to judge and punish”, which could also infect the metropole if left unchecked (43). Nascent imperial British Law, Benton and Ford argues, called for a middle-power antidote to the despotism, leading to the professionalizing of the colony’s judiciary and administration. During this period, the mid nineteenth-century, the Belize Settlement’s elite voted to allow full British hegemony to help the elite harness labor and accumulate property (land).
phased out in the Belize Settlement in 1838. With emancipation, Settlers lost their property—the Enslaved. Land became the freely available property to accumulate (Hoffman 2014). This obligated the elite to lobby the British Empire to guarantee security of property, only possible by accepting full British sovereignty and hegemony (Taylor 2007). Enter the 1847 Yucatán War which displaced thousands of Mestizo Yucatecs and Native Yucatecs into the Belize Settlement. The Displaced were seen as a threat by the landed elite because they occupied lands they claimed (their new-found property). However, their large numbers promised a labor force and lower labor costs. The economic, military, and demographic shifts that occurred between emancipation (1838) and colonial formation (1862) affected race relationships in the nascent Belize Colony, which continue to manifest itself today.

The 1847 Yucatán War saw the “Yucatecan and Indian Race” displaced into the Belize Settlement, a different race for Frederick Seymour, the 1858 Superintendent (Cited in Bolland 1987, 43). The Displaced, according to Seymour, were accustomed to governing themselves according to the “Spanish Polity” in the Yucatán (ibid). The British Settlement quickly incorporated the governing system of the Displaced, renaming it the “alcalde system”, still in operation in Southern Belize today. The Alcalde Jurisdiction Act of 1858 granted summary jurisdiction to alcaldes over civil and criminal matters. Other races, including the Creole and Garifuna (Afro-Natives), were also imposed the then newly established colonial governing institution—the alcalde council.

While the 1858 Alcalde Jurisdiction Act granted some authority to the traditional leaders of the Native People, the authority seems to have little transcendence on inter-racial politics for two reasons. Ethnic groups were isolated from each other because
they settled at different regions of the territory. With exceptions in the north of the Settlement, most villages were ethnically homogeneous. Second, while Creoles were purportedly granted the status of alcalde at mahogany worksites, non-creole men labored at the worksites for only parts of the year; thus, Creole-alcalde jurisdiction over say Native men was temporary. Nonetheless, Cedric Grant (1976, 54) notes that with the influx of Mestizo and Native, for the first time Creole men enjoyed higher racial status vis-à-vis their Mestizo or Native counterparts. While ethnic groups seldom interacted with each other during the formative years of the Belize Colony, the social condition in the Yucatán Peninsula, especially in hacienda settings, allowed for Mestizo and Native interactions.

Labor Movement, Nationalism, and the Absence of Natives

We return to Belize to briefly analyze the state’s engagement with alcalde council, or lack thereof, especially during the attainment of self-government from Britain (1964). From the 1910s, labor organizations agitated workers, demanding improved working conditions (Ashdown 1979). Unacceptable working conditions were worsened by the 1931 Hurricane, the Great Depression, and economic policies of the economy which benefited large companies at the expense of workers (Bolland 2003, Macpherson 1998). The labor movement which spread out from Belize Town to include the outlying

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2 Blacks and Creoles dominated Belize Town and surrounding areas. Yucatec Natives and Yucatec Mestizos settled in the north and west of Belize. Garifunas settled along the southern coasts of Belize. Mopan and Q’eqchi’ settled in the southern interior.

3 O. Nigel Bolland (2003, 168) contends that the labor laws in Belize continued to maintain unrestricted power of the former enslavers on their enslaved for almost 100 years after emancipation. The 1846 Masters and Servants Act criminalized the withdrawal and unfulfillment of a labor contract, thus placing the laborer in bondage with the “masters”. The criminal nature of the labor law was not overturned until 1943, with vocal opposition from the Belizean elite. Changing the legal and material condition of workers in Belize is credited to the labor movement which matured in 1934-1935 (see Ashdown 1979, 203 – 234; Bolland 2003, 159 – 195).
towns of the colony was the first time the dominant Creole lower class engaged other ethnic groups, mostly the Mestizo and the Garifuna (Macpherson 1998, 168). At the turn of the 1940s the labor movement morphed into a platform of social justice and a call for self-government. It was in this pregnant anticolonial sentiment that the Peoples United Party (PUP) was born (Shoman 1973). The PUP co-opted the labor movement and inter-ethnic infrastructure and rose to national prominence on this anticolonial discourse.

The labor movement was led by Creole lower-class and middle class civil servants. The Creole elite, which continued to maintain economic and political power, differed in governing ideologies for the colony. Scholars have noted that from the 1930s to the 1950s, the Creole elite aspired for a ‘guided self-government’ (Ashdown 1979; Bolland 2003; Shoman 1987). The Creole elite aspired to be the junior of the British colonial officials, governing the colony, according to Macpherson (2003, 104). While the Creole elite convinced the colonial office to allow election of legislative members, they placed class barriers to exclude the participation of the lower and middle-class Blacks and Creoles from governing institutions. As we recall, post emancipation, White expatriates and a few Creoles crafted laws to self-grant themselves vast tracts of land in the Settlement, even when it was disapproved by the Colonial Office in London (Taylor 2007). The elite suppressed the development of a peasantry by accumulating land, which were later lost to British metropolitan firms due to indebtedness (Bolland 2003; Bolland and Shoman 1975). Participation of the lower and middle-class Blacks and Creoles, or any other race for that matter, threatened the political and economic power of the elite. In this political and economic climate, fraught along class and racial lines,
the labor movement – consequently co-opted by the Peoples United Party – agitated for self-government and independence from Britain.\footnote{Independence was stalled to 1981 because of Guatemalan territorial claim to the southern half of Belize.}

**In the colonial society but not of it**

The labor and nationalist movement during the 1940s and 1950s, while including the Garifuna and Mestizo, it did not engage the Mopan, Q’eqchi’ and Yucatec Peoples. Native participants of the labor movement were few and were generally from the towns of the colony (Ashdown 1979, 15 -16). We recall that natives villages scattered across the rural landscape were governed by the alcalde council. Representation was through the alcalde. While the labor union advocated for native workers (Bolland 2003, 184), there is no evidence that the labor movement engaged the rural native alcalde leadership to include them in the nationalist movement. In the assessment of Cedric Grant (1976, 19), the native population, including the Garifuna, were “in the colonial society but not of it”. This pattern continues today as the native leadership, except for the Garifuna, are seldom considered in issues of national importance. However, talks of internal self-government – and consequently independence – brought into question the governing structured of the native villages.

In March 1941, the colonial administration, still dominated by British citizens, established an ‘Interdepartmental Committee on Maya Welfare’. The Committee’s terms of reference was to “consider ways and means of improving health conditions, agriculture and education in the Maya Indian settlements of the Colony, and for combating the illicit distilling of spirits and the growing of narcotics, and to make recommendations to that end” (Stevenson 1942, P 2). The Committee recommended...
that native Mopan, Q’eqchi’ and Yucatec settlements and families that were scattered across the landscape be resettled into larger settlements; to transform their native agricultural practices; and that a standardized land tax be imposed on natives: and to fund lacking social services (mainly water systems, roads, and education). In the norther districts, the Committee recommended the appointment of alcaldes in villages existing on crown land and on private lands (ibid, Appendix F). This recommendation alluded to an expansion of the alcalde council as part of the colonial administration’s intent on incorporating the native population in the colony.

In smaller villages that existed on Crown land, lacking alcaldes, the Committee recommended that a second/deputy alcalde be appointed. Second alcaldes were to be under the supervision of first alcaldes in larger neighboring villages. As for villages that existed on private lands, especially in the Cayo, Corozal, and Orange Walk Districts, the Committee recommended the appointment of a “subagent” of the alcalde, having the same jurisdiction of the alcaldes under the law; however, they would not be paid unlike alcaldes. The Committee understood that the alcalde’s jurisdiction arose from land, generally granted by the crown, and the investiture of authority in him by the colonial administrative apparatus. In addition to these new appointments, the Committee proposed a “new structure” for the alcaldes in the districts. It called for a “Council of Alcaldes under the senior Alcalde of the neighborhood”—[to consult] on all matters affecting the welfare of the inhabitants of tier villages and to make recommendations if

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5 Recommendation of the Committee were reflected in a feasibility study conducted by the International Bank for Reconstruction and Development commissioned by the Government of Belize, see (Gordon 1954). Line items for loans from the IBRD included Maya Welfare, Agricultural Settlement Schemes (replicating those of the Toledo District), National Surveying, among other items.
necessary to the District Commissioner” (ibid, P 50). Clearly, for the colonial administration, the alcalde system continued to be a viable structure to police the native population and make them into better colonial subjects.

This policy approach in 1942-1943, the same year the labor movement pressured the colonial government to pass laws to improve the working conditions of laborers, reveals the contrasting views the British colonial administrators had for the urban working class on the one hand and the rural peasantry on the other. It begs the question: were British administrators “including” the rural Native People in its governing agenda to suppress and hinder the spread of anti-colonial movement into the rural areas of the Belize Colony? The Interdepartmental Committee on Maya Welfare “stress[ed] the desirability that all recommendations for improvements should be made and carried out as far as possible by a village committee composed of the alcalde and elders” (ibid, P 50). There is no indication that the colonial administration carried out the Committee’s recommendations. A decade later (1950s), the nationalist movement was successful in extracting concessions of self-government from the British colonial administration. Interestingly, the alcalde council did not figure prominently in the constitutional reforms brought about by the nationalist movement.

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6 In the Belize Settlement – prior to being a Crown Colony (1862) – the elite and skeletal British administrators discouraged the development of agriculture. Displaced Yucatecs and Mestizos due to the 1847 Yucatán War meant an oversupply of labor. In addition, Spain conceded the settled territory to the British Empire, allowing Britain to assert hegemony over the people and territory. This new condition allowed for the development of a sugarcane industry, thought to be brought into the settlement by the Displaced of the Yucatán War. By the 1860s the “traditional elite” who resided in Belize Town and the Mestizo elite monopolized the Sugarcane industry, establishing estates. While the Displaced were forced to work in the sugar and timber industries, they crafted ways (renting land, occupying crown land, et cetera) to supplement their income and food. Around the mid twentieth century, there was an established peasantry in Belize that included Creoles, East Indians, Garifuna, Mestizo, Mopan, Q’eqchi’, and Yucatec People. The racially diverse peasantry experienced similar socio-economic conditions across the Colony.
Alcalde Council Versus Village Council

On December 31, 1949, the colonial Governor of Belize overrode the legislative council and devalued the currency. Agitation in the principal towns of the Colony made the Governor declared a state of emergency. The Peoples United Party (PUP) was born in this tense climate (Shoman 1973). After winning elections in the Belize Town Council, the PUP expanded and co-opted the largest labor union, the General Workers Union. The PUP agitated for a new constitution for the colony; making the key demand of elected representatives. A commission was established in 1951 to make recommendations for a new constitution. Three years later, a new constitution was passed, allowing for national elected representatives, along with universal adult suffrage. In May of 1954 the PUP won eight seats of the nine established electoral divisions. The only division not won by the pro-independence PUP was Toledo—the division with the highest percentage of native people. The PUP went on to win all seven general elections held in the next 30 years.7

During the decisive years of the 1950s, the law concerning the ‘Jurisdiction of the Alcalde’ (1887) was revised, largely maintained intact, and made part of the Inferior Courts of Belize (1952).8 British colonial administration and the nationalist movement did not consider the alcalde council an entity that required reform—much less abolition. However, the colonial government, now dominated by the PUP after their win in 1954,

7 Of the seven general elections, the Toledo District elected opposition candidates four times (Source: Election and Boundaries Department. www.elections.gov.bz). Opposition parties were generally against independence and socially conservative.

8 The 1952 Inferior Courts Ordinance restated much of the jurisdiction of the alcalde already established in Chapter 110 of the Consolidated Laws of the Colony of British Honduras of 1887 (Government of British Honduras 1887).
promoted the voluntary village councils across the colony during the 1950s (Grant 1967, 67). While village councils did not immediately replace the alcalde councils, they meant their slow death in villages of the colony, except for Mopan and Q’eqchi’ villages in the Toledo District.9

Here we pause to briefly review the ‘voluntary village council’ in the colony of Belize. In the British Empire, Cedric Grant (1967, 60) notes that village councils developed in British Guyana post emancipation. Large freed villages established volunteer councils to administer their affairs. Smaller villages without the ability to collect taxes and provide services were encouraged to have self-help groups. The British Guyana Colonial Administrators, in an effort to incorporate the governing structures of the larger villages, granted them statutory power circa the mid-nineteenth century. Grant notes that the Social Welfare Adviser for the West Indies expressed his desire of establishing village councils in the Belize Colony in 1944. However, villages were too small, between 100 to 300 people, and existing in a cash scarce economy; thus, unable to collect taxes and administer themselves (Grant 1967, 58-59). Four years later, the colonial officials reported that officials went into villages to establish village councils (ibid). Nonetheless, the colonial administrators did not wholeheartedly engage in the promotion of village councils for the next 12 years, despite reporting otherwise.

Village councils were not prominent until 1956, two years after the first general elections, brought about by universal adult suffrage. The British Honduras Annual

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9 For the replacement of the alcalde council with the village council in the Garifuna Village of Hopkins in Stann Creek District see Mark Moberg (1992) Continuity under Colonial Rule. A similar case for the Yucatec Village of San Antonio in the Cayo District is described by Alfonso Tzul (1993, 51 - 57) After 100 Years.
Report (1958) stated that a Community Development Officer was appointed to “encourage the formation of village committees and to help them take over the responsibility of operating community programmes and projects” (61, my emphasis). The Report lamented that community development was promoted by too many actors, including the Catholic Church (in an “Anglican Colony”). It continued that, “these committees will be the principal agencies in the villages through which all Departments will channel their programmes, in order to reach out more forcibly to a wider selection of the community” (ibid, my emphasis). Clearly, the purpose of establishing and expanding village councils were two folds, to increase state presence in the villages – in a forceful way – and to monopolize who channels scarce resources which in turns builds patronage and positive views of the state. Central in the state’s narrative was the need to take responsibility for governance of village affairs, seen as a care of the self (read body politic), a core principle of liberalism with deep genealogy traced by Michel Foucault (1986).

Village councils, as precariously defined during the second half of the twentieth century, were designed to be the institution to directly connect the rural population with the colonial government. The expansion of state hegemony in the rural area of the colony – via village councils – came at a time when the PUP lost the support of the labor unions whose membership were predominantly urban (Grant 1976, 146 - 186). Rural voters, with exceptions, tended to support the pro-independence PUP, over the United Democratic Party (UDP). As symbiotic relationship emerged where rural voters guaranteed the PUP’s dominance of central government and in exchange, the
PUP/central government provided some development to the villages, via the village council.

By the end of the 1960s, village councils were seen by the state as the “modern” replacement for the archaic alcalde councils. National development was only possible after the Peoples United Party succeeded in achieving self-government for the internal affairs of the colony in 1964. After winning its fifth consecutive general election in 1969, the PUP vigorously promoted the establishment of village councils, especially in villages where there were no alcalde councils. Except for Mopan and Q'eqchi' villages of the Toledo District, the government ceased appointing alcalde councils where they once existed. It is unclear why the self-government chose to promote and strengthen village councils to the detriment of alcalde councils during the 1960s. Mark Moberg (1992) notes that the colonial administrators sought to replace the alcalde council with the village council thinking that alcalde council was “autocratic and incompatible with formal democracy” (13). To counter the “autocratic nature” of the alcalde council, the government introduced election of village council members. Elections, however, soon produced precisely what the government intended to eliminate—autocracy.

Elections were seen as a modern practice, rightfully so in a colony that denied voting rights to adults for 106 years after slave emancipation. Views on modernity did not strictly arise from the state. Especially among native villages, conception of modernity was also pursued by the Catholic Church. This is evidenced in two districts, hundreds of miles apart, where the Catholic Church established permanent presence: the Yucatec Village of San Antonio, Cayo District, and the Mopan Villages of Pueblo Viejo and San Antonio in the Toledo District. In the San Antonio Villages, Jesuits
established churches, schools, and cooperatives/credit unions—in that order. There is evidence that “educated youth”, in all three villages questioned and successfully challenged their alcalde councils on the grounds that they were “not modern”\(^\text{10}\). Modernity, it seems, was the ability to interact with central government. In all three villages cited above, the first members of the village council were men who attended Catholic elementary schools went to elementary school, thus, spoke English.\(^\text{11}\)

**Divergent Native Assimilation in Belize**

While there are commonalities between the Yucatec People of the Cayo District and the Mopan People of the Toledo District in how the younger village elite acceded to the colonial government’s effort to establish village councils, their history of assimilation diverges. As we recall, the Belize Settlement’s legislature passed the Alcalde Jurisdiction Act (1858) to invested judicial authority in the cacique-alcaldes of the Mestizo and Yucatec settlements displaced by the 1847 Yucatán War. A decade after the passage of the Alcalde Act, colonial officials were justifying the need to establish Indian Reservations to settle the Native People. Joel Wainwright (2008, 51) contends that reservations became necessary because the native people in northern Belize were occupying lands of two powerful corporations: the British Honduras Company and the Young Toledo & Co. By 1888 the colonial government proposed three Indian

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\(^{11}\) In the case of San Antonio, Cayo District, the Catholic Church established the first elementary school in 1928. The Priest lobbied the alcalde of the village to build an elementary school and housing for the elementary school teacher (Tzul 1993, 34). When village councils were promoted in the 1950s there were (younger) people who could communicate with officials of the colonial government in English. These were the people who advocated for the establishment of the village council at the expense of the alcalde council.
Reservations at the margins of the colony (see Figure 5-1). Being at the margin clearly defined the territorial claim of the British Colony, defining its borders with the Guatemalan and Mexican States. Wainwright (2008, 54), however, notes that Indian Reservations were imagined as “container[s] set aside for the Mayas”—at the periphery.

The British Crown's ability to establish Indian Reservations was nonetheless limited in the northern and western parts of the Colony. In the former, the land proposed was unsuitable for human settlement, and in the latter, land was scarce and those found on the purported Indian Reservation were “non-Indians” (Bolland 1987, 54 – 55). The western-frontier reservation was parceled at the end of the nineteenth century (ibid 55). In the south, however, due to the late expansion of the British Settlers, most of the land was not yet claimed by private companies. A significant amount of land already claimed reverted to the Crown after the companies went bankrupt, or in lieu of land taxes. In 1897 the Indian Reservation of San Antonio, Toledo District, was finally surveyed (ibid). Additional Indian Reservations were established during the 1930s as the colonial government attempted to settle and “contain” the native population (Wainwright 2008, 54).

There is an assumption that caciques-alcaldes and a territorial jurisdiction go hand in hand. Chapter 4 demonstrates otherwise. In the Belize Colony, cacique-alcaldes were elected even before the settlements were permanent. In San Antonio, Cayo District, alcaldes were elected even when the settlement existed on private lands and on Crown land. More accurate perhaps, is that alcalde authority arose from human relationships as occurred in pre-colonial and colonial times, especially in the Yucatán Peninsula (see Chapter 4). This is evidenced by the existence of batabs (caciques, read
headmen) in urban barrios of the Yucatán Peninsula during the Spanish Colony. Likewise, in Santiago Guatemala, there were caciques for Native and African Peoples in segregated barrios during the Spanish Colony. Urban barrios were eventually assimilated into a single municipal council during the nineteenth century. The Belize Settlement and Colony, however, assumed alcalde authority arose from settlements, defined by space. Throughout the colonial and postcolonial legislation, alcalde jurisdiction was restricted to an alcalde district—not always spatially defined.

In the past, what is today the Toledo District was a frontier for the Spanish Empire. Remote, wet, and somewhat rugged, made its people difficult to conquer and settle. In addition, the Manché-Chol who were in the region were mobile and successfully evade Spanish settlement for over two hundred years. In addition, British Settlers, against their wish, had no concessionary rights to extract resources south of the Sibun River until 1859 (see Figure 5–1 and 6–3). While these settlers illegally moved south to extract timber before as early as 1820, Britain hesitated to establish colonial administration in the region. Joel Wainwright (2009) has studied the expansion of the colonial government since the last quarter of the nineteenth century, circa 1882. British Colonial presence in it of itself, however, was unable to settle the Mopan and Q’eqchi’ Peoples into large permanent settlements. The Catholic Church took this task and sought assistance from colonial officials (ibid). Unlike northern Belize where there was established private claims to land, in the south there were fewer claims, allowing the Mopan and Q’eqchi’ People to move in search of land and markets (Grandia 2011;
By the 1950s, colonial administrators had shifted policy from settling to developing the Native People.

**Giving civilization to these Indians**

In ‘Report on Problems of the Maya Indians’ (1953a) discussed in the Cabinet of the Colonial Government, the Principal Scientific Officer for the Colony, A.C.S. Wright, noted that there were two principal “problems” with the Mopan and Q’eqchi’ Peoples and the Indian Reservation in the Toledo District. These were:

…the extent to which responsibility for the welfare and development of these Indians is left in the hands of the [Catholic] Church. …it is manifestly unfair to leave the burden in their hands, a strain upon their limited manpower and finances, when the responsibility is really upon the Government; and

…the need for an immediate programme of research to find a better way of utilizing the soil resources than the traditional ‘milpa’ system. (Wright 1953a).

The Church’s participation in the development of the rural population was throughout the colony. According to Wright, however, “it will never appear in such acute form as it does in these Indian Reservations” (ibid). Wright notes that by 1953 the majority of the Native People in the Toledo District had been “brought within the scope of normal Government machinery” (ibid 1). Against his advice, the colonial government hired a liaison officer to live among the Mopan and Q’eqchi’ People of the Toledo District. The

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12 In the western village of San Antonio, Cayo District, for example, Yucatec People moved for years on the landscape, including the highland pine ridge area (Tzul 1993, 6 – 18). Unable to eke a living in the acidic lands of the pine ridge, they established a community partly on the Kramer Estate and partly on Crown Land. Settled, into what is today San Antonio, Cayo District, it became easier for the Catholic Church to Christianize them and for the Colonial Administration to establish hegemony over them.

liaison officer was to come up with development ideas and propose them to government departments. In Wright’s words, the liaison officer was to “give civilization to [the] Indians” (Wainwright 2008, 168). Development was seen as civilization.14

Development initiatives decided at the Cabinet level included opening roads between the largest village, San Antonio, and the fertile region of Toledo which would entice Native People to return to the fertile region to grow rice and raise cattle (Wright 1953b, Annex B).15 Native People had moved north into the Rio Grande Reservation and across the border into Guatemala.16 By the end of 1953, discussion moved to establishing a Toledo Development Area, “a large block of Crown Land set aside for development by the Government with the help of funds provided under the Development Plan and the assistance of the Q’eqchi’ Indians at present resident in the area” (Wright and Frankston 1953, 1).17 The Development Area did not completely materialize. Twenty five years later, in 1978, the first of many agricultural development projects was implemented in Toledo District, to try to settle, transform and civilize the

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14 For a detailed analysis of the transition from colonial knowledge to colonial conceptions of colonial development in the Toledo District, Belize, during the 1950s see Wainwright (2008, 153 – 199).

15 This report also forms part of Exhibit R.W.2-10 of the Second Affidavit of Richard R. Wilk in Maya Leaders Alliance et al. v. Attorney General et al. [Claim No. 366 of 2008]. The specific report quoted is “gray literature” and can be cited as: Wright, A.C.S. 1953b. Note Re Maya Indians.

16 Eventually, other races would be allowed to settle into the region (specifically called the Toledo Development Area) so that the Native People can be assimilated into the colony’s racial patterns, as described by Wright (1953a, Annex A).

17 Likewise, this report forms part of Exhibit R.W.2-10 of the Second Affidavit of Richard R. Wilk in Maya Leaders Alliance et al. v. Attorney General et al. [Claim No. 366 of 2008]. The specific report quoted is “gray literature” and can be cited as: Wright, A.C.S. and A.S. Frankston. 1953. Note Re Maya Indians.
Native Peoples. Throughout these development initiatives the Native People’s traditional form of governance – the alcalde council – was absent.

**Counter-developments**

Agricultural development was pursued on false narratives that traditional farming – the milpa system – destroyed forest due to its shifting farming practice, and second, that there was a shortage of land (Van Ausdal 2001, Wainwright 2009). Hence, settling the Maya farmer would modernize his farming technique, reduce forest destruction. Thus, the government pursued projects that granted lease lands within and outside of Indian Reservations (see Figure 5-2). Following the practice of patronage, the Belizean run colonial government, granted lease title to sympathizers of the dominant Peoples United Party in the mid-1970s and early 1980s (Van Ausdal 2001, 594 – 595). Dylan Vernon (2013) documents the entrenchment of patronage in Belizean politics after internal self-government in 1964. With self-government, Belizean politicians controlled a significant portion of the national budget allowing them to purchase electoral popularity—channeled via the village councils. After independence from Britain in 1981, the Peoples United Party had no rallying point to garner electoral support; hence, it resorted to political patronage to maintain popularity among voters (Shoman 1987;

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18 From 1978 the Toledo Resource Development Project (TRDP) was implemented “not only to enable more food to be produced and to raise the standard of living of the people, but also to encourage… the Maya Indians…to identify themselves more permanently with the rest of the country” (Wainwright 2008, 204). After TRDP came to an end, another project was established, the Toledo Small Farmer Development Project (1984) to develop “settled agriculture”. It continued to pursue the objectives of the TRDP. For a detailed analysis of agricultural development in the Toledo District from the late 1970s to the mid-1990s see Wainwright (2008, 200 – 240). For a detailed study of the Toledo Small Farmer Development Project, referred to as IFAD, see Van Ausdal (2001).

19 The issuing of lease title to some farmers coincided with the general election years in Belize: 1974, 1979, 1984.
Threats to Mopan and Q’eqchi’ territory and the alcalde council intensified during the 1980s, post-independence.

Intensification of post-independence threats also produced a pan Mopan and Q’eqchi’ social movement in the Toledo District, as we will learn in Chapter 6. Van Ausdal (2001, 595) contends that the attempt to abolish the alcalde council in early 1980s, the establishment of the Toledo Small Farmer Development Project (1984), and the granting of 1000 acres of concessionary land to a citrus company in Mopan and Q’eqchi’ territory (1986) strengthened the movement to “counter the perceived erosion of land tenure, culture, and political autonomy” (ibid). The TSFD Project parcelled land within and outside Indian Reservations (see Figure 5–2). Granting land as lease within Mopan and Q’eqchi’ territory to native and non-native people was halted by the Government of Belize until 2013.21 Land grants to individuals and companies incrementally encroached on Mopan and Q’eqchi’ territory. In the 1990s, however, the threats on the Native People went beyond the state.

By the 1990s, both major political parties had fully embraced neoliberalism. In 1994 the United Democratic Party granted logging concessions to international company in Mopan and Q’eqchi’ territory. An international campaign to stop the concessions failed. The Toledo Maya Cultural Council (TMCC), the entity coordinating

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20 While Shoman (1987) and Vernon (2013) have researched political patronage in Belize, they do not inquire on the distribution of land to political supporters by political parties as a form of patronage. Today, real estate is the easiest and fastest form of accumulating wealth. Land grants (as lease) have become the form of political patronage. Evidently, this practice is not new, considering the cases mentioned in the following paragraph.

21 The villages appealed the Belize Court of Appeals decision which ruled that the State had no obligation to demarcate and title village lands of the Mopan and Q’eqchi’ People. See Attorney General et al. v. Maya Leaders Alliance [Civil Appeal No. 27 of 2010].
the social movement, went to the Supreme Court of Belize to seek constitutional redress. Blocked by the Court, the TMCC applied for relief and redress at the regional Intern-American Commission of Human Rights (IACHR). In 2004, the IACHR ruled in favor of the Mopan and Q’eqchi’ Villages. Despite being sued by the villages, the Government of Belize granted exploration license for a petroleum to a company on Mopan and Q’eqchi’ territory.\footnote{Toledo continues to be a frontier for mineral and timber forest product extraction. After the Caribbean Court of Justice Consent Order (2015) granted the Mopan and Q’eqchi’ People property rights to their ancestral lands, extraction of these resources continue. For a study on rosewood \textit{(Dalbergia stevensonii)}, a precious timber, extraction see Zempel (2014). For oil exploration see Bogle (2014).} Failure of the Government of Belize to follow the recommendations of the IACHR forced the Maya Leaders Alliance and the Toledo Alcaldes Association to return to the Supreme Court of Belize for constitutional redress. In a different political climate, litigation against the Government of Belize reinitiated in 2007 placed the social movement on unchartered terrains. The Mopan and Q’eqchi’ social movement is discussed in the following Chapter, Chapter 6.
Figure 5–2. Tapestry of Indian Reservation (grey) and parceled lots granted by the GOB generally as lease. Source: Wainwright (2008, 222). Cartographer: Eric Leinberger 2005.
CHAPTER 6
INFLORESCENCE OF THE MOPAN AND Q’EQCHI’ SOCIAL MOVEMENT IN
TOLEDO, BELIZE

A noisy stage. Cluttered. On a platform two feet high, there were two foldable
tables. On the tables pints of Coca Cola products, stand as idols of sorts. On the side
laid paper scribbled with notes. A Lenovo laptop in front of Mr. R. Coh gave the village
council of Nim Ha an air of professionalism.¹ We, the Toledo Alcaldes Association
(TAA) and the Maya Leaders Alliance (MLA), the guests, sat in the last three rows of
chairs in the village center, which is perched atop a hill. A jaguar, painted on the wall
above the stage, stared back at us. The alcalde opens the public meeting. Holding the
microphone close to his stomach, and occasionally staring at the roof beams that have
trails of termite, he uttered:

I would dearly want our invited guests to be assured that yes they are
welcomed in this community. … And I want to give them that assurance,
that, they are safe with us as brothers and sisters. I want to go further to
say, that I encourage the [police] constables, I look forward to their
continued assistance. The second alcalde, the [alcalde council] village
policemen. And if the [police] detachment from Punta Gorda Town,
members are here... People, they are not here because we don’t want to
be of any harm to you. We surely appreciate their presence because we
want each and every one to be on safe grounds.²

I realized this was an unusual public meeting. Why was the Police Force of Belize
invited to make us feel “safe”? The chairman rose from his seat behind the tables and
stated, “Nim Ha is a more civilized community. … We are of a more multi-racial,

¹ Nim Ha Village is a pseudonym to conceal the identity of Mr. R. Coh. I maintain initials and last names
to leave fragmentary textual traces. This is repeated in the dissertation where necessary.

² Quotations are from field notes labelled 2015.07.22-NHA-PMT-XXX-001. File name is: Year-Month-
Date-Place-Type of Activity-Protagonist-Number of File.
[multi]ethnic community with diverse cultures”. The paradox was amplified; if civilized, why did we need the security forces for a public meeting?

Mr. Coh, the village council member who oversaw the Lands and Lots Committee of the village council, retook the microphone. As master of ceremonies he stated, “… we are here today to solve, or to bring to your attention what Nim Ha is in, at this moment.” He paused. Mr. Coh then stated that villagers go to his house seeking help to regularize their land titles, or, to seek new lands within village lands. He continued, “… And, I notice that we cannot go forward, because of one issue! And that one issue is what we are here [for] today. The communal, the Maya communal land rights that Nim Ha is in [pauses] at this moment.” He then stated that the MLA and the TAA were invited to explain why Nim Ha was in the land rights litigation and what it will meant. Coh then asked the guests “to come forward, and give us an explanation”. The village center was filled with cheers and applause, as if a public trial of the MLA and the TAA was to commence. Three hours later when we exited the community center, we smelled the earth from the rains that at times drowned the speakers.

The meeting described above took place in May 2014. The highest appellate court of Belize, the Caribbean Court of Justice (CCJ), had not decided the ‘Land Rights Case’ referred to by Mr. Coh. The Case sought – inter alia – a declaration affirming that the lands used and occupied by the 39 Mopan and Q’eqchi’ villages of the Toledo District was their property, held in common by each village. A year later, in April 2015, the CCJ ruled in favor of the villages, stating that “customary land tenure” exists in the villages and that this form of land tenure constituted a form of property protected by the
Constitution of Belize.\(^3\) The CCJ Consent Order marked a milestone for the Mopan and Q’eqchi’ Peoples’ social movement that began circa 1978. However, litigation since 2010, and now implementation of the 2015 CCJ Consent Order, has placed land regularization in limbo for the villages. Those in disagreement with the social movement capitalized on the limbo to galvanize opposition. The “face” of the social movement, and the organizations which are subjected to the “public trial” are the MLA and the TAA. Both organizations are young, established in 1992 and 1999, respectively. They embody the inflorescence of a Native social movement – dubbed as the Maya Struggle by the villages – organized around the quest for autonomy, wellbeing, and dignity.

This Chapter begins with a brief recovery of the return of Mopan and Q’eqchi’ Peoples to the Toledo District, Belize, from Guatemala after the 1870s.\(^4\) It then describes the Belize colonial imposition of village councils on Mopan and Q’eqchi’ villages since the late 1950s. The sections that follow details the rise of a social movement and its interactions with colonial and postcolonial Belize—especially at the crossroad of Belizean Independence. I use correspondences between the social movement’s organizations and Belizean Government officials, minutes of meetings of

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\(^4\) A note on names. I refer to the villages as Mopan or Q’eqchi’, instead of the all-encompassing Maya. In almost each of the 39 Native villages of the Toledo District, one of the languages predominates. Maya scholars use Maya to refer to all the linguistic and ethnic groups, instead of the self-ascribed ethnic distinctions that are made on the ground. In the Toledo District, Belize, Maya is understood as those who speak Mopan Maya. This understanding, which seems innocuous, arose from the discriminatory practice of stating that the Mopans are the only native people of Toledo, thus, they were the only “true Natives” worthy of recognition as Maya. Maya, in this instance, or elsewhere, pays little attention to the identity politics on the ground. For this reason, I choose the linguistic ascription of Mopan and Q’eqchi’. It is perhaps an insignificant attempt to dismantle the discriminatory practice of determining who is a “real Native” that is *worthy of recognition* (see Elizabeth A. Povinelli (2002) *The Cunning of Recognition*).
the social movement, and key documents of the social movement kept at the Julian Cho Society Archives. The small archive are documents salvaged from the defunct offices of the Toledo Maya Cultural Council, a key organization of the Mopan and Q’eqchi’ social movement. The final section provides ethnographic observations on the consolidation of the social movement. I volunteered and researched at the offices of the Maya Leaders Alliance and the Toledo Alcaldes Association for a total of 17 months, in three installments of 2014 and the Summers of 2015 and 2016. I highlight how the alcalde council was integrated into the social movement. In addition, I analyze the interactions of the alcalde council vis-à-vis the nation-state of Belize, continuing from Chapter 4.

**Nation-state Displacements**

Chapters 2 to 4 of this dissertation traced the genealogy of the cacique among Native People in Guatemala, Mexico, and Belize. Chapter 4 contextualized the conditions in which the municipal council of the Yucatán Peninsula was incorporated into the nascent Belize Colony by appointing alcaldes as recognized judges of the British Crown. Alcaldes were members of municipal councils in colonial and postcolonial Spain in the Americas (see Figure 4-2). Investing authority in the alcaldes was fundamental in pursuing the “internal imperialism” of the territory by the British (Rutherford 2009, 3). At the end of the nineteenth century, a policy arose to settle the Native population in Indian Reservations, governed by alcaldes. In part, this policy was

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5 The Julian Cho Society (JCS) is a non-governmental organization founded in 2005 by family and friends of Julian Cho, as a way of honoring his legacy. Cho was a leader of the Mopan and Q’eqchi’ social movement. See: http://jcsbelize.org/pages/aboutJCS.php. Consulted on June 25, 2017.

6 See Bolland (1987) and Wainwright (2008, 41 – 68; 2009) for a discussion on the settlement of Natives within the Belize Colony.
in response to the influx of displaced Natives during the 1870s and 1880s from Guatemala (Alta Verapaz and Petén) into what is today Toledo District, Belize.

After Guatemala’s independence, the peasantry, predominantly Natives, were required to remain in their villages to provide labor for an expanding agricultural export economy. Labor conditions became acutely severe when the President of Guatemala decreed that laborers “will not leave farms without paying all debts with his boss, even when the stipulated time [of a maximum of four years] had passed” (Rufino Barrios, 1877). The presidential decree legalized a debt-peonage system where haciendas (large farming estates) “bound” labor. Along with the decree, agricultural companies were allowed to dispossess communal lands from the peasantry (Castellanos Cambranes 1996, 177 – 134). In Verapaz, Guatemala, for example, fifteen coffee companies expropriated Q’eqchi’ lands and obligated them to labor under the debt-peonage system (King 1974). These liberal economic policies of Guatemala displaced Mopans and Q’eqchi’s into the Belize Colony. Ethnohistorian, Grant Jones (2007), however, argues that the Displaced were merely returning to the lands of their ancestors.

Loggers and colonial officials of the Belize Colony knew the presence of Native Peoples in the Toledo District, even before colonial officials were stationed in the district. Wainwright (2008; 2009) demonstrates that British hegemony was established among the Mopan and Q’eqchi’ Peoples of the Toledo District at the end of the nineteenth century. By then, British policy was to settle Natives in Indian Reservations, governed by alcaldes. A letter from the head of the Catholic Church of the Toledo District, Reverend Tenk, to the Governor of the Colony stated, for example:
The delegation of Indians now in Belize [City] will, without a doubt promise Your Excellency that they will establish another village if you grant them their own alcalde. This will, however be a promise only (Tenk 1913; cited in Wainwright 2009, 429).

Regardless of Tenk’s purpose in writing the letter, it reveals that Natives sought formal recognition of their leaders as alcaldes by the British Governor.

By the 1930s, British hegemony in rural Toledo District was well established. Alcaldes were required to collect land tax from the peasantry (Wainwright 2009, 54 – 58). Despite their position as officials of the Belize Colony, alcaldes enjoyed singular status in their villages and outlaying hamlets. In one of the first ethnographies of Native villages in Belize, John E. Thompson (1930) described the operation of the alcalde council in San Antonio, Toledo. In “the most pretentious hut”, the cabildo (court house), men seventeen and older elected the alcalde (78). “As a rule, there was no contest, only one name being proposed [for alcalde]” by the older men, continued Thompson.


Gregory conducted ethnography among the Mopan at a key moment of Belizean history. Belize was involved in a contested nationalist independence movement. In its 1969 manifesto, the Peoples United Party (PUP), the pro-independence populist party, “believed that democracy should reach deep down to all the people and…therefore encourage[d] the development of village councils” (Ryan 1975, 179). As for the opposition party, the United Democratic Party (UDP), its 1974 manifesto stated that “independence would be a cruel joke if Central Government had all the authority it needed to get things done and the district town boards and the village councils had no power to bring about changes and effect improvements” (194). Village councils were
seen as the medium through which the transformation of an independent Belize could be achieved. Village councils were seen by the State as the replacement of “an archaic alcalde council” (Schackt 1986, 19).

Village councils were perceived as modern, reconcilable with the projects of nation-state building. As every other national State policy, village councils were first introduced in the norther districts of the Colony in 1956/1957. Cedric Grant (1976, 295) notes that village councils served both major political parties and the rural village elite. Political parties sought village council endorsements to establish a network of supporters which could be activated during general elections. In return, village council members used resources granted either by the Parties or Central Government to purchase legitimacy for the village council and the Party they represented.

San Antonio, the largest village in Toledo District, had its first village council established 1965 (Gregory 1984). Gregory notes that locally, the two councils’ roles were distinguished, the “alcaldeship provided local government and law enforcement, [meanwhile] the village council served as a local agency devoted to community development” (72). At the time (1968-1969), village councils were not adopted by all the Mopan and Q’eqchi’ villages. Grant (1976) contends that the Peoples United Party, the dominant party, made little effort to abolish the alcalde council and replace it with the village council. Grant argues that the alcalde council was “not an integral part of British colonial rule; an assault upon it was not necessary for the party to gain village support” (295). Where they existed alongside alcalde councils, village councils were barely functioning. Nonetheless, the village council brought fundamental changes to the traditional leadership of the Native villages over time. See Figure 6-1 below on the
contemporary configurations of the alcalde council and the village council within the State apparatus.

Traditional leadership roles provided status through long periods of service in the alcalde council. The advent of the village council upended this process. In the case study of San Antonio, Toledo, Gregory (1987) notes that the Catholic Church, the Government, and the Peace Corps promoted cooperatives and credit unions with assistance of village council, especially among the larger Mopan villages. New economic activities, as a result of the development projects, permitted another channel through which status was achieved. Instead of gaining status through civil-religious service through the alcalde council and Church confraternities, elites now gained status based on their income or development projects they brought to their villages. Gregory notes that instead of elders selecting a succeeding alcalde in 1960, a group of “young men revolted” electing one of their own (11).7 This revolt upended the status enjoyed by the elders who monopolize the alcalde council.

**Branded by the Government as Subversive**

At the eve of Belize’s independence (1981), Mopan men from San Antonio joined an independent political party to highlight the “lack of development” in the Toledo District. In 1978 a group of men, those who revolted within the alcalde council of San Antonio in the 1960s, galvanized alcalde councils and village councils to discuss the pressing issue of land tenure. The Peoples United Party had issued freehold land titles

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7 Schackt (1986, 162) also reports that in the Q’eqchi’ village of Crique Sarco, a community member suggested that election of the alcalde in 1980 be conducted by voting, as village councils were elected.
within the Indian Reservations to reward party loyalists (TMCC 1997, 3). Galvanizing the village leaders was done by the young leaders of San Antonio with assistance from the American Indian Movement (Stone 1995, 201). Thus the Toledo Indian Movement (TIM) was born, “immediately branded by the government as subversive” (3 – 4). The following year, in 1979, the TIM wrote the Governor of the Belize Colony to question Britain’s position on the Indian Reservations. At this juncture, at the eve of independence, Native villages existed within and outside Indian Reservations. The colonial Governor deferred the question stating that his office could not intervene on the matter (Stone 1995, 196).

Members of the Toledo Indian Movement actively pursued the economic and political interests of small farmers, especially in Mopan villages. During the general elections of 1979, key members of the TIM were also executive members of the opposition United Democratic Party for the Toledo North constituency. The TIM

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9 Researchers of social movements call this stage the ‘coalescence phase’ (Christiansen 2009; De la Porta and Diani 2006). Jonathan Christiansen (2009), in reviewing social movement theory, identifies four phases that are consistently used by researchers: emergence/social ferment, coalescence/popular stage, bureaucratization/formalization, and decline/institutionalization. During the first phase, emergence, potential participants are unsettled by an issue or social condition, but have not taken collective action to solve it. During the coalescence phase, participants in the social movement have clearly identified the cause of the issue. Action to seek redress for the issue is focused, organized and generally collective. During the third phase, bureaucratization, a social movement has generally achieved some of its goals (as broadly defined and contested) and is now coordinating strategy with equipped offices and staff. In this phase the social movement no longer only rely on rallies and charismatic leaders to achieve its goals (18). During the phase, the social movement declines because of repression, co-optation, success, or failure (19). Success of a social movement, ironically, can spell its decline due to institutionalization or mainstream of the issue that was advocated for.

10 See Table 6-1 for a chronology of the Mopan and Q’eqchi’ social movement, vis-à-vis its interaction with the colonial and postcolonial Belize.

11 Minutes of Meeting of the Toledo North Executive Committee of the United Democratic Party. Source: Julian Cho Society Archives.
successfully assisted Basilio Ah become the UDP nominee for Toledo North. Ah won his constituency, although his party lost the 1979 national general election. Primitivo Coc, a key figure of the TIM, was also president of the Cedar Farmers Group. Cedar questioned state agricultural policy. Activism of members of the TIM caused concern for the Government. The Government considered that the TIM was openly pursuing a radical ethnic movement, similar to AIM’s activism in the United States of America. In 1982, the Toledo Indian Movement was renamed the Toledo Maya Cultural Movement (TMCM) to “remove the stigma” (TMCC 1997, 4).

The early 1980s – coinciding with Belize’s independence – were a defining moment for the Toledo Maya Cultural Movement. At the national level, the TMCM focused its efforts in party politics and advocating ‘Natives issues’ before the State; however, crucially it also sought a role at the international level to leverage human rights discourse to demand recognition and respect from the Government of Belize. Influential members of the TMCM continued to hedge their political weight within the United Democratic Party of Belize. In 1984, the TMCM helped reelect Basilio Ah; this time around, his party won the general election for the first time and formed the government.

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12 Cedar members grew mostly grains, including corn and rice. The Marketing Council of Belize bought grains from farmers and fixed national prices. After monies were embezzled from the Marketing Council, the government proposed the Grain Act of 1982 to create overseeing of the Marketing Council and the grain industry. Cedar opposed the composition of the oversight body being created, citing that “farmers did all the dirty work of raising the crop and [would be] taxed to pay the cost of … the huge superstructures of activities and ancillary staff engaged in the storage, movement and export of his crop”. For Cedar, small farmers were subsidizing a populist policy of the PUP. Quotations from a correspondence from Cedar Branch of San Antonio and Farmers of Toledo. Dated 26 May, 1982. Petition to amend the “Grain Act of 1982”. To Florencio Marin, Minister of Natural Resources. Source: Julian Cho Society Archives.
That same year, the Toledo Maya Cultural Movement joined the World Council of Indigenous Peoples (WCIP). WCIP was the first international indigenous organization (1975) to advocate for Native Peoples’ rights to their territories at the United Nations (Sanders 1977). The following year, 1985, Primitivo Coc, secretary of the TMCC, was elected coordinator of the Coordinadora Regional del Pueblos Indígenas (CORPI), a member of WCIP. In a letter addressed to the Prime Minister of Belize, CORPI and WCIP stated that they had assessed the situation in Belize and called on the Government of Belize – inter alia – to:

- recognize that the Indian reserve lands are the property of the Maya people and that the Maya must have full control over the use of those lands.
- recognize the authority of the Mayan alcalde [councils] under traditional law.\(^{13}\)

A review of archives of the Julian Cho Society, reveals that the Government of Belize’s confrontation strategy against the Mopan and Q’eqchi’ sharpened after independence.

The alcalde council became one of the sites of confrontation between the State and the Mopan and Q’eqchi’ Peoples. In 1985, the alcalde of the Q’eqchi’ village of Aguacate imprisoned a villager for not accepting the role of village police. The unnamed individual belonged to an unnamed Protestant Christian sect. Religious leaders of the sect denounced the alcalde’s act with the Attorney General, calling it “religious persecution”. A missing correspondence from the Attorney General instructed the alcalde to release the individual. The alcalde sought the help of the TMCM. The secretary of the TMCM wrote to the Attorney General, “we speak for and on behalf of

\(^{13}\) Correspondence from WCIP and CORPI. Dated 18 April, 1985. Comunicado de Santa Fe de La Laguna, Michoacán, México. To Manuel Esquivel, Prime Minister of Belize. Source: Julian Cho Society Archives.
the Mayas of Toledo. We have decided that the opinion and action taken [by your
Office] with the issue in question is unacceptable”…

Our Mayan system does not, in many ways, coincide with the national
laws of Belize. It is something handed down over the years and was
recognized by national society in the past. In as much as there is freedom
of religion, it is our decision not to allow any individual religious
denomination or person to impose or interfere with our culture and
traditional system of government. We will continue to uphold our traditional
rights and authority. ….We beg to remain, Yours in Government.14

Meanwhile, Basilio Ah, the area representative of the constituency in which Aguacate
Village belonged, condemned the order of the Attorney General to the Aguacate
alcalde.15 The Attorney General, lamenting to be in the ‘hot seat’, proposed the passage
of legislation to allow for mandatory appointment of village police by the alcalde council.
For the time being, he clarified that if the practice as-is were to continue, those
imprisoned for not accepting the post of village police could sue the alcalde for false
imprisonment.16 Today, village police are either nominated and voted, or are appointed
by the alcalde after consultation with the appointee. The exchange between the TMCM
and the Attorney General did little to influence how each village selected or elected
officers of the alcalde council.

14 Correspondence from TMCM. Dated 19 February, 1985. Interference with our Culture and Traditional
System of Governance. To Hubert Elrington, Attorney General and Minister of Housing. Source: Julian
Cho Society Archives.

15 Correspondence from Basilio Ah, Toledo West Area Representative. Dated 19 February 1985.
Appointment of Special Constable. To Hubert Elrington, Attorney General and Minister of Housing.
Carbon copied to Philip Goldson, Minister of Local Government, Social Services and Community
Development; Manuel Esquivel, Prime Minister, Minister of Finance and Local Defense; Police
Commissioner. Source: Julian Cho Society Archives.

16 Correspondence from Hubert Elrington, Attorney General and Minister of Housing. Dated 25 February
1985. “Conflict between the Ancient Customs and the Laws and Constitution”. To the Toledo Maya
Cultural Movement. Carbon copied to Manuel Esquivel, Prime Minister and Minister of Finance and Local
Defense; Philip Goldson, Minister of Local Government, Social Services and Community Development;
Basilio Ah, Toledo West Area Representative. Source: Julian Cho Society Archives.
A Manifesto, of Sorts

As a result of the growing tension between the TMCM and the State, Basilio Ah requested that he read a motion in favor of the Indian Reservations and the alcalde council at the next session of the National House of Representatives in Belmopan (see Appendix C). The salient sections of the Motion read, "be it therefore resolved that:

1. The Alcalde [Council] continue to exist permanently and independently of foreign influence (political and religious) with full status and prerogatives as handed to them by their forefathers.
2. The Indian Reservation be the property (private) of the Maya Indian people, to be used in common, without anyone to have or to hold any piece of it in his name; without any foreign interference of any nature whatsoever.
3. The administration of the Indian Reservation be entrusted to a Mayan Indian Council; with representatives democratically elected from each of the Indian communities, who will thus form among themselves elect an executive committee. The executive committee and Alcaldes will administrate the Reservation lands in concurrence with the Minister of Natural Resources.

Ah, a founding member of the TMCM, provided a manifesto for the maturing social movement in its bureaucratization/formalization phase. The Motion illustrates the intersection of territory and traditional authority – adjudicated by alcaldes – to provide wellbeing for the Mopans and Q’eqchi’s. It also called for a Maya Indian Council to administer the territory. Coincidentally, that same year the Toledo Maya Cultural Movement (TMCM) was renamed the Toledo Maya Cultural Council (TMCC). Even more powerful, thus more alarming perhaps, was the assertion that the villages aspired to "own" their territory in common.

While the Toledo Maya Cultural Council was seen as a local entity incapable of upending the State’s policy toward traditional authority, a claim for land as common property raised alarm. In 1987, six year after independence, the TMCC proposed a

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17 See footnote 9 of this Chapter on the different stages of social movements.
500,000-acre homeland in the Toledo District (SPEAR 1987). The homeland included Indian Reservations and land outside the reservation where Mopan and Q’eqchi’ villages were established. Anticipating national opposition to the claim, the TMCC noted

We are sure that the government and a considerable number of non-Maya have in their minds a quite wrong idea of the claims which we make and the settlement we desire. We do not want anything extravagant and we do not want anything hurtful to the real interests of the non-Maya. We want a full opportunity of making a future for ourselves. We want all this done in such a way that in the future we shall be able to live and work with all the people as our brothers and fellow citizens (6).

The TMCC framed the claim for the homeland as reparatory – as settlement – to the dispossessions the Colonial and Independent States made to the Mopan and Q’eqchi’ People. It also affirms the desire of the villages to “make a future for themselves”, as autonomous entities (ibid). In addition, it spoke of the Natives’ desire to “live and work...as...citizens” in an independent Belize. This snippet demonstrates the juxtaposition of autonomous liberal subjects capable of taking care of themselves (Gordon 1991).18

Similar to former administrations, the United Democratic Party opposed the TMCC’s proposal of a homeland. In classic liberal governing, the Minister of Natural Resources noted that he:19

would need to be assured that the views expressed by the Movement are the views of the majority [of Mopans and Q’eqchi’s]. ...the only realistic

18 Colin Gordon (1991) discusses the work of Michel Foucault, who provides a genealogy of government. Foucault demonstrated that “happiness or prosperity is the principle which identifies the state with its subjects”. Stated differently, the strength of the state lies in the prosperity of its subjects. Mopan and Q’eqchi’ desires to live and work – to prosper and be happy – would make them true citizens of the nation-state.

19 I use the definition of liberalism from Michel Foucault, as clarified by Colin Gordon (1991). For Foucault, liberalism is a set of doctrines (both political and economic); more importantly, however, liberalism is a “style of thinking quintessentially concerned with the art of governing” (14).
means of determining what is the majority’s view is to eventually hold a plebiscite. A directive by a substantial majority of the adult Indian population, say two thirds, would perhaps be an appropriate indication of the wishes of the Indian Community.20

Who spoke for whom? On whose behalf was the homeland being claimed? Such questions are raised even today. In the villages, there was concern that the TMCC represented only Mopan interests. At its annual general meeting of 1987 the TMCC elected six Q’eqchi’ and six Mopan representatives on the Council to address the concern. This move appeased a faction of Q’eqchi’s who had already formed the Q’eqchi’ Council of Belize—in 1986. Even with discord among its base, the TMCC remained as the entity to advocate for the economic and political interests of the villages for the next decade.

Basilio Ah, the UDP area representative, was replaced by his party in the 1989 general elections. The Peoples United Party was returned to power. In a missing courtesy letter to George Price, the returning Prime Minister, the TMCC proposed ways in which the alcalde council could be improved. Price responded by stating that he “shall do what is possible to comply with the system in the future”.21 The first half of the 1990s was “calm” on the ground. During the “silent years”, the TMCC helped establish the Toledo Alcaldes Association (TAA) in 1992. TMCC leaders continued to participate at the United Nations’ Working Group on Indigenous People, implemented grants in the

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20 Correspondence from Charles Wagner, Minister of Natural Resources. Dated 28 May, 1987. 'The Alcalde System and the Maya Indian Homeland'. To Basilio Ah, Toledo West Representative. Carbon copied to Manuel Esquivel, Prime Minister and Minister of Finance; Curl Thompson, Deputy Prime Minister and Minister of Home Affairs; Philip Goldson, Minister of Local Government, Social Services and Community Development; Inter-American Indian Institute; International Indian Treaty Council. Source: Julian Cho Society Archives.

21 Correspondence from George Price, Prime Minister. Dated 12 January 1990. "Relative to the Working of the Alcalde System in Toledo". To the TMCC. Source: Julian Cho Society Archives.
villages, and collaborated with North American human rights organizations such as the Indian Law Resource Center. The TMCC also actively communicated with its transnational networks.

**The state purposefully sought to co-opt, subvert, and deny [Indian] aspirations**

The archives of Julian Cho Society keep a commentary from the Fourth World Bulletin published at the University of Colorado-Denver, titled *Self-determination and Maya Rebellion in Chiapas*. The blue highlighter, red ink, and carbon pencil on the Commentary speak to multiple engagements made with the text by anonymous readers from the TMCC Office. Underlined with a carbon pencil, a paragraph reads:

> Within the international movement for indigenous people’s rights, the association between a people and its homeland is usually understood as a fundamental tenant. In Mexico, as elsewhere, Indian aspirations have always focused on the control over land and resources, but there has never been an opening provided for that control to be realized. In fact, the state has purposefully sought to co-opt, subvert, and deny those aspirations at every turn (Fourth World Bulletin, 1994, 4).

The textual traces appearing on this document demonstrates the cross-fertilization of ideas that ensued from the TMCC’s engagement with transnational human rights networks.

In Belize, the early 1990s saw significant economic growth and stability. Economic growth was spurred by the Government of Belize’s acquisition of commercial loans at higher interest rates and shorter payment periods (Robinson and Palacio 2001, 6 – 7). In the snap general election in 1993, the United Democratic Party returned to power. To manage an increasing national deficit, the new UDP administration reduced capital spending, increased taxes, and granted natural resource concessions to international companies in an attempt to increase exports. The neoliberal opening of the
Belizean economy was a pivotal moment for the Mopan and Q’eqchi’ Peoples of Toledo, Belize.

As a result, Toledo, rich in natural resources, was opened for forest and oil concessions. In April 1995 the Government granted logging concession in the Columbia Forest Reserve of the Toledo District to Atlantic Industries, Ltd. In September, Atlantic Industries started logging forest used by the buffer Mopan and Q’eqchi’ villages. Neither the villages, the Toledo Alcalde Association, nor the TMCC were consulted before the concession was granted to Atlantic Industries. This reality, activated a new phase of the social movement.

The Toledo Maya Cultural Council responded by launching a national and international media campaign, built coalitions in Belize, and strengthened its North American alliances to garner opposition to the logging of the Forest Reserve and village lands.²² In response to the logging concession, Julian Cho, on behalf of the TMCC, wrote an open letter to the Prime Minister of Belize in the Amandala, the most important newspaper of Belize. The TMCC demanded that the government first consult buffer villages of the Forest Reserve, the TAA, the TMCC, the Reservations Lands Committee, and the Q’eqchi’ Council of Belize regarding the concession. Second, that an Environmental Impact Statement on the logging be conducted. Third, that logging companies train and employ alcaldes and chairpersons to oversee logging in villages,

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²² In an address to the Belize Audubon Society General Meeting, Julian Cho thanked the Audubon Society for its support, the Creole Council, Joseph Palacio of the University of the West Indies, Churches who published pastoral letters in support of the Mayas, the St. John’s College and the University College of Belize. This is evidence that the TMCC built coalitions and garnered local support to oppose the logging of the Columbia Forest Reserve and village lands by Atlantic Industries, Ltd. (Julian Cho, Chair of the Toledo Maya Cultural Council. Dated 29 May, 1996. Some Thoughts on Toledo. Source: Julian Cho Society Archives).
and ensure access of villagers to forest during logging. And lastly, that the logging
operations be discussed vis-à-vis the proposed Maya homeland (Cho October 29, 1995,
7 – 8). 23

The following week the Government issued a press release arguing that the
“Columbia Forest Reserve was officially declared in 1954 and forms no part of any
Indian Reservation” (Forestry Department November 7, 1995, 21). It continued, “satellite
images and aerial photography over the years show that the greatest loss the forest has
suffered in recent years is by agricultural expansion by local [Native] farmers into the
forest reserve” (ibid). Clearly, the Government had no intention of neither cancelling the
concession nor consulting the organized leadership of the Mopan and Q’eqchi’ villages.
A social movement, built to seek recognition of traditional authority and their territory
now faced an openly hostile government which authorized logging within their territory
and refused to acknowledge the local authority of the Native village leaders.

In addition to the national and international campaign to garner opposition to the
logging, in 1995 the Toledo Maya Cultural Council and the Toledo Alcaldes Association
embarked on a year-long mapping project of the Mopan and Q’eqchi’ villages in the
Stan Creek and Toledo Districts (Toledo Maya Cultural Council and Toledo Alcalde
Association 1997, 138). The Maya Mapping Project was born with assistance from the
Indian Law Resource Center, the University of California-Berkley, Native Lands, the
Society for the Promotion of Education and Research, and international volunteers. UC-
Berkley and Native Lands trained Mopan and Q’eqchi’ villagers to map and elaborate an

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23 Other demands included: to explain the economic benefit of the concession for the villages; make
capital investments in the buffer villages; practice sustainable livelihood management of the forests;
proper disposal of the logging waste; and avoid environmental hazards.
inventory of the native territories, with the intention of compiling the knowledge of their tangible and intangible resources (ibid). The Maya Atlas produced in mid-1997 was fundamental in establishing legal case that the villages had customary land tenure, governed by traditional knowledge and authority (the alcalde council), and the form of land tenure had not been protected by the Belizean State, as constitutionally required.24

By the end of 1995, opposition to the logging intensified on more fronts. Various conservation NGOs in Belize joined opposition to the logging concession. In December, the remote town of Punta Gorda, Toledo, attracted “hundreds of Mayas protesting” the logging concession. CNN World Report picked up the local news and aired it to its international audience.25 Eventually, the Prime Minister, Manuel Esquivel, resorted to meet with local leaders to discuss the logging contracts. While these meetings permitted communication between the parties, it led to little. In January of 1996 the Toledo Alcaldes Association (TAA) met in San Jose, the villages most severely impacted by the logging, and prepared the San Jose Declaration (see Appendix D). The Declaration placed the alcaldes in the central role of opposing the logging concessions. The TAA appealed for the “government to recognize the Mayan Peoples' inherent right to their resources where they find their being, culture, spiritual tradition, histories and philosophies, and directly use these resources for their development”.

The 1996 San Jose Declaration, similar to the 1985 Motion by Basilio Ah in the National House of Representatives, reveals the foundation of the social movement was not strictly “cultural”, as generally perceived. Both documents emphasized a class

24 For a discussion and critique of the Maya Mapping Project see Wainwright (2008, 241 – 281).

struggle where the ‘common man’, the ‘have-nots’, the ‘poor and helpless’, can ‘alleviate their poverty and misery’. Still, the social movement also recognized the role the alcalde councils have as an autonomous governing system, grounded on territory. The ‘class struggle’ is also echoed in Julian Cho’s address to the Belize Audubon Society, where he stated that “logging of the Columbia Forest Reserve will not enhance our goals”. If Belmopan was faced with fiscal deficits, he continued, “we ask that our lands not be prostituted to compensate for failures of economic decisions by government”. In the same address, Cho informed that the Government was seeking a loan from the Inter-American Development Bank (IDB) to pave the Southern Highway. Leaders of the social movement believed that a highway through the villages would raise real estate value and lead to land speculation. Cho reminded the audience that the 1992 Lands Act allowed the dissolution and dispossession of Indian Reservations.\(^{26}\) He, nonetheless noted that while the Southern Highway would benefit Toledo by connecting the District with the rest of Belize, it was at the expense of the Mopan and Q’eqchi’ People.

The perennial development-conundrum was elucidated in Cho’s comment when he emphasized that the Mopans and Q’eqchi’s “are not against development. But neither do [they] support developments which would have lasting negative impacts on the social structure of the local people”.\(^{27}\) The social structure among native villages include its traditional governing structure—the alcalde council.

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\(^{26}\) The National Lands Act (Revised 2000), Chapter 191, allows the Minister of Lands to de-reserve protected areas at his/her discretion and reassign the de-reserved land for other public or private purposes. Cho spoke of this possibility. Indian Reservations in the Toledo District have not been de-reserved. However, the State has granted individuals private lease titles within Indian Reservations (See Wainwright 2009, 222).

In April of 1996 Santiago Coh and Julian Cho, Presidents of the Toledo Alcaldes Association and the TMCC, respectively, travelled to Washington, D.C., and met with the IDB officials to leverage the Bank’s support for the large infrastructural loan (TMCC April 10, 1996). Yet, despite campaigns in Belize and North America to raise awareness of the environmental degradation caused by logging and the land tenure insecurity caused by the paving of the highway, both activities continued uninterrupted.

A Legal Strategy

In December 1996, the Toledo Maya Cultural Council and the Toledo Alcaldes Association filed a legal motion for constitutional redress in the Supreme Court of Belize. The Motion had two primary objectives: First, that the Maya people of the Toledo District hold rights to occupy, hunt, fish, and otherwise use the areas within the Toledo District traditionally held by the Maya in accordance with common law and relevant international law; and, Second, that the aboriginal rights of the Maya constitute a form of property protected by articles 3 and 17 of the Constitution of Belize (Anaya et al. 1998, 17). This was the first time that the social movement sought a legal avenue to pursue its goals in securing land tenure for the Mopan and Q’eqchi’ villages. Incidentally, the demands made at the National House of Representatives in 1985 by Basilio Ah were now being posed to the Courts: that the “Indian Reservation become the property (private) of the Maya Indian people, to be used in common…” (see Appendix A).

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28 The remaining three declarations sought from the Supreme Court were: the government’s granting of licenses to log within Maya traditional lands violated the aboriginal rights of the Maya; the logging operations authorized by the government are likely to result in further infractions of the constitutionally protected property right of the Toledo Maya by interfering with customary land tenure patterns and by damaging the environment on which those customary land uses rely; and, the failure of the government to recognize and respect the aboriginal rights of the Maya denies the Maya equal protection of the law and thus violates article 16 of the Constitution of Belize (Anaya et al. 1998, 17).
Territory, once defined by the colonial Indian Reservation, was reconceptualized as “common property”. Property nonetheless.

Why territory – the Indian Reservation, the Maya Homeland – came to be framed as a form of property requires elaboration. It was born out of legal expediency. Judicial redress needs to meet the threshold that a right, protected by law, was violated.\(^\text{29}\) Mopan and Q’eqchi’ territory had to be framed as a form of property since property is protected by constitutions in liberal states; hence, states are expected to respect the constitutional protection. In the case of the Mopan and Q’eqchi’ village lands, if their lands were established to be property, the state would be expected to respect the constitutional protection. Thus, the state could not unilaterally grant licenses and concessions to third parties of the village property (read village lands).

Since the times of the Belize Colony, Indian Reservations were considered Crown land, held in trust for the Natives. It is worth highlighting that the Colony did not consider Native territory (the Indian Reservations) as property of the Native People. To say the least, the Constitution of Belize did not even acknowledge the existence of Native People before 2000.\(^\text{30}\) Litigation initiated in 1996 was paramount to the success

\(^{29}\) For a discussion on the “unsolvable contradictions” in the use of cartography to seek land tenure rights in Courts see Wainwrights and Bryant (2009). This paper discuss mapping projects in Nicaragua (Awas Tingni) and Belize (the Mopan and Q’eqchi’) as they made legal land rights claims.

\(^{30}\) The Political Reform Commission of 2000, composed by fourteen “prominent members” of Belizean society, rejected a recommendation to amend the Constitution to acknowledge the presence of indigenous people in Belize. The reasoning of the majority of the Commission was that “such a statement would imply special treatment for particular ethnic groups and could have a divisive effect in the society. It is also likely that other ethnic groups would feel slighted by such a selective inclusion or demand similar special acknowledgement. Additionally, the majority of the Commission believes that such a statement in the Constitution raises the complex question as to what special rights or treatment would be implied for the selected ethnic groups” (Bradley et al. 2000, P 3.7). The only dissenting opinion on the Commission was from Ernest Castro, a Native representative of the National Garifuna Council. After the release of the report, seven Native organizations called on the Government of Belize to proceed with the amendment arguing that “indigenous peoples pose no threat to either states or multiethnic societies” (Flores et al. February 6, 2000, 4B). The Government complied and amended the Constitution.
of the social movement which culminated in the milestone decision of the Caribbean Court of Justice in 2015. The CCJ ordered the Government to provide security of tenure to the Mopan and Q’eqchi’ village lands.

Going to the Courts, however, is meaningless if the Courts do not want to hear you. The 1996 Motion filed in the Supreme Court of Belize was “inexplicably dropped out of sight”, noted Chief Justice Abdulai Conteh (2007, 8). Logging on Native territory in the Toledo District continued. While the Inter-American Development Bank requested evidence that the Government committed to “address the issue of Maya land rights” before it approved the loan to pave the Southern Highway, the Southern Highway was completed (Anaya et al. 1998, 12). A subsidiary Government project intended to address Maya land tenure was instead used to “undermine Maya efforts at achieving a comprehensive solution to the land tenure problem” (13). The absence of redress from the judicial and administrative arms of the State made the TMCC seek redress elsewhere in the region.

The TMCC filed a petition in August 1998 with the Inter-American Commission on Human Rights (The Commission) of the Organization of American States, asking the Commission to either mediate a friendly settlement in the dispute between the villages and the State, or, declare that Belize was responsible for human rights violations (Anaya et al. 1998, 40). In addition, the Commission was asked to urge the State to establish and institute a legal mechanism to recognize and demarcate Maya customary lands, as well as suspend all permits, concessions and licenses on Maya lands, inter
alia (ibid). Two weeks after the petition was submitted, Belize had a national general election in which the Peoples United Party returned to power with an electoral landslide. The new administration revoked the logging concessions, only to reissue them months later. In 2000, the PUP administration allowed AB Energy Ltd. to conduct seismic oil exploration on Mopan and Q’eqchi’ lands. With these unilateral decisions, the TMCC informed the State that it would participate in the friendly settlement mediated by the Commission only if the State altered its course of action (Schaaf et al. 2000, 2). The State ignored the TMCC’s condition and the petition was admitted for full hearing before the IACHR.

The Inter-American Commission on Human Rights delivered its report to the Government of Belize in 2003 in which it stated that the Government violated three articles of the American Convention on Human Rights. These included the right to property, by not recognizing, demarcating, and protecting the communal property right to lands of the Mopan and Q’eqchi’ villages; the right to equality before the law, by not doing the former; and, the right to judicial protection, by denying access to its Courts in 1996. The Commission recommended that the Government delimit, demarcate and title the communal property rights of the villages; refrain from granting extractive licenses;

31 Additional declarations sought from the IACHR by the Petitioners were for the State to: refrain from issuing permits, concessions, and licenses until land tenure security is guaranteed; consult the village leaders on natural resource development; implement an environmental restoration plan for damages caused by logging and oil exploration; and, award moral and pecuniary damages to the villages (Anaya et al. 1998, 40).

32 While the TMCC no longer participated in the friendly settlement being mediated by the IACHR, other Maya leaders were negotiating with the Government for a friendly settlement, outside of the IACHR mechanisms. Negotiations were successful in signing the Ten Points of Agreement between the Government of Belize and the Maya People of Southern Belize. Point no. 6 states that “the Government of Belize recognizes that the Maya People have rights to lands and resources in southern Belize based on their long-standing use and occupancy” (GOB and Maya People 2000, 2).
and that it make repairs to the environmental damages made from logging concessions. The Commission arrived at those conclusions and recommendations, based on the precedence setting *Awas Tingni v Nicaragua* Case at the Inter-American Courts on Human Rights, decided in 2001.

While lauded as essential human rights victories, land rights recognition by national and regional Courts still rehearses violence as it includes Natives in the nation-state. As Elizabeth Povinelli (2002, 39) posits: “recognition is at once a formal meconnaissance of a subaltern group’s being and its being worthy of national recognition and, at the same time, a formal moment of being inspected, examined, and investigated”. It is the expert knowledge of social scientists (among other state recognized officials) that becomes the language admissible as evidence in a court (i.e. affidavits) which is used to argue for the worthiness of Natives—as subjects deserving of property rights. Recognition harmonizes Native law with official Western law, “without conceptual violence”, notes Povinelli (37).

Courts, however, have binding decisions in their jurisdictions. Since Belize is not signatory to procedures of the Inter-American Court on Human Rights (IACtHR), the 1998 Petition by the Toledo Maya Cultural Council before the IACHR – which produced the 2003 Report – could not be submitted to the IACtHR for adjudication. While the

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33 See *Maya Indigenous Communities of Toledo District v. Belize*, Case No. 12.053 (Belize), para. 190.

34 It is worth elaborating the precedence-setting *Awas Tingni v. Nicaragua*, Inter-A. Ct. H.R. (Ser. C) No. 79 of 2001. The Inter-American Court on Human Rights affirmed that the American Convention on Human Rights “protects the right to property in a sense which includes, among others, the rights of members of the indigenous communities within the framework of communal property” (para. 148). Furthermore, the Court elucidated that “as a result of customary practices, possession of the land should suffice for indigenous communities lacking real title to property of the land to obtain official recognition of that property, and for consequent registration” (para. 151). In other words, customary practices, arising from the territory, were enough for Natives of the Americas to seek recognition to property rights.
IACHR ruled favorably for the Mopan and Q'eqchi' villages of Toledo in 2003, the IACHR could merely advise the Government of Belize to follow its conclusions and recommendations.

In 2003, the Toledo Maya Cultural Council was a ghost of what it was in the 1980s and 1990s. In part, the death of Julian Cho in 1998 in mysterious circumstances cast a dark moment for the social movement. Its leadership was co-opted by the Peoples United Party. While the TMCC faded, other smaller grassroots organizations emerged during the 1990s. These smaller advocacy organizations formed the Maya Leaders Alliance in 1999. However, without the TMCC, there was no organization – at the Toledo District level – to advocate for interests of the Mopan and Q'eqchi' villages. The Toledo Alcaldes Association, lacking the technical support once provided by TMCC staff had limited incidence among the Mopan and Q'eqchi' villages of the Toledo District. In 2005, Cristina Coc became fully involved in the social movement.

**We Wanted to Rebuild a Social Movement**

During a reprieve from the busy Wednesday clinic-days, I pulled up a white plastic chair and sat next to Cristina. She moved away from her MacBook as I asked, “how did you get involved in the social movement?” “I had just graduated from [the University of Minnesota] Duluth, I was 23”, she responded. With the help of family and friends, Cristina cleaned Julian Cho’s house and converted it into the office of the Julian

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35 These organizations include the Sarstoon-Temash Institute for Indigenous Management, the Toledo Maya Women’s Council, the Toledo Maya Cultural Council, and eventually, it was joined by the Tumul K’in Center for Learning and the Yaxché Conservation Trust (Choc et al. 2007, 2).

36 As an organization, the Maya Leaders Alliance did not fully organize until the mid-2000s. We can make this claim from the fact that it did not sign the Ten Points of Agreement between the Government of Belize and other organizations.

37 Quotations from this interview are taken from field notes labeled 2015.07.00-PG-INT-CCC-001.
Cho Society. “We painted the house. My dad cut some boards and built my first office table. I moved there and lived in [a section of] the building”, reminisced Cristina.

With the help of local and international allies, Cristina founded the Julian Cho Society to honor Julian Cho, her brother in law. “I wanted to mourn him in a different way, to insist that while he died, his work cannot die”. On an annual basis, the Society held memorials for Cho in Punta Gorda Town. “People thought that memorials were okay, but they demanded a body to represent their issues”, she continued. This moment coincided with her interest in raising awareness on the 2003 IACHR Final Report and its significance for the villages, especially those in the Indian Reservations. The Report became instrumental in reengaging past leaders, of which some returned to serve on the Julian Cho Society board of directors.

“I was at my office one day and there came knocking James Anaya”, recalled Cristiana. Anaya was the lead counsel for the Awas Tingni Case and the TMCC Petition before the Inter-American Court and Commission, respectively. In 2005 Anaya was also a Professor in the *Indigenous Peoples Law and Policy Program* (IPLP) at the University of Arizona. The lawyers from IPLP recognized the potential of returning to the Belize Supreme Court and litigating for the recognition of common property rights for the Mopan and Q’eqchi’ villages. “But the IPLP had no client [on the ground]”, noted Cristina. During an impromptu meeting in 2005 meeting when board members of the Society met with IPLP representatives, Cristina was asked “are you prepared to take leadership? We've had our time. This is for young people to do the ground work, as Julian [Cho] did”. She replied, “Yes. I am!”.
As a woman, leading the Julian Cho Society came with challenges. Cristina mentioned, “I was a woman and couldn't be respected easily”. Respect came when, “elders put me on the spot to see if I can garner support [from the villages]”. Memories of elders involved in the social movement in the past, proved valuable in mobilizing. “They told me: we used to meet in clusters. We chose a village, and met there, information was given, tamales were served, people were identified in the meetings to continue the work”. Small funding from international organizations was essential in galvanizing the villages and create awareness of the 2003 IACHR Report.

After numerous discussions in the mid-2000s among multiple Q’eqchi’ and Maya organizations who belonged to the Maya Leaders Alliance (MLA), it was decided that legal representation of the Mopan and Q’eqchi’ villages at the Belize Supreme Court would be coordinated by the Maya Leaders Alliance (MLA). In 2007, Conejo, a predominantly Q’eqchi’ village, and Santa Cruz, a predominantly Mopan village, were selected as claimant villages in the 2007 Consolidated Claim in the Supreme Court of Belize. The 2007 Consolidated Claim sought land tenure recognition for the two villages. Village members were identified to provide affidavits. “We had to create awareness, villages were intimidated by Julian’s death. People felt threatened”, recalled Cristina. “We found out that people knew of Julian Cho’s work. But many did not participate in TMCC”, she continued. “Our intent was not to build a law suit, we wanted to rebuild a social movement”, she concluded.

The social movement took once again when Cristina the Julian Cho Society organized a series of workshops on human rights issues at the Society’s office and in the villages. “I was a young woman with a dozen men (students) at Julian’s former
house (the office). When we became aware of the [gender] difference, we felt uncomfortable, but we forgot about it again”, she recalled. Cristina laughed saying, “I recall how they cheated on the exams I gave them”. Until Cristina started to fully participate in the social movement, women had not played leadership roles. It was on Cristina’s advocacy that women were included as affiants in the 2007 Consolidated Claim. Cristina’s leadership further challenged gender roles in the villages and nationally (Uzwiak 2010).

In the 2007 Consolidated Claim, the Court was provided knowledge and testimonies on customary practices of the Mopan and Q’eqchi’ villages. These practices – in part – convinced the Chief Justice to grant common property rights to the villages. Affidavits from villagers portray the alcalde council as the embodiment of traditional authority. Marciano Cal, the oldest affiant, for instance highlighted that “when I was alcalde, the role of the alcalde was to protect the village” (2007, 3). His words were

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38 Customary practices described for the Belize Supreme Court included those of the alcalde council. Some of the responsibilities of alcaldes include: lead quarterly fajinas to clean village common areas (including schools, wells, etc); lead bi-annual village boundary cleaning, at times coordinated with neighboring Alcaldes/villages; mediate inter-village disputes; mediate extra-village disputes, especially those related to territorial use; arrest those committing infractions, jailing them, hearing their cases, and impose fines; in criminal matters, alcaldes order the arrest of offender and then coordinate their transportation to the Punta Gorda Town Police Station for prosecution; and coordinate burials. In addition, the alcalde presides over village meetings, to discuss village affairs. Even when the public village meetings are called by the chairperson, the alcalde presides over the meeting. Since alcaldes are the “eyes, ears, and mouth” of the village, outsiders – including researcher, religious missionaries, government officials, etc. - who wish to conduct projects in a village are expected to discuss them with the Alcalde. After initial discussion, alcaldes inform the village of the project and the village decides on approving or rejecting the project. Outsiders who wish to reside in the village, or villagers who wish to return, first consult the alcalde to have their “application for residency” be placed on the agenda of the next village meeting. The village discusses and decides whether to grant residency.

39 Of the twelve ‘village-affidavits’, 6 were from leaders. One was from a sitting alcalde, three from past alcaldes, and two from village council chairpersons (one past and one sitting). While the sitting alcalde of Santa Cruz did not provide an affidavit, he could not refuse to sign off as lead claimant on behalf of his village. Santa Cruz, at a village meeting, took a resolution to proceed with the claim; the alcalde had to sign on its behalf.
echoed by Manuel Coy (2007, 4), the sitting alcalde of Conejo, who told the Court that “the village elected me to be alcalde to protect our lands”. By electing an alcaldes, villagers invest him with authority to protect them. Similar to precolonial times in the Yucatán Peninsula, where the cacique-vassal relationship was defined by protection of the households/clans, especially in times of crisis, today in Toledo that relationship is grounded on the protection of the village, which includes village lands and villagers (read territory and population).

Social scientists, Native activists, and Natives themselves, emphasize native ways of knowing and native relationships with the territory they use and occupy. In the Court records, a sidelined narrative is provided by the Mopan and Q’eqchi’ view of land as the source of life—literally. Melina Makin, an affiant in the 2007 Consolidate Claim, appealed to the Court, “I want to tell the Court that we want the Government to respect our land. …The Q’eqchi’ people are living here and we cannot survive without our land. …If we do not have our plantations (farms) we would not be able to sustain ourselves and we would starve” (2007a, 2). Meanwhile, Perfecto Making (2007b, 2) stated, “I want the Court to protect our village’s land for our children and their children, and the future generations of Maya children”. Land, sustaining life, guarantees future generations. This is succinctly captured by one of the social movement’s many slogans: Our Life, Our Lands (see Figure 6-2).

Protection, in the villagers’ view, is not restricted to the State. They also understand the dispossessive nature of the market, driven by capitalist extraction and capital accumulation through speculation on the real estate market. Manuel Coy, the alcalde of Conejo, for instance, noted that “in Guatemala, a rich person can buy land
from the government and you have to move. We do not want the same thing to happen here” (Coy 2007, 4). Meanwhile, Venancio Canti (2007b, 3) noted, “[w]e are poor people and if we do not have our lands, we cannot survive”.

Scattered throughout the affidavits are oral histories of grandparents, displaced into Belize, because the government of Guatemala ‘sold land’ or ‘leased land’ to third parties. In Santa Cruz, the impending pavement of the Jalacte Highway – now completed – heightened concern oh the alienation of village land. Susano Canti, another affiant, noted that with a highway dissecting Santa Cruz, companies will simply “go to the government and buy the land” (2007a, 3). Clearly, villagers understand the forces that cause displacements and dispossession, facilitated by states. Protection is not solely from the State but also from the market.

Returning to our analysis of the role of leaders in the 2007 Consolidated Claim, I have noted that the alcalde council is highlighted as the source of traditional authority. However, the village councils are not dismissed as non-native. Gregory (1984) and McCaffery (1967) document that collaboration between the two councils since the imposition of the village councils on Mopan and Q’eqchi’ villages. No doubt, the authority of the alcalde council eroded with the advent of the village councils. Tensions between the two councils generally arise from the reworking of the authority of each council. Affidavits of traditional leaders and villagers illustrate the collaboration between the alcalde council and the village council.

As for the litigation process itself, Cristina Coc thought claimants had to feel-and-think of the legal process. This was achieved by teaching villagers how the Belize legal system operates. “Before April [2007] came, we had mock trials. We built boxes (to
simulate stands), we had mock lawyers and mock judges...”, remembered Cristian.40

“The day we filed the case, we fasted. ..Three days before [Chief Justice] Conteh delivered his judgement we had a Mayejak”.41 Mayejak served to ritually reinforce the “natural and human dialectic” as observed by June Nash (2005, 178) among the Native People of Guatemala and Chiapas, Mexico.42

Cristina also used the memorials for Julian Cho to publicize the impending case in the national press. “Santa Cruz villagers became involved in the memorials”, she recalled. On October 18, 2007 the Chief Justice declared, inter alia, that the claimants Villages of Santa Cruz and Conejo and their members hold, respectively, collective and individual rights in the lands and resources that they have used and occupied according to Maya customary practices and that these rights constitute “property” within the meaning of sections 3(d) and 17 of the Belize Constitution.43

“That day there was a press conference at the Biltmore Plaza Hotel in Belize City. …We also had a large parade in the streets of Belize City”, recalled Cristina. After the celebrations, the MLA and the new Government attempted to implement the Chief Justice’s ruling.

40 Quotations from this interview are taken from field notes labeled 2015.07.00- PG-INT-CCC-001.

41 Mayejak is a sacred ceremony conducted by trained spiritual guides. Ceremonies are meant to last more than 24 hours of vigilance. It starts with an “opening ceremony” at midnight. At day break, a larger ceremony is performed at a designated site of the territory, say ancient temples, caves. To conclude the ceremony another ceremony is held at the following midnight, to send-off the deities. Spiritual guides, prepare days before the first copal (incense) is lit. This includes sexual abstinence, a diet, and prayer.

42 The relationship of native people with the spiritual/natural worlds, described by Nash, is also present among the Mopan and Q’eqchi’ Peoples of Toledo, Belize. Native religion is the medium through which the dialectic relationship is activated and practiced.

The United Democratic Party returned to office in February 2008 after ten years in opposition. By then, the grace period to appeal the 2007 ruling had expired. “We agreed on three meetings with the Government [in 2008] to implement the ruling”, recalled Cristina. High ranking government officials attended the first meeting, including the Attorney General.44 At the first meeting, the MLA asked the Government to issue a “cease and desist” order to public officers, so that land grants, licenses, and the like, would be discontinued. The cease and desist order was implemented for a week. The following meeting included claimant villagers. The delegation from the MLA, the TAA, and the villagers were told, “[the] Cabinet said that the cease and desist was only for Conejo and Santa Cruz [villages]”. In other words, “each village separately needs to seek court protection”. The third meeting was attended only by a junior attorney from the office of the Attorney General. The attorney informed, “I am only here to take notes”. Incidents in the villages further aggravated the implementation of the 2007 ruling.

“It was around the third meeting with the Government when Mr. Alfonso Cal called us. [Francis] Johnston had bulldozed his cousin’s farm”, recounted Cristina.45 “The following day his cacao [farm] was wiped out”. The Maya Leaders Alliance called the Belize Police Department and the Belize Defense Force to intervene. “No one came.” Cristina continued, “Mr. [Alfonso] Cal told us: my God, they are killing me”. Later

44 Attending were Attorney General and Minister of Foreign Affairs and Foreign Trade, Wilfred Elrington; Solicitor General, Tanya Herwanger; Chief Executive Officer in the Ministry of Foreign Affairs, Alexis Rosado; Minister of Public Utilities, National Emergency, Transport and Communication, Melvin Hulse; and Area Representative for Toledo West, Juan Coy. Representing the claimants were Antoinette Moore, Counsel and Gregory Choc, Co-Spokesperson for the Maya Leaders Alliance. Notes from first meeting with government and MLA re: implementation. Dated March 26, 2008. Source: Julian Cho Society Archives.

45 Alfonso Cal served 8 years as President of the Toledo Alcaldes Association. His tenure was from 1999 – 2000, and three consecutive terms from 2011 – 2016.
in an affidavit, Cal noted, “I thought I was dead when I saw that, it hurt me so much I cried when I saw my cacao and my milpa wiped clean like that” (Cal 2009, 5). Cristina recounted, “by that time our counsel was already filing the 2008 Case, triggered by Mr. Alfonso [Cal’s farm destruction]”. At a general assembly of the Toledo Alcalde Association the decision was made to proceed with a class action law suit to “place a protective blanket” over the remaining thirty-seven villages not included in the 2007 Consolidated Claim.

**The Maya Leaders Alliance and the Toledo Alcaldes Association: Fruition of the Manifesto?**

In 2008, twenty-three Mopan and Q’eqchi’ villages followed the footsteps of Conejo and Santa Cruz in filing a very similar claim as the 2007 Consolidated Claim. In the 2008 Case, however, the Toledo Alcaldes Association had a prominent role. Affiants who were serving as alcaldes at the time of filing of court documents stated: “I am the alcalde of “x” village, and as such am a member of the Toledo Alcaldes Association”. Similar to the 2007 Consolidated Claim, representatives of the MLA and the TAA filed joint affidavits declaring “regional representative authority” of the Mopan and Q’eqchi’ villages of Toledo. In the joint affidavit of Martin Chen, at the time President of the TAA, and Cristina Coc, the Spokesperson for the MLA, stated that the TAA was a member of the MLA. In reality, however, the MLA is a sister organization, a companion, one that walks together with the TAA. In one of our innumerous sittings around the TAA’s conference table during my fieldwork, Alfonso Cal, President of the TAA, recounted being asked by State officials, “why do you always bring Cris and Pablo to the meetings (spokesperson and program coordinator of the MLA, respectively)?” We laughed.
Someone suggested that his response should be, “don’t worry, next time I will bring along Antoinette Moore (the counsel of the MLA-TAA).”

Cristina recalled, “at this point we decided that the MLA can no longer be an organization that represented other [smaller] organizations”. This decision came – in part – when a key member of the MLA was courted by the United Democratic Party to represent them in the Toledo East constituency in the 2008 national general elections. At a joint MLA-TAA general assembly, attendants were reminded, “that that was the way Leonardo Acal sold us out [to the Government]”. This was in reference to the incident in 1997 when Acal, President of the TAA, unilaterally and unconditionally lend his support for the paving of the Southern Highway, going against the TAA’s position (Amandala December 17, 1997). Acal and his successor were almost immediately ousted by the TAA general assembly. Likewise, in 2008, the MLA leader considered too friendly with the Government was forced to resign. The MLA transitioned from being an umbrella organization – representing other organizations – to one dedicated to providing assistance to the Toledo Alcaldes Association. It now walks with the TAA. Such an arrangement is not unique to the Mopan and Q’eqchi’ villages of Toledo, Belize.

Consider the recent developments in the United States of America with the Standing Rock Sioux Tribe. On the banks of the Missouri River, opposition to the Dakota Access Pipeline (DAPL) that will transport fracked oil from North Dakota to the Gulf Coast was organized by a group of Dakota youths in April 2016. Eventually, the Standing Rock Sioux Tribal Council financed the youth camp set up at the river bank, just north of the Reservation. Galvanizing opposition to the DAPL somehow recreated the ancient Očhéthi Šakówiŋ council that governed Sioux affairs across the northern
The social movement brought non-elected traditional leaders (including spiritual guides and elders) and activists, in contact with the youth at the banks of the Missouri River. The youth soon formed the International Indigenous Youth Council (IIYC). Saul Elbein (2017, P 21) of the New York Times described the leaders of the camp as a “parallel Očhéthi Šakówiŋ government” to the Standing Rock Sioux Tribal Government. The parallel Očhéthi Šakówiŋ government that emerged – including the IIYC – heavily influenced the #NoDAPL social movement.

Similar to the Očhéthi Šakówiŋ council, the Maya Leaders Alliance members are not elected. Since its transformation in 2008, the MLA is composed of “anyone who believes in the Maya Struggle” notes Pablo Mis, the Program Coordinator of the MLA. Members include activists who have served as village alcaldes in the alcalde council, past chairpersons of the village council, elders who were activists during the heydays of the TMCC, spiritual leaders (including Christian leaders and traditional Shamans), staff of the MLA, interns of the Julian Cho Society, researchers, and friends of the Mopan and Q’eqchi’ People: a broad advocacy community. Certainly, former alcaldes and former chairpersons hold special recognition since they once held elected public offices and in that way provide legitimacy to the MLA in the villages. Likewise, the spiritual leaders also purchase legitimacy for the social movement among the spiritual communities, including parishioners and congregations and the deities of the supra and infra worlds.

See A Special Report From #Standing Rock: Part I, a documentary produced by The Laura Flanders Show to illustrate how the movement became “egalitarian and holistic”. Accessed on January 31, 2017. Available at: https://www.youtube.com/watch?v=ooHX2ndjwvA
The Maya Leaders Alliance’s unelected nature is continuously contested in the villages, nonetheless. Since it does not enjoy representational democracy via elections, tenuous MLA engagements with the Government of Belize have created resentment, especially with those who belong to the political party in Government. At the alcalde election in November 2014 in River-Snail Village, C. Cho, a member of the MLA, was confronted about his signature on a letter delivered to the Prime Minister of Belize by the MLA and the TAA. The letter reminded the Prime Minister of the land rights of the villages (not yet decided by the CCJ), and of the ‘Framework for Oil Development on Maya Lands’. At the election of the alcalde, standing at the head table, in front of the village, the alcalde asked Mr. Cho, “did you sign a paper for the oil company even when you are not elected? Your name is on the paper. You signed without my knowledge!” Caught off guard, Mr. Cho responded, “I do not know what you are talking about”. The alcalde retorted, “I have the paper!”. The village center where the meeting was taking place got loud. Over the cacophony, the Program Coordinator of the MLA, Pablo Mis, seated next to me in the front row, stood up and said, “I do not know if it is appropriate for me to speak...I want to help clarify”. The alcalde replied, “Go ahead, go ahead.”

Mis acknowledged that a letter was forwarded to the Prime Minister and copied to the oil company, USCapital Energy Belize, Ltd. After explaining the content of the letter, he emphasized that, “even when they (members of the MLA) are no longer alcaldes, they continue to come to the meetings”. Mr. Cho was two-term former alcalde.

48 Quotations for these three paragraphs are from my field notes labeled: 2014.11.23-RSN-PMT-XXX-001.
of River-Snail village. Mis continued, “those former alcaldes…they do not represent any village. They represent themselves”. Mis clarified that affixed signatures to the letter clearly distinguished alcaldes who signed on behalf of their villages and MLA members who represent themselves only. He then listed other members of the MLA who signed the letter. For Mis and the MLA, Mr. Cho “signed in his capacity as [an unelected] leader”.

In a clever move, Mis encouraged River-Snail villagers to join the MLA, stating that “the MLA is for the Maya People. If you believe that what we are doing is right, if that is where your heart is, you are welcomed to join”. Meetings, especially in villages that oppose the social movement are tense. In some instances, alcaldes and village council members summon the TAA to public meetings where issues such as the above are ventilated.

**Walking together**

From this brief ethnographic observation, we can elucidate the nature of the assistance the MLA provides to the Mopan and Q’eqchi’ villages of the Toledo District. Every two years, incumbent alcaldes invite the TAA’s Executive Council to either conduct or observe alcalde council elections in their villages. The TAA invites members of the MLA to accompany the process, a “second set of observers”, of sorts. The ethnographic account we learn that the MLA and the TAA have developed a protocol regarding oil exploration and development titled ‘Framework for Oil Development on

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49 Mr. Cho is one of the few current members of the MLA who was an active member of the defunct TMCC. In 1986 the TMCC sent a correspondence to the Ministry of Natural Resources, denouncing the Toledo District Surveyor’s illegal surveying of C. Cho’s customary land. When I showed him the letter I came across, Mr. Cho said, “from that time I joined TMCC. And I still come to the meetings”. Correspondence from the TMCC. Dated 18 April 1986. “Widespread Problems with Issue of Land”. To Dean R. Lindo, Minister of Natural Resources. Source: Julian Cho Society Archives.
Maya Lands’. The Framework was elaborated by a legal team which included local and international lawyers. The document was vetted by MLA staff and then presented multiple times in the Mopan and Q’eqchi’ languages to the alcaldes at the TAA general assemblies. After the draft had been complete, the MLA and the TAA made pictographic presentations of the Framework in several villages.

A more exhaustive document on this nature, concerning models of development for the Native territory, is the *Roxloq’ oninkileb’ aj Maay*, translated as: Respecting the Maya People (Consultation Framework for the Maya People). The following is the purposes and goals of the Consultation Framework:

The Consultation Framework is a protocol to be followed by the Belizean government, its agencies and other non-state or private entities, whenever a policy initiative, legislative proposal, administrative measure, development, economic project, or any other action that may affect the lands, territories and well-being of the Maya people is being considered (Toledo Alcaldes Association and Maya Leaders Alliance, 2014, 2 – 3).

Although co-developed by the MLA and the TAA, only sitting alcaldes were signatories to the Consultation Framework. Another important document, developed before my fieldwork, is the Alcaldes Bill, part of a European Union financed project to evaluate local governments in Belize. The Alcaldes Bill’s purpose is to “respect, clarify, and provide legal standing to the indigenous people’ customary alcalde system of government and to provide for the effective development of villages and communities in Alcalde Jurisdiction Districts”. The Bill, initially endorsed by the Government, was not introduced to Parliament. Today mold grows on the Bill’s pages in Punta Gorda Town.

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50 Alcalde Jurisdiction Bill, 2011, authored by the Toledo Alcalde Association and the Maya Leaders Alliance.
While some projects fail to achieve their objectives, those that arise from villages are generally successful.

One successful project was the signing of ‘The Words of Respectful Neighbors’ in October 2014 by the villages of Aguacate and Blue Creek. The Word is an agreement on the boundaries of the customary lands between these two villages.\(^{51}\) The demarcation of the shared-boundary took months of negotiation and effort of people from faraway places. Spearheaded by Pablo Mis, the pilot project found inspiration in the demarcation process in rural villages of Liberia, Uganda and Mozambique, supported by NAMATI, and international non-governmental organization. According to NAMATI (n.d.), demarcation of customary lands is an urgent response to “rising global demand for land and natural resources”. By using national land-laws and international indigenous and tribal rights, NAMATI advances the security of tenure of customary lands in rural parts of Africa.

An intra-village demarcation protocol was adapted to meet the needs of the Mopan and Q’eqchi’ villages of Toledo, Belize. Some of the people involved were law interns and college interns from Canada and the U.S.A. On the ground, the President of the Toledo Alcaldes Association, Alfonso Cal, coordinated village meetings between the two neighbors. Pablo Mis, Program Coordinator of the MLA, attended inter-village meetings along with Cal to discuss and receive input on the demarcation process. Elders, youth, members of the alcalde council and the village council of both villages,

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\(^{51}\) The Honourable Word of Respectful Neighbours Between the Villages of Aguacate and Blue Creek. Signed on October 8, 2014. ‘The Honourable Word’ was the Maya Leaders Alliance’s staff form of translating the concept of “contract” into a customary agreement between neighboring villages. Source: Julian Cho Society Archives.
members of the MLA and the TAA, interns, and researchers, met in the forest to first conduct a reconnaissance of the boundary line between the two villages. Follow up visits of the boundary line included taking Global Positioning System points, taking pictures of key features on the landscape and taking notes of the visits.

A concern which extended the preparation of the document involved the villager’s insistence that the TAA’s Executive Council be present – in the forest – at all times during the reconnaissance and documentation process of the boundary between the villages. For instance, on one occasion, only MLA members attended the reconnaissance process and later at the MLA-TAA office when reflecting on the demarcation process, one participant stated, “If Mr. Cal (President of the TAA) does not go with us, they question, ‘where is the alcalde?’”. In addition, each village staked claims of customary lands. “If we go with the GPS, they don’t trust it. They take their own GPS too”, continued the participant. Though minor in scope, these tensions and suspicions, attest to the constant challenge faced by the MLA in crafting legitimacy and authority among the villages. Nonetheless, it also speaks of the legitimacy enjoyed by TAA as a regional customary body, respected and sought after by the villagers.

The examples illustrate how the MLA and the TAA have “joined hands” to walk as supporters of Native rights on the one hand, and as representatives of the villages of the Toledo District on the other. Sometimes the walking is literal, say the reconnaissance of the boundary in the forests of Aguacate and Blue Creek. Attempting to categorize and distinguish the prerogatives and services provided by the MLA and the TAA, and which of the two organizations is held in higher esteem by the villages is a

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I return to the 1985 Motion, perhaps read to parliament by Basilio Ah, to conclude this section. The Motion called for resolutions that:

- the alcalde system continue to exist permanently and independently of foreign influence.
- the Indian Reservation becomes the property (private) of the Maya Indian people.
- the People in common decide the location and the nature of community development.

To a large extent, all three resolutions have been achieved by the social movement. Alcalde councils continue to operate, even when the Government of Belize, especially after independence (1981), continuously attempts to erode its jurisdiction. As for the Indian Reservation becoming property of the Mopan and Q’eqchi’ villages, in April 2015, the Caribbean Court of Justice, delivered a consent order where it “affirmed...that Maya customary land tenure exists in the Maya villages in Toledo District and gives rise to collective and individual property rights”.53

Twenty-six years after the Maya Homeland was first proposed, and almost 11,000 pages of Court documents later, the Indian Reservation and villages existing outside of the Reservations have been granted property rights. On development, regardless of its contested semantics by scholars (Escobar 2012; Esteva 2010; Sachs 2015), native activists, villagers, and the MLA and the TAA have crafted a vision in legal documents to have a measure of control over the “nature of development”. We can confidently state that Basilio Ah’s ‘Manifesto of Sorts’ is blooming. The next chapters will provide ethnographic evidence that the inflorescence of the social movement comes at a cost.

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53 See Maya Leaders Alliance et al. v. Attorney General, Caribbean Court of Justice Appeal No. BZCV2014/002, para. 1.
Conclusion

In this Chapter I have traced the origins of a social movement that arose from the dispossession of the territory of the 39 Mopan and Q’eqchi’ villages of the Toledo District, Belize. The social movement, dubbed the Maya Struggle, used different strategies as it advocated for the economic and political interests of the villages. These strategies included joining political parties, forming grassroots organizations, building alliances in Belize and North America, deploying environmental and human rights discourses as it sought to protect the territory, traditional authority, and wellbeing of the villages. When all of the above failed, the Mopan and Q’eqchi’ villages successfully litigated for two decades for property rights to their territories. Central to their legal success is the placement of the alcalde council as the adjudicator of traditional law and customary practices.

During my fieldwork, which took place in three installments in 2014 and the Summers of 2015 and 2016, I observed how the ‘institutionalized phase’ of the social movement creatively adapted to the ever-changing circumstances and pressures as it advocated for the economic and political interests of the villages. While the social movement has transformed the Belize nation-state, by obligating the government to recognize Native territory as property, it also transformed the villages, forcing them to frame their territories as property. Another way in which villages have been transformed is by the key leadership roles women hold in the social movement. The Chapter that follows will provide further insight into the relationship of the alcalde council, the Maya Leaders Alliance and the Toledo Alcaldes Association vis-à-vis the State.
Figure 6-1. Contemporary configuration of the alcalde council and village council within the Belize State.
Table 6-1. Chronology of events in the Mopan and Q’eqchi’ social movement vis-à-vis the Belize nation-state.

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<tr>
<td>Toledo West Area Representative²,³,⁴</td>
<td>Fausto Zuniga (PUP)</td>
<td>Edwin Morley (UDP)</td>
<td>Alejandro Vernon (PUP)</td>
<td>Vicente Choco (switched to PUP)</td>
<td>Basilio Ah (UDP)</td>
<td>Basilio Ah (UDP)</td>
<td>William Usher (switched to PUP)</td>
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<tr>
<td>Toledo West Area Representative²,³,⁴</td>
<td>1964 Self Government Achieved.</td>
<td>1965 Establishment of VC in larger Toledo District villages.</td>
<td>Late 1960s GOB issues lease title to some Q &amp; M farmers.</td>
<td>1978 Toledo Resource Development Project.</td>
<td>Early 1980 GOB attempts to abolish AC</td>
<td>1985 Motion</td>
<td>1985 - 1989 Motion</td>
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<td>Native Event</td>
<td>1984 TMCM joins WCIP and CORPI.</td>
<td>1987 TMCC proposes 500,000 acre Maya Homeland.</td>
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¹ Color of column represent the ruling party. Blue for the Peoples United Party and red for the United Democratic Party.
² Italicized names are Area Representatives who are Native.
³ In 1984 Toledo North was renamed Toledo West. Toledo North was created in 1961 when the Toledo District was divided into two (2) constituencies.
⁴ Color of fill coincides with party affiliation. Vicente Choco and William Usher changed party affiliation from the UDP to the PUP after being elected.
Acronyms: AC for Alcalde Council; CCJ for Caribbean Court of Justice; FPIC for Free, Prior, and Informed Consent; GOB for Government of Belize; IACHR for Inter-American Commission on Human Rights; Q&M for Mopan and Q’eqchi’ villages; SCoB for Supreme Court of Belize; S-TN Park for Sarstoon-Temash National Park; USC for US Capital Energy Belize Ltd; VC for Village Council.
Table 6-1. Continued

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Figure 6-2. ‘Our Life, Our Lands’ Postcard created by the Mopan and Q’eqchi’ social movement. Picture courtesy of the Maya Leaders Alliance.
CHAPTER 7
THE SANTA CRUZ INCIDENT: ALCALDES AND THE NATION-STATE

It was still dark. My ataán and I were up. The neighbors would soon start to arrive to have their cooked-corn ground on our (diesel-run) corn mill. That is our small business. On any day, you can hear families preparing food and then going to their milpas (farms). That morning, the dogs were very loud, just like when they see ghosts or the spirits of the mountains. My ataán said it was the neighbors heading to their milpa.

I grabbed my flash light, opened the door and stepped outside. I saw two cars coming down the hill. One turned off its lights. The other came down slowly, stopped for two seconds in front of our house. It blinked its light and continued downhill like a turtle. The second car that was following stopped in front of my house. The engine was still on. I aimed my flashlight at it. It was a police truck! The U.S.A. flag was on its door. The doors opened. I turned off my light and ran inside. I told my wife, “the police are here”.

I heard bang! bang! on the door of our main house. I told my wife, “they are here for us. I am going to tell the alcalde”. She ran to the main house. I went around both houses and ran down the highway. I heard noise inside our house. And then, one of my sons groaned. But I kept running.

The first pickup parked in front of my other son’s house. I got near it, I slowed down. Somebody yelled, “weh you gwein?” “To the store,” I blurted out. I walked faster. Then jogged. Then I started to jog and walk, jog and walk. A police man stepped out of the car and hollered, “weh di fuck you tink you gwen?” I turn around and saw a really tall man in front of the lights of the truck. “To the store,” I said again. I turned, faced the lit
highway in front of me and started to walk and jog. He cocked his gun and shouted, “stap right deh!” I raised my hands and saw my shadow on the highway. I was a dead!¹

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On June 24, 2015, around 4 AM, the Belize Police Special Force descended on the Mopan village of Santa Cruz to counter-arrest those who participated in the arrest of Rupert Myles four days earlier. The Police arrived after the Prime Minister of Belize promised to “do something” about the arresting of Myles—a Creole Belizean. The account above is from one of the twelve men and a woman charged with the “false imprisonment” of Myles—as construed by the State.²

In 2014, Myles built a house atop an ancient Native mound, part of the Uxbenká Archaeological Reserve, located on Santa Cruz Village lands. Uxbenká is managed by a local organization, the Uxbenká Kin Ajau Association (UKAA). On June 17, 2015 the village alcalde, the village chairman, and president of the UKAA provided Myles with a second notice of eviction, giving Myles an ultimatum to vacate Uxbenká by June 20. The first eviction notice was served in January 2015. In defiance, Myles built an extension to the house and bulldozed the mound to construct a drive way. On June 20, the day he had to leave, Myles appeared at a village meeting at the community center, before a fajina (cleaning) started.³ Before a fajina, men gathered in the community center to discuss village matters, including Rupert Myles’ eviction.

¹ Reconstructed from interview made with a Santa Cruz villager who was arrested by the Belize Police Special Force on June 24, 2015. From fieldnotes: 2015.06.28.SCZ-INT-XXX-001.

² In addition to the charge of false imprisonment, some of the defendants – dubbed the Santa Cruz 13 – were also charged with common assault and aggravated assault.

³ Fajina is a colonial legacy among Native People. Colonial Spanish Law required villages to clean and maintain public spaces. Today fajina entails cleaning of public areas, including the elementary school.
This Chapter begins by illustrating the contested power of the alcalde council in managing Mopan and Q’eqchi’ villages. Looking at the strict hierarchical and spatial arrangements that are rehearsed during village meetings, I explain how the authority of the alcalde is followed by Native villages, while disrespected by outsiders such as Rupert Myles who fail to recognize its importance. Failure to abide by the protocols of the village meetings, and other customary law, led the alcalde council officers to arrest Myles. Held next to the highway, images of the arrest flooded the Belizean mediascapes soon after. On Facebook, Belizeans in Belize and abroad demanded the State to abolish the “antiquated” alcalde council.

This incident is a symptomatic case through which we can understand racial dynamics in Belize and the racial tensions reified by the images of Native men arresting a Creole man (Myles). It further elucidates the tensions between ‘State law’ and ‘Native customary law’. The Belize colony and postcolony has occasional had interest in Native customary law, which is not encoded in the Inferior Courts Act, yet practiced by the alcalde council.\(^4\) To a large extent, customary law has existed outside of the State’s purview, which has guaranteed its preservation. I contend that the eviction of Rupert Myles attempted by the Santa Cruz alcalde council is an incident where customary law was being practiced by the council, but not recognized by the State. The council used its sanctioned authority by the State (arresting someone for disturbing the peace),

\(^4\) Chapter 4 illustrates how Belize incorporated the alcalde council in 1857 and invested the council with jurisdiction over a limited territory, petty civil and criminal cases, and in the past, tax collection.
however, it failed to impose customary law on an outsider who represents the dominant race—Creole.

The State had been “brought to its knees”\(^5\) by the Mopan and Q’eqchi’ villages just two months earlier when the Caribbean Court of Justice, Belize’s appellate court, ordered the Government to identify and protect the property rights of villages to their ancestral territories. Litigation for property rights was initiated two decades earlier (1996) as a strategy of the ‘social movement to assert Native rights within Belizean and international law (see Chapter 5). State officials registered the ‘Santa Cruz Incident’ in this new legal and social reality—that Mopan and Q’eqchi’ rights to land had to be recognized by the nation-state. Despite the legal recognition by one arm of the State (the judiciary), the sovereign continues to monopolize the decision of what is permissible within the nation-state (Schmitt [1938] 1985), especially when State sovereignty is perceived to be under threat. The Santa Cruz Incident temporarily threatened the sovereignty of State since it challenged which law is permissible in Belize. In response, the Belizean State temporarily stripped the alcalde council officers of their legal authority and made mere Native subjects of the State. As this dissertation demonstrates (see Chapter 4), the sovereign’s ability to temporarily suspend the authority of its officials serves to rehearse the authority of the State through violence. In the Santa Cruz Incident, state authority was rehearsed in a spectacular manner.

\(^5\) Statement from a Maya Leaders Alliance and Toledo Alcalde Association (TAA) Counsel explaining the meaning of the 2015 Caribbean Court of Justice Order to alcaldes at a TAA general assembly. Fieldnotes labeled: 2015.05.09.-PG-MTN-XXX-001.
You have to Respect our Leaders

Santa Cruz Village territory includes the Uxbenká Archaeological Reserve. Uxbenká, and now Santa Cruz, is located along the over-land millenarian path between the Caribbean Sea and the upper highlands of Guatemala (Hammond 1978). During the Spanish Colony, the Manché-Chol were violently relocated closer to the Guatemalan capital. Those who evaded the violent removal continued to live in Cantelac, possibly where Santa Cruz is today (Wainwright 2008, 61). Presently, Santa Cruz is a “medium size” village in the Toledo District, inhabited by less than 500 people (Statistical Institute of Belize 2010). Its infrastructure includes an elementary school, a health clinic, a water system, and a community center next to the Jalacte Highway which dissects the village.

In 2007, Santa Cruz village successfully won property rights to its territory in the Supreme Court of Belize (see A Legal Strategy in Chapter 5).

As in all Mopan and Q’eqchi’ villages, important decision-making and court proceedings of the alcalde are done at the community center. Santa Cruz’s community center is no bigger than 60 feet by 24 feet. Its longer walls have facing double-doors which occasionally serve as bulletin boards. A rusting padlock secured the main doors, which give way to the newly paved Jalacte Highway. The bottom half of one of the double doors was rotten. Someone patched it with new pieces of lumber to keep the dogs out. The ceiling was insulated with compressed celotex sheets, imported from Brazil. Termites have overtaken the first row of the ceiling. The missing sheets reveal the lumber matrix that hold the celotex in the air. Time, light, and dust have converted the white ceiling to beige.

As you enter the building form the left-hand side, there is an open space. Next to the wall are two tables. One of the table is for the first alcalde and chairman, and the
other for the village secretary who takes minutes of meetings or writes charge-sheets for the alcalde during his court hearings. In the middle of the room are two rows of lumber benches, not more than a dozen all together. A bench is placed along the wall, closer to the alcaldes. It is reserved for the elderly and invited guests. Between the “head tables” and the first bench of “the audience”, there is at least 20 feet. Behind “the audience”, at the other end of the room lay stelas (carved stones), excavated from Uxbenká by archaeologists who visit Santa Cruz every Summer for more than a decade. Laying next to the stelas were white pvc pipes, stacked against the wall, property of the village water board.

On June 20, 2015, around 8:30 AM we entered the Santa Cruz community center and sat next to the elders.6 Village leaders invited the MLA and the TAA to observe and document the meeting where Rupert Myles’ eviction from the Uxbenká Archaeological Reserve was to be discussed, among other village matters.7 Shortly after we entered, an officer of the Belize Agricultural Health Authority was invited to the head table. He explained – in Mopan Maya – the new rules for the new Belize-Guatemala immigration and customs border checkpoint at Jalacte Village, 18 miles west of Santa Cruz. Afterwards, an officer of the Ministry of Agriculture proceeded to convince farmers – in

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6 The Toledo Alcaldes Association and Maya Leaders Alliance were invited to witness the meeting. At the MLA and the TAA office, it was decided that Victor Cho, Vice-President of the TAA, Cristina Coc, Spokesperson of the MLA, and I would witness and document the village fajina/meeting. Also invited were the Belize Defense Force and the Belize Police Force, stationed at Elridgeville Village and Punta Gorda Town, respectively.

7 Unless otherwise indicated, in Mopan and Q’eqchi’ villages, village leaders include the first alcalde, the second alcalde, and the village chairman.
English – to join his rudimentary experiments; e.g. planting corn in rows. By now Rupert Myles and his companions had arrived.\(^8\)

After an hour, Myles' impending eviction was still not discussed. Aram Canti, the village chairman, instead invited the president of the village water board to provide an oral report on the finance and operation of the potable water system. The meeting switched from English to Mopan Maya. Patiently, Myles and company waited by the double doors of the community center. Then, Canti stated, “Let us now discuss what is at hand. It is an issue. I am not afraid to talk about it because I live here and I know about it. ... We need to talk about it because it can only get worse. I am talking about this gentleman here [by the door], Mr. Rupert Myles”.\(^9\) Upon hearing his name, Myles hastily walked to the head table where the village chairman stood, alongside Manuel Pop, the village alcalde. Villagers erupted in: Hey! Relax! You can’t come to the front [of the meeting]! You have to respect our leaders! Someone yelled, “No! No! They have to call for you!”. After saying, “when unu ready fi me…”, Myles returned to stand by the door. Understandable for an outsider, Myles was either oblivious or defiant of the strict hierarchical and spatial arrangements of village meetings. However, villagers present

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\(^8\) Rupert Myles arrived in the SUV of Joseph Estephan. Estephan is blind. His wife, Sylvia Hulse, a retired clerk of the Belize Supreme Court, travels with him in the Mopan and Q’eqchi’ villages. The couple were chauffeured to the villages. Since 2014, Joseph Estephan has formed multiple ghost “Maya organizations” to galvanize opposition against the Mopan and Q’eqchi’ social movement. Estephan’s activities among the villages intensified in the second half of 2014. He galvanized local support among the village councils of Toledo District to unconditionally support oil exploration and drilling in the Toledo District. Afterwards, Estephan focused on galvanizing support for free hold title for land among the villages, going against the heart of the MLA and the TAA’s litigation: securing common property rights to land. There was a general understanding that Estephan’s activities in the villages was being financed with Petrocaribe Funds by Central Government. Petrocaribe was a “soft-loan” from the Bolivarian Republic of Venezuela to Caribbean Countries. In a twist of faith, and if true, Hugo Chaves’ apathy against U.S.A. capitalism was being circumvented by the Belizean Government, by using Bolivarian Funds to facilitate USCapital Belize Energy Ltd. oil exploration in Belize! See Figure 7-1 for stickers on Estephan’s SUV in June 2015.

\(^9\) Quotations from the fajina are from fieldnotes labeled: 2015.06.20.-STC-PMT-XXX-001.
found most disrespectful the fact that Myles either made no effort to familiarize himself or follow the protocols of conduct in a Mopan or Q’eqchi’ village meeting, which is treated similar to an alcalde’s court proceeding.

Following the short commotion, Aram Canti proceeded to inform the villagers that they “fixed up some paper”, with the help of the Maya Leaders Alliance Staff. He continued, “we gave the letters to the Police in Punta Gorda too. We told them (the Police) that we have a problem with this gentleman”. He then instructed the village council secretary to read the two letters, one addressed to Myles regarding his impending eviction, the other addressed to the Belize Police Force and the Belize Defense Forces, requesting their presence to provide security during the meeting.

The meeting continued with the testimony of a young man who informed Myles that his house was within the Uxbenká archeological site. He stated that he was occasionally hired as laborer by Myles. He continued, reporting to the village, “I went to go talk to him (Myles). And I am not afraid. But he has a gun. And he has said that he is going to kill people”. The village chairman chimed in, “So I will tell you all that if one day I appear dead, you know who killed me. He can kill me, but he cannot kill all of us”.

The discussion continued. A former President of the Uxbenká Kin Ajau Association (UKAA), managing the archaeological reserve, informed the villagers that he also conversed with Myles. He informed Myles that if he wanted to build a house within the village, “there are rules and regulations that you have to follow”. Myles purportedly responded, “but I am a Belizean”—meaning he can live anywhere. After receiving his second eviction notice on June 18, Myles called the former President of the UKAA. According to the President, Myles told him, “I am going to fight. I called Dean
Barrow (the Prime Minister) and he said I can own the spot. I called John Morris (the National Chief Archaeologist), he said I am okay to live there”. In closing, the former UKAA President said, “we are not against anybody, unless if they follow the rules [of the village] then everybody will be respected and everybody could live in peace. That is what I am telling the leaders in Mopan and in English”. At this point Myles hollered the name of the former UKAA President and walked toward the head table once again.

Standing a foot from Aram Canti, the village chairman, Myles asked him, “what you tell me when I gaan da your house fu ask you about living yah?” He banged the table. Canti moved away and consulted with Manuel Pop, the village alcalde. Myles then turned to “address” the villagers. Someone hollered, “you have to ask permission to talk!”. Someone else yelled, “you can’t talk!”. Myles proceeded, accusing Canti of discriminating against him, claiming that Canti told him that because he was Garifuna, he was not allowed to live in Santa Cruz. Canti returned to the head table and tried to retake command of the meeting, stating, “no fellow villagers! Tus! Tus (lies)!”. Elders interjected saying, “you don’t follow [the village] rules man”. Those still seated stood up.

Tensions escalated. In English Creole Myles then said:

That house up deh. [Slams keys on the table.] Ih belongs to me. Personally! My money spent. If any ah unu in yah, right, if any ah unu in dis building right ya. [Points at the audience and moves hand around.]

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10 In a meeting in the community center of Santa Cruz on July 17, 2015, John Morris was baffled when villagers informed him that Myles had said that he (Morris) authorized him “to build a house a top an archaeological mound”. Also present at the meeting was Diane Haylock, Director of the National Institute of Culture and History.

11 Garifunas are a Black Native ethnic group of Belize. Garifunas are a product of Enslaved African misogyny with Native Caribbean People. In 1797 the British deported the Garifuna off the island of St. Vincent (González 1988, Taylor 2012). After settling in the Roatan Coast of Honduras, Garifunas settled along the northeastern coast of of Central America, from Belize to Nicaragua. By 1802 Garifunas had travelled and settled in Belize (González 1988, 54). Today, Garifunas live in Stann Creek and Toledo Districts of Belize. Many have migrated to Belize City and other urban towns. The Garifuna Diaspora also live in Europe and the United States of America.
Listen to how I di say it. …If it belongs to any ah unu, unu could go and disassemble it. Me no wa fight unu. Once unu he’ (testicles) big enough! Or any one ah unu gat big (makes gesture of “big testicles”)…

Myles briskly walked toward the double doors that made way to the Jalacte Highway.

Some of the men stormed the door. Myles managed to push through and ran outside, trying to get into Joseph Estephan’s SUV, the vehicle in which he arrived. The men, however, held him down.

In hindsight, it is possible that Myles could have avoided arrest on June 20, had he not disrupted the village meeting and not threatened the village chairman and alcalde. Meetings in Mopan and Q’eqchi’ villages take a tone of being in cabildo, being in an alcalde’s court. Imagine storming into any given judge’s courtroom, speak into his face, and then address the jury. Villagers’ insistence that he was speaking out of turn, and out of place, demonstrate the strict protocols during a village meeting. Aside from not being able to speak, unless authorized, villagers are not allowed to walk to the head table; much less be aggressive, threaten the alcalde and/or chairman, and then threaten the entire village. Villagers can and do speak at meetings. In fact, meetings can be very boisterous. However, discussion occurs after the alcalde or chairman has made a presentation and then invites villagers to comment.

Village leaders, especially alcaldes of the alcalde council, are endowed with “serene authority”. At the alcalde election in River-Snail Village (a pseudonym), Toledo, Alfonso Cal, President of the Toledo Alcalde Association, described the qualities that are necessary of an alkaal (alcalde). Before the election began, Cal addressed the villagers stating:

The alcalde should not be in favor of anyone. An alcalde is for everyone. After he is elected, he holds the law. The law is placed in his hands and he has to walk straight. When he is sworn in the name of God, he has to
make his work in a correct manner, in a good way, without taking sides. So, that is why it is important to see if that person behaves well in the community [before electing him or her as alcalde].

If you are elected as an alcalde, when you go behind your desk (as an alcalde/judge) you will have to try your younger siblings, your older siblings, your mother, your father, your comadre, your compadre, if they do something wrong. But not because the person is your sibling, your parent, your comadre or compadre you will stand in favor of them. If they find, if they find their siipili (commit a transgression) you have to do your job behind your desk and try them in your court.

If you are alcalde in such a situation, you can adjourn your case and have someone witness your work, to make sure you are doing correct work in the community. And when that happens, it is seen as good and it is heard as good because you are doing your work in a good way. So the people in your community cannot remove you as alcalde because you are talking your job seriously. Like I said, even if it is your sibling that is giving trouble, you have to tell him/her "you have to come behind the [alcaldes] desk [so I can try you]." So, if it is my sibling, well there is a second alcalde and I should not interfere and I should ask the second alcalde to hold the cabildo, to talk instead of me. If you don't do that, there is a conflict [of interest]. You know I learned all of this as alcalde, to love everyone in the community. Because that is the purpose of your work, to care for your community.12

For Cal, the alcalde has to walk straight in the community even before being elected or selected for the post. Behaving well includes being a responsible parent/spouse, having no vices, being honest, responsible, and being respected as a village member.

As judge of the alcalde council, a trait sought after is impartiality. In addition, maturity to recuse from cases that involve kin is also desired. Cal later added that an alcalde does not have an “eight to five” work schedule when in office. Alcaldes are leaders of their villages and assist in all spheres of village life, including economic, social, emotional and legal needs. Alcaldes are seen as being in the constantly ‘care’

12 Quotations for this section are from fieldnotes labeled: 2014.11.23.-RSL-MTN-XXX-001.
and ‘protection’ of the village (see Chapter 5). This explains why alcaldes enjoy serene authority in their villages and in neighboring villages when they visit.

Despite being appointed and confirmed by the Attorney General (a government minister), election or selection of officers of the alcalde council generally does not follow party politics, as does the village council. As state official, an alcalde’s authority emanates from two sources; first, election or selection by the village, and second, their appointment and confirmation by the State of Belize. Since 1858, when the Belize Settlement enacted legislation to invest “judicial authority in alcaldes”, alcaldes have held summary jurisdiction over petty civil and criminal matters under the Inferior Courts Act.¹³ However, as Native authority, on the other hand, alcaldes’ power emanates from the villagers’ endorsement of their work and form the landscape.

Nevertheless, while a village elects an alcalde to represent them, the decision-making power remains with the village. Decisions affecting the village are made during village meetings. Today, alcaldes are seen as the eyes, ears, and mouth of the village. “If an alcalde makes a decision without consulting the community, that village has the authority to remove him”, noted Pablo Mis, coordinator of the Maya Leaders Alliance.¹⁴ Mis calls this “direct democracy”. He notes that while alcaldes are appointed and confirmed by the State, they can easily be removed by the village if they do not faithfully represent the interests of the village. On the other hand, Mis continued, “a [village] chairman can do the worse things and there is little the village can do, because they respond to the Government [of Belize]”. Being accountable to the village makes the


¹⁴ Quotations for this section are from fieldnotes labeled: 2016.05.12.-SAA-MTN-PMS-001.
alcalde council very democratic. In return, villagers respect the office. If for no other reason, villagers recognize the alcalde’s summary judicial authority.

And use his judicial authority, Manuel Pop did on June 20, 2015. As Rupert Myles tried to enter the SUV, he was overpowered by several village men. Manuel Pop, alcalde of Santa Cruz, instructed his son to fetch the village’s handcuffs—issued to the alcalde by the State. His son hoped on his motorcycle and speed off. In a ritual practice, Pop handed the cuffs to his second alcalde and instructed him to arrest Myles. A rope was tied on Myles’ foot to avoid him from getting into the SUV and escaping. The village police, sanctioned officials of the alcalde council, held Myles. Rumor circulated among villagers that Myles arrived with a gun, which he left inside the SUV. The Vice-President of the TAA, the MLA Spokesperson, and the Santa Cruz alcaldes consulted with each other on what to do next. They was decided that the President of the TAA, Alfonso Cal, was to be brought to Santa Cruz immediately. Cal was conducting a meeting at the neighboring village of Pueblo Viejo, four miles west of Santa Cruz.

Alfonso Cal soon arrived in the pickup truck of the archaeologist excavating Uxbenká. Immediately, Cal consulted with the village leaders and the TAA vice-president. They decided that Myles should be transferred to the Punta Gorda Town Police. Furthermore, the leaders also decided that Punta Gorda Police Officers should come to Santa Cruz, inspect the SUV for any possible weapons, and then transport Myles to Punta Gorda Town Police Station. Cal and Pop were then chauffeured to three neighboring villages to seek police-state assistance. None could be found. Cal and Pop were then chauffeured to the highest point in Santa Cruz, multiple times, seeking cellphone signal to call the PG Police Station and request their assistance. Apparently,
a police vehicle was available in Punta Gorda Town, but had no gas. Another was on a scheduled patrol in rural Toledo District. Cal and Pop were promised that the vehicle (and officers) on patrol would be sent to Santa Cruz as soon as it returned to Punta Gorda Town. After waiting for more than an hour, another call was made to the Punta Gorda Town Police Station. Cal and Pop were told, “the Police were on their way to Santa Cruz”. They never arrived.

In the meantime, as luck would have it, Adrian Kus, a state employee in the Department of Rural Development (DRD), stopped in front of the village community center. In a way, employees of the DRD are “state vigilantes”, monitoring the activities of the MLA and the TAA in the Mopan and Q’eqchi’ villages of Toledo. Kus mingled with villagers and in what then seemed as a harmless act, he photographed Rupert Myles under arrest by the Jalacte Highway.

“Racism or Something Else?”

Sunday, June 21, 2:19 PM. One of the photographs taken by Kus is uploaded by Patrick Jones on his Facebook account. Jones is a former anchor on Love FM and Love TV, and has a wide Facebook following. After leaving Love FM and Love TV, Jones established a media company, focused on reporting from the Toledo and Cayo Districts of Belize. Before posting the picture, Jones water colored it with: RACISM or

SOMETHING ELSE? The picture’s caption further read:

The uglier side of Toledo! Speaking with this gentleman in handcuffs, all I will say at this time is that no person should face this kind of treatment in today’s Belize. I will have his side of the story, shortly.

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15 On March 23, 2017 Patrick Jones’ Facebook had 29,512 followers. In comparison, the second most popular journalist, Jose Sanchez, had 18,618 followers.
9:07 PM. Jones’ update stated:

Toledo resident Rupert Myles is claiming racial discrimination, accusing the leaders of Santa Cruz village of violating his rights. The community leaders, backed by the Maya Leaders Alliance, however, say they are not discriminating Mr. Myles but are simply enforcing their Communal Land Rights. … The Maya Leaders Alliance has deferred comment on the situation until Monday. But Mr. Myles has been speaking with reporters and a short interview with him telling his side of the story will appear shortly.

As of March 23, 2017, Jones’ posts – each including an image of Myles under arrest – were shared 107 times, liked 398 times, and had 416 comments. Discussion on his wall ranged from calling for violence against Santa Cruz Village and Natives in general, to explanations on how the traditional authority of alcaldes functions in Native villages, to appeals to wait for the MLA and the TAA’s version of the story.

The “average Belizean” rarely visits a Native village, especially in Toledo District, much less know how customary law operates in Mopan and Q’eqchi’ villages. In the national imagination, Toledo is “the forgotten district”; a place where public officers are stationed as punishment. That aside, the common theme that arose from the innumerous public Facebook walls revolved around: the paradoxes of human rights in Belize, multiculturalism, and nationalism. Was this the “something else” Jones posed in his initial post? The voluminous texts generated by the discussion can produce a dissertation in it of itself. I focus on the posts of Patrick Jones and Jose Sanchez since they are the two most followed journalists, and they were the first to cover the story on their Facebook accounts.

**Belizeans be aware of the treasonous acts committed by the Leaders**

As Sunday night progressed, the narrative that Natives of Toledo are not Belizean, especially Q’eqchi’s, got “louder”. Rebekah Emmanuel, a resident of Punta
Gorda Town, Toledo, wrote, “it’s so wrong what the Mayan community doing to Mr. Myles. I bet most of them who claiming land rights can’t talk bloody English. Most of them mix with Guatemalan”. At 1 AM, PG Importer, another resident of Punta Gorda Town, advances the narrative stating that:

The Guatemalan Claim and the Maya Communal Land Claim are the same thing. The Maya who are making the communal land claim are originally from Guatemala; they are not true Belizeans. Just like Russia annexed Crimea on the basis that Russian citizens live in Crimea and they have to protect the interests of their citizens, so too Guatemala will try to annex Toledo on the basis that they have to protect their citizens who live here.

Two hours later Waight Ed, also a resident of Punta Gorda Town, restates:

The Kekchi Mayas are not indigenous to Belize. They have migrated here to find a safe place to be. Here is a map to show where they are from. Once they start asking for self-determination, a lot of Guatemalan Ketchi Mayas will start to populate the new ‘State’. The Ketchi down south already have their own flag and do not acknowledge Belize or our constitution.

In exhortation, Waight continues, “Belizeans, it is time to be aware of this treasonous acts committed by the leaders in that area. We need to expose them and find out what is their hidden agenda. It won’t surprise me that some Guatemalan interests are

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16 The following 4 quotations are from Patrick Jones Facebook post ‘The uglier side of Toledo!’. Jones’ account had 29,711 followers. The post had 258 likes, shared 32 times, and generated 183 comments. Consulted on April 07, 2017. Available at: https://tinyurl.com/ln7h8gj

17 The Guatemalan Claim to the southern half of Belize was inherited by Guatemala from Spain, and from Britain by Belize. The Claim arose from the alleged failure of Britain to fulfill part of the 1859 Anglo-Guatemalan Treaty. In exchange of Guatemala recognizing the border of the then Belize Settlement, the British Government would construct a railroad from Guatemala City to the Caribbean Coast, guaranteeing Guatemalan access to the railroad and the Caribbean port. The railroad was not built, giving rise to the claim that Guatemala is entitled to the southern half of Belize. See Shoman (2010) on the history of the Claim.

18 Ketchi is an anglicized spelling for Q’eqchi’. The latter uses the standardized orthography of the Academia de las Lenguas Maya de Guatemala.
pushing this”. Being Q’eqchi’, not indigenous to Belize, they were characterized as treasonous.

The narrative that Natives of Toledo are “not indigenous” to Belize was a legal argument pursued by the Government of Belize in the 2008 Land Rights Claim. In arguing that Q’eqchi’s are not indigenous to Belize, their claim of indigenous rights to land was mute. This narrative found its way into the mediascapes of Belize (Ramos June 12, 2009; News 5 June 12, 2009). Evidently, the argument made by the State made it into the national discourse and continues to circulate. In addition, the Facebook posts revealed the deep Belizeans anxiety toward Guatemala; which continues to claim the southern half of Belize, including the Toledo District. Historically, Belizeans, including their Governments, have continuously reminded themselves that Guatemala is the national enemy. Thus, anything coming from enemy territory, perceived or factual, ought to be dangerous. This fear revolves on an “impending invasion” by Guatemala—either by its army or its citizens. In the meantime, especially during litigation over their ancestral territory, Q’eqchi’s were construed as mercenaries of the Guatemalan State, silently claiming land on “behalf of the enemy”. Hence, they are treasonous.

Mopan and Q’eqchi’ village territories, protected by the April 2015 Caribbean Court of Justice Consent Order, were quickly characterized as “new States”, or, “States within a State”, as seen for instance on the stickers on Joseph Estephan’s SUV—the vehicle in which Myles arrived at the Santa Cruz meeting on June 20th (see Figure 7-1).

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19 In 2008 the Maya Leaders Alliance and the Toledo Alcalde Association brought a class action law suit on behalf of 23 Mopan and Q’eqchi’ villages, demanding the Government of Belize to recognize the common property rights of the villages to their ancestral lands (Maya Leaders Alliance et al. v. Attorney General et al. [Claim No. 366 of 2008]). One of the arguments pursued by the Government was that the Q’eqchi’ were not indigenous to Belize, thus, their rights could not be honored. See Chapter 5, A Legal Strategy, on the history of litigation of the Mopan and Q’eqchi’ social movement.
Native territory as synonymous to enclaves, was introduced to the national imaginary in 2007 by then Prime Minister, Said Musa. As Conejo and Santa Cruz villages claimed property rights to their ancestral lands in the Supreme Court of Belize, Said Musa, in front of a TV camera, stated:

I will not preside over the Balkanization of Belize, that this part of Belize is strictly for the Maya, that part is strictly for the Garifuna and so on because that will result in a disintegration of our nation as Belize as we know it (Musa April 4, 2007).

The Prime Minister advanced the narrative on how Belize, as a nation-state, ought to be imagined. Belize, ought to be seen as a polygon, intact, which the Prime Minister would not allow for its Balkanization. Within the polygon, back then (2007), there was no space for Native forms of “legally owning” land—as common property. The only permissible polygons needed to be market transferrable freehold titles of land (individual private property)—a centenarian aspiration of Belize’s elite since 1859.

In addition, the Belize-polygon ought to be “a truly melting pot of colorful personalities (i.e. ethnic groups)”, as promoted internationally by the Belize Tourism Board.20 This is in stark contrast with Emmanuel’s Facebook post – reacting to Rupert Myles’ arrest – which stated that ethnic groups in the Belize polygon ought to be “speaking bloody English”. While these divergent views (or imaginations) exist, the State desires to project a harmonious, modern, multicultural, and neoliberal Belize. “Belize as we know it”, in the words of Musa, is imagined as a “horizontal comradeship” (Anderson [1983] 1991, 7).

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My ancestors slaved for and built Belize!

Counterclaims to the imagined national polygon, as seen on sticker of the SUV in Figure 7-1, attempt to erase the stories, ancient temples, and skeletons of the Native People who existed on the territory prior to the British Settler Colony. Counterclaims also attempt to erase Spanish Colonial claims on the territory, and by extension the existing Guatemalan Territorial Claim. Seventeen ninety-eight is seen as the birth of Belize, when – purportedly – loyal Enslaved Africans jovially joined their enslavers to fight off a Spanish flotilla that attempted to evict the British Settlers. History of the 1798 Battle of St. Georges Caye was revived during the last quarter of the 19th Century. Anne Macpherson (2003, 108) rightfully terms the battle a sanctified political origin myth that came to imagine Belize as a Creole proto-nation.

This new imagined Belize proto-nation was born out of war and not out of misogyny, the sexual “union” of whiteness and blackness, as Ferrer (1999) notes of the Cuban nation-state. The masculine bravado of the Black Enslaved, loyal to their enslavers, portrays a lack of racial hatred toward colonial Whites, a sentiment pervasive throughout the Caribbean during the second half of the 19th Century. According to Macpherson, the Creole middle-class of the Belize Colony emphasized their White Forefathers. They “associated themselves with whiteness without explicitly claiming to be white” (Macpherson 2003, 109). Whiteness was the glorified ability to command Black bodies during war—a “manly union during war” (Ferrer 1999, 126). In so doing, the Creole middle-class “presented themselves as authentic natives who, as Britain’s junior partners in governance, could secure a racially harmonious and loyal colonial nation” (Macpherson 2003, 109). From its settler origin, the ‘loyal colonial nation’ has been predominantly of-color.
While the Creole middle-class claimed authentic nativeness via the authority to control Black bodies, for the majority lower-class Blacks, nationality in the proto-nation was claimed through labor. Peter Ashdown (1979) and Assad Shoman (1994) document the 1894 riot of the Black population of Belize Town against the White colonial administrators and the White and Creole elite (merchants and loggers). The riot was in response to a dramatic suppression of wage and price gouging caused by a currency devaluation decreed by the Colonial Governor.

Before the riots broke out, John Alexander Tom, leader of the Black laborers, pled the Colonial Governor, that

the real inhabitants of this Colony, the men by the sweat of whose brow in the forests, All its prosperity has been achieved, Yet they are without a voice in the Legislative Council of this Colony, without any one to protect their interests while both Councils are filled with merchants and other employers of labourers (cited in Shoman 1994, 148).

A warship, sent from Jamaica, suppressed the labor agitations. Nonetheless, the majority lower-class Black population succeeded in obtaining a 50% wage increase.

Labor was one of the few assets the majority lower-class Blacks had to claim nationality. In 1919 another riot broke out among the Blacks. According to testimonies of a commission investigating the riot, Black rioters shouted, “this is our country and we want to get the white man out” (Ashdown 1978, 153). Shoman (2009) notes that the profound words of Black men - this is our country - is the first documented record of the majority lower-class Blacks claiming the land, from the White man, not from Natives or other ethnic groups.\(^\text{21}\) However, Ashdown contends that for the lower-class Blacks,

\(^{21}\) Note that Shoman (2009) has multiple citation errors. The reader must be cautious and locate the original source cited by Shoman.
Whites included “Creoles who lived in the European manner”, “Creoles who were calling themselves white”, as testified before the commission (Ashdown 1978, 153). Whites included Creoles who controlled Black labor. In the nascent Creole proto-nation of Belize, labor and the privilege to control it defined who belonged and who dominated who.

The provocative new counter-history of the present Creole, proposed by the exceptional work of Shona Jackson (2012, 52) argues that in order for labor to produce a claim for nationality, it needs “an understanding that Indigenous Peoples [are] not fully human...because their humanity is not based on the modern concept of labor”.

Returning to Hegel’s assertion that Blacks were more susceptible to European culture, Jackson notes that Blacks could be acculturated and thus ascend to the Eurocentric hierarchy of human life through labor. Natives on the other hand were not humanized like Creoles or Blacks (via labor), nor were they seen as transformers of “terra” into property or state (Jackson 2014, P 4). Thus, Natives cannot “claim the product of [their] labor, in other words, the colony and the eventual nation-states” (ibid).

Jackson’s incisive analysis is rendered visible on Facebook by Glen Fuller’s reaction to the eviction of a Creole (Rupert Myles) by the Natives of Santa Cruz. Fuller is a member of the Belizean Diaspora in the United States of America. His sentiment is shared by many Belizeans in Belize and abroad. For Fuller:

Those fucking Mayans of Santa Cruz are not real Belizeans anyway. They are Guatemalans... Sacred [temple] my rass (ass)--- What di fuck is that, why would a Black man wants to live with a Mayan woman among hateful

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22 Labor movements were the first instance where class consciousness was created across ethnic groups. Eventually, the Peoples United Party co-opted the class consciousness movement – which included most ethnic groups - to launch its successful pro-independence platform.
Mayan villagers is beyond me… It’s about race, make no mistake…. I assure you, the next time the Mayan tie up another Black person, I will personally finance and organize a brutal response…. My ancestors Slaved for-and built Belize and I will not allow some savage rass bush animal to tell me where I can, or cannot reside… I will be visiting that town soon…23

For Fuller, slavery built Belize. In the words of John Alexander Tom, the early twentieth-century Black labor leader, Belize was built “with the sweat of their brows”. Jackson observes that by “presenting Native people outside of colonial history, as prior to Black history, and as the ultimate ‘other’ to Blacks, because they cannot be called Creoles…Indigenous Peoples are literally scripted as the new zero sum of humanity” (2014, P 5). Jackson further states, that as the ‘new Black’, Natives have to be continually enacted death and disappearance in order for modern Blacks to be full humans.

Death, discursively constructed by wealthy Creole lawyers in the Courts of Belize, announced on Facebook by a Creole in the diaspora in the U.S.A., or uttered in front of a TV camera by the Prime Minister, seeks to devoid Natives of their humanity. After they are killed, discursively or otherwise, their corpses cannot claim citizenship in the “Belizean polygon”. Instead of being part of the “truly melting pot of colorful personalities”, as portrayed by the Belize Tourism Board, they are placed outside the pot. In other words, they are displaced outside of colonial time and space. While no longer displaced by wars (e.g. the 1847 Yucatán War), or political-economic policies which expropriate their lands (e.g. the 1870s in Verapaz, Guatemala), in Belize, Natives are being displaced by the imaginaries of the nation-state.

23 Quotations from Hubert Pipersburgh post on the Belize Diaspora Voting Rights group on Facebook. The Facebook page had 2,142 followers. The video was liked 137 times, shared 160 times, and generated 1,039 comments. Consulted on April 07, 2017. Available at: http://tinyurl.com/ya6e34j7
Creole Imagined-Nation

Belize obtained independence from Britain in 1981. Creoles, and to a lesser extent Mestizos, continue to maintain economic and political dominance in the postcolony. Shona Jackson (2012, 6) argues that Creoles need to become “natives” in the postcolony to “sustain a sovereign existence within the parameters of European modernity”. This is the final – and contemporaneous – shift Creoles go through to become citizens and natives in the postcolonies, according Jackson (2012, 51).

Consider for example the acknowledgement of the legacy of the most famous Creole musician of Belize, Leala Genus Vernon, known as the “Queen of Brokdown”. In February 2017 at her passing, the Government of Belize issued a press release stating that, “[Vernon’s] music has become synonymous with the celebration of Belizean and Creole Cultural identity”. For the Belizean establishment, Belizean and Creole cultural identity are one. Belizeaness is Creoleness—or, at minimum, a perpetual imagination of Belizeaness as Creoleness.

24 Shona Jackson (2012, 51), modifying the seminal works of Kamau Brathwaite and Richard Burton provides a five-stage transformation on how Creoles become native. 1) The shift from being a geographic and ontological resident of continental Africa to African/Enslaved New World resident or settler. 2) The shift from being African/Enslaved to Creole/Enslaved. For Jackson, Creole is understood as the different processes of creolization within African culture and between African and European and Indigenous cultures. 3) The shift from Creole/Enslaved to Creole/Free/Racialized with both the rise of race in the 19th Century and in distinction to new, racialized indentured labor (e.g. East Indian, Chinese) that was not yet Creole. 4) A new creolization with regard to indentured peoples (who also undergo their own complex patterns of creolization) in territories where they were brought in large numbers. And 5) The shift from Creole/colonial subject to Creole/postcolonial citizen and native.

25 Quotations from Government of Belize Press Office Facebook page. The Facebook page has 11,875 followers. The Press Release was liked 53 times, shared 29 times, and generated 2 comments. Consulted on April 10, 2017. Available at: https://tinyurl.com/m6pxc3b

26 Creoleness is not the equivalent to Mestizaje in nation-state construction, for example in Mexico. Mestizaje embraces misogyny, the sexual relationships bore from Europeans and Natives. In Mestizaje, Native origins of the State are highlighted—even when the contemporary Natives are excluded from full participation within the nation-state. Creoleness, on the other hand, is consistently called out to acknowledge and embrace its African origins. Instead of being born out of sex/misogyny, the nation-state is born out of war. Creoleness highlights the mythical creation of the nation-state.
Today, Belize’s lingua franca is English Creole. However, Arabic, Garifuna, Lower-German, Mandarin, Mopan, Q’eqchi’, Spanish, and Yucatec are spoken in Belize. It is understandable though that Belizeans learn Creole (as language and as way of life) to be considered citizens. When Rupert Myles insisted before TV cameras that “I da no no K**** (I am no K****)”, a denigrating name for Garifuna (a Black Native ethnic group of Belize), but instead, insisted that he is Creole, Myles was asserting his proper citizenship. Myles distanced himself from the “new Black” (the Garifuna), as Shona Jackson term the Natives of the Caribbean and Latin America. In a desperate act to prove their family’s Creoleness, Myles’ sister uploaded a portrait of their mother on Patrick Jones’ Facebook wall. Her caption read, “I’m Myles sister and my husband is Canadian. My bro is not a Garifuna. The lady [in the photograph] is our mother”.27

Imagined as a Creole nation-state, the claim that Belize is “multi-cultural” or “multi-ethnic” falls short of representing reality. The “truly melting pot of colorful personalities” may not threaten the postcolonial Creole nation-state; as evidenced in the continued denigrating attitudes of the nation-state toward Native People and their erasure from the nation-state’s time-space. While it can be argued that an arm of the State – the judiciary – has granted rights to the Natives of the Toledo District, it had to be demanded by the Natives from the State. Charles Hale (2005, 2006) observes that while the Native social movement in Guatemala has achieved cultural rights, it did not dismantle the discriminatory and racist structures. Cultural rights have become decoys to diffuse claims of systemic economic and political discrimination and racism. In some

27 Quotations from Patrick Jones’ post on Facebook ‘The uglier side of Toledo!’ Jones’ Facebook page had 29,711 followers. The photograph was liked 258 times, shared 32 times, and generated 183 comments. Consulted on April 07, 2017. Available at: https://tinyurl.com/ln7h8gj
instances, cultural rights are used to continue to perpetuate racisms toward Natives. For example, claims of “I am Belizean, I can live anywhere”, invalidates the cultural right of villages to defend their cultural heritage and decide who lives on their territories.

Constitutional rights of Belizeans are used to subsume Mopan and Q’eqchi’ rights.

I Mean to Find Out From the Authorities What They Mean to Do About it

Returning to the arrest of Rupert Myles, Sunday passed. Video interviews given by Myles to major media outlets were posted on Youtube and shared many times on Facebook. On Monday, June 22, all news organizations carried the arrest of Rupert Myles by villagers of Santa Cruz. It was 6 PM. We huddled in front of a flat screen TV, hastily skipping through the three major news channels. An anchor stated that the Prime Minister, Dean Barrow, on the campaign trail, spoke firmly against the action taken by the villagers of Santa Cruz. Surrounded by party supporters, and an aide holding an umbrella over him to block the scorching Summer Sun, Barrow said

It is OUTRAGEOUS. I believe someone sent me an attempted defense by the, the, the Mayans. That is INDEFENSIBLE. These people, they, I think they were pretty much well positioned in terms of public opinion. I believe they have lost that COMPLETELY now, with this sort of an action. Well they should! I mean it is ABSOLUTELY indefensible. I want to make CLEAR to them again that that consent judgement [in April by the Caribbean Court of Justice] merely recognizes that they are entitled to certain rights. The rights, the nature of those rights is not spelled out. We have agreed, we will set up some sort of a commission, we will hear from everybody, all, all parties in Toledo [District] and elsewhere, before we can come to a decision as to what their rights ought to be.

In the meantime, for them to do something like this... They talk about human rights, what about that man’s human rights? What about his rights as a Belizean? I don’t know how on EARTH they can ever justify this. In my view, they have lost whatever moral high ground that they ever had and I want to look carefully at it to

28 In Belize, with the exception of Love FM, news organizations do not produce radio and TV news on the weekends, and on public and bank holidays. This cultural reality has made social media a platform to share “official and unofficial” news on days where news is not being published.
see if any of them might not perhaps be CRIMINALLY liable for what they did to, to, to that gentleman.

*Jules Vasquez, reporter: They say he built a structure since 2014 on the Uxbenká [archeological] site and they did this as a last resort, that’s what their [press] release says.*

Well I don’t know about that. I don’t know about their sites. WHAT I know is that TYING up this man, falsely imprisoning him, physically assaulting him, that is ABSOLUTELY intolerable and I am telling you I MEAN to find out from the appropriate authorities what, if anything, THEY MEAN to do about it. [It] CANNOT be countenanced (Barrow 2015b).²⁹

The Prime Minister’s interview encodes precise state positions toward the Natives of Belize, especially the Mopan and Q’eqchi’ Peoples of the Toledo District. In a strategic political tactic to diminish the “enemy”, the Prime Minister cast the villages as “losing moral high ground”. The discursive move exemplifies a textbook case of racializing that casts the shortcomings of a few on an entire ethnic group or racialized group. After being racialized, the characters are turned into criminals.

Criminality, however, is only possible through illegality. The exercise of customary law by the village of Santa Cruz had to be cast as invalid and illegal. Customary law, according to the Prime Minister, went against the Constitutional rights of Myles, as a Belizean. The Prime Minister, an attorney who has represented SATIIM, a predominantly Q’eqchi’ organization, most likely has knowledge of the customary law and authority of the alcalde council in Native villages. He even acknowledges that the 2015 Caribbean Court of Justice Consent Order upheld that Native villages have rights. For the Prime Minister, nonetheless, “the nature of those rights are not spelled out”. Since they are not spelled out, they are rightless. Mopans and Q’eqchi’s exist in limbo,

²⁹ Video consulted on March 27, 2017. Available at: https://vimeo.com/channels/news5/131498695#t=41m54s
outside the law. Momentarily, Mopan and Q’eqchi’ right to exercise customary law was suspended and effectively made illegal. With their rights discursively suspended in the national mediascapes, punishing their purported criminality was subsequently made possible.

In full display of his sovereign authority, the Prime Ministers said he would ask the authorities, in other words, the Police, the Director of Public Prosecution, and the Attorney General, how they would proceed with the “now criminal practice of customary law”. Days later, the Attorney General, Wilfred Elrington, echoed the words of the Prime Minister:

> It has come to my knowledge for some months now, if not years now, that Guatemala is experiencing this problem. It has nothing to do with race, it has nothing to do with color. Because of an absence of strong institutions in Guatemala, the Indian communities there have been carrying out summary justice in villages that are far away from the cities and they have been known to in fact apprehend people who they allege to have committed crimes of stealing and other things like that and actually execute them. This is done in the rural area of Guatemala and it’s being done more often than we like to think is happening and the [Guatemalan] administration is finding it difficult to contain the situation. So it’s a dangerous development and while it is happening in Guatemala and while the government has limited capacity to deal with it, we in Belize certainly cannot countenance that kind of behavior (Elrington June 25, 2015).

Stoking national fear, the Attorney General not only portrayed Mopans and Q’eqchi’s as criminals, but presented them as also embodying the ultimate national “enemy”—Guatemalans. For Elrington, Myles’ arrest had little to do with the practice of customary law. Rather, it was vigilante justice, practiced by Indians living far away from cities—in Guatemala. Customary law, construed as vigilante justice by the Attorney General and the Prime Minister, was a dangerous development. A danger likened to the

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30 The term Indian is a denigrating name for Natives of Belize, who prefer to be called Mayas.
Guatemalans. As if a malignant cancer, it could not be allowed to spread. For the Attorney General, such barbarity can only flourish in failed States—where the State cannot assert its sovereignty. Sovereignty thus needed to be asserted by the Belizean State by deploying the police force and the military force.

**Sentiments and Vigilance**

After listening to the Prime Minister’s comment on national TV, the counsels of the MLA and the TAA noted, “we need to tell Santa Cruz that they could be arrested”. In text messages to a villager of Santa Cruz, an urgent meeting was arranged for Tuesday June 23. The following morning, a phone rang. The call was quick, to avoid being tapped by the police. We found out that Santa Cruz villagers, the Spokesperson of the Maya Leaders Alliance, Cristina Coc, and an unknown list of people will be arrested by the Belize Police Force. Key members of the MLA went into a separate conference room. Tears fell. I went into the room, wanting to embrace someone. I was told, “Tim, please give us a minute”. My mind raced. I stepped outside and paced. For the first time I felt threatened by the Belizean State.

On social media, discussion of Myles’ arrest intensified. Reaction was mostly negative, accusing the Natives of Toledo of racism. We prepared for an impeding counter-arrest by the State. MLA and TAA attorneys – who happen to be present in Punta Gorda Town to plan the implementation of the April 2015 CCJ Consent Order – informed transnational human rights organizations to be on alert for possible state-violence against the villagers of Santa Cruz. We barricaded the office and ourselves.  

31 For security purposes I cannot detail what the MLA and the TAA did to barricade itself against the police and military threat of the Belizean State.
Media organizations, wanting to cash-in on the “controversial story”, sought interviews. Over the phone, News 5, the largest TV station, requested exclusive interviews. Its camera man and a reporter landed at the Punta Gorda Town Municipal Airstrip around 1:30 PM. We sped off to Santa Cruz village. Five Belize Defense Force Officers, with their high-powered guns, were stationed in Santa Cruz when we arrived (see Figure 7-2).

Pablo Mis, the Maya Leaders Alliance Coordinator and the News 5 personnel proceeded to set up an ad hoc interview room. The village center, which is occasionally transformed into the alcalde’s court, was transformed into a news room. Santa Cruz, once an imagined remote village in the forgotten district of Toledo, was brought into the intimate spaces of Belizean homes, offices, and on mobile devices. As Mis gave an interview, the benches behind him – in the camera frame – started to fill with men and women with their children latched onto their hips. In the middle of the interview, Tata Higinio strutted into the room with the help of his walking stick. Children who were on break from elementary school peered through the windows. Also observing were the Belize Defense Force Officers deployed by the State to collect intelligence on Santa Cruz (see Figure 7-3).

After interviews in the Santa Cruz Community Center, News 5 personnel wanted footage of the house built by Rupert Myles atop the sacred mound. In front of the infamous house, President of the Uxbenká Kin Ajau Association, the village organization that manages the archaeological reserve, gave an interview. We then ran up the main plaza of Uxbenká temples to capture more footage. The MLA, the TAA, and the Santa Cruz leaders used this opportunity to provide an exhaustive counter-story to
the claims of discrimination against Rupert Myles by the village of Santa Cruz. Instead, the story insisted was the recognized judicial authority of the alcalde to use summary law in his village. Shortly after, New 5 personnel were rushed to the Punta Gorda Town Municipal Airstrip by a fellow anthropologist to take the last plane to Belize City, in time for the 6:30 PM news cast. That night, I wanted to inform my family of the possible arrest, however, I did not want to alarm them.

Darkness fell over Toledo District and the unease settled even further. Around 11 PM I called my family and told them that if I was arrested, my computer and field notes would arrive home (in Belize). I would include clear instructions on how to keep my data safe from the reaches of the Belizean State. At 4:30 AM the bird-chirp of my flip phone rang. A text message read, “there are police arresting in Santa Cruz”. My heart raced. As much as we prepared ourselves for this moment, feeling vulnerable before the affective biopower of the State is beyond one’s control.

I pause to define how social scientist understand the biopower of the State. In his analysis of bare life in Auschwitz during World War II, Giorgio Agamben (1998), claims that the sovereign is that who monopolizes the decision on the “exception”, as first defined by Carl Schmitt ([1938] 1985). Agamben, notes that the State apparatus also has the ability to “let live” only because it also “does the sovereign’s will” (122). Paul Rabinow and Nikolas Rose (2006), in challenging and expanding on Agamben’s proposition, note that since the late nineteenth Century, the Sovereign no longer monopolizes the biopower terrain. Since the birth of the “social”, or civil society, the
Sovereign has entered a sort of moral economy of exchanges with those it governs.  

Sovereign power is at one and the same time an element in the moral economy and an attempt to master it (202). For Rabinow and Rose, the Sovereign can claim sovereignty, provided that the ‘social’ see the sovereign aspiring and protecting liberalism (e.g. justice, democracy, property, economy, etc). In exchange, the Social makes demands and constraints on the Sovereign (203).

Returning to Santa Cruz, the arrest of Rupert Myles, framed as vigilante justice by the Attorney General, goes against the very core of liberal thought—the right to a free and fair trial. Thus, it was necessary to protect liberalism. On Facebook, Darwin Blanco, even before the Prime Minister said that he would do something about the arrest, pled:

I’ve always wondered when the government was going to address this type of behavior by our Indian brothers. …. It is one thing to help the law capture an individual if that person has done wrong. And even if they have done wrong, it’s not your place to grant punishment for you’re not the law. GOB need to make this statement strong and hard towards all Belizeans most importantly the Indians. If you choose to do things your way then you should be punish also for acting in this barbaric manner.

Natives, according to Blanco, were not the law. Their Indian barbaric behavior required a strong State response. The day the State arrested the Santa Cruz villagers and the MLA spokesperson, the East Indian Council of Belize issued a press release stating “we call upon the government to scrap the Alcalde system. It is a system that is antiquated and has outlived its usefulness” (Plus TV June 25, 2015). The Social, private citizens

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32 Rabinow and Rose (2006, 203) refer to ‘the social’ as philanthropic organizations, social investigators, pressure groups, medics, feminists, assorted reformers, et cetera.

33 Quotations from Patrick Jones’ post on Facebook ‘The uglier side of Toledo!’. Jones’ Facebook page had 29,711 followers. The photograph was liked 258 times, shared 32 times, and generated 183 comments. Consulted on April 07, 2017. Available at: https://tinyurl.com/ln7h8gj
and organizations, demanded the State to protect the people’s freedom/liberalism and Western Law. This was achieved by arresting and charging those who purportedly participated in the arrest of Rupert Myles with the crime with unlawful imprisonment, aggravated assault and common assault.

**Spectacles of Governance**

After receiving the text message that the police were arresting in Santa Cruz, I quickly dressed and went downstairs. Everything was wet from the constant rains. I stepped into the downstairs home. My host family is intimately linked with the Mopan and Q’eqchi’ social movement for more than two decades. On their kitchen table laid a heavily used olive-green Joel Osteen devotion book. As we left for the MLA and the TAA office, the mother of the house told us, “remember the devotion: pray for your enemies to be confused”. At the office we decided that some of the attorneys should relay information to the transnational human rights networks. We then drove to the Punta Gorda Town Police Station to find out more information on those arrested.

The sky was overcast, as if mimicking our sentiments. We parked the pickup truck fifty feet away from the Police Station. In the truck were MLA officials: program coordinator, Pablo Mis; spokesperson, Cristina Coc; and attorney, Monica Coc-Magnusson. Pablo and Monica entered the Station to inquire on the whereabouts of those arrested. I uttered, “Shit, there’s [Ernel] Dominguez!” Dominguez, an imposing man, taller than six feet, is the second-in-command of the Punta Gorda Town Police Station. As he stepped outside of the Station, he placed his hand on the pistol strapped onto his right hip. I started the engine, attempting to leave. Dominguez walked briskly toward us. “Let’s go!” Cristina said. “He’s got a gun”, I replied. As the vehicle moved, Dominguez placed his left hand on the window. Staring at the back seat, he said, "Ms.
[Cristina] Coc, you need to get out of the car”. By now Monica, the MLA attorney, had ran toward the pickup. For a minute, Monica insisted that Dominguez could not arrest Cristina without a warrant.

In a failed attempt to extract respect from Dominguez, Monica raised her voice asking him, “IS SHE UNDER ARREST?” After much insistence, Dominguez conceded, “yes she is”. Monica asked, “on what basis are you arresting her?” Dominguez replied, “she is under arrest on the strength of a warrant for conspiracy”. To avoid further escalation, Cristina decided to follow Dominguez’s order. She was escorted into the Police Station by Monica, her sister and attorney. The arrest-warrant was not disclosed to Monica until minutes before the detained went before the Toledo District Magistrate to be charged. The charges, however, were for unlawful imprisonment, aggravated assault and common assault—not conspiracy against the State, a graver crime.

Word of the mass-arrest quickly spread. Around 6:30 AM a reporter from the PG TV arrived on a red motorcycle with his handheld camcorder. Also arriving to Punta Gorda Town were two buses of villagers from Santa Cruz. Ernel Dominguez, anticipating their arrival, told Pablo, “I know you are an activist, and if people come [to town], we want a peaceful protest”. Minutes later, two Ford pickup trucks from the Belmopan City Police drove into the parking lot of the Police Station. The pickup trucks were packed with riot shields. Belize City media organizations – Channel 7, Krem TV, Love TV, Love FM, and News 5 – joined with the afternoon flights to Punta Gorda. Also driving to Punta Gorda were two additional attorneys of the MLA and the TAA. The morning became afternoon. I picked up 12 plates of food from the unnamed restaurant of Soila Bejerano and took them to the Police Station.
The spectacle orchestrated by the State – the counter mass-arrest of the Santa Cruz villagers and the MLA spokesperson – soon took the scene. The stage was the 200 feet on Front St between the Police Station to the Magistrate Court. Here is where “deviants” take the “walk of shame” or the “walk of defiance” to respond to the charges brought against them by Her Majesty, Queen Elizabeth—still the Head of State of Belize. There was a glitch. Most of the protagonists of the scene had no shirts. One had no pants. Most were bare feet. Villagers were dragged out of their beds and hammocks by the Police. In a brilliant act of counter-theatrics, activists decided that men from the villages would undress in front of the TV cameras and provide their clothing to the almost nude protagonists of the scene.

After the protagonists were “court worthy” – clothed – the 200 feet walk on Front Street was possible. Leading them were their attorneys, Monica Coc-Magnusson and Audrey Matura-Shepherd. Overlooking the detained was the imposing Ernel Dominguez. On their side and behind them walked six officers of the Police Special Forces, deployed from Belmopan City. On the side of the street, TV camera men ran backwards, trying to capture the best angle and bring the faces of the arrested into the intimacy of Belizean spaces (see Figures 7-4 and 7-5). As the arrested approached the Magistrates Court, Belizeans of all ethnic backgrounds stood along the fenced wall of the Belize Port, some hollering racist remarks. At the foot of the Court, they were

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34 Front Street continues to be the property of the British Postcolonial State—Belize. It has the Court, the State Treasury, the Official Sea Port, the town market, and in British historiography, a Protestant Church, across from the Police Station.

35 Incidentally, all five attorneys present with the MLA and TAA on June 24, 2015 were women. Monica Coc-Magnusson is the first Q’eqchi’ person of Belize to hold a law degree. The other four counsels were from Belize City, Chicago (now a citizen of Belize), Toronto, and Rio de Janeiro.
greeted by eight Police Special Forces Officers. Lined along the corridors of the Magistrates Court were villagers of Santa Cruz for whom the Police brought riot gear. Cristina Coc was escorted by women Police of the Punta Gorda Station, before the men were taken to the Magistrates Court.

In his analysis of the deportation regimes, Nicholas de Genova (2013, 1180) describe border policing and immigration law enforcement as producing a spectacle that enacts scenes of exclusion. Scenes, via images and text, render migrant illegality visible. Similarly, in Punta Gorda, Belize, the scene of villagers of Santa Cruz and the MLA Spokesperson, arrested for “vigilante justice”, rendered their perceived illegal behavior visible. Ironically, the villagers were assisting the alcalde in his practice of summary law, acknowledged by the Belize colony and postcolony. In rendering them “illegal”, the Belizean State excluded them from the precincts of the nation-state. De Genova (2013) refers to such acts as the “obscene of inclusion”; a form of “inclusion” through “exclusion”. Natives were “included” as national subjects, accountable to Western Law, but “excluded”, because their mode of practice of law (both Western and Customary) was deemed impermissible.

As with the mass-raids to deport immigrants from the U.S.A., the mass arrest of Santa Cruz villagers is necessary for the State to create an illusion that it is in control and protecting the (liberal) interests of its citizens. It is costly for States to be at all places and at all times, thus, spectacles are used to generate public affects. Affect – fear in this instance – is necessary to illustrate the faith of future perpetrators who might consider transgressing the sovereign authority of the State. As Rabinow and Rose (2006, 202) note, spectacles compensate for the State’s ephemerality and spontaneity.
In the case of the Belizean State’s spectacle – executed by law enforcement – it was aided by the U.S.A. ‘War on Drugs’. The most visible rendering of this is the U.S.A. flags pasted on the front doors of the Ford F-350 pickups of the Belize Police Force used to arrest the villagers of Santa Cruz.

**Stripped of Legal Clothing**

Manuel Pop, the alcalde of Santa Cruz, was spared the predawn arrest by the Belize Police Special Force. In Santa Cruz, there was suspicion that a villager helped the Police identify the homes of those on the arrest warrant. Some thought that the local informant was either not asked of Pop’s home, or, the informant refused to give his address. However, the decision to not arrest the first alcalde on June 24, seem to have been out of legal caution by the State. After bail was met for those charged, Audrey Matura-Shepherd, attorney of the arrested, explained to the media that alcaldes are magistrates of the Inferior Courts of Belize. Matura-Shepherd then stated, “ironically, the [village] alcalde who headed the proceedings that day has not been charged, and they know why! But the village chairman has been charged, as well as the second alcalde”. Nonetheless, the alcalde’s name was on the arrest warrant. My personal assessment as I witnessed the events is that the State did not want to include the alcalde – a magistrate – in ‘the scene’ on Front St, Punta Gorda Town.

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36 Through the Central American Regional Security Initiative (Carsi), the Belize Police Force has received multiple donations. Goal number four of Carsi is to: RE-ESTABLISH effective state presence, services and security in communities at risk (U.S. Department of State 2017).

37 Reports by the U.S.A. Congress indicate US $1.2 billion dollars had been appropriated to Carsi. Of that, US $475 million had been expended in 2015. From 2008 to 2012, Belize was assigned only 3.9% of the funds disbursed (Meyers and Ribando Seelke 2015, 18). According to an Embassy of the United States (2017) press release, Carsi had designated US $35 million to Belize as of April 7, 2016.

38 Quotation from fieldnotes labelled 2015.06.24.PG-INT-AMS-001.
On the following day, June 25, in the desolate Front St, Manuel Pop was escorted to the Magistrates Court to be charged (see Figure 7-6). Walking two steps behind the Court Prosecutor (a police officer), Pop was brought before his “peer”, the Toledo District Magistrate, another officer of the Court, a more “esteemed” court, evidently. After waiting for almost half an hour, the Court Clerk asked everyone to rise as Emmerson Banner, the magistrate, entered the court room. Manuel Pop’s name was called out by the clerk. Pop took the stand. Banner, staring at documents on his desk, asked Manuel Pop, “You speak English?” The alcalde responded, “little”. Banner instructed the court clerk to find a translator. A police officer who spoke Mopan Maya entered the court room and stood next to Pop. The five-minute exchange proceeded as follows:

Banner: Ask him his name.

Banner: What is his age?

Banner: Where does he live?

Banner: What kind of work he do?


Banner: He understand the charge?

Banner: Tell him it’s an indictable crime.

Banner: He will be tried by the Supreme Court.

Banner: Tell him I will not take a plea from him.

Banner: He understand that?
Banner: His case is adjourned to the 28 day of July, 2016.

Banner: I am offering him bail in the sum of 10,000 dollars. One surety of the same. Or two sureties of 5,000 each.

Banner: He understand that?

Coc-Magnusson: Your Honor, may I ask for an adjustment to bail?

Banner: What is that?

Coc-Magnusson: That you dismiss bail.

Banner: HOW CAN I? His case is not different from the others (the other defendants). No defendant will be treated differently than others! No defendant will be privileged over the other defendants. Bear in mind that this charge is a serious offence, he is being charged for the unlawful imprisonment of an individual. He will be tried at the Supreme Court, which if convicted, he can spend 10 years in prison. If the charge stands in Court. He is being charged with a serious offense. So his bail is fixed with the offense that he is charged.

Coc-Magnusson: That is understandable Your Honor. May I verify that bail is two sureties of 5,000 each.

Banner: It is two sureties. He can provide land papers or people sign for him (bail).39

The alcalde of Santa Cruz, Manuel Pop, was placed on the dock of the Toledo Magistrate Court as a civilian, symbolically striped of his title of alcalde—an office of the judicial branch of government (see Figure 6-1 for the configurations of the Belize Government). For Banner, Pop was a mere defendant, equal to the other defendants and equal before Western Law. While Pop was not dragged to the Punta Gorda Town Police Station’s Jail – stripped – as some of his villagers were, he was symbolically stripped of his title in the Court Room.

39 Quotations from fieldnotes labeled 2015.06.25.PG-CRM-XXX-001.
In 1990, the Solicitor General of Belize noted that while the swearing of alcaldes by a State official was a mere formality, “it is a necessary formality to clothe the alcaldes and deputy alcaldes with legal authority to exercise civil and criminal jurisdiction conferred on them by the [Inferior Courts] Act”.  

Striped of his “legal clothing”, Pop was made a “bare subject” of Her Majesty. As I argued above, his “illegal behavior” was made possible by construing the practice of customary law as vigilante justice. In the view of the State, Pop did not have his “judicial clothing” when he participated during the “vigilante justice”—construed as the false imprisonment of Rupert Myles.

Manuel Pop stepped out of the dock and sat next to Alfonso Cal, President of the Toledo Alcalde Association. Soon after, Monica, his Q’eqchi’ attorney joined them. It was a surreal moment. In the court room of Her Majesty, there sat two Native traditional leaders, flanked by their attorney who spoke their language and the language of Western Law. All three were recognized officers of the judicial branch of government. Although not the protagonists of ‘the Front Street scene’ the day before, the three officers of the Court now sat before and below a “higher Court official”—the Toledo District Magistrate. Perhaps it was not a surreal moment. Surrealism after all is the unnatural or irrational juxtaposition and combinations of principles, ideals, or practice. The alcalde council’s incorporation into the Belizean Colony in 1858 followed a specific logic—to police the boundaries of the nascent Belize Colony and to police its “new”

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subjects, the Natives (see Chapter 4). Alcaldes were used to establish British hegemony over the territory and population.42

**Conclusion**

In this Chapter I discussed the attempt of the village of Santa Cruz to evict Rupert Myles from its village lands. Myles, a Creole man, had decided to build a house atop a scared Maya mound, part of the Uxbenká Archaeological Reserve. Informed of the violation, Myles refused to follow customary law culminating with his arrest. His arrest, made public on social media and then on news media, unleashed the underlying discrimination and racism suffered by Natives, especially Mopans and Q’eqchi’s. Persistently portrayal of Mopans and Q’eqchi’s as “non-indigenous” and “immigrants” to Belize has justifies their mistreatment and exclusion from the Belize Creole nation-state. I discussed that the Belize nation-state, imagined as Creole, albeit in tandem with qualifiers like “multi-ethnic” and ‘multi-cultural”, erases the historical and contemporary presence of the Natives in Belize.

Mopan and Q’eqchi’ villages have fought back fearlessly, demanding their rights from the Belize State. And yet, customary law, the foundation of the rights they were granted by the Caribbean Court of Justice (2015), had to be suspended by the Sovereign of the Belizean State when they appeared to clash with the rights of Belize’s exemplar Creole citizen. After being suspended and made illegal, state violence toward the villagers was possible. Lacking the military and police capacity to be present at all places, and at all times, the Belizean State used the spectacle of governance (De

42 Danilyn Rutherford (2009) refer to this process as internal imperialism. See Chapter 4 for an expansion on the internal imperialism of the British Colony in Belize vis-à-vis the alcalde council.
Genova 2010, 2013) to assert its sovereignty over the territory and the Native People. The mass counter-arrest of the Santa Cruz villagers and the Maya Leaders Alliance Spokesperson executed in front of the cameras of all major national media stations used the scene to include the Native villages as criminal subjects, while also excluding them from the precincts of the nation-state.

The Santa Cruz Incident, which evolved on the Belizean mediascapes and transcended national borders, illustrate the underlying structures and sentiments that generate staunch opposition toward the assertion of land rights by the villages of Toledo. Mopan and Q'eqchi' organizations from the 1980s (TMCC) and 1990s (TAA) have always contended with the opposition to their social movement by the nation-state. The Santa Cruz Incident demonstrates the deeply entrenched racism and unquestioned nationalism that underlies this opposition.
Figure 7-1. Stickers on Joesph Estephan’s SUV. Myles arrived in this SUV on June 20, 2015. Santa Cruz, Toledo.

Figure 7-2. Belize Defense Force Officers stationed at the village of Santa Cruz after the Prime Minister of Belize comments on the Santa Cruz Incident. Santa Cruz, Toledo, June 23, 2015.
Figure 7-3. From outside, Belize Defense Force Officers – in green – watch and listen as President of the TAA, Alfonso Cal, addressed villagers of Santa Cruz. Santa Cruz, Toledo, June 23, 2015.

Figure 7-4. Santa Cruz villagers escorted to the Toledo Magistrates Court by Police Special Forces to be levied charges for the arrest of Rupert Myles. Punta Gorda Town, June 24, 2015.
Figure 7-5. Monica Coc-Magnusson, right, and Audrey Matura-Shepherd lead their clients – Santa Cruz villagers – to the Toledo Magistrates Court. Punta Gorda Town, June 24, 2015.

Figure 7-6. Alcalde of Santa Cruz Village, Manuel Pop, escorted to the Toledo Magistrates Court by a Belize Police Officer to be charged with the “false imprisonment” of Rupert Myles. Punta Gorda Town, June 25, 2015.
CHAPTER 8
CONCLUSION: “WE SIMPLY WANT A DIGNIFIED LIFE”

In April 2015, I boarded a plane and landed in Belize a day before the Caribbean Court of Justice delivered its final ruling on the constitutional redress initiated by the Mopan and Q’eqchi’ villages in 1996. The CCJ Consent Order ruled that customary land tenure exists in Mopan and Q’eqchi’ territory and gave rise to individual and collective property rights. Customary land tenure was constructed by the Native claimants and their expert witnesses to arise from the native way of life on their territory, governed by customary law which is administered by the alcalde council. While the CCJ “resolved” the constitutional redress, there continues to be opposition on the ruling from Government officials, Government supporters, Belizeans in general, and some Mopan and Q’eqchi’ villagers from the claimant communities.

In Chapter 7 I discuss how litigation in 2007 by the first two villages found the Prime Minister of Belize advancing the narrative that granting rights to the Mopan and Q’eqchi’ Peoples’ ancestral lands would lead to the balkanization of Belize (Musa April 4, 2007). As the case moved through the higher courts, the Government of Belize pursued the legal argument – which found its way in the national media – that the Mopan and Q’eqchi’ were recent immigrants from Guatemala; thus, their claim to land was mute. Land and who is “entitled” to it has historical roots of alienation.


2 See *Cal et al. v. Attorney General* [Claims Nos. 171 and 172 of 2007].
The Colonial Present

The set of litigation brought against the Government of Belize by the Mopan and Q’eqchi’ Peoples since 1996, and its culmination in 2015, upended a long colonial history of “land alienation”. In the Belize Settlement, after emancipation, the enslavers accumulated wealth by granting themselves titles to the lands they were extracting timber from (Bolland and Shoman 1975; Hoffman 2014). Their monopoly of land forced the freed People of Color to provide their labor to their former enslavers. As the timber industry faltered in the mid-1800s, companies sought metropolitan capital to sustain the timber industry.

Metropolitan capital however was only available if local timber companies could prove security of tenure over their property—land. Thus, rose the need for a good root of title to land, only possible from a sovereign authority (Taylor 2007, 402). The Lands’ Title Act passed in 1859, excluded the majority-Black population from registering and acquiring land.³ In a separate instance, the Anglo-Guatemalan Treaty (1859) required the British Subjects (Whites and Blacks) from the Bay Islands of Honduras to be relocated – and granted land – in the territory “expanded” as part of the Treaty (see Figure 4–1). The majority-Black People were never granted land as committed in the treaty. Instead, they were relegated to the swampy marshes south of Belize Town. Today, Southside Belize City, continues to be home to the most disenfranchised Black Population. Land has always been alienated from the lower class, mostly People of Color.

³ The Lands’ Title Act was passed the same year the Anglo-Guatemalan Treaty was signed, granting British sovereignty over the present territory of Belize. The Lands’ Title Act was proposed in 1857 but received royal assent until 1859 by the British Crown because until then, British sovereignty over the Belize Settlement was unclear.
Thus, when the Mopan and Q’eqchi’ People were granted land rights by the Courts due to their “occupation” and “customary law” administered by alcaldes, the Belizean Population was divided in its support. Very few Belizean understand how Mopan and Q’eqchi’ Villages govern themselves. It is easy to assume that the alcalde council, the ancestral and modified form of governance, functions similar to the village council, a 1950s importation of the Belize Colony. Most important in the opposition, however, is “why should recent immigrants be entitled to land [when historically, people of Color have been excluded]?” Mopan and Q’eqchi’ People, to begin with, have been construed as non-native to Belize. In addition, among the Native Peoples of Belize, the Mopan and Q’eqchi’ People are not considered as having contributed to the origin and development of the colony and postcolony (see Chapter 7). They have not transformed “terra nullius” into “terra exculta” (civilized land). As noted above in Chapter 5, they were granted “civilization” by the British Colonial Administration—by bringing them into the folds of the Government. Mopan and Q’eqchi’ People have been racialized as needing the Church and State’s tutelage to become “loyal and consenting subjects” (Henry Fowler, 1855, cited in Wainwright 2008, 53).

As racialized subjects of the colony and postcolony, Mopan and Q’eqchi’ forms of governance do not have the same authority within the state structures. In fact, as we learned throughout this dissertation, colonial and postcolonial governments attempt to dismantle native forms of governance, especially in times of crisis. In Belize, the alcalde council and its dispensation of customary law was scrutinized in June 2015 as the villagers used traditional authority to mediate the occupation of land by Rupert Myles, a

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4 Native Peoples include the Garifuna, Mopan, Q’eqchi’, and Yucatec.
Creole man (see Chapter 7). On social media and news media, the Santa Cruz Incident was quickly conflated with race by the Belizean society. Creoles and Mestizos dominate the economic and political life in Belize. Creoles, however, are seen as the inheritors of the colony (Jackson 2012). Eviction of a Creole Man – the “true Belizean” – by “recent Guatemalan immigrant/Indians”, represented a treasonous act. On the other hand, the Belizean State used the Santa Cruz Incident to demonstrate to the alcalde councils that it is the unchallenged sovereign. While the Mopan and Q’eqchi’ social movement – which placed the alcalde councils at the center of the movement – has transformed the legal terrains of Belize and the Caribbean, it is still struggling to transform the social terrains of Belize.

**Struggles: “To Defend and to Live Well”**

I learned that the villagers referred to the social movement as ‘The Maya Struggle’. This is not unique to the indigenous people. Across Latino América, subaltern people speak of their *luchas* or *luta* (struggle). Meanwhile, in North America, Angela Davis writes *Freedom Is A Constant Struggle* (2016). Struggle gives the sentiment of social movements as pursuing mirages, unattainable ideologies, unrealizable worlds. ‘Struggle’ perhaps is a reminder that the structures social movements seek to dismantle are engraved in our material and immaterial worlds; therefore, the worlds they aspire for are elusive. In other instances, social movements seek to protect the “little” subaltern people have, say freedom, autonomy. Is the constancy of struggle testament to the consistent attacks subalterns face? Is constancy of struggle born from the constant precarity subaltern people find themselves in?
Take the Red Nacional de Defensoras de Derechos Humanos en Honduras, their motto is: Defending the Right to Defend. The motto speaks of the dangerous conditions human rights defenders live while defending their rights. The Red, has a sophisticated ideology linking extractive capitalism and patriarchy as integral to the national and international political economy. Human rights defenders in these environments live in precarity. Elsewhere in the world, human right defenders dedicate themselves to their ‘causes’, and not to both the cause and trying to remain alive. Bidding farewell to March 2017’s International Women’s Month, the Red published “defend to live, and live well because we want to continue to defend life and our rights, without dying in the process, we decide to Defend and to live well” (RNDDHH April 4, 2017). Live well in the poetic press release of the RED speaks of transnational ideologies shared by subaltern people. Erroneously thought as having “little”, subalterns seek to maintain their wealthy by maintaining a dignified life—free, autonomous.

Is the Maya Struggle a subaltern social movement which seeks to live well, in dignity? In Chapter 6 I discuss a resolution presented at the Belize National Assembly in 1985, Basilio Ah, area representative of Toledo West, advocated for the preservation of the Mopan and Q’eqchi’ Homeland (i.e. territory). Ah noted that both traditional authority and land are fundamental to ensure that villagers “live in peace and harmony with one another” and both are “indispensable [for] the existence of the Maya Cultural heritage” (see Appendix C). Resolution B called for the “people in common decide the…nature of

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5 On its Facebook page, the Red define themselves as “women who defend life, water, sexual and reproductive rights of women, community radios, and common good/wealth” (Consulted on April 20, 2017. Available at: https://www.facebook.com/reddedefensoras/). The most prominent member of the Red is the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH). On March 3, 2016 Berta Cáceres Flores, leader of COPINH, was slain for her work defending Native Lenca lands and waters.
community development without force or coercion from government or any foreign
body” (ibid). The 1985 Resolution advocated for the autonomy of the Mopan and
Q’eqchi’ People. During the second half of the 1980s the social movement organized in
an elected council, the Toledo Maya Cultural Council (TMCC) and pursued the “1985
Resolution. TMCC forged an ethnic identity – a Maya identity – between the Mopan and
Q’eqchi’. The two platforms through which this the social movement and native identity
was articulated, incidentally, was via the colonially recognized alcalde council and the
Indian Reservations.

In the 1990s, the Belizean economy was “opened” for international investment.
Toledo District, where Mopan and Q’eqchi’ territory exist, was opened for timber
extraction and oil exploration. The TMCC sought the intervention of the Belize Supreme
Court (1996) to protect their lands from these policies. Ignored, the TMCC sought
protection of Mopan and Q’eqchi’ territory though the Inter-American Commission on
Human Rights (IACHR). Successful with the international tribunal, the Maya Leaders
Alliance – the succeeding organization of the TMCC – reinitiated a set of successful
litigation in Belize Supreme Court in 2007. The Government of Belize appealed the
2010 Supreme Court’s decision granting property rights to all 39 villages of the Toledo
District.6

“We simply want a dignified life”

In 2013, after learning of a split-majority decision at the Belize Court of Appeal
which also recognized the right to property to ancestral lands of the Mopan and Q’eqchi’

6 See cases Maya Leaders Alliance et al. v. Attorney General et al. [Claim No. 366 of 2008] and Attorney
General et al. v. Maya Leaders Alliance [Civil Appeal No. 27 of 2010].
villages but absolved the state in providing security of tenure to those rights, Cristina Coc, Spokesperson of the Maya Leaders Alliance, stated in the national media:

We are certainly moving ahead as a united people and we are going to do whatever it takes to continue to fight for the rights of our people, for the protection of our rights and for our Maya people to continue to live in a way that is honorable, in a way that is dignified and in a way that we can continue to live off our land (Coc July 31, 2013; emphasis added).

What does a dignified life mean? Are dignity and ‘living off the land’ mutually exclusive?

Eleven months later, the MLA issued a press release to media outlets in which it illustrates what a dignified life means for the Struggle.

In the text titled ‘A Message to the People of Belize’, published by the Amandala and Reporter newspapers in their Sunday issue, the Maya Leaders Alliance likened the Maya Struggle to that of the common Belizean, in other words, the poor Belizean.

Dignity, according to the MLA, is an inherent human aspiration which should be protected by society. The MLA Message read:

As Maya people our struggle is the same as many Belizeans. We simply want a dignified life. Central to the dignified life is the right to remain on our lands which we have inherited from our great grandparents, something we will never give up. We want to maintain ownership of our culture and our resources. We want timely, appropriate and high-quality services which respect our people and culture. We want to be respected, consulted, and asked for permission to come onto our lands. We want our traditional leaders – our Alcaldes – to be respected and consulted on issues that affect us as a people. We want to be the owners and producers of our history; not a history produced by the government and experts who fragment it. And whosoever is interested in a relationship with us needs to treat us as equals. The above is not asking much. Every Belizean has a right to these basic demands. Every Belizean can and should demand and assert these rights (Maya Leaders Alliance June 13, 2014, P 8).

Echoing the 1985 Manifesto, the MLA Message sought recognition for Native territory and Native authority (alcalde); in addition, it sought recognition as “consulted and
respected" People. As equals to “others”, including the State, scientists, companies, et
cetera.

Mopan and Q’eqchi’ demands to be considered as equals is characteristic of Native People marginalized by the nation-state. In February of 2001, the Native People of México marched into Congress, calling their month-long walk from the State of Chiapas to the Capital Building: Marcha de la Dignidad Indígena, la Marcha del Color de la Tierra (The March of Indigenous Dignity, the March of the Color of the Earth).\(^7\) In San Cristóbal de las Casas, the state capital of Chiapas, Subcomandante Marcos lamented that “We (Natives) made this [Mexican] flag, however, we have no place in her” (Ejército Zapatista de Liberación Nacional 2001b; my translation). He continued, “we want…need…deserve…a dignified place to be who we are, the (People who are the) color of the Earth” (ibid). Their march demanded a place within the nation-state of México, a place as equals in a Mestizo dominant nation-state. Nonetheless, the place can only be born of dignity.

At their stop in the City of Puebla, the gateway to the Mexican Valley of Power, as the EZLN called it, a definition for dignity was provided. Marcos noted, “dignity is a bridge. It needs two sides, being different, distinct and distant, becoming one on the bridge without ceasing to be different and distinct, but cease to be distant” (Ejército Zapatista de Liberación Nacional 2001a; my translation). He continued:

On the bridge which is dignity there is one and the other. The one is not better than the other, neither is the other better than the one.

\(^7\) The March for Indigenous Dignity was to place political pressure on the Mexican Government to pass the COCOPA Law which recognized the cultural rights of Indigenous People of Mexico. In August 2001, a ‘watered-down’ version of the law was approved via presidential decree. See: https://tinyurl.com/kx9cuae Consulted on April 22, 2017.
But dignity is not that we simply exist (on the bridge).
For there to be dignity the other is necessary.
Because we are always in relation to the other.
The other in relation to us.
Dignity then is a look.
A look at us which looks at the other, looking at herself and looking at us.
Dignity then is recognition and respect.

…
Dignity is thus bridge and look and recognition and respect.
Thus dignity is tomorrow.
But tomorrow cannot be if it is not for all, for those who are us and those who are others.

…
Dignity then should be the world, a world where many worlds can coexist (ibid).

A simplistic reading of the poetic rendition of dignity would conclude that Native People are seeking a dignified place within the Mexican and Belizean nation-state. However, when dignity is considered as tomorrow, tomorrow with a world where many worlds coexist, Natives are not necessarily simply seeking a place within the polygon of the nation-state. Dignity is a utopic state where many states-of-being exist or can exist—despite living in marginality or precarity in the today. As I note above, luchas, lutas, struggles, seem to be pursuing mirages—utopias, worlds of tomorrow.

“We Can See There … Entitlement to Property Rights”, but Nothing More

A “bridge” in the “today” between the Mopan and Q’eqchi’ Peoples of Toledo, Belize, and the nation-state of Belize is the Consent Order entered by the Caribbean Court of Justice on April 23, 2015. If we considered Subcomandante Marcos’ analogy of the bridge, perhaps a manifestation of dignity for the villages in Toledo is the 2015 Court Order which (precariously) united the nation-state with the Native Peoples. The Court Order – a metaphorical bridge – allows for the possibility (the mirage, possible worlds) of a Belizean nation-state that respectfully recognizes the Natives Peoples. The culmination of litigation is an opportunity for the State and Natives to create a new
world; however, being an opportunity, it can also be squandered. In April 2015, however, we celebrated the possibility of a new world brought about by the Court Order.

After the Court entered the Order in Belize City, we mounted the five buses that had brought hundreds of Mopan and Q’eqchi’ villagers from Toledo and headed to the Biltmore Plaza Hotel in the northern outskirts of the City for a press conference.

Spokesperson of the Maya Leaders Alliance, Cristina Coc, visibly tired, recounted:

We must not forget our leadership. If you look at the head table, you see only a few of us. This work would never have amounted to this victory with three people, four people, five people, six people. It is all of you that have led: alcaldes. Alcaldes today. Alcaldes two years ago. Alcaldes ten years ago. YOU have been the backbone of this movement. You have believed it (the Struggle) when nobody else believed it. When everybody said, how, how in the world can the Maya People challenge this Government [of Belize] in Court? We had never been to the court rooms! All we know is our alcalde’s cabildo. But today, the whole world, all of Belize, all of southern Belize is looking up to you as you lead. And know that yes, authority CAN be challenged when they are wrong! And justice can be served if we remain united as a People (Coc April 24, 2015; emphasis added).8

The social movement which sought ancestral land rights of the Mopan and Q’eqchi’ villages was sustained by the Maya Leaders Alliance as it walked with the traditional leaders of the villages—the alcalde councils. The “metaphorical bridge” which is a victory for the Mopan and Q’eqchi’ social movement was somewhat diminished – perhaps squandered – five days later.

In the same press conference room at the Biltmore Plaza Hotel, dressed in a black shirt, looking over his eyeglasses, Dean Barrow, the Prime Minister of Belize, stated:

[The] Consent Order does not find or establish that the Maya have indigenous title. As I understand it, indigenous title is a term that carries a

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8 Video consulted on 4/24/2017. Available at: https://vimeo.com/channels/news5/125767097#t=11m11s
particular meaning in international law and practice. In effect, if the Maya had indigenous title, that would mean they would be entitled to communal land ownership. The Consent Order does not establish that. What we considered was that, there claim for property rights, there entitlement - we can see there is an entitlement to property rights. It is on the basis of human rights, they're human rights in domestic and international law (Barrow 2015a).

For Barrow, human rights was an acceptable discourse and avenue to seek redress from a discriminatory State that fails to recognize ancestral claims to territory by the native people. As “humans”, capable of having rights, the Sovereign conceded that the State has fulfilled its liberal obligation of granting property rights to these subjects (the Mopan and Q’eqchi’). Citizenship in the Belizean State was once again equated to liberal subjects with rights—not as native beings, the first peoples of the settler nation-state of Belize.

Native peoples’ demands to be recognized – as natives – seem to threaten the social fabric of the Belizean nation-state. Their claim to land is especially seen as a threat to the territorial integrity of the State. The Prime Minister continued:

We'll set up a secretariat to plan and help to superintend the next steps forward in this large scale national consultation process that will be required before we can ever think about reaching an end result that will determine once and for all - exactly what is the nature of the rights that various Maya individuals, the various Maya villages have. We have not conceded sovereignty, we have not conceded the supremacy of the constitution of this country (Barrow 2015a).

Time and time again the Mopan and Q’eqchi’ have reiterated that they have no interest of creating a “new country”. Similar to the 2007 comments by Said Musa, then Prime Minister, the Dean Barrow advanced the narrative that by granting ancestral rights to the Mopan and Q’eqchi’ represented a threat to Belize’s sovereignty. The Sovereign had to project the image that He is in full control of its territory and subjects.
“The judicial conscience cannot but be moved”

The Secretariat the Prime Minister spoke of became the Toledo Maya Land Rights Commission. In 2015 the Secretariat was to have a “large scale national consultation process” to define the “exact…nature of the rights” of the Mopan and Q’eqchi’ villages. Two months later, in the interview regarding the Santa Cruz Incident discussed in Chapter 7, Barrow noted that “the Consent Order merely recognizes that they (the Mopan and Q’eqchi’) are entitled to certain rights. …the nature of those rights is not spelled out” (Barrow 2015b). Barrow and his administration imagined a national process that re-examined and defined the human rights of the native people.

Instead of using the opportunity to mend relationships with the Mopan and Q’eqchi’ People, the Sovereign continued to refer to them as humans whose “rights is not spelled out”. Instead of transforming the nation-state, litigation between the Mopan and Q’eqchi’ People and the State continue to harbor animosity. Instead of calling for a national “process of reconciliation” to repair the injustices against the Native People, the Sovereign continued to call for their scrutiny. Instead of creating a world where many worlds can coexist, the Sovereign insisted on one world, one state, one country, one entity granting property rights. The Caribbean Court of Justice Consent Order provided an opportunity to respectfully engage the native people and understand their aspiration for a dignified life.

One arm of the Belize State which was “moved” by the litigation process was the Judiciary, in the form of the Caribbean Court of Justice, Belize’s Appellate Court. In learning of the injustices lived by the Mopan and Q’eqchi’ People, the justices noted that, “[t]he judicial conscience cannot but be moved by these expressions of indigenous
concern for damage to and the marginalization of Maya culture”. 9 It using its innovative powers to grant relief, it ordered the Government of Belize to set aside US $150,000.00 as a first step towards compliance with the demarcation and titling of Maya customary land tenure. For the CCJ, the fund was, “a form of redress for the centuries of oppression endured by the Maya people since the arrival of the European colonizers”. 10 The welcomed judicial redress however does not transform the social reality the Mopan and Q’eqchi’ People continue to live in Belize today.

A Millenarian Quest: Roxloq’ Oninkileb’ aj Maay (Respecting the Maya People)

On July 29, 2017, the Toledo Alcaldes Association issued a press release stating that since February 2017, the Office of the Attorney General “has not published the appointment of alcaldes since 2015 and that no alcalde jurisdiction have been properly published since 1953” (Toledo Alcaldes Association 2017, 2). 11 The TAA continued noting that this discrepancy, “threatens the protection of the alcaldes who are committed to maintain governance within their communities” (ibid). 12 A similar issue arose in 1990

9 See Maya Leaders Alliance et al. v. Attorney General [Caribbean Court of Justice, Appeal No. 15 of 2015, BZCV2014/002, BZ Civil Appeal No. 27 of 2010], para. 75.

10 Ibid.

11 Since January 3, 2017, the Attorney General is Michael Peyrefitte. From March 2012, until taking up the office of Attorney General, Peyrefitte served as Speaker of the House of Representatives. While being Speaker of the House, Peyrefitte was the Counsel to USCapital Belize Energy Ltd. In 2013, SATIIM, sued the Attorney General and USCapital, contesting that the permit granted by the State to USCapital to conduct oil exploration in the Sarstoon-Temash National Park violated the National Parks System Act and the Petroleum Act. In addition, it claimed that the extension of an expired permit to continue oil drilling in the park was illegal. SATIIM is a predominantly Q’eqchi’ indigenous organization in the Toledo District, co-managing the Sarstoon-Temash National Park. See SATIIM et al. v. Attorney General et al. [Claim No. 394 of 2013], para. 6. The Judge in the case asked the disputing parties to enter mediation. Speaking of the ruling, Michael Peyrefitte – the current Attorney General – stated, “the Mayas believe that they are entitled to some special status and therefore some special amount of money that is not provided in the law and that's the difficulty we have with SATIIM” (7 News Belize April 3, 2014).

12 As a result of not being officially appointed as state officials, alcaldes are not being paid. Personal communication with staff of the Maya Leaders Alliance on June 30, 2017.
when the Attorney General did not swiftly gazette the roster of alcaldes; therefore, the
alcaldes could not be “clothe[d] ... with legal authority to exercise civil and criminal
jurisdiction conferred on them by the [Inferior Courts] Act”.\textsuperscript{13} While the Mopan and
Q’eqchi’ People insist that their alcaldes authority arise from the village itself, it also
benefits from state recognition. Recognition, however, is not enough.

In their 2014 Message to the Belizean People, the Maya Leaders Alliance and
the Toledo Alcaldes Association stated they simply want a dignified life. Included in the
list ways to attain the dignified life is to have their “traditional leaders – alcaldes – be
respected and consulted on issues that affect [the villages]” (Maya Leaders Alliance
June 13, 2014, P 8). The villagers only aspire to be “treat[ed] as equals”. Throughout
this dissertation we have learned that the engagements between the colonial and
postcolonial states and the native forms of government have been unequal. The Mopan
and Q’eqchi’ social movement continue to imagine a world where they and their forms
of government are respectfully engaged—as equal. To achieve this in Belize, it is not
enough to make judicial transformation, as achieved by the social movement. It will
require transforming our conception of the “Other”. As Subcomandante Marcos
poetically states:

For there to be dignity, the other is necessary.
Because we are always in relation to the other.
The other in relation to us.

\textsuperscript{13} Correspondence from Gian XGandhi, Solicitor General. Dated 25 January 1990. Alcaldes in Toledo
District. To the Toledo Maya Cultural Council. Carbon copied to Attorney General; Prime Minister; Toledo
Judicial District Magistrate. Source: Julian Cho Society Archives.
# APPENDIX A
## GLOSSARY

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcalde</td>
<td>Judge. From Arabic al-qādī.</td>
</tr>
<tr>
<td>Alcalde ordinario</td>
<td>Local judge, generally attached to a concejo municipal.</td>
</tr>
<tr>
<td>Alcalde mayor</td>
<td>Colonial official with judicial and administrative authority over a province.</td>
</tr>
<tr>
<td>Alguacil</td>
<td>Municipal sheriff.</td>
</tr>
<tr>
<td>Audiencia</td>
<td>Entity with judicial and administrative authority over a territory, generally encompassing more than one province.</td>
</tr>
<tr>
<td>Barrio</td>
<td>Racially segregated neighborhoods in colonial Spanish towns.</td>
</tr>
<tr>
<td>Batab</td>
<td>See cacique. Yucatec Maya.</td>
</tr>
<tr>
<td>Cabildo</td>
<td>See concejo municipal.</td>
</tr>
<tr>
<td>Cacique</td>
<td>Native kings, renamed caciques during first decades of Spanish invasion. Eventually, cacique meant “head” of a tribe or municipality.</td>
</tr>
<tr>
<td>Cacique gobernador</td>
<td>Assistant kings or kings renamed as cacique gobernadores during the first decades of Spanish invasion.</td>
</tr>
<tr>
<td>Calpul</td>
<td>Maya K’iche kingdoms from post-classic to colonial contact. Yucatec Maya from Nahuatl term.</td>
</tr>
<tr>
<td>Cédula</td>
<td>Royal charter.</td>
</tr>
<tr>
<td>Cedulario</td>
<td>Register of royal laws and decrees.</td>
</tr>
<tr>
<td>Comandante</td>
<td>Commandant.</td>
</tr>
<tr>
<td>Concejo municipal</td>
<td>Local government council comprised of officers (alcalde ordinario, alguacil, mayordomo, regidores).</td>
</tr>
<tr>
<td>Cofradía</td>
<td>Confraternities</td>
</tr>
<tr>
<td>Chuntan</td>
<td>Assistant to caciques. Yucatec Maya.</td>
</tr>
<tr>
<td>Encomienda</td>
<td>Economic rights granted to colonizer to extract labor and tribute from population within his territory. Granted via royal decree.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>-----------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Escribano</td>
<td>Notary public; scribe in indigenous communities.</td>
</tr>
<tr>
<td>Fajina</td>
<td>Community service required of men in Q’eqchi’ May and Mopan Maya villages.</td>
</tr>
<tr>
<td>Gobernador Indio</td>
<td>Noble native chief appointed by the Spanish Colony to govern a municipality or two.</td>
</tr>
<tr>
<td>Hacienda</td>
<td>Large agricultural estate, especially during Spanish colonization.</td>
</tr>
<tr>
<td>Letrado</td>
<td>Someone trained in law; lawyer.</td>
</tr>
<tr>
<td>Mayordomo</td>
<td>Municipal treasurer; steward.</td>
</tr>
<tr>
<td>Milpa</td>
<td>Traditional farms, generally including corn, beans, and squash.</td>
</tr>
<tr>
<td>Oidor</td>
<td>Colonial civil court judge generally attached to an Audiencia.</td>
</tr>
<tr>
<td>Patrón</td>
<td>Boss</td>
</tr>
<tr>
<td>Partidos</td>
<td>Administrative districts.</td>
</tr>
<tr>
<td>Reducción</td>
<td>Resettlement and congregation of indigenous population into larger communities. Also, to return a town to royal jurisdiction.</td>
</tr>
<tr>
<td>Regidor</td>
<td>Municipal councilman; alderman.</td>
</tr>
<tr>
<td>Repartimiento</td>
<td>Distribution of Indigenous People to provide forced labor to colonizers (encomenderos).</td>
</tr>
<tr>
<td>Residencia</td>
<td>Audit conducted at the end of term of office of colonial government officers (from viceroy to corregidores).</td>
</tr>
<tr>
<td>Tasación</td>
<td>Rate and type of tribute paid to colonizers (either encomendero or the royal exchequer).</td>
</tr>
<tr>
<td>Teniente</td>
<td>Lieutenant</td>
</tr>
<tr>
<td>Vara de justicia</td>
<td>Staff of justice carried around by a judge, especially during official visits.</td>
</tr>
<tr>
<td>Vasallo</td>
<td>Vassal.</td>
</tr>
<tr>
<td>Virrey</td>
<td>Viceroy.</td>
</tr>
<tr>
<td>Visitador</td>
<td>Royal auditor of the royal exchequer and the dispensation of justice.</td>
</tr>
</tbody>
</table>
El primer oidor que vino a visitar esta provincia fue el doctor [Mateo Arévalo] Sedeño y después el doctor Agüero, y después se le cometió al Ldo. Juan Maldonado de Paz, y envió a visitarla con comisión suya a Jerónimo Alfonso de Prada. Hizo estas ordenanzas por donde se gobiernan los naturales de esta provincia, que aunque habla sólo con la cabecera en cada pueblo hay tanto de ellas.

Ordenanzas¹

El Ldo. Juan Maldonado de Paz, del Consejo de Su Majestad y su Oidor de la Real Audiencia de Guatemala, visitador general de estas provincias de Soconusco, Ćapotitán y Verapaz, mando a los alcaldes y regidores de la ciudad de Cobán en la provincia de la Verapaz que son y adelante fueren y a los vecinos del dicho pueblo guarden las ordenanzas siguientes.

1. Primeramente, por cuanto Su Majestad es patrón de todas las iglesias, monasterios y hermitas de las Indias, y como de tal deben estar sus reales armas en mejor y más preeminente lugar, ordeno y mando que en las iglesias y hermitas del dicho pueblo y los demás de esta provincia se pinten y pongan a la mano derecha de la portada y altar mayor, y se quiten cualesquiera que estuvieren, lo cual se haga de los bienes de comunidad.

2. Para que los indios de esta ciudad y los demás de la provincia sepan lo perteneciente a nuestra Santa Fe de la doctrina cristiana ordeno y mando que en las iglesias del dicho pueblo todos los domingos y días de fiesta que los dichos indios guarden, acudan a la iglesia del dicho pueblo con sus mujeres e hijos media hora antes del tiempo en que se suele decir la misa, y el maestro teopantaca² les vaya diciendo y ellos con él en la lengua materna la doctrina cristiana. Y para que vaya adelante la devoción del Santísimo Sacramento y Concepción de la Virgen Nuestra Señora, el que enseñare la doctrina, antes de empezarla y después de acabarla, diga y los demás con él en la dicha lengua: Alabado sea el Santísimo Sacramento del altar y la Virgen María Nuestra Señora concebida sin pecado original; so pena que el indio o india que faltare a lo que dicho es, no estando legítimamente ocupado, le pongan de pies en el cepo por tres horas por la primera vez, y por la segunda, seis, y para la tercera de cabeza las dichas tres horas, llegando hasta azotarlos en público por mandado de las justicias que son y fueren del dicho pueblo y los demás por cuanto muchos indios vecinos y casados no saben la doctrina cristiana.

¹ Copied verbatim from Martín Alfonso Tovilla ([1635] 1960, 129-139).

² Master Sexton. From Nahua teopaneque “the owners, or those who have charged of the church” (Molina 1944, 101, cited in Feldman 2000, 246)
3. Porque los muchachos desde su niñez sepan la doctrina cristiana, mando que todos los indios envíen sus hijos cada día una hora por la tarde después de la oración a la iglesia para que el maestro teopantacat de ella les enseñe la dicha doctrina en la forma dicha, y las hijas las envíen otra hora antes de la oración a casa de la mujer del dicho maestro de la iglesia para que les enseñe la doctrina como está dicho. Y el dicho maestro pueda castigar y traer a la doctrina los muchachos defectuosos y su mujer las muchachas sin que sus padres ni otras personas se lo impidan so la pena de la ordenanza antes de ésta.

4. Y para que los dichos indios se críen desde su niñez con policía y estén más dispuestos para el servicio de la iglesia y servicio de los oficios de república, ordeno y mando que el dicho maestro teopantacat de este pueblo los enseñe a leer y escribir y contar y tocar flautas y ayudar a misa, el cual por todo lo dicho en ésta y las ordenanzas de arriba quede reservado de todo servicio y tributo, y lo pague por él la comunidad en cuyo beneficio se ocupa.

5. Y porque de la estima y respeto que tienen los indios a los sacerdotes que les doctrinan depende el que tienen a la doctrina que les enseñan, para que ésta vaya adelante mando que todos los indios tengan gran respeto y obediencia a los dichos sacerdotes que los enseñan como a ministros de Dios, siendo los tatoques³ y justicias los primeros para que los demás lo hagan a su ejemplo, y a los que en esto faltaren castiguen severamente las justicias, y si no lo hicieren, los castiguen a todos la justicia española de esta alcaldía mayor, pena que en su residencia se les hará cargo grave. Con lo cual se excusarán los dichos doctrineros de castigar los indios y los riesgos e inconvenientes que de ello resulta, así a la quietud y edificación de los indios como a la conservación de la jurisdicción real.

6. Item, mando que la justicia y tatoques tengan particular cuidado con el reparo y adorno de la iglesia y que esté con la mayor decencia que pueda, para lo cual podrán gastar cada año de los bienes de su comunidad en cosas necesarias a ella veinte tostones, los cuales se les pasen en cuenta con la aprobación del que los administrare y carta de pago, teniendo escrito el gasto en el libro de su comunidad.

7. Y por cuanto el abuso y rito antiguo que los indios tienen de su gentilidad de vender sus hijas a los indos que más les dan para casarse. con ella es muy dañoso y de grandes inconvenientes al servicio Dios y quietud de los pueblos por no contraerse los matrimonios con la libertad que deben, antes las indias se casan contra la suya con los dichos compradores por hacer la de sus padres, y los maridos las tratan como a esclavas compradas, con que faltan a la lealtad y amor del matrimonio, viviendo en perpetuo aborrecimiento, de que se siguen los daños que se dejan considerar. Para cuyo remedio ordeno y mando que ningún indio ni india reciba poca ni mucha cantidad de servicio alguno del indio a quien

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³ Native ruler. From Nahua, “those who speak” for the community (Feldman 2000, 246).
hubieren de dar su hija por mujer, pena de cincuenta azotes públicamente en la picota del pueblo y que sea inhábil para tener oficios de república, y que pague lo que así recibiese para la cámara de Su Majestad, ya si fuera principal, quede adelante por macegual. Y so la dicha pena mando a las justicias ejecuten esta ordenanza en los transgresores, y el alcalde mayor o corregidor de este partido tenga particular cuidado de ejecutarla en todos, pena que en su residencia se le hará cargo grave de ello.

8. Item, mando que cada día de año nuevo los alcaldes, y regidores del dicho pueblo se junten en su casa de cabildo, como es costumbre, y hagan la elección de oficiales de república libremente en las personas que entiendan servirán mejor los oficios sin atender a ruegos, parentescos, ni otros respetos más de sólo al bien común, y a los así electos meterán luego en posición de los oficios, sin ser necesario otra confirmación. y estando así juntos, leerán estas ordenanzas en la lengua materna para que sepan lo que han de guardar adelante pena de diez pesos para la cámara de Su Majestad.

9. Item, ordeno y mando que los dichos electos tomen cuenta a los del año pasado de los bienes de la comunidad y se haga cargo de ello, pena de diez tostones cada uno y que se les hará cargo en las cuentas que dieren.

10. Item, ordeno y mando que las dichas justicias indias no den ni ejecuten sentencia sin probanza bastante, ni después de la oración. No puedan condenar a ningún indio en pena pecuniaria más que en un tostón por cada causa. Y las dichas condenaciones pecuniarias que hicieren aplicarán la mitad a la cámara de Su Majestad, y las asentarán el mismo día en el libro que han de tener, so pena de cuatro tostones al que fuere remiso cada vez en cualquiera de las cosas sobredichas.

11. Item, que los dichos alcaldes ni otras justicias no prendan a mujer por deuda civil ni procedan por adulterio contra mujer casada si no fuere por querella del marido, y entonces procedan también contra el adúltero, y siendo el marido consentidor, procedan contra todos tres. Y no trasquilen a ninguna mujer, pena de privación de oficio y diez tostones para la cámara de Su Majestad.

12. Item, ordeno y mando que cuando enfermare algún indio o india de este dicho pueblo, la justicia de él haga que otorgue su testamento delante del escribano del dicho pueblo y testigos. Y si tuviere hijos o descendientes legítimos, los deje por herederos de sus bienes sin disponer más que de la quinta parte; y no teniendo los dichos hijos descendientes, si tuviere padres o ascendientes vivos, los dejen asimismo por herederos, sin disponer más que del tercio. Y si uno ni otro no tuviere, pueda disponer libremente de sus bienes. Con lo cual se excusarán las desórdenes que hasta aquí ha habido en perjuicio de los herederos forzosos. Y los albaceas que dejaren los testadores cumplan el testamento dentro de un año, y siendo negligentes, lo cumplan los alcaldes, quedando siempre el testamento original en un libro de testamentos, contadas las hojas, que se haga a costa de la comunidad, en poder del dicho escribano,
que dará un tanto o más a los albaceas o herederos para que por el original vean el Alcalde Mayor o corregidor de este partido lo que falta por cumplir, y lo cumplan a costa de los alcaldes y justicias indios que hubieren sido negligentes, satisfaciendo a las partes el daño que hubieren recibido.

13. Item, mando que cuando el indio o india que así falleciere dejare hijos o herederos menores, la dicha justicia haga por ante escribano del pueblo inventario de todos los bienes y los entregue con los dichos menores al tutor o curador que el dicho difunto dejare nombrado; y no habiéndolo dejado nombrado, lo nombrará el Alcalde Mayor, que sea de buena conciencia, abonado y diligente.

14. Item, en caso que el indio o india que así muriere dejare marido o mujer vivo, ha de haber lo que hubiere traído al matrimonio y la mitad de lo que hubieren adquirido durante él. Y si algún indio o india muriere sin hacer testamento, lo heredaran sus hijos o descendientes legítimos, y a falta de ellos sus padres o ascendientes, y si faltaren todos, los parientes más cercanos que tengan obligación de distribuir por el alma del difunto la quinta parte de los bienes que de él hubieren heredado.

15. Y porque el pueblo tenga con que poder dar la ración a los que los administran y acudir a las obras de la iglesia y gastos de comunidad, cura y sustento de los indígenas pobres, enfermos, ordeno y mando que todos los indios del dicho pueblo hagan milpa de comunidad en dos partes diferentes que lleva de sembradura una fanega cuando menos, y las beneficien, recojan y pongan con mucho cuidado, cuenta y razón por bienes de su comunidad. Y los alcaldes vendan el dicho maíz en almoneda pública por ante el escribano del pueblo, que lo asiente en el libro de comunidad para dar cuenta al Alcalde Mayor o corregidor que se la tomare y a los alcaldes que le sucedieren, so pena que de sus bienes se ha de pagar lo que faltare y ser castigados por el delito. Que por eso sea mandado no les nombre jueces españoles para recoger las milpas por excusar que se consuman en los salarios de ellos. Y para que mejor acudan al beneficio de la dicha milpa de comunidad mando no hagan otra a título de cofradía ni para otra cosa, pues la de comunidad es para acudir a los reparos de la iglesia y lo demás que queda dicho.

16. Y porque los indios tengan con que sustentarse y pagar sus tributos, criar gallinas y lechones, y que la necesidad no les obligue a ir a buscarlo fuera del pueblo, ordeno y mando que cada indio casado, viudo o soltero; aunque sea reservado, haga una o dos milpas de maíz de media fanega de sembradura, y los alcaldes tengan cuidado de visitarlas dos veces al año y castigar los indios que hallaren defectuosos en la siembra y beneficio de las dichas milpas con azotes, repartiendo entre sí las visitas para que con más igualdad y facilidad se hagan, con apercibimiento que serán castigados por las faltas que se hallaren en la siembra y beneficio de las dichas milpas de los indios del dicho pueblo por el juez español que lo visitare en la pena que les mando castiguen a los indios defectuosos.
17. Item, ordeno y mando que cada indio casado, viudo, soltero empadronado tenga casa de por sí y no vivan dos en una, aunque sean padres e hijo o yerno; que tengan las casas bien cubiertas con barbacoas, imágenes y rosarios. Y los alcaldes de este pueblo lo visiten cada tres meses las casas de los indios y castiguen con azotes sin llevar dineros a los negligentes en cualquiera cosa de lo sobredicho, previniendo lo necesario para que no haya falta en lo adelante, so pena que serán todos castigados por el alcalde mayor o corregidor que los visitare en la misma pena, sin llevarles prisión ni carcelaje por los dichos defectos, pena de volver lo que llevare doblado para la cámara de Su Majestad y que en la residencia se les hará cargo.

18. Item, que cada india casada, viuda, soltera empadronada tengan doce gallinas de Castilla y un gallo y seis de la tierra y otro gallo, con que puedan pagar la ración y acudir al remedio de sus necesidades.

19. Y porque los bienes de comunidad estén con la cuenta y razón que deben, ordeno y mando que se haga una caja de comunidad de los bienes de ella que tenga dos llaves diferentes la una esté en poder del gobernador o alcalde más antiguo y la otra en poder del mayordomo, y si no lo hubiere, de un regidor. Y todo el dinero que procediere de la milpa de comunidad y del tributo que pagaren los indios nuevamente casados o avvecindados después de la última tasación se venderá en pública almoneda como está dicho en la ordenanza quince, y entrará en la dicha caja, sin entrar en poder de ningún indio particular, en presencia del escribano del pueblo que los asiente luego en el libro de comunidad, así lo que entre como lo que saliere, pena de cincuenta azotes a cualquiera persona que sacare o tuviere en su poder cualesquier bienes de su comunidad contra lo que se manda por esta ordenanza y privación de oficio de república por cuatro años y de veinte tostones para la cámara de Su Majestad, y que de sus bienes se volverá a la dicha caja de comunidad.

20. Item, ordeno y mando que de los bienes de la dicha comunidad no puedan gastar los alcaldes, tatoque ni otra persona poca ni mucha cantidad sin licencia del señor Presidente de la Real Audiencia si no fuere en el reparo de la iglesia como está dicho en la ordenanza sexta, y en la paga de la ración del cura que los administra, y en el sustento y cura de los indios pobres que estuvieren enfermos, como se dice en la ordenanza quince, excepto hasta cuantía de veinte tostones cada año con licencia del Alcalde Mayor o corregidor de este partido, la cual han de tener y el gasto asentado en el libro de comunidad so pena de privación de oficio y cincuenta azotes y veinte tostones para la cámara de Su Majestad, y que no se les pasará en cuenta lo que gastaren contra el tenor de esta ordenanza y se enterará de sus bienes la dicha caja de comunidad.

21. Y porque las derramas que los indios suelen echar entre sí son de grandes inconvenientes para la quietud del pueblo, en mucho daño de los maceguales que son los más pobres, mando que en ninguna manera se eche ni cobre derrama en poca ni en mucha cantidad para ningún efecto ni por ninguna vía, aunque sea pidiéndolo a título de limosna, so pena de cien azotes a cualquier
indio que la echare o cobrare la dicha derrama y privación de oficio de justicia y destierro del pueblo, por cuatro años y de veinte tostones para la cámara de Su Majestad, todo lo cual execute el Alcalde Mayor o corregidor so pena que en la residencia se le hará cargo de ello.

22. Y porque Su Majestad tiene mandado que no se cobre tributo de los indios vivos y presentes por los muertos y ausentes aunque los vivos les hayan heredado, ordeno y mando que las haciendas que se heredaren de los muertos pasen a sus herederos sin carga de tributo, más que el que quedaban debiendo a Su Majestad o encomenderos los difuntos en el tiempo de la muerte, porque el que adelante habían de pagar si vivieran se ha de pagar de los bienes de comunidad.

23. Y para evitar los grandes inconvenientes y daños que a los indios se siguen de la embriaguez y las ofensas de Nuestro Señor ordeno y mando que ninguna persona meta vino en este pueblo para vender a indios so pena, si fuere español, de doscientos pesos para la cámara de Su Majestad y perdimiento del vino por la primera vez, y por la segunda, la pena doblada y destierro de esta alcaldía mayor y corregimiento; y en defecto de no tener la pena pecuniaria, sea sacado a la vergüenza en el dicho pueblo en la ciudad de Guatemala. Y si fuere indio, mestizo, negro o mulato, pena de perdido el vino aplicado para la cámara de Su Majestad y cien azotes y destierro como arriba está dicho. Y porque la misma embriaguez y daños de ella se causan con un brebaje que los indios hacen de raíces con plátanos, maíz, cañas dulces y otras cosas, que llaman miscol, o guarapo, mando que ningún indio ni otra persona lo haga ni beba so pena de los dichos cien azotes y destierro.

24. Item, que ninguna persona pueda traer a este pueblo ni vender a indio azúcar melado, confites, melcochas, raspaduras ni otro género de dulce so pena de perdido, si fuere español, y de veinte pesos para la cámara de Su Majestad; y si fuere negro, mulato, mestizo o indio, la misma pena y doscientos azotes y cuatro años de destierro de este pueblo y alcaldía mayor.

25. Item, ordeno y mando que ningún indio pueda vender hacienda raíz, aunque sea a otro indio, sin licencia del Alcalde Mayor o corregidor del partido, y la venta que de otra manera se hiciere sea ninguna, y la que se hiciere de hacienda raíz a español aunque haya la dicha licencia.

26. Item, ordeno y mando que ningún indio sin licencia del señor Presidente o del Oidor visitador pueda andar vestido de paño ni al uso español ni tener espada, daga, lanza, arcabuz ni escopeta ni andar a caballo con silla y freno, so pena de perdido el vestido o arma, silla y freno y caballo, aplicado la mitad para la cámara de Su Majestad y la otra mitad para el juez y denunciador por iguales partes.

27. Item, ordeno y mando que ninguna persona pueda vender cosa fiada a indio más de diez tostones a los indios principales, y ocho a los maceguales, y que el
indio que restare al de lo que compró fiado no se le pueda vender otra cosa fiada hasta haber pagado lo primero, pena que lo haya perdido el que se lo vendiere, y las justicias lo juzguen así de aquí adelante.

28. Item, ordeno y mando que ningún indio se dé adelantado para servir de arriero y oficial más del salario de un mes, y al puesto para tratar y vender mercaderías veinte tostones, y hasta que sirvan y paguen lo susodicho no se les pueda dar más, pena de perdida lo que se les diere, y las justicias lo juzguen así.

29. Item, ordeno y mando que ningún mercader español, negro ni mulato, mestizo ni indio ande vendiendo por las calles y casas de indios mercaderías algunas ni pose en casa de indio sin el mesón, en el cual o en el tiánguez venda sus mercadería sin asistir más de tres días en el pueblo, y no volverá a él a vender si no fuere pasado cuatro meses, pena de veinte pesos para la cámara de Su Majestad y perdido lo que vendiere contra lo que dicho es si fuere español, y si fuere indio, mulato o mestizo, so la dicha pena y de cincuenta azotes y cuatro años de destierro.

30. Item, ordeno y mando que las justicias y tatoque tengan cuidado de abrir y aderezar los caminos y puentes de su distrito, y los ranchos y casas de comunidad y mesón para que los pasajeros sean bien acomodados y excusen el posa en casas de indios, y les hagan dar el sustento y avío necesario conforme al arancel sin detenerlos maliciosamente, so pena que a los que fueren remisos castigará el Alcalde Mayor o corregidor y a su costa hará reparar lo sobredicho, pues por excusa a la comunidad de costas de jueces de caminos se comete a las justicias y tatoque el reparo de ellos.

31. Y porque los que doctrinan a los indios cuando vienen a los pueblos traen cama que de ordinario cargan los indios contra las reales cédulas que lo prohíben, mando que de bienes de comunidad se haga un colchón para el dicho efecto que esté en la casa del doctrinero sin que se ocupe en otra cosa.

32. Y porque el servicio ordinario a que acuden los indios sea más llevadero, cayendo sobre más, ordeno y mando que ningún indio se pueda excusar de los servicios de la república y de los demás por haber sido alcalde, regidor, o alguacil mayor o tenido otro oficio en su pueblo, sino que acabado de usar el dicho oficio, acuda a los dichos servicios como los demás naturales y como acudía y debía acudir antes de tener el dicho oficio. Y las justicias indios los obliguen a ello a los que han sido y adelante fueren so pena que las justicias mayores de la dicha provincia los puedan castigar por la negligencia con cárcel, con apercibimiento que si no lo hiciere, se le hará cargo de ello en la residencia.

33. Item, mando que ninguna persona dé a las justicias tatoque de indios ni ellos reciban dineros, ropa ni otras mercaderías para rescatar ni beneficiar, comprar y vender en los pueblos, pena que lo que así se les diere no se les pueda pedir en juicio ni fuera de él, antes sea perdido, aplicado para la cámara de Su Majestad la mitad, y la otra mitad para el juez y denunciador por iguales partes.
34. Y por cuanto la asistencia de los negros y mulatos y mestizos en los pueblos de los indios es de muy gran perjuicio a la buena doctrina y costumbres de ellos y a sus haciendas y honras, y por cédulas de Su Majestad está prohibido el estar en los dichos pueblos, ordeno y mando que ningún negro, mulato o mestizo entren ni residan en los pueblos ni anden comprando ni vendiendo cosa ninguna aunque sean de las permitidas, pena de pérdidas y de cien azotes y 'cuatro años de destierro de esta provincia.

35. Y porque las visitas que las justicias españolas hacen en los pueblos de indios de la dicha provincia son enderezadas al bien, conservación y aumento de los dichos, y no a su destrucción, para que el buen fin se consiga, ordeno y mando que el Alcalde Mayor de esta provincia y otra justicia que saliere a visitar no lleve consigo más que sólo el escribano, alguacil mayor, naguatlato y un criado cada uno que vaya con las cargas de las camas de los susodichos. Y el dicho juez pueda llevar además de lo dicho una criada que le guíe de comer. Y lo que los indios les dieren para su sustento se lo han de pagar y quedar escrito en el libro de comunidad. Y ellos y sus criados han de posar en las casas de la comunidad y de cabildo y mesón y no en la de ningún indio particular, so pena de veinte pesos para la cámara de Su Majestad a el que lo contraviniere a cualquier cosa de lo que en esta ordenanza contenido y que en la residencia se les hará cargo grave de ello.

36. Y porque la flaqueza de los indios e indias tan conocida se ataje, quitando cuanto fuere posible las ocasiones, ordeno y mando que a ninguna persona ni casa se den ni envíen muchachas indias para moler ni despicar maíz para la comida de las justicias y doctrineros, ni para otro efecto, y que los alcaldes del pueblo envíen el maíz a casa de la mujer del teopantacat que es maestra de las muchachas para que allí lo despiquen, y lo lleve un indio a la cocina donde se hacen las dichas tortillas para las dichas justicias y doctrineros, y allí enviarán por molenderas indias de más de cuarenta años, so pena de cien azotes y privación de oficio de república por cuatro años al gobernador o alcalde indio que hiciere o consintiere lo contrario, y al juez español de la dicha provincia que no ejecutare la pena de esta ordenanza en los transgresores, de doscientos ducados para la cámara de Su Majestad y que se le hará cargo grave de ello en su residencia.

37. Y porque los bailes que los indios hacen en las fiestas causan muchos gastos en alquilar plumas, vestidos y máscaras y se pierde mucho tiempo en ensayos y borracheras, porque dejan de acudir al beneficio de sus haciendas, paga de sus tributos y sustento de sus casas, de lo cual traen a la memoria los sacrificios y ritos antiguos de su gentilidad y se hacen otras ofensas a Nuestro Señor, y para que todo cese ordeno y mando que ningunos indios celebren más que la fiesta de su pueblo en la víspera y día, y en la del Corpus Christi y pascua del año, y en ellas no alquilen ni traigan máscaras, plumas, ni vestidos más que los ordinarios de indios ni representen historias antiguas de su gentilidad con
trompetas largas ni sin ellas, ni hagan el baile que llaman los tum ni uleutum,\(^4\) ni
las justicias indios ni españoles lo consientan, so pena a cualquier indio de cien
azotes y privación de oficio de república por cuatro años, y a la justicia española
que no castigare los culpados en la pena de esta ordenanza de doscientos
ducados para la cámara de Su Majestad y que se le hará cargo grave de ello en
su residencia. Y pido y encargo encarecidamente a los padres doctrineros
tengan particular cuidado de persuadir a los indios dejen los dichos bailes y
gastos, pues ven cuan dañosos son a la conciencia de los indios y a la guarda
de la ley cristiana que profesan.

38. Y para que cesen en los encuentros que se siguen de prender y castigar los
fiscales de las iglesias y otros a los indios, ordeno y mando que el fiscal de la
iglesia ni otra persona del pueblo no prenda, azote ni castiga a ningún indio ni
india sino fuere a los muchachos de doce años abajo, a los cuales, por mandado
de los dichos doctrineros puedan dar una docena de azotes siendo defectuosos
en la doctrina cristiana y servicio de la iglesia, porque las muchachas de
cualquier edad que sean las ha de castigar los defectos de la dicha doctrina la
mujer del maestro teopantacat, como se dice en la ordenanza. Y en lo demás
que delinquieren los indios e indias han de ser castigados por mandado de la
justicia seglar india o española y no por otra persona so pena de cien azotes al
indio que sin mandado de las dichas justicias prendiere o castigare cualquier
indio o india, y si fuere español, de doscientos ducados para la cámara de Su
Majestad y destierro perpetuo de la provincia. Y el Alcalde Mayor o corregidor
ejecute esta ordenanza en los transgresores pena de los mismos doscientos
ducados para la cámara de Su Majestad y que en su residencia se les hará
cargo grave.

Las cuales dichas ordenanzas mando a los alcaldes y regidores del dicho pueblo de
Cobán y vecinos de él guarden y cumplan como en ellas se contiene, y el Alcalde
Mayor de la dicha provincia de la Verapaz las haga guardar y cumplir y ejecutar
como en ellas y en cada una de ellas se contiene.

Hecho en el pueblo de Camaiaque\(^5\) en diecinueve días del mes de diciembre de mil
seiscientos veinticinco años. El Ldo. Juan Maldonado de Paz. Por su mandado, Juan
Palomino de Vargas.

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\(^4\) Rabinal Achí theatrical dance; named intangible patrimony of humanity by UNESCO.

\(^5\) Samayac (Feldman 2000).
Whereas the government has consistently shown its wish to abolish the Alcalde system of the Belizean Mayas of the Toledo District for reasons not specified.

Whereas the government has made moves to parcel the Indian Reservations without the informed consent of the Mayan public.

Whereas the Alcalde system has been from time immemorial the symbol of Unity, Justice, Equality, and Leadership among the Belizean Mayas.

Whereas the reservation is a block of public land granted to the Maya Indians (by the Colonial government) to make their living in peace and harmony with one another.

Whereas the Alcalde is the people’s Cultural heritage, the “Magnet of Unity", the Nucleus of the Belizean Mayan identity, and to abolish it would be a step towards Cultural extermination.

Whereas the reservation is the zone for the poor and the helpless to survive without fear of harassment from well to-do neighbours.

Whereas the Alcalde is elected each year and therefore is seen as the cornerstone of the Mayan democratic institution, and to abolish it would break down law and order within the communities.

Whereas the reservation is the symbol of freedom, Equality and fraternity.

Whereas the Alcalde and the reservation system are indispensable to the existence of the Maya Cultural heritage.

Whereas the Alcalde system has been working efficiently and identifies with the common man.

Whereas, since its creation, the reservation has served the people well freedom of access to land, fed the people in a spirit of brotherhood.

Whereas the Alcalde in comparison to the enormity and risks of his work has been underpaid.

1 Source: Julian Cho Society Archives.
Whereas the Alcalde has the right and authority to make its own by-laws consistent to a given circumstance.

Whereas the Reservation has been in existence for over one hundred (100) years with rents being paid without hesitation.

Whereas the Indian people have been denied the right to ownership of the land in common.

Whereas to abolish the reservation would create have and have-nots, which would introduce divisions and greed among the people, aggravate the problem of Mayan Migration, and a total loss of cultural identity.

Whereas the duties of the Alcalde is to preserve the peace within the community.

Whereas in carrying out his duties, it is necessary to exercise the following traditional rights:
  a) to appoint village police (from the same village)
  b) to hear cases (Summary Offences)
  c) to lay down fines and be final (unless consulted otherwise in case of an appeal).
  d) to inspect schools of his village.
  e) to prosecute and to hold in custody any accused.
  f) to engage the public in community activities – fahina, burial, etc.
  g) to have special powers in times of natural disasters.
  h) to uphold the reservation.
  i) to perform or to delegate special duties at public festivities, ceremonies, etc.

Be it therefore resolved that:
A) The Alcalde system continue to exist permanently and independently of foreign influence (politics & religion) with full status and prerogatives as handed down to them by their forefathers.
B) The Alcalde and his staff’s allowance be reviewed at a fair and acceptable amount with additional travelling and subsistence.

Be it therefore resolved that:
A) The Indian Reservation become the property (private) of the Maya Indian people, to be used in common, without anyone to have or to hold any piece of it in his name; without any foreign interference of any nature whatsoever.
B) The people in common decide the location and the nature of community development without force or coercion from government or any foreign body.

Be it therefore further resolved that: the administration of the Indian Reservations be entrusted to a Mayan Indian Council; with representatives democratically elected from each of the Indian communities, who will thus from among themselves elect an
executive committee. The executive committee and Alcaldes will administrate the reservation lands in concurrence with the Minister of Natural Resources.
To unify the voices of the Mayan People in their struggles, the Alcaldes' Association convened in San Jose Village to discuss the logging concessions and its implications on the Mayan People. From that meeting the Declaration of San Jose was adopted, that included the following:

2) The Alcaldes’ Association denied the government’s press release on January 23, which stated that an agreement has been signed.

3) The Alcaldes' Association categorically rejected the 20 years concession granted to Atlantic Industries Ltd. to log in the Columbia Forest Reserve.

4) The Alcaldes’ Association unanimously called on the government to desist from giving any logging concession in any areas in Toledo where the Mayan Peoples’ harmonious co-existence with their environment is threatened.

5) The Alcaldes’ Association called on the government to recognize the Mayan Peoples’ inherent right to their resources where they find their being, culture, spiritual tradition, histories and philosophies, and to directly use these resources for their development.

6) The Alcaldes’ Association called on the government to give priority to the Mayan Peoples’ developmental initiatives that assist to alleviate their poverty and misery.

7) The Alcaldes’ Association called on the government to recognize the Mayan Peoples’ right to adequate financial and technical assistant to pursue freely their political, economical, social, cultural and spiritual development and for the enjoyment of the rights contained in the constitution. And through international cooperation to respect, strengthen and incorporate traditional values and approaches of the Mayan People.

8) To strengthen and unify the developmental efforts of the Mayan People, the Alcaldes' Association has created a task force to assist Mayan institutions and to work with government and NGO’s to find amicable solutions that will materialize the goals of the Mayan People.

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1 Source: Julian Cho Society Archives.
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BIOGRAPHICAL SKETCH

Timoteo R. Mesh is a Yucatec Maya, raised in Tanah (home), a village four miles southeast from the ancient town of Tipú. In elementary school, as every child in the settler nation-state of Belize, he was forced to learn English. He attended Catholic, Pentecostal, and Adventist schools from elementary to school to high school. After graduating with an Associate Degree in Agriculture from the Belize College of Agriculture, he attended EARTH University in Costa Rica (2004). He later held appointments at the University of Belize and the Integrated Ecosystem Management in Indigenous Communities Project. In 2009-2011 he pursued a Master of Science in Interdisciplinary Ecology at the University of Florida. This PhD dissertation in cultural anthropology is on how settler nation-states incorporated Native Peoples and simultaneously exclude them. After he submitted this dissertation, he returned to his family’s kol (farm) in Tanah and walk bare feet and camp with the stars.