

A tale of two ‘others’: Remembering the Garifuna indigenous voice in Belize’s Toledo District.

Abstract

For the past twenty-five years, Belize’s Toledo District has been the theatre for one of the world’s most recognised indigenous rights cases as the Toledo Maya have sought tangible recognition of their customary rights over their ancestral lands. It has been a battle fought through both domestic and regional courts, gaining particular notoriety for the first domestic invocation of the United Nations Declaration on the Rights of Indigenous Peoples within the legal judgement. However, recent events have reminded that this contested land, one naturally dominated by Maya narratives in recent decades, is home to two indigenous peoples.

This piece adopts the indigenous lens to the Toledo Garifuna – the Afro-indigenous people who settled in Toledo following their exile from St Vincent. Despite receiving significant scholarly attention in Belize and beyond, the Garifuna role (or lack of) in the Maya land rights case is conspicuous by its absence in academic discourse. After outlining both peoples’ shared indigenous history in Toledo, the focus turns to discussing the reasons why the Garifuna did not join the Maya in their legal challenge, before finally considering the surge in Garifuna advocacy in recent years, one that must be welcomed with both hope and caution.

Key words: *Belize, indigenous, Garifuna, Maya, land*

Toledo, Belize: One indigenous land, two indigenous peoples.

The international indigenous movement that crystallised in the 1970s in the wake of the United Nations decolonisation era (Xanthaki, 2005), has resulted in a considerable evolution in both the conceptual understanding of what it means to be '*indigenous*', and in the development of the protection and potential benefits of any associated rights within international law. In a regional sense, peoples and organizations from the Americas have played a leading role in this mobilization since its inception, with the Organisation of American States (OAS) historically on the vanguard of indigenous rights protection (Barelli, 2010), and courts across the continent acting as forums for collective rights claims from a diverse range of peoples.

This is notably the case in Central America, a region where former colonial States are composed of culturally and ethnically heterogeneous populations (Kruijt, 2008), and one that has played host to two particularly ground breaking international rulings in favour of indigenous peoples. The first came in Nicaragua in 2001, when the Inter-American Court became the first international tribunal to recognise the right of the *Awes Tingni* people to their indigenous communal property, regardless of whether they held legal title to that property or not (Torres, 2008). The second came in 2007, in the former British colony of Belize (see Map A), the most heterogeneous society in Central America, and one known for its ethnic, racial and cultural diversity (Mwakikagile, 2014).

For it is here, in the southernmost district of this small Central American State, that the Maya people have fought a twenty-five-year legal battle against three different administrations of the Government of Belize (G.O.B) to gain tangible recognition of their rights to control of their ancestral lands. The Maya challenge, already globally notorious for including the first global invocation of the United Nations Declaration on the Rights of Indigenous Peoples

(UNDRIP) in their domestic legal victory, also achieved success in 2015, as the Caribbean Court of Justice directed the G.O.B to create a mechanism to protect Maya customary land rights within the laws of the country. However, despite the national incumbent United Democratic Party (UDP) instigating the ‘Maya Land Rights Commission’, six years later - with the rival Peoples United Party (PUP) now incumbent - land issues in Toledo remain far from resolved, with events in spring 2021 - when Belizean media reported tensions arising over land between two indigenous villages in Toledo - a pertinent reminder.ⁱ

Although one of the concerned stakeholders - the village of ‘Midway’ - is indeed a Maya village, the second - the village of ‘Barranco’ - is in fact a Garifuna settlement, one of many established by this people throughout coastal Central America, following their exile from their homeland of St Vincent by the British in 1797. The press exposure of these reported tensions, coupled with further national attention as both villages were placed into lockdown together due to coronavirus restrictions,ⁱⁱ served as a reminder of the physical proximity of these two settlements. However, in a wider sense, the reports reiterated that there are two indigenous peoples in Toledo, a land, where, understandably, the Maya dominate indigenous narratives. While Midway is one of the Maya villages that sought to gain tangible recognition of their customary land rights in Toledo, the Garifuna village of Barranco did not join the Maya in their case against the G.O.B despite being a founding member of the Sarstoon-Temash Institute for Indigenous Management (SATIIM), a key ally in the successful Maya legal challenge.

There has certainly been no lack of academic focus on Garifuna land issues across the wider Central American region, as documented in the bibliographic collection by Tuttle & Agudelo (2012). For example, in Honduras, Garifuna struggles to preserve their ancestral lands on the north coast have been well documented by the likes of Anderson (2009), Brondo (2010, 2018) and Joualt (2018), whilst in Guatemala, the work of Rey (2005) has documented

struggles to preserve ancestral land in Livingston, a settlement located directly across Amatique Bay from Belize's Toledo District. In Belize, a history of Garifuna land use in Barranco has been documented by Palacio, Lumb and Tuttle (2001), an example of the former's extensive and expert socio-cultural anthropological insights into his people. Meanwhile, notable studies on land in Belize in a wider sense have been conducted by the likes of Bolland & Shoman (1977) and most recently by Hoffman (2014, 2021). However, despite this range of works, an analysis of the Garifuna role (or lack of) in the Maya land rights challenge in Belize, is conspicuous by its absence within academic discourse.

This article - drawn from ethnographic fieldwork conducted with the Garifuna community in Toledo since 2016 - seeks to fill the corresponding knowledge gap. Primary data was collected through the employment of participant observation and interviews with a range of Garifuna community members in the settlements of Barranco and Punta Gorda (see Map B), collected over several extended trips between 2016 and 2022 and supplemented with a range of secondary data, drawn from both academic and media sources. First, an introduction into how British colonial processes in the wider region led to both peoples being established as 'others' in what is now Southern Belize is outlined, before a summary of the Maya mobilisation in the decades immediately following Belizean independence. The indigenous lens then focusses on the Garifuna and discusses the range of phenomena that conspired to ensure that mobilization around land rights did not materialize. Despite this, a continuation of sustained threats to their ancestral territory has emboldened a growing Garifuna advocacy around land rights in Belize, a movement that offers cautious hope for both indigenous groups to unite around land issues in Toledo.

Map A: Map of Belize (Ambergris Caye, n.d)



Map B: Map of Belize's Toledo District and study sites ⁱⁱⁱ



Establishing and uniting ‘the others’: Background to indigenous mobilisation in Belize’s Toledo District

It is widely agreed that the Maya were the first inhabitants of the territory that now constitutes Belize, migrating there from across Central America between 2000-1000 B.C. (Menon, 1977). At the time of Spanish conquest, lowland Maya speaking peoples occupied a huge region between southeast Mexico and northwest Honduras (Jones, 2000), with the ruins of Lubantuun and Nim Li Punit in the Toledo District evidence of the Maya’s ancient occupation of Southern Belize (Leventhal, 1992). By contrast, the Garifuna came into inception on the island of St Vincent from a fusion of Amerindian and African peoples. Identified by European colonial powers as ‘Black Caribs’, they were exiled to the Honduran Bay Island of Roatan by the British after the Vincentian wars in 1797, before establishing themselves across coastal Central America - between present day Belize and Nicaragua - in the immediate aftermath (Palacio et al., 2001). How two peoples with such markedly different ethnogeneses would come to be recognised by the British as ‘others’ in the territory that now encompasses Southern Belize, is testament to both the impact of the British Empire in the wider region, as well as the particularities of their colonization efforts.

During the colonial period, Anglo-Spanish accords facilitated British logging interests in a territory regarded as a disease-ridden tropical forest overlooked for Spanish settlement (Craton, 1997), yet which still fell within the Spanish papal sovereignty exercised across the Central American region. A critical distinction in this colonial arrangement is traceable to the fact that in 1783, accords limited the logging operations of the British ‘Baymen’^{iv} to the territory between the Rivers Hondo-Belize. Whilst this range was extended to the territory between the Rivers Hondo-Sibun in 1786 (Bolland, 2003), the total area still fell within what is now essentially modern-day Northern Belize. Contrastingly, the area between the Rivers Sibun-Sarstoon - modern day Southern Belize - was not detailed in any accords, rendering the territory something of a colonial political vacuum, with the British unwilling to openly exert sovereign control until after Central American independence dawned in the early-mid 19th Century, despite the absence of any official Spanish presence in the preceding decades.^v

This political vacuum meant that the territory quickly became idealised by other peoples, with dispatches recording British-Garifuna contact in the locale of the British settlement at the Belize River from at least 1802 (Cunningham 1802, in Burdon, 1934). Garifuna growth immediately south of the British settlement was swift following their dispersal across coastal Central America, and by 1828, Stann Creek (modern day Dangriga) was colloquially referred to as “*Carib Town*” (Gonzalez, 1988). Meanwhile, further south, in present day Toledo District, the Garifuna established their settlement at Punta Gorda which was reported by American travellers in the 1830s as consisting of around five hundred inhabitants and possessing a wealth of tropical vegetation (Stephens & Catherwood, 1841). Despite obvious contact during this period- such as through employment at logging camps - the Garifuna generally lived beyond the limits of British administration, maintaining their own systems of land tenure that were only indirectly affected by British settlement during this time (Bolland and Shoman, 1977).

The British *modus operandi* in the territory was, unequivocally, the extraction of forest products (initially logwood, then mahogany) for transportation back to Europe. Furthermore, expansion beyond the limits of the Anglo-Spanish accords was a persistent hallmark of their presence. For example, the Sarstoon was claimed as the *de facto* southern border as early as the mid 1820's – with Spain having lost all her Central American colonies by this time (Shoman, 2018) - yet Britain remained wary of flaunting official Spanish sovereignty until 1837, when the first British *Crown* land grants were processed outside the old treaty limits, including two as far south as the Sarstoon. Accordingly, 1837 has been regarded as the first exertion of British *Crown sovereignty* as far south as the Sarstoon River (Humphreys, 1961; Bolland & Shoman, 1977), a move influenced by the fact that in 1834 the government of the insurgent Republic of Guatemala had made land grants (ironically to three British companies) of the entire territory between the Rivers Sibun-Sarstoon (Shoman, 2018).

The legacy of these developments resulted in 1859's controversial Anglo-Guatemalan treaty - the international border 'agreement' that continues to reverberate in Belizean-Guatemalan relations to the present day - and the establishment of the colony of *British Honduras*, governed first from Jamaica (1862) before achieving *Crown colony* status in 1871 (Shoman, 2018). Sovereign ambitions at this time naturally empowered land ownership policies, with the 1855 'Laws in Force Act' granting retrospective legitimacy to ownership of land under 'location laws' meaning all land distributed amongst British settlers *prior* to *Crown* control was also protected (Shoman, 2018). Crucially, this act excluded non-white settlers from land ownership and meant that when British Honduras achieved *Crown colony* status in 1871, almost all privately owned land in the territory was held by the British Honduras Company, Young Toledo & Company, and a handful of other considerably large and mostly foreign-based companies with absentee landlords (Bolland & Shoman, 1977).

Accordingly, the colonization of British Honduras meant that settlements and territories already established by indigenous peoples in the region between the Rivers Sibun-Sarstoon came under immediate threat from colonial policies. For example, the sale of lands in the locale of the Garifuna settlement at Punta Gorda to ex-Confederate soldiers from the US Civil War, motivated the Jesuit Father Jean Genon to write to British Governor Longden in 1868 and express his concern that the Garifuna there would soon be landless (Palacio et al., 2001). Policies to manage indigenous land and political organisation were introduced through the *reserve* and *alcalde* systems, and targeted both the Maya and Garifuna. Interestingly, the British also sought to implement the Alcalde Act (a Spanish colonial institution empowering traditional military heads & judicial/administrative officers at the village level) within both Maya and Garifuna communities, despite no history of such a formalised hierarchy amongst the Garifuna in peacetimes (Bolland, 2003).

However, this white land monopoly in the colony also ensured the tangible application of sovereignty remained significantly flawed, most notably in the remote south where the southernmost Toledo District remained a “*political space that did not yet exist*” until the late nineteenth century (Wainwright. 2011: 44). For example, the demarcation of Toledo’s borders did not take place until 1882, with the first district commissioner appointed as the sole representative of the Crown two years later. State penetration into the interior of the Toledo District was so rare that the Maya there remained largely hidden from view until the end of the 19th Century (Wainwright, 2015), with the large-scale remigration of landless Kekchi and Mopan Maya peasants from Guatemala in the 1870s-80s leading the British to finally acknowledge their existence in Southern Belize (Wainwright, 2011).

Accordingly, different incarnations of indigenous land control in Toledo, as well as the lack of tangible British control in the southernmost district, continued to prevail decades after colonization. For example, by 1888, efforts to integrate the Maya into the colonial structure

through the introduction of reservations (including at the village of San Antonio, Toledo) were delayed by confusion as to whether they would pay land taxes, and whether the reserves were even within the colony's boundaries. This coupled with wider confusion regarding Maya patterns of land tenure and their reluctance to settle in one place meant that the British simply created new reservations whenever they found Maya communities (Wainwright, 2011). Meanwhile, despite being established in at least 1860, uncertainty regarding whether the 'reserve' at the Garifuna village of Barranco was established on Crown land was still being discussed *thirteen* years after the first survey of the village was conducted in 1892 (Palacio et al., 2001).

However, twentieth century developments ensured Toledo's indigenous peoples became increasingly vulnerable to colonial processes. When the Great Depression hit in the 1930s, taxes for timber and chicle firms were *reduced*, with the deficit burden being placed on the shoulders of the Maya and Garifuna peasantry (Wainwright, 2011). In the decades preceding eventual independence in 1981, despite the significant political and industrial transformations manifesting throughout the colony (renamed *Belize* in 1973), tensions in Toledo remained. For example, the People's United Party (PUP) who would lead Belize from colony to independence (Shoman, 2010), established projects in the 1970s whereby managed Maya 'reservations' would be converted into private property enabling farmers to use the land as security. However, the State did not deliver on its promises such as assistance with transportation to markets. Consequently, many Maya fell into debt and efforts to territorially 'fix' them had once again failed (Wainwright, 2011).

Ultimately, it was a continuation of colonial era disregard for indigenous ancestral lands in the decades immediately following Belizean independence, which succeeded in unifying the Maya and Garifuna under a common cause. Under British rule, methods to 'divide and conquer' the colony had fostered sentiments of discrimination between Belize's different

ethnic groups (Taylor, 1951). However, semblances of fraternity developed as Garifuna teachers - recruited by the Roman Catholic Church - were posted to Maya villages across rural Toledo, and overcame initially strained relations between the two groups as the pre-nationalist multicultural movement had taken hold in the colony (Palacio, 2006i). This fraternity was further crafted through settlement, as the continued Maya remigration from Guatemala saw the establishment of new Maya villages in the Barranco locale continue into the late twentieth century (IACHR, 2004), as well as intermarriage between the two peoples. The trigger for concerted unified action would come in 1996, when the Maya communities of Conejo, Crique Sarco, Sundaywood, Midway, and Garifuna community of Barranco, realised that the 41,000 acres Sarstoon-Temash National Park (STNP) had been created by the G.O.B on indigenous ancestral lands, three years previously, and without the prior knowledge of those communities who resided on its periphery. In response, the Sarstoon-Temash Institute for Indigenous Management (SATIIM) was born with a primary aim of promoting and protecting the land rights of both the Maya and Garifuna peoples (SATIIM, n.d). Through this mobilisation, two distinct peoples, established as 'others' by the British through their colonization of Southern Belize, and who had suffered over centuries from both colonial and post-colonial dispossession and integration of their ancestral lands, finally acquired a mutual forum from which they could mobilise against continued incursions within their territories.

Empowering 'the others': Briefly recapping the Maya land rights legal challenge

The globally renowned Maya land rights challenge began in earnest in the same year that communities realised of the creation of the STNP. The critical spur to action came in 1995, when the G.O.B offered 500,000 acres of logging concessions to two Malaysian multinationals in the Toledo District (Leventhal et al., 2012). In 1996, armed with the 200 pages *Maya Atlas* - a collection of maps and other ethnographic evidence documenting

historical Maya land use in Toledo - and with international support through the Indian Law Resource Centre in Washington D.C, the Maya logged their first lawsuit with the Supreme Court of Belize (Grandia, 2009). Then, in 1998, the Maya communities filed a claim with the Inter American Commission on Human Rights (IACHR), the regional human rights arm of the Organisation of American States. Following this, in 2000, a 'Ten Points Agreement' was agreed between the G.O.B and Maya Leaders which established that Maya communities enjoyed rights over their land and resources and that the G.O.B would implement programmes to address Maya land needs. However, logging concessions continued to be awarded.

In 2004, the completed IACHR report concluded the G.O.B had violated articles XXIII (right to property), II (right to equality, equal justice, and protection) and XVIII (right to judicial protection) of the 'American Declaration on the Rights and Duties of Man'. The report also recommended that the State provide the Maya people "*effective remedy, which includes recognizing their communal property right to the lands that they have traditionally occupied and used, without detriment to other indigenous communities to delimit, demarcate and title or otherwise establish the legal mechanisms necessary to clarify and protect these rights in the general law of the country*" (IACHR, 2004:2). A further report by the UN Human Rights Council summarised the escalating situation in Toledo and highlighted the discrepancies regarding the levels of consultation and consent pertaining to the concessions the G.O.B was issuing to a US-Guatemalan oil company – US Capital Energy – and the continued allegations of the dismemberment of Maya customary land tenure (United Nations, 2007).

When the Maya case finally entered a Belizean court (*Cal, A. et al. v. Attorney General of Belize, 2007*), the G.O.B defence was notable for its desperate attempts to dispel Maya indigeneity. Yet leaders from Conejo and Santa Cruz villages - representing the wider Toledo community - offered the Maya Atlas to illustrate their extensive historical use and

understanding of the *milpa* system - the process of clearing, cropping, and abandoning stretches of jungle – as evidence for their customary land use in Toledo. Aided by a range of expert witness affidavits from their network of NGOs, lawyers, and anthropologists, they argued that such customary land tenure existed in Toledo, and furthermore, that this form of property was protected under both the Belizean constitution and international law (Grandia, 2009). Presiding, Judge Conteh handed down a decisive victory for the Maya plaintiffs and became the first judge worldwide to reference the adopted UNDRIP– cited amongst a range of international instruments and relevant cases – in favour of indigenous communities.

Specifically, Conteh ordered the demarcation and documentation of Conejo and Santa Cruz’s customary title and rights in accordance with customary law and the immediate halt to any concessions without the *free prior and informed consent* of the communities involved.

However, continued activity by resource extractors led the Maya Leaders Alliance to file a second case on behalf of communities against the Attorney General of Belize (*Maya Leaders Alliance and Others v. Attorney General of Belize and Another*, 2010). Acknowledging the link with the 2007 case, in 2010, Conteh expanded his previous ruling to declare that customary land tenure existed in *all* Maya villages in Toledo. Furthermore, he insisted this gave rise to individual and collective property rights and directed the G.O.B to develop a system to establish legal protection of Maya customary land tenure (Grandia, 2009).

Dissatisfaction at the lack of recompense for damage to their lands saw the Maya communities appeal the decision, meanwhile, the G.O.B cross-appealed the ruling that Maya customary land tenure constituted property within the understanding of the Belizean Constitution, resulting in the Belizean Court of Appeal handing down a deeply divided verdict in 2013. Here, they ruled that sections 3 (fundamental rights and freedoms), 16 (discrimination) and 17 (acquisition of property) of the Belizean Constitution could not provide the basis for ordering the State to take affirmative action for the protection of

constitutional rights (*Maya Leaders Alliance and Others v Attorney General of Belize and Another, Court of Appeal of Belize, 2013*). The decision duly resulted in both parties launching further cross appeals to the Caribbean Court of Justice (CCJ), the final court of appeal for former British colonial territories in the English-speaking Caribbean, established to settle disputes from countries within the CARICOM region (Birdsong, 2005).

The CCJ managed to broker an agreement by way of a Consent Order dated April 22nd, 2015, as both parties conceded that Maya customary land tenure did exist throughout Toledo, which gave rise to the collective and individual land rights within sections 3(d) and 17 of the Belize Constitution. Therefore, the single issue heard for consideration in the CCJ itself was whether the Maya were entitled to damages for breach of their constitutional rights and ancillary determination of costs (*Maya Leaders Alliance v. Attorney General of Belize, Caribbean Court of Justice, 2015*). Ordering the G.O.B to establish a fund of BZ\$300,000 as a first step to the G.O.B creating a mechanism to recognise and protect Maya land rights, the CCJ ruling also referenced the IACHR report, that the G.O.B was under a duty to take positive steps “*without detriment to other indigenous communities, to delimit, demarcate and title or otherwise establish the legal mechanisms necessary to clarify and protect these rights in the general law of the country.*” The G.O.B duly created the ‘Toledo Maya Land Rights Commission’ (MLRC) to act as this mechanism.

Finally, after two decades of legal challenge, a path towards the just conclusion of the Maya victory had emerged. Domestically, the case became notorious for the first national invocation of the fledgling UNDRIP and for Judge Conteh’s ruling that Maya customary land tenure constituted property within the interpretation of the Belizean Constitution. The case also garnered the interest and support of a range of indigenous and non-indigenous peoples from across the globe, with the role of the range of expert affidavits crucial in contributing to Conteh’s judgement (Grandia, 2009). Regionally, it was also the first such case heard at the

CCJ, who, in turn, also maintained a legally sound position in favour of indigenous rights (Caserta, 2018). Despite this, the actions of the G.O.B in fully and tangibly implementing the directives of the CCJ through the implementation of the MLRC, have continued to be subjected to significant scrutiny regarding issues such as third-party incursions into Maya villages and associated concerns of ‘free prior and informed consent’ (Love FM, 2021 ii).

Interestingly, even though they did not join the Maya in their legal challenge, the Garifuna, and village of Barranco specifically, were constantly on the fringes of the case. For example, when seeking to dispel Maya indigeneity in Toledo, the G.O.B ironically maintained; *“in the area such as Barranco it becomes evident that the Maya did not occupy that region to the exclusion of other organized societies”* (IACHR, 2004:23). Meanwhile, the CCJ noted the IACHR judgement that the G.O.B was under a duty *“without detriment to other indigenous communities...”* Indeed, questions regarding Barranco’s absence from the case become more pertinent when considering that included amongst the expert affidavits provided, was the testimony of Gregorio Ch’oc, then Executive Director of SATIIM, the NGO formed with a primary aim of promoting and protecting the land rights of both the Maya *and* Garifuna. With these thoughts in mind, an evaluation of the complex circumstances that determined Barranco’s absence in the Maya case is necessary to complete the picture.

Table A: Selected key dates in Belizean history

1783-1786	Anglo-Spanish accords detail British logging interests between Rivers Hondo-Belize (1783), then extended to Rivers Hondo-Sibun (1786)
1797	Garifuna exiled from St Vincent to Roatan, Honduras leading to dispersal across coastal Central America
1859	Creation of Anglo-Guatemalan treaty
1862	Establishment of colony of British Honduras
1871	British Honduras granted Crown colony status
1973	British Honduras renamed Belize
1981	Belizean Independence
1996	Maya file lawsuit with Supreme Court of Belize. Maya and Garifuna realise Sarstoon-Temash National Park has been created.
1999	Memorandum of Understanding between NGC & Government of Belize
2000	'Ten Points Agreement' between Maya & Government of Belize
2007	1 st Maya Supreme Court case
2010	2 nd Maya Supreme Court case
2013	Belizean Court of Appeal ruling leads Maya communities and Government of Belize to appeal to Caribbean Court of Justice.
2015	CCJ broker Consent Order and judgement in favour of Maya communities. Toledo Maya Land Rights Commission' established by UDP party.
2021	Commissioner of Indigenous Peoples Affairs appointed by PUP party. Barranco, Midway and Conejo villages placed into coronavirus lockdown.

Marginalising 'the others': Garifuna representation and de-indigenization

Essentially, Barranco's marginalisation from the Maya legal challenge is born from the simple fact that the village had no representation in that challenge. Yet at the core of this marginalisation are a combination of factors that have conspired to significantly inhibit any mobilisation attempts. Returning to SATIIM, in reaction to the establishment of the STNP, a community consultation occurred in Barranco in 1997 including representatives from the five affected villages paving the way for the birth of the NGO. A key goal from that consultation was to seek the establishment of a co-management agreement with the G.O.B regarding the STNP (which was successful), thereby ensuring that communities continued to maintain a stake in their ancestral lands. An Executive Board was formed, including representatives from each village, with SATIIM's emergence considered remarkable due to the fact that

different ethnic groups would be collectively managing a protected area in Belize (Caddy et al., 2000).

Nevertheless, tensions between/within villages and SATIIM existed from the outset, partially born from the villagers' continued experiences of a sustained negative interference in their territories from powerful outside actors (DeVriess et al., 2003). Participants throughout the fieldwork period confirmed that a complex relationship had existed between Barranco and SATIIM since its inception, with significant areas of concern being a lack of sustained economic development in the village and the perceived Maya centrality of the organisation, an issue that had only intensified as the Maya legal challenge grew in strength. Yet when discussing why Barranco was not represented in the Maya legal challenge, a senior SATIIM official offered an interesting perspective on Barranco's absence in the Maya legal challenge.

"The traditional rights of Barranco have been advanced from our perspective, but the most fundamental issue there is representation... Who do you want to represent you? That is what Barranco has not clearly articulated. They've not said, ok they have NGC, the National Garifuna Council."

The mentioned National Garifuna Council (NGC), created in 1981, is the largest Garifuna organisation in Belize, with representatives in all six traditional Garifuna communities (Dangriga, Seine Bight, Georgetown, Hopkins, Punta Gorda and Barranco), as well as in other settlements with significant numbers of Garifuna, such as Belize City. In 1999, the NGC signed a Memorandum of Understanding (M.O.U) with the G.O.B as a basis for dialogue (National Garifuna Council, 1999). Accordingly, the G.O.B recognized the NGC as the legitimate representative of the Garifuna people in Belize and agreed to consult the organization on all matters concerning the Garifuna community (Izard, 2005). When discussing the issue of representation, participants in Barranco overwhelmingly mentioned

that the NGC - as their national body - should have been the organization representing them over Garifuna land rights. In the words of one community leader:

“Since Barranco is a Garifuna community then you could say that the NGC should have been the one to take the initiative to look after its people. If the Maya are looking after their people, then what happened to our organisation?”

The NGC were present at the first STNP stakeholder workshop held in Barranco in 1997 (DeVriess et al., 2003) and enjoy strong historical connections with both SATIIM and a range of other (inter)national NGOs. A notable example of NGC led recognition of Garifuna culture came in 2001, when Garifuna ‘language, music and dance’ received international accreditation as the UN Educational, Science and Cultural Organisation (UNESCO) proclaimed it a *Masterpiece of the Oral and Intangible Heritage to Humanity* (Cayetano & Cayetano, 2001). However, although Belizean Garifuna advocacy is renowned for being rooted towards ‘living culture’ rather than land rights (Brondo, 2010), within the NGC M.O.U, the G.O.B states that it:

“Will protect and preserve the land and sea environments of communities predominantly populated by the Garinagu” and “agrees to conduct serious good faith negotiations with the NGC with regard to communal rights of the Garinagu to certain lands”.

The M.O.U is therefore evidence that a Garifuna (*Garinagu* in the Garifuna language) platform for dialogue regarding communal land rights was created around the same time as the Maya ‘Ten Points Agreement’. When discussing Barranco’s representation, a high-ranking NGC member acknowledged organisational shortfalls regarding Garifuna land rights in Toledo, whilst also alluding to geographical organizational issues when commenting that:

“At the time of the Maya Land Rights the National Garifuna Council should have been very active to ensure that the rights of the Garifuna people in that area would not have been ignored, and that is where we failed... we need to strengthen that branch.”

Throughout fieldwork, the NGC were based in the Gulisi Museum (National Garifuna Museum), in Dangriga - known in the colonial period as “*Carib town*” – the unofficial Garifuna capital of Belize. Meanwhile, as will be discussed further, Belize City - the birthplace of the organisation and Belize’s former capital and largest city - is also an NGC stronghold. Yet neither the relative strengths/weaknesses of various NGC branches, nor the NGC’s reputation for being guardians of ‘living culture’ rather than land rights, provide complete mitigation for the fact that there was no representation for an isolated Garifuna village in such a high profile (and high stakes) indigenous land rights case. Notably, mobilisation efforts were also significantly impeded by phenomena within the processes identified by esteemed Garifuna anthropologist Joseph Palacio as *de-indigenization* (Palacio, 1992).

As the author notes, whilst the process of acculturation - the process of some cultural loss whilst also ‘gaining’ another’s culture - is often seen as a ‘positive’ state, it is also possible to use the antithetical term *de-indigenization* – the process of cultural erosion – to negatively emphasise the degree of cultural loss (Palacio, 1992). One might argue that the first instances of *de-indigenization* came as the British imposed rents upon already established Garifuna settlements south of the Sibun River in the mid-1800s, a move that amounted to tantamount dispossession of settled property (Palacio et al., 2001). As British sovereignty was exercised over Southern Belize, the Catholic Church played a central role in assimilating peoples within a colonial society that established its first Catholic Church in 1851, became a Catholic bishopric five years later, and held responsibility for all schooling in the colony until the post-independence era of the 1980s (Bolland, 1986). The impact of the Catholic Church was a

prevalent discussion point throughout fieldwork, with one community leader in Punta Gorda remarking that:

“Growing up in PG, the Garifuna language and people were discriminated against. We were discouraged from using the language and many aspects of the culture, particularly by the education system, which was run by nuns back in those days, in unison with the colonial regimes.”

Cultural discouragement was contextualised by the perceived efforts to weaken Garifuna language, spirituality, and their connection to land and sea, through the education system, as noted by one farmer:

“When I was going to school, primary school, the teachers used to say - “You want to stay here and plant? Don’t you want to go to an office and work with a computer with air conditioning?”

Eventually, deteriorating economic conditions within their traditional coastal settlements facilitated widespread Garifuna out-migration in the mid-late 20th Century. For example, after a period of prosperity in Barranco through banana production in the period of 1900-1940, out-migration became particularly prevalent post 1965 (Palacio, 2006i) following the decline of both the banana and rice industries. Leaving their traditional settlements resulted in Garifuna employment in a range of industries across Belize (and beyond) including the sugar industry in Corozal and citrus industry in Stann Creek. Former capital Belize City became the destination for many, to the extent that by the census of 1991 it held the third largest concentration of Garifuna in the country after the traditional southern strongholds of Dangriga and Punta Gorda (Palacio, 2006i).

Such urbanisation meant that by the late twentieth century more Garifuna lived in towns than in their traditional coastal villages, which, as a result, became shadows of the viable

communities they had once been (Palacio, 1992). This out-migration becomes even more pronounced when considering many of the lots in Barranco are long-term leases passed from one generation to the next, a property system introduced under British rule, when, overwhelmingly, the villagers decided to take out long-term leases rather than outright purchase of the lots due to the cost (Palacio et al, 2001). Now, as the second and third generation relatives of those villagers inherit the paperwork for those lots, many do not live in the village for long periods or indeed have never lived in the village at all. The result is that Barranco has numerous unused lots, some barely visible as they have been engulfed in vegetation.

Barranco's location as a cross border socio-economic link between Belize, Guatemala, and Honduras also led to increasing numbers of villagers - or *Baranguna* - spending longer periods away from the village, resulting in an increasingly permanent exile (Palacio, 2005). Additionally, like many Garifuna communities, Barranco suffered widespread emigration to the U.S.A, a phenomenon which has continued unabated in recent years and has resulted in New York (notably Honduran and Guatemalan) and Los Angeles (notably Belizean) becoming leading Garifuna centres of population (Anderson, 2009). A further example of this out-migration was in the mentioned recruitment and dispersal of Garifuna schoolteachers across Toledo and beyond (Palacio, 2006i). Such processes have both facilitated and been facilitated by the social and physical isolation of Belize's southernmost coastal village, one that only received road access in 1998 and running water as late as 2003 (Palacio, 2005).

Figure A: Barranco Temple/Dabuyaba (Author, 2016)



Although some Baranguna work locally in nearby Punta Gorda town, Barranco has experienced a continued and accelerated decrease in its permanent population and an economy that has increasingly existed beyond its own borders, notably through remittances from those abroad (Palacio, 2005). The census of 2010, recorded Barranco's population as a mere 157 residents across 54 households (SIB, 2010) many of whom were either children or elders. Admittedly, the village population can swell dramatically, such as at times of spiritual significance when the ancestral spirits demand that descendants return to the village to partake in celebrations (Palacio, 2005). Several such homecomings occurred throughout fieldwork periods, with events centred in the temple (*dabuyaba*) lasting for days on end. However, the temporary nature of such swells does little to engender effective community mobilisation in Barranco, as summarised by one leader who noted:

“Here I am talking about a Caribbean phenomenon, what they call migrant society, and the difficulties of organisation, the difficulties of defining issues, the difficulties of organising projects at any one time. The population, particularly of young people, can shift in a matter

of a few weeks here and if there is not a permanent population over a certain period of time, then it's very difficult to move and to get things done, on anything for that matter.

This lack of sustained cohesion is accentuated by the decline in community level farming and fishing initiatives, both a cause and consequence of continued out-migration. For example, the mentioned banana trade has had a turbulent history in Toledo generally, with significant hurricane damage in the late 20th century seeing overall productivity fall from 842,000 boxes in 1979 to 531,000 in 1983 (Wainwright 2011). Many participants painfully recalled the legacy of farming failures that occurred due to extreme weather, disease outbreak, or other reasons. Such failures have left a devastating impact on the community in a wider sense, as one participant ruefully reflected:

“Barranco was a united community, together they went into the banana industry, the rice industry, into fishing, into farming, and so unity is based on what you do in common, and that is what community is, it is what we have in common. But when what we have in common or what we should have had in common no longer exists, then people start to have their own interests.”

Participants also highlighted issues such as financing seed money and fishing equipment, and the costs of surveying portions of Crown land in the village periphery for farming, as examples of further inhibiting factors. As the STNP and its surrounding areas continued to come under threat from extractive companies such as logging operations and the oil company US Capital Energy, the dire economic situation led to some villagers (and those from other neighbouring villages) taking jobs with US Capital when it initially based its operations in Barranco. Although the experience was widely reported negatively in terms of the tangible long-term development of the village (as well as the relationship between Barranco and

SATIIM), the economic struggle for many households in Barranco is so acute that any offer of economic advancement, even temporary, must be considered.

By contrast, as Barranco struggles to maintain its permanent population, the neighbouring village of Midway was established around 1992 (IACHR, 2004) on land once traditionally farmed by Baranguna. As one participant noted:

“A Garifuna guy invited a few Maya to help him farm on the lands he had acquired and offered to have them build one of these temporary homes while they farmed on the land, and slowly a village emerged.”

Twenty years on, and Midway has been invigorated by a growing permanent population, empowered within the wider campaign for recognition of Maya customary land rights in Toledo. Conversely, in Barranco, the forces of de-indigenization further inhibited mobilization attempts, already impacted by issues of organizational representation and leadership. It must be stressed that de-indigenization in Barranco is *far* from absolute, with Garifuna culture very much alive, thriving particularly at times of population swells.

However, the prolonged absence of significant sections of the community, combined with the array of difficulties facing those who remain, has left a community that naturally struggles to maintain traction on certain issues. Such realities offer some context to both the barriers facing a community seeking leadership, as well as the barriers facing those seeking to lead. Yet a further issue was inescapable when critically assessing the lack of Garifuna mobilization in the Maya case, one intimately connected to the issue of indigenous *recognition* in Toledo.

Figure B: Garifuna drumming and dancing at a community event (Author, 2016)



Recognising ‘the others’: Garifuna ‘indigenous’ identity in post-colonial Belize

International recognition of the Garifuna as an indigenous people is rooted in the 1980s Circum-Caribbean movement which saw peoples of Amerindian descent self-apply the term ‘indigenous’, influenced in no small part by indigenous activists within the political movement originating in North and Central America (Palacio, 2007). Meanwhile, regional recognition came through the formation of the ‘Caribbean Organisation of Indigenous Peoples’ (COIP), later admitted as a member of the global (now defunct) ‘World Council of Indigenous Peoples’ (Palacio, 2006ii). However, that the Garifuna had to defend their Amerindian roots to some groups reluctant to accept Afro-descendant peoples who also considered themselves Amerindian (Izard, 2005), is an example of wider complexity in the recognition of the Garifuna as being ‘indigenous’ in Central America. This complexity has been notably documented in Honduras regarding both indigenous recognition by other groups, as well as self-identification as indigenous by the Garifuna *themselves* (see for example, Anderson, 2009; Brondo, 2010; Mollet, 2006).

As discussed, Garifuna out-migration from their traditional coastal settlements in Belize led to widespread urbanisation - notably to Belize City - leading to some Garifuna rising to advanced positions within Belizean society. For example, as various elements of the Belizean pre-national liberation movement gathered in momentum, upwardly mobile Garifuna who joined the 'Black Nationalist' movement in Belize City in the 1960s would play a leading role in both the establishment of the NGC and the indigenous 'awakening' which led to the establishment of the COIP. Many of these leaders would go on to take up senior positions in a range of positions spanning public service, education, and the private sector (Palacio, 2007). In keeping with certain wider trends regarding Garifuna indigenous recognition, some fieldwork participants alluded to the fact that their Afro-descendant identities were an inhibiting factor to recognition as being 'truly' indigenous to Belize. Meanwhile, Garifuna urbanisation and/or societal advancement were also barriers to recognition according to some. As one community leader noted:

"The Garifuna people, although indigenous, are not perceived as needing help, they are perceived as being in control, as running things."

However, while such perceptions may reasonably be attached to the public servants and private entrepreneurs of Belize City or Belmopan, these descriptions in no way represent the Baranguna of rural Toledo. One narrative dichotomy regarding indigeneity that emerged amongst fieldwork participants separated those Garifuna some might describe as 'in control' from those that could not possibly be described in such a way. Furthermore, this could then be unpacked further into those who were/were not knowledgeable about 'indigeneity' and 'indigenous rights' when the Maya land rights case began. As one Baranguna noted:

“I think that where indigenusness is concerned, not too many of our people were familiar with the definition, and indigenusness to them meant, oh well, you are like the Maya. So, indigenusness is still not something that has really touched ground with many people, you know, because of what they could relate to.”

Whilst recent decades have certainly resulted in an increased societal and physical proximity between the Garifuna and Maya, they obviously remain two distinct peoples, and it is therefore unsurprising that in the absence of informed education regarding expansive conceptualisations of indigeneity and indigenous rights - particularly when it comes to land and resources - certain Baranguna may themselves have been cautious to align with the Maya campaign. Of course, aside from having different ethnic compositions, languages, spiritualities, and cultural identifiers, another crucial difference that participants alluded to was historical contrasts regarding property, farming, and settlement patterns. One village leader summarised this education gap (and the responsibility of those to educate) when commenting:

“I don’t believe that the masses of the Garifuna people are aware of these different conventions and these different recognitions, so there is a need for responsible bodies, the National Garifuna Council, NICH (National Institute of Culture & History) in Belize, to continue to educate the indigenous peoples of Belize on their rights.”

The same village leader gave further context to issues regarding land when they highlighted the confusion within the community (one that has long seen private lease land normalised as *the* property type) surrounding the concept of ‘communal’ land, something which proved to be a significant feature within the Maya campaign.

“Some people seem to confuse or not really understand what communal land means.”

Meanwhile, the mentioned international conventions/recognitions in the regional/national context makes for interesting consideration when considering expansive interpretation of what it means to be ‘indigenous’. For example, within his ruling on the Maya victory in Belize, Judge Conteh cited ‘International Labour Organization’ *Indigenous and Tribal Peoples Convention C169* (ILO 169), which, despite only being ratified by a small number of (mainly Latin American) States, is legally binding within international law and has played a significant role in the expansion of indigenous recognition. Of particular importance, is that peoples considered ‘tribal’ - *“peoples who may not enjoy historical primacy, but who possess distinct social and/or cultural and/or economic customs and traditions”* (ILO 169, 1989) - be afforded the same rights in international law as those considered indigenous. ILO 169 therefore created a space whereby distinct peoples who may not enjoy ‘historical primacy’ in a particular territory (for example, the Garifuna in Central America), be legally afforded the same rights as those that do (for example, the Maya in Central America). Accordingly, both the United Nations and ILO refer to *both* peoples collectively as indigenous (Lam, 2000).

This conceptual advancement has enabled some Afro descendant peoples in South/Central America to ‘indigenise’ their collective land rights claims through the Inter-American system based on their special relationship to territory and resources, irrespective of whether they hold ‘pre-Columbian’ rights to such territory and resources (Torres, 2008). The most relevant example is the Inter-American Court of Human Rights (IACtHR) ruling that the Honduran Garifuna communities of *Punta Piedra* and *Triunfo de la Cruz* had been victim to rights violations under the American Convention on Human Rights pertaining to their right to enjoy collective property ownership, lack of judicial protection, and the right to cultural identity and free prior and informed consent. One expert witness in the case – former United Nations Special Rapporteur on the Rights of Indigenous Peoples James Anaya – asserted that the

Garifuna be described as a ‘tribal’ people (IaCtHR 2015i, 2015ii). This followed seminal judgements from Suriname, notably when the IACtHR identified the *Saramaka* as a tribal people who shared a necessary ancestral and spiritual connection with their lands and resources (Brunner, 2008).

Another recognition - historically prevalent in Central America, where being ‘indigenous’ has racial connotations and a strong connection with the term ‘Indian’ - is the identification of being ‘autochthonous’, which does not carry the same racial connotations yet refers to the condition of being native inhabitants to a particular place (Anderson, 2009). Historically, Afro-descendants in Latin America are regarded as having no distinctive cultural difference and are therefore unable to claim group rights (Hooker, 2005), yet those conceptualised as autochthonous are regarded as having a distinctive cultural difference and are therefore deserving of group rights in the same vein as tribal peoples. Interestingly, those considered ‘Indians’ and ‘Afro-Latinos’ hold the same collective rights in the other Central American Garifuna homeland States of Honduras, Guatemala, and Nicaragua. In Honduras and Guatemala, Afro-descendants hold the right to collective ownership of land and bilingual education, in Nicaragua Afro-descendant rights consist of all elements of the multicultural model (Hooker, 2005). However, neither the term *tribal* or *autochthonous* are conceptually established to the same degree in Belize. A community leader noted Belize’s anomalous position in Central America when commenting:

“In Central America indigenous people and Afro-descendant people are usually linked very closely together and taken for granted. In all the countries of Central America except Belize (Laughs).”

Although the Belizean Constitution does acknowledge an obligation to “*protect the identity, dignity and social and cultural values of Belizeans, including Belize’s indigenous peoples*”

(Constitution of Belize, 1981), it does not explicitly name these peoples, with previous efforts to include passages about indigenous rights facing significant resistance (Palacio, 2006i). The 2010 Census report - collated by the autonomous Statistics Institute of Belize (SIB) - *did* name the Maya and Garifuna as the two indigenous groups of Belize (SIB 2010), a point acknowledged (if somewhat ambiguously) by the G.O.B in a report to the UN Human Rights Committee as per the reporting guidelines for countries that have ratified the International Covenant on Civil and Political Rights (UN HRC, 2017).

However, the lack of recognition of the Maya or Garifuna as Belize's indigenous peoples was historically conspicuously absent in the legal and juridical structures of the country (Palacio, 2006i), reinforcing the establishment of the MLRC as such a seminal advancement for indigenous recognition within Belizean legal structures. Those same structures provided the forum for the G.O.B's attempts to dispel Maya indigeneity and associated rights claims during their legal campaign, and named the Garifuna not as an indigenous, tribal or autochthonous people, but as a *minority*, in their 1999 M.O.U. Such examples offer further context of the difficulties facing indigenous peoples in receiving 'tangible' recognition as such, notably when trying to claim their inherent rights to land and resources.

Furthermore, Belize's engagement with international indigenous rights instruments is also significantly less than that of neighbouring countries. Although a party to the UNDRIP (which is not legally binding), Belize has not ratified ILO 169 (the only country in Central America other than Panama not to) and is the only country in Central America not a party to the American Convention on Human Rights, meaning the IACtHR (mandated through Article 69 of that convention) has no legal jurisdiction in Belize, hence why Inter-American influence there was limited to the Inter-American *Commission* report. Certainly, history shows that a country being party to such conventions is no guarantee that judgements advocating rights to indigenous territories/resources will be any more respected by

governments on the ground. However, one cannot avoid the lack of engagement with indigenous rights recognition in a country, that, unlike the other Central American Garifuna homelands (former Spanish colonies who had all achieved full independence by 1839), only achieved independence from British colonial rule in 1981. Taking that national, regional, and local contexts are fundamental factors regarding conceptualisations of indigeneity (Daes, 1996), means that such phenomena must be given due consideration across each of these scales.

In his seminal work, Anderson (2009) noted how Honduran Garifuna were able to engage with representations of being both ‘black’ and ‘indigenous’ and, crucially, how the Garifuna achieved recognition as a collective subject via a politics of indigeneity that, inter alia, defended Garifuna communities from land/resource appropriation. A crucial element of this recognition was the ability of Garifuna - at times with ambivalence - to embrace ‘indigeneity’ as a vehicle for claims and rights to ‘place’. However, unlike Belize, Honduras has an established history of advocacy surrounding Garifuna land rights (Anderson, 2009; Brondo, 2010), where communities have been historically empowered through the support of organizations such as OFRANEH (Black Fraternal Organisation of Honduras), who have historically played a leading role in the Honduras ‘autochthonous’ movement (Anderson, 2009). The Inter-American Court of Human Rights (IACtHR) rulings in favour of the communities of *Punta Piedra* and *Triunfo de la Cruz* are testament to such empowerment.

By contrast, the lack of a developed conceptual or institutional foundation to collectivise Toledo Garifuna land claims under an indigenous/tribal/autochthonous banner, is, comparatively, an unavoidable truth in Belize, a country where Garifuna advocacy has historically been far more directed towards ‘living culture’ rather than ‘land rights’ (Brondo, 2010), and where the official organization – as discussed already – was conspicuous by its absence in the Maya land rights challenge. Certainly, the existence of the M.O.U that offered

the possibility for the G.O.B “*to conduct serious good faith negotiations with the NGC with regard to communal rights of the Garinagu to certain lands*” is evidence of a platform to change this trajectory, yet it is not one that has yet manifested into a sustained and cohesive movement, despite increasingly promising signs in recent years.

Re-identifying & Reuniting ‘the others’: Cautious hope in Belize’s Toledo District

The legacy of the Maya campaign – particularly the establishment of the MLRC in January 2016 – has certainly contributed to a noticeably increased advocacy around Garifuna land issues. This combination of Maya success, coupled with the continued presence of logging companies and other outside actors, has resulted in the Barranco community taking an increasingly active stance against the continued threats to lands settled by their ancestors in the mid-19th Century. For example, a 2018 community march on Belmopan in resistance to the continued dissatisfaction regarding logging concessions (Amandala, 2018), resulted in the establishment of the *Louniri Lumua Barangu* group (Overseers of the land and resources of Barranco) whose mission is to maintain a greater stake in controlling resources in the village area. Such action is an example of an increasing community mobilisation in Barranco, politicising the connection between ancestral territory and ‘rights to place’.

One community leader summarised the emboldening Garifuna position on land in recent years when commenting that:

“I think that as a people we are very passive, so you are not thinking that a time will come when we need to fight for our lands, but I think the time is now.”

This groundswell in advocacy has included protests against perceived infractions on Garifuna land in communities across the country. Issues in Punta Gorda (Amandala 2021iii) and Seine Bight (Amandala, 2021iv) are examples that have succeeded in attracting national attention in recent times. Furthermore, it has resulted in established groups such as the NGC taking a

more visible role in land issues (Amandala, 2021i), whilst it has also seen the rise of newer organizational incarnations such as the ‘Garifuna Nation’ staking their own claims to be the voice of the Garifuna community on matters of land injustice in Belize (Channel 5, 2021ii). Meanwhile, in one particularly serendipitous development, the newly appointed Commissioner of Indigenous Peoples Affairs for the new PUP government is none other than Gregorio Ch’oc - former E.D of SATIIM - someone who knows the communities of the Sarstoon-Temash region arguably as well as anyone in Belize. The establishment of such an office within the new administration, coupled with the fact that the CCJ has maintained a firm position regarding both Maya and *other* indigenous rights, offers genuine hope for solutions that benefit all parties. As one Baranguna leader summarised in 2021:

“The Caribbean Court of Justice has struck quite hard on the matter of land rights between the Maya and their neighbours and the G.O.B was not prepared to deal with the larger issue, including the inevitable matters of litigation that would follow. Fortunately for us, the new Minister for Indigenous Peoples Affairs has publicly included us as indigenous peoples, so it has now become hopefully easier for us to resolve whatever land issues have arisen with the Kekchi.”

Meanwhile, the territorial dispute between Barranco and Midway is a stark reminder of the continued fluidity of the situation on the ground. Furthermore, it is a reminder of the inevitable friction that emerges when marginalized peoples seek control over their ancestral land and resources. Of course, such a dispute may well have happened even if the Garifuna and Maya joined together in their land rights campaign against the G.O.B, yet the onus now remains on ensuring that the Garifuna and Maya leadership structures facilitate communication, respect, and education between the two peoples. As one Baranguna leader noted:

“The important thing now is to try to cool our hot-heads so that they don't worsen the situation. Here I see my role taking shape together with other older heads within the communities.”

Certainly, dialogue between Garifuna and Maya leaders is arguably more important at this point than at any time. As noted by Garifuna scholar Jerry Enriquez, the Maya victory was amongst many other things, a victory of mobilisation against significant odds and a startling array of forces, including; government opposition, financial inferiority, intimidation, and divide & conquer tactics (Enriquez, 2015). It was a victory achieved through a progressive and legally sound interpretation of a range of domestic and international legislation regarding indigenous rights. It was also a victory presided over in both domestic and international legal forums, pioneering several legal precedents. Furthermore, throughout the past twenty-five years - spanning both PUP and UDP guises of the G.O.B - the Maya remained committed to their goal of the right to ownership, use, development, and authority, over lands in their communities in accordance with their cultural and ancestral traditions. This cohesion of the Maya as an indigenous people fighting for their rights, and of the leadership that emanated from within in the face of such significant odds, proved decisive in this case (Enriquez, 2015).

Such efforts should serve as both a reminder and inspiration to future generations of Maya and Garifuna, but are particularly pertinent considering the growing Garifuna advocacy at this time. Whilst the increasing audibility and visibility of groups both old and new is certainly positive, ultimately, community cohesion and leadership - issues that have previously acted as significant barriers to unity – are critical to the likelihood of success of any mobilization. Additionally, such advocacy must be underpinned by a campaign targeting those most in need (and at risk), offering education on the expansive range of indigenous rights and associated recognitions that can aid self-empowerment for the Toledo Garifuna. Of

particular importance in this regard, is how the relationship between land and culture for indigenous peoples means that where land is essential for cultural survival, the right to territory means that sufficient space is afforded to ensure that cultural reproduction as a people is possible (Gilbert, 2016), and, crucially, how this intersects with collective/community/communal rights to ownership and/or access to territory and resources – a fundamental element within the Maya legal campaign, but also in the successful campaigns of the Awas Tingni, the Saramaka and the Garifuna in Honduras, to name but a few.

Yet a summation of the Maya victory also offers a further note of caution, one particularly pertinent when considering relations between the two peoples. As Enriquez notes in his summary:

“As Belizeans savour the Maya victory for all, especially marginalized Belizeans, we must all strive to continue to understand the forces that detract people from supporting one another to fulfil their rights and dignity.”

Recent events reiterate the irrefutable need for both peoples to continue to gather strength and unity from their history of shared experiences in Toledo and exercise a collective caution against the myriad of forces that might detract them from supporting one another in realisation of their rights. Ultimately, responsibility for facilitating continued good relations between the communities rests in part with the G.O.B. Only through honouring the judgement of the CCJ can both peoples navigate a fair and transparent process. History suggests that both peoples must continue to remain on their guard against interference from actors looking to benefit from the confusion that continues to permeate on the ground in Toledo. At a time of significant uncertainty, the coronavirus pandemic has also succeeded in re-emphasising several realities concerning the communities of Barranco and Midway. The

physical proximity between the villages made the decision to send both into lockdown together straightforward, but the interconnectivity between the two communities in daily life, is what ultimately made it necessary. It is an interconnectivity rooted in a shared experience as marginalized communities, and in a shared use of territory.

In a wider sense, the Maya and Garifuna are certainly two distinct peoples, yet they share far more in similarity than they do in difference. Both occupied the present-day territory of Toledo before British colonization. Both have maintained a cultural distinctiveness traceable back through centuries. Both identify as being part of a distinct collective, also recognised as such by others. Both are victims of centuries of colonial and post-colonial subjugation, marginalisation, dispossession, exclusion, and discrimination, in a territory that continues to act as a theatre for the collision of interests from a range of actors, all with the intent on controlling abundant natural resources. In summary, both the Maya and Garifuna are indigenous peoples of Belize's Toledo district. It is a land to which both peoples belong, and a land that must, in part at least, also belong to both peoples. Whatever the next stages in the battle for control of resources in Belize's Toledo District, it is a battle that both peoples must face together.

ⁱ The Belizean national newspaper *Amandala* (2021, i) reported that a Barranco villager had been issued with a 'cease & desist' order by the G.O.B related to the development of a farm near the Midway border. Belizean press continued to report tensions between the two communities throughout early 2021. For examples, see Channel 5 (2021i) & Love FM (2021i).

ⁱⁱ In July 2021, Barranco, Midway and Conejo were all placed into coronavirus enforced lockdown together (*Amandala*, 2021ii)

ⁱⁱⁱ Created from Map of Belize (*Ambergris Caye*, n.d)

^{iv} The Baymen were British buccaneers turned logwood cutters who operated against Spanish ships from their base in the Bay of Honduras. Both occupations remained interchangeable until late in the seventeenth century when a series of treaties were signed between Britain and Spain seeking perpetual peace (Humphreys, 1961).

^v For a detailed appraisal of the (de)colonization of Belize (and Guatemalan claims to Belizean territory), see, amongst others, Humphreys (1961), Menon (1977), Blay (1986), Shoman (2010, 2018).

Bibliography

- Ambergris Caye (n.d). Available at [Physical Map of Belize, Ambergris Caye, Belize Geography](#) Accessed 15 August 2022.
- Anderson, M. D. (2009). *Black and indigenous: Garifuna activism and consumer culture in Honduras*. U of Minnesota Press.
- Barelli M. (2010) 'The interplay between global and regional human rights systems in the construction of the indigenous rights regime' *Human Rights Quarterly* 32 951-979
- Birdsong L. (2005) 'The Formation of the Caribbean Court of Justice: The Sunset of British Colonial Rule in the English-Speaking Caribbean.' *University of Miami Inter-American Law Review* 36 (2) 197-220
- Blay, S. K. N. (1986). Self-determination versus territorial integrity in decolonization. *NYUJ Int'l L. & Pol.*, 18, 441.
- Bolland, O.N. (2003). *Colonialism and Resistance in Belize: Essays in historical sociology*. U of West Indies Press.
- Bolland, O.N. (1986). *The formation of a colonial society: Belize, from conquest to crown colony*. Doctoral Dissertation: U. of Hull Press.
- Bolland, O.N & Shoman, A. (1977). *Land in Belize (1765-1871)*. U of West Indies Press.
- Brondo, K.V. (2018). "'A Dot on a Map": Cartographies of Erasure in Garifuna Territory." *PoLAR: Political and Legal Anthropological Review* 41(2) 185-200.
- Brondo, K.V. (2010). "When Mestizo Becomes (Like) Indio... or is it Garífuna?: Multicultural Rights and "Making Place" on Honduras' North Coast." *Journal of Latin American and Caribbean Anthropology* 15(1) 170-184.

-
- Brunner L, 'The Rise of Peoples' Rights in the Americas: The Saramaka People Decision of the Inter-American Court of Human Rights' (2008) *Chinese Journal of International Law* 7 (3) 699-711
- Burdon, J.A. (1934). *Archives of British Honduras: From 1801-1840 (Vol. 2)*. London: Sifton Praed and Company Ltd.
- Caddy, E., Ch'oc, G. and Paul, S. (2000). "The Sarstoon-Temash Institute of Indigenous Management: a grassroots initiative for social equity and sustainable development." *MS presented at the IUCN World Congress, Amman, Jordan, Oct.* Vol. 10. 2000.
- Cal, A. et al. v. Attorney General of Belize, Supreme Court of Belize (2007). (Claims No. 171 and 172 of 2007) (18 October 2007)
- Caserta, S. (2018). The contribution of the Caribbean Court of Justice to the development of human and fundamental rights. *Human Rights Law Review*, 18(1), 170-184.
- Cayetano, M. & Cayetano. R (2005) "Garifuna language, dance and music - a masterpiece of the oral intangible heritage of humanity. How did it happen?" *The Garifuna: A Nation across Borders. Essays in Social Anthropology, Belize: Cubola Books* 230-250.
- Constitution of Belize. (1981). Available at <http://pdba.georgetown.edu/Constitutions/Belize/belize81.html> Accessed 15th August 2022
- Craton, M. (1997). *Empire, enslavement, and freedom in the Caribbean*. Princeton: Markus Wiener.

-
- Daes, E. (1996). *Working Paper by the Chairperson-Rapporteur Mrs. Erica-Irene A. Daes on the Concept of indigenous people*. E/CN.4/Sub.2/AC.4/1996/2. New York: United Nations.
- De Vries, G. W., Haines, M. F., Hufnagel, S. B., Laird, A. K., Rearick, K. D., & Salas, O. E. (2003). *Enhancing collaboration for conservation and development in southern Belize*. Michigan: University of Michigan.
- Enriquez, J.A. (2015). "How the Maya won – Lessons for all Belizeans". Available at <https://belizeinamerica.net/how-the-mayas-won-lessons-for-all-belizeans/> Accessed 28th September 2021
- Gonzalez, N. (1988). *Sojourners of the Caribbean: Ethno-genesis and Ethno-history of the Garifuna*. U of Illinois Press.
- Gilbert, J. (2016). *Indigenous Peoples' Land Rights under International Law*. Leiden: Brill
- Grandia, L. (2009). "Milpa Matters: The Maya Community of Toledo versus The Government of Belize." *Waging war, making peace: reparations and human rights, Oakland: Left Coast Press* 153-182.
- Hoffman, O. (2022) *Property and territory: Origins of a colonial order in Belize in the 19th and 20th Centuries*. Cubola-IRD.
- Hoffmann, O. (2014) *British Honduras: The invention of a colonial territory. Mapping and spatial knowledge in the 19th century*. Cubola-IRD.
- Hooker, J. (2005) 'Indigenous inclusion/black exclusion: Race, ethnicity and multicultural citizenship in Latin America' *Journal of Latin American Studies* 37 (2) 285- 310
- Humphreys, R. A. (1961). *The Diplomatic History of British Honduras 1638-1901*. London: Oxford University Press.

-
- Inter-American Commission on Human Rights (IACHR). (2004). *Maya Indigenous Communities of the Toledo District v Belize (12 October 2004)* Report No 40/04 Case 12.053. Inter-American Commission on Human Rights, 2004: Organization of American States.
- Inter-American Court of Human Rights (IaCtHR) (2015i). *Community Garifuna Punta Piedra and its members v. Honduras* (judgement of 8 October 2015) C 304: Organization of American States.
- Inter-American Court of Human Rights (IaCtHR) (2015ii). *Community Garifuna Triunfo de la Cruz and its members v. Honduras* (judgement of October 8 2015) C 305: Organization of American States.
- International Labour Organisation. (1989). *International Labour Organisation Indigenous and Tribal Peoples' Convention 169. Convention*, Geneva: International Labour Organisation.
- Izard, G. (2005). 'Patrimonial activation and construction of Garifuna identity in contemporary Belize.' *The Garifuna: A Nation across Borders. Essays in Social Anthropology*, by Joseph Palacio, 176-195. Benque Viejo del Carmen: Cubola.
- Jones, G. (2000) 'The Lowland Mayas, from the conquest to the present' *The Native Peoples of the Americas Volume 2, Mesoamerica, Part II*: Cambridge: University Press
- Jouault, S., (2018). 'Clôtures et portails au cœur de la Caraïbe continentale: une réflexion sur le tourisme, les sociétés locales et la ségrégation socio-spatiale.' *Norois. Environnement, aménagement, société*, (247).77-94.
- Kruijt, D. (2008) *Guerrillas: War and peace in Central America*. Chicago: Zed Books

Lam, M. (2000). *At the edge of the state: Indigenous peoples and self-determination (Vol. 5)*.

New York: Transnational.

Leventhal, R.M. (1992). "The development of a regional tradition in Southern Belize." *New theories on the ancient Maya Volume 77, Philadelphia:UPenn,145-153*.

Leventhal, R.M., Espinoza, C. & Coc, C. (2012). "Modern History and The Maya."

Expedition: Journal of UPenn (UPenn) 54(1) 46-51.

Maya Leaders Alliance and Others v. Attorney General of Belize and Another, Supreme Court of Belize (2010) (Claim No. 366 of 2008) (26 June 2010)

Maya Leaders Alliance and Others v Attorney General of Belize and Another, Court of Appeal of Belize (2013) (Claim No.27 of 2010) (25 July 2013)

Maya Leaders Alliance v. Attorney General of Belize, Caribbean Court of Justice (2015) (CCJ Appeal No BZCV2014/002, BZ Civic Appeal No. 27 of 2010) (30 October 2015)

Menon, P.K. (1977). "The Anglo-Guatemalan Territorial Dispute over the Colony of Belize (British Honduras)." *Caribbean Yearbook of International Relations 117-145*.

Mollett, S. (2006) 'Race and natural resource conflicts in Honduras: The Miskito and Garifuna struggle for Lasa Pulan.' *Latin American Research Review 41(1) 76-101*

Mwakikagile G, *British Honduras to Belize: Transformation of a Nation*. New Africa Press 2014

National Garifuna Council. (1999). *Memorandum of Understanding between the National Garifuna Council and Government of Belize*. Available at <http://ngcbelize.org/wp-content/uploads/2018/05/MOU-ngc-gob.pdf> Accessed 28th September 2021

-
- Palacio, J.O. (2007). 'How did The Garifuna become an indigenous people?-reconstructing the cultural persona of an African-native American people in Central America'. *Revista pueblos y fronteras digital*, 2(4), 401-428.
- Palacio, J.O. (2006i). "Cultural Identity among rural Garifuna migrants in Belize City, Belize." *Indigenous Resurgence in the Contemporary Caribbean: Amerindian Survival and Revival*, New York: Peter Lang, 177-196.
- Palacio, J. O. (2006ii). Looking at ourselves in the mirror: the Caribbean Organization of Indigenous Peoples. *Indigenous Resurgence in the Contemporary Caribbean: Amerindian Survival and Revival*, New York: Peter Lang, 215-223.
- Palacio, J.O. (2005). "The multifaceted Garifuna: juggling cultural spaces in the 21st century." *The Gariuna: A Nation across Borders. Essays in Social Anthropology*, Belize: Cubola books, 105-122.
- Palacio, J.O., Tuttle, C., & Lumb, J. (2001). *Garifuna Continuity in Land: Barranco Settlement and Land Use 1862 to 2000*. Belize: Producciones de la Hamaca.
- Palacio, J.O (1992). The Sojourn Toward Self Discovery Among Caribbean Indigenous Peoples. *Caribbean Quarterly*, 38(2-3), 55-72.
- Rey, N. (2005). Caraïbes Noirs et « Negros Franceses» (Antilles/Amérique Centrale): Le Périphe de Noirs» Révolutionnaires» Nouveau Monde Mondes Nouveaux, Available at <http://nuevomundo.revues.org/315> Accessed 15th August 2022
- SATIIM. (n.d). Available at <https://www.satiim.org.bz/> Accessed 28th September 2021
- Shoman, A. (2010). *Belize's Independence and Decolonization in Latin America: Guatemala, Britain, and the UN*. New York: Springer.

-
- Shoman, A. (2018). *Guatemala's claim to Belize: The Definitive History*. Belize: Image Factory Art Foundation.
- Statistics Institute of Belize. (2017). *Annual Report*. Belmopan: Statistics Institute of Belize.
- Stephens, J.L., & Catherwood, F. (1969) (1841). *Incidents of Travel in Central America, Chiapas and Yucatan*. New York: Harper Collins (Harper Brothers).
- Taylor, D. (1951). *The Black Carib of British Honduras*. New York: Johnson Reprint.
- Torres, G. (2008). "Indigenous Peoples, Afro-Indigenous Peoples and Reparations." *Reparations for indigenous peoples: international and comparative perspectives*, London: Oxford University Press, 117-141.
- Tuttle, C. and Agudelo, C., (2012). *Afrodesc Cuaderno de trabajo No. 15. Compilación bibliográfica sobre el pueblo garífuna*.
- United Nations (2007). *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples* UN Doc A/HRC/4/32/Add.1
- United Nations (2017). Consideration of reports submitted by States parties under article 40 of the Covenant, Belize (received 8 August 2017) UN Doc CCPR/C/BLZ/1. New York: Human Rights Committee
- Wainwright, J. (2011). *Decolonising Development: Colonial Power and the Maya*. Malden: Wiley-Blackwell.
- Wainwright, J. (2015). "The Colonial Origins of the State in Southern Belize." *Historical Geography* 43 122-138.
- Xanthaki, A. (2007). *Indigenous Rights and United Nations Standards*. Cambridge University Press

Media sources

Amandala (2018) ‘Barranco villagers protest in Belmopan for logging rights’. Available at

[Barranco villagers protest in Belmopan for logging rights | Amandala Newspaper](#)

Accessed 21 September 2021

Amandala (2021i) ‘G.O.B orders Barranco resident to cease farm development’. Available at

[GOB orders Barranco resident to cease farm development | Amandala Newspaper](#)

Accessed 21 September 2021

Amandala (2021ii) ‘Three Southern villages under lockdown’. Available at [Three Southern](#)

[villages under lockdown | Amandala Newspaper](#)

Accessed 21 September 2021

Amandala (2021iii) ‘Garifuna Nation condemns violation of Garifuna territory.’ Available at

[Garifuna Nation condemns violation of Garifuna territory | Amandala Newspaper](#)

Accessed 21 September 2021

Amandala (2021 iv) ‘Seine Bight villagers/Garifuna Nation meet with G.O.B’ Available at

[Seine Bight villagers/Garifuna Nation meet with GoB | Amandala Newspaper](#)

Accessed 21 September 2021

Channel 5 Belize (2021i) ‘Garifuna Leaders Defend Ancestral Communal Lands.’ Available

at [Garifuna Leaders Defend Ancestral Communal Lands | Channel5Belize.com](#)

Accessed 21 September 2021

Channel 5 Belize (2021ii) ‘Garifuna Nation says G.O.B abusing settled lands.’ Available at [“Garifuna Nation” Says G.O.B. Abusing Settled Lands | Channel5Belize.com](https://www.channel5belize.com/news/garifuna-nation-says-g-o-b-abusing-settled-lands/)

Accessed 21 September 2021

Love FM (2021i) ‘Midway and Barranco villagers remain at odds.’ Available at [Midway and Barranco Villagers Remain at Odds – Love FM | Belize News and Music Power](https://www.lovefm.com/belize-news-and-music-power/midway-and-barranco-villagers-remain-at-odds/)

Accessed 21 September 2021

Love FM (2021ii) ‘CCJ gets update on Maya Consent Order. Available at [CCJ Gets Update on the Maya Consent Order – Love FM | Belize News and Music Power](https://www.lovefm.com/belize-news-and-music-power/ccj-gets-update-on-the-maya-consent-order/)

Accessed 21 September 2021