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Belizean Government Accused of Disregarding Indigenous Property Rights

by Louisa Reynolds
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An ongoing dispute between the indigenous Mayan population of the village of Santa Cruz, in the district of Toledo, and an individual accused of illegally occupying communal property has led to strong criticism from the UN Special Rapporteur on the rights of indigenous peoples, who has accused the Belizean government of failing to ensure respect for the Mayan community’s right to traditional land ownership.

The conflict arose on June 24 after 15 members of the Mayan community of Santa Cruz, including mayor Manuel Pop and the spokesperson for the Maya Leaders Alliance, Cristina Coc, were arrested by the Belizean authorities and charged with the unlawful imprisonment of Rupert Myles, a non-Mayan individual who has been accused by the community of constructing a house on the archaeological site of Uxbenka.

Villagers say Myles had bulldozed a portion of the site to build a driveway and was detained on June 20 when he interrupted a fajina (traditional community meeting). Locals claim he stated that he had a firearm in his car and then proceeded to approach his vehicle. He was released later that day.

However, Myles claims he has lived in Santa Cruz since he married a local woman in 2014 and was forcibly driven out of his home because he is of Afro-Caribbean racial descent.

"They were armed with machetes while I was walking out. I dodged them and I went to open the door of my vehicle. They then jumped on me and pulled me to the ground, hit me on my back, and grabbed my hands. There were three men on each of my legs. I managed to turn my face up to see who was doing damage to me. The chairman of the Village [Council] had his hands choking my neck and his knee on my chest, while another man put a handcuff on my hands and tied it up with ropes. I told the men that I have rights, too, and my rights are that I can live wherever I want in this country. They told me, 'Not in Santa Cruz because it is communal land.' They even went as far as to disassemble my house," Myles told the San Pedro Sun, a local news site.

In response, the Mayan Leaders Alliance (MLA) released the following statement: "The action was taken as a last resort only after Punta Gorda Police, the Belize Defense Force, and the Belize Institute of Archaeology (NICH) were notified in advance of the village’s decision to dismantle an illegal structure built by Rupert Myles on Uxbenka. The MLA asserts that racism did not influence the interactions between the village of Santa Cruz and Myles".

In response to a criminal complaint filed by Myles, 15 villagers appeared before Magistrate Emerson Banner, charged with unlawful imprisonment, common assault, and aggravated assault.

"What is amazing about this is it shows you the might of the state. I don’t say we shouldn’t have justice; I believe there should be an investigation and Myles’ side should be heard and the villagers’ side also. These people were arrested in a fashion that was not appropriate. The police arrested
them in a pre-dawn operation. They weren’t properly dressed. I believe they were arrested inhumanely," said Audrey Matura Shepard, the attorney representing the villagers.

**International court upholds Mayan land rights**

For years, 38 Mayan communities in the Toledo district have fought for rights to the land they have used and occupied for generations. On April 19, the Caribbean Court of Justice (CCJ) affirmed a 2013 verdict issued by the Belizean Court of Appeals that asserted that traditional land rights constitute property as defined under the Belizean Constitution.

The CCJ’s verdict followed a 2004 report by the Inter-American Commission on Human Rights (IACHR) that found Belize was violating its international human rights obligations for failing to recognize and protect Mayan customary land tenure. Although the Belizean government ignored the report, it helped to bolster the Mayan communities’ claim and was referred to in lower-court decisions that were later affirmed by the Caribbean Court of Appeals.

The CCJ’s ruling requires the Belizean government to demarcate and officially register Mayan communal lands and protect them against incursions by outsiders. The court also ordered that, in 12 months, both the Mayan communities and the government should submit a report on the implementation of the ruling.

Professor James Anaya, the chief architect of the Mayan communities’ legal strategy and former UN Special Rapporteur on the rights of indigenous peoples (2008-2014), praised the CCJ’s ruling and said it "sets an important precedent worldwide, building upon ever greater recognition of the rights of indigenous peoples internationally."

Despite the ruling, Prime Minister Dean Barrow has condemned the actions of the Santa Cruz villagers who detained Myles. "What the villagers did was absolutely wrong. I don’t care whether in fact Myles’ place is in some sort of a sacred spot; they shouldn’t have done that. Yes, the Mayas were correct in wanting Myles to be dispossessed or removed but you cannot go about it in that way. … Cristina Coc seems to think that our acceptance of the entitlement of the Mayas in Toledo to some kind of land rights is tantamount to some concession of sovereignty, some concession that they have rights that supersede the laws of this country. That is absolutely not the case," he said.

However, the IACHR has sided with the community and has urged the Belizean government to comply with the CCJ’s ruling. "It appears as though the repeated requests to local police by Santa Cruz village leaders for assistance in removing the individual from the archaeological site within their village lands went ignored," said UN Special Rapporteur on the rights of indigenous peoples Victoria Tauli-Corpuz in an IACHR press release issued on July 7. "I am concerned by the inaction of the government of Belize to assist Maya villagers to protect their property rights in the face of threats to those rights."

-- End --