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**A Comparative study of Indigenous Human Rights in
Belize, Guatemala and Mexico**

貝里斯、瓜地馬拉以及墨西哥原住民人權之比較研究

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Abstract

Indigenous human rights that are political, civil and cultural have all attracted much attention in the political arena. The Mesoamerican countries provides a suitable study as the vast majority of indigenous Mayas are situated in a central geographic bloc which are Belize, Mexico and Guatemala. While the country of Guatemala has the highest indigenous population amongst its neighboring countries, it seems that the indigenous people do not enjoy much human rights. There are difference in the degree of indigenous human rights among these three countries, and the goal of this thesis is to find out which explanations (which are democratization, modernization and mobilization) in the literature better account for this variation. The research question proposed seems to have a clear puzzle as Belize and Mexico respects human right. A deeper look into the question shows that Guatemala lacks cohesion and organizational unity that prevent the vast majority of indigenous people from improving their human rights. I present here three case studies, including two cases of successful mobilization (The case of the Maya Leaders Alliance in Belize, The Case of the Zapotecas in Mexico) and one case of unsuccessful political mobilization (The case of Guatemala National Revolutionary Unit) in hope of shedding light to the indigenous human rights situation in each country and making it clear which theory has a greater influence on human rights amongst the three countries.

Key words: Political Mobilization, Human Rights, Latin America, Indigenous People

摘要

原住民人權在政治、公民以及文化等相關議題在政治領域上都引起了極大的關注。許多中美洲國家提出了適當的研究文獻以研究大多數來自中央地理區域的馬雅人－也就是貝里斯、墨西哥以及瓜地馬拉的原住民。

儘管相較於其他鄰近國家，瓜地馬拉是原住民人口數佔全國人口數最高的國家，但該國的原住民似乎沒有享有太多的人權。在貝里斯、瓜地馬拉以及墨西哥三個不同地區的原住民人權有著截然不同的差異，本研究的目的即是以民主化、現代化以及動員等三方面的論述找出更能說明此差異的根據。對於貝里斯和墨西哥是否尊重人權，為本研究的重要的難題。深入研究瓜地馬拉的核心問題，指出瓜地馬拉由於缺乏凝聚力以及組織聯盟，因此妨礙了大多數的原住民改善其應有的人權。

筆者在此提出三項案例研究：分別為兩項成功的動員案例（貝里斯瑪雅領袖聯盟以及墨西哥的薩波特克文明）和一項失敗的動員案例（瓜地馬拉國家革命部隊），希望藉此研究得以闡明每個國家原住民的人權狀況並找出對三個國家人權影響較大的理論。

關鍵字：政治動員，人權，拉丁美洲，原住民

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List of Acronyms

APPO	Popular Assembly of the Peoples of Oaxaca
ASC	The Civil Society Assembly
CACIF	Chamber of Agricultural, Commercial, Industrial, and Financial Associations
CIA	Central Intelligence Agency
CP	Consulta Popular
CEH	Guatemala's Commission on Historical Clarification
EZLN	Zapatista Army of National Liberation
FLN	Fuerzas de Liberación Nacional
GOB	Government of Belize
IACHR	Inter-American Commission on Human Rights
IAHRS	Inter-American Human Rights System
ICCPR	Committee of the International Covenant on Civil and Political Rights
IPU	Inter-Parliamentary Union
MLA	Maya Leader Alliance
NAFTA	North American Free Trade Agreement
OAS	Organization of American States
PUP	Peoples United Party

PRD	Democratic Revolutionary Party
PRI	Institutional Revolutionary Party
PAN	National Action Party
PLM	The Partido Liberal Mexicano
TAA	Toledo Alcalde's Association
TMCC	The Toledo Maya Cultural Council
TMWC	Toledo Maya Women's Council
UPR	Universal Periodic Report
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDP	United Nation Development Programme
UNDP	United Nations Development Fund
UDP	United Democratic Party
UFCO	United Fruit Company
URNG	Guatemala National Revolutionary Unit

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Chapter 1: Introduction

1.1 Research Motivation

In Latin America, indigenous people are considered weak compared to other ethnic groups, such as the dominant “White Hispanics.” Paredes (2008) states that by looking at the situation in Peru and Ecuador, indigenous people perceives to be secluded from political inclusiveness, in addition to continuous and profound inequalities amongst indigenous and non-indigenous individuals have no cessation. Throughout Latin America, indigenous people have been disenfranchised, politically oppressed, and socially excluded from civil services such as health, education, and access to land. The development of indigenous organizations, the politicization of indigenous identities, and the demand for indigenous political rights over the past two decades has challenged historical norms for local governments at all levels in Latin America (Yashar, 1999).

Indigenous people, therefore, face substantial difficulties in integrating and establishing organizations that are able of organizing a continued legal defense of their rights. Nevertheless, in contemporary times, in various nations throughout the region, there has been an increasing number of organizations that have defended and advocated for indigenous people. Mostly claims for political and legal autonomy, for freedom from discrimination, or protection of their historical territories and natural resources before the national and international courts. These groups include Indigenous communities, indigenous legal defense organizations, non-governmental organizations (NGOs) or alliances of NGOs, and sometimes governmental institutions such as human rights ombudsmen (Sieder, 2007).

Furthermore, scholars have paid particular attention to the indigenous political movement

in the “Andean Region,” which consists of about 34-40 million indigenous people (79%) that reside in this region (Selekman, 2012, p.137). The vast majority of indigenous people are also concentrated in Mesoamerica. This can be illustrated in Guatemala and Bolivia, where indigenous people amount to over 50 percent of the population, in Ecuador and Peru between 30 and 40 percent, and in Mexico between 10 and 15 percent. A commonly accepted definition of “indigenous” in international law, the international community identifies three broad conditions for defining who is indigenous: the self-definition as a member of an indigenous community, subordination to dominant society, and historical continuity with pre-colonial societies (Sieder, 2007). Therefore, indigenous groups in different countries have different situations in regards to human rights facilitated by incidences of historical elements as well as subordination for the non-indigenous groups.

Adams and MacLeod (2000) defines Mesoamerica as a “co-tradition” or culturally interactive area. So, Mesoamerica can be described as an extensive diffusion region which means whatever event that occurred in one area would sooner or later influence the other surrounding regions (Adams, 1991). The legacy of the Mesoamerican cultural customs has been adequately cohesive, distinctive, and inspiring in the history of the geographical area to justify its recognition with a unique term: “Mesoamerica” (Carmack et al., 2007). Moreover, Mesoamericans have been identified as first, members of a lineage, second, members in a community, third, speakers of a common language and lastly as Mexicans, Central Americans, or Indians (Carmack et al., 2007). Carmack et. al (2007) also states that these members of the community is made up of different individuals who share common cultural traits in various geographical areas such as Guatemala , Mexico, Belize, El Salvador and Honduras.

Some of the most known cultures from such geographic regions, like the K’iche Maya

(Guatemalan Highlands), Mixtec Maya (Southern district of Toledo Belize) and the Zapotec (Southern state of Oaxaca Mexico), shared cultural traits, which included architectural features, food, dress and a 260-day calendar. Thus, demonstrating a major connection between indigenous individuals. However, there were differences in the qualities of life and other cultural differences that made the Mesoamerica cultures lack homogeneity. For instance, there was no single language for the people of the region. The differences generated incredible diversity of people and languages resulting in other levels of unfamiliarity in even deities.

Although the Mesoamerica societies show differences in culture across different indigenous groups, single groups that are culturally related have different situations as their regions differ. Thus, indigenous groups in different countries have different conditions in regard to human rights facilitated by incidences of historical elements including subordination for the non-indigenous groups. For instance, the Mayas indigenous group that is found in Guatemala, Mexico, and Belize in the era of civilization, face different situations specifically regarding their rights as a human being due to the subjectivity of their indigenous culture to the Spanish colonial rule (Weaver, 1993). Generally, the existing Mesoamerican cultural heritage, especially for the indigenous groups within the region, can be identified by the existence of language used and cultural practices.

A report says that the Maya civilization is not only known as the most dominant indigenous group in the region but also considered as the only indigenous group in the Mesoamerica that is not significantly scattered within the population (History.com, 2009). Therefore, making them concentrated in a single central geographical block in Guatemala, Mexico and Belize. As a matter of fact, the concentration has, for decades, acted as a source of security for the Mayan societies compared to other Mesoamerican indigenous groups. This has significantly contributed

to the existence of the Maya in the current community with different issues to overcome in changing civilizations.

In Table 1 below, illustrates the different human rights of all three countries. The indigenous human rights are depicted by various factors. These factors include the right to hold land, the right to have customary law, right to vote for political party, right to be free from arbitrary arrest, level of bilingualism, access to health and the right to be free from discrimination is respected. These different factors constitute the human right conditions in Belize, Mexico and Guatemala. Hence the check mark indicates that the right is present, the x mark indicates that the right is not present and the triangle indicates that the right is present but not respected. Therefore, the goal of this table is to depict the different human right conditions in these Mesoamerican Countries.

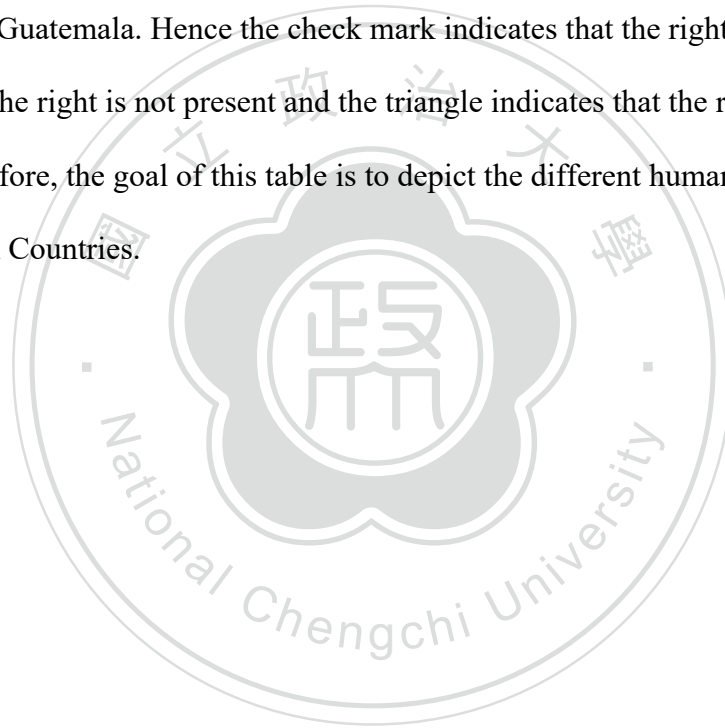


Table 1: Comparison of Indigenous land, political and civil rights

Title	Belize	Guatemala	Mexico
Right to Land, Territories and Natural Resources is respected	✓ ¹	▲ ²	✓ ³
Right to have Customary Law	✓ ⁴	✗ ⁵	✓ ⁶
Right to Vote for Political Party	✓ ⁷	✓ ⁸	✓ ⁹
Right to be Free from Arbitrary Arrest is respected	✓ ¹⁰	▲ ¹¹	▲ ¹²
Right to Bilingualism (all levels)	✓	✓ ¹³ (Secondary Level)	✓ ¹⁴ (Secondary Level)
Relatively High Access to Health	✓ ¹⁵	✗ ¹⁶	✓ ¹⁷
Right to be free from racial discrimination is respected	✓ ¹⁸	▲ ¹⁹	✓ ²⁰

¹ The rights to property is affirmed in section 3 (d) and 17 (p.8 & 19) of the Belize Constitution, 21st September 1981, as amended to 2011:

<https://www.refworld.org/docid/3ae6b57f4.html> (Accessed June 5th, 2020)

² Article 39 and 67 of the 1985 Guatemalan constitution (reformed in November 1993) presented private property as a fundamental right to all citizens. Furthermore section 67 (p.13), referenced special protection by the state of indigenous land: <https://www.acnur.org/fileadmin/Documentos/BDL/2001/0134.pdf> (Accessed June 5th, 2020) See also Guatemala Ratifies the International Labor Organization 169 in 1996 which requires the government to respect land rights:

[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008061/lang-en/index.htm#:~:text=Guatemala%20Ratifies%20Convention%20Guaranteeing%20Indigenous%20Rights,-ILO%2F96%2F20&text=169%2C%201989\)..the%20country's%20majority%20Mayan%20population.&text=It%20also%20requires%20governments%20to,of%20trib al%20and%20indigenous%20peoples](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008061/lang-en/index.htm#:~:text=Guatemala%20Ratifies%20Convention%20Guaranteeing%20Indigenous%20Rights,-ILO%2F96%2F20&text=169%2C%201989)..the%20country's%20majority%20Mayan%20population.&text=It%20also%20requires%20governments%20to,of%20trib al%20and%20indigenous%20peoples) (Accessed June 5th, 2020)

³ Article 2 (section V and VI, p. 4) of the February 5, 1917 Mexico's Constitution with significant amendments to indigenous rights in 1992 and 2001 (See Global Americans, 2017) states that indigenous people/communities are entitled to maintain and improve their habitat and preserve the integrity of their lands: https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en (Accessed June 25th, 2020)

⁴ The Maya Customary law is now part of Belize common law. The Mayas assertion to ownership of ancestral land in compliance with that they have their own form of autonomy. Furthermore, section 16 (p. 17 & 18) subsection (1) (3) (4c) of the Belize's Constitution, 21 s to 2011 indicates that customary law is present but the law should not be discriminatory of itself or in its effects: https://www.constituteproject.org/constitution/Belize_2011.pdf?lang=en (Accessed June 20th, 2020).

⁵ The right to indigenous customs, traditions and social organizing are affirmed in Article 66 (p.24) of the Guatemala's Constitution 1985 https://www.constituteproject.org/constitution/Guatemala_1993.pdf (Accessed June 5th, 2020) However, this does not include autonomy. 1999 reform was rejected, the rights of indigenous people to exercise their own form of law and authority is unrecognized (See Rachel S Indigenous rights in Guatemala, 2007)

⁶ Article 2 (section A, p. 3) of the February 5, 1917 Mexico's Constitution with significant amendments to indigenous rights in 2001 (See states that indigenous people has the right to self-determination, the right to culture and self-government: https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en (Accessed June 25th, 2020). Also note the signing Accord in 1996 and the Oaxaca state legislature approved a change in the state constitution to allow the election of municipal authorities in recognition of the indigenous autonomy movement in 1997.

⁷ The rights to vote is highlighted in Preamble section E (p.7) of the Belize's Constitution, 21st September 1981, as amended to 2011: https://www.constituteproject.org/constitution/Belize_2011.pdf?lang=en (Accessed June 20th, 2020)

⁸ The rights to vote is highlighted in article 136 (p.44) of the Guatemala's Constitution 1985, as amended to 1993: https://www.constituteproject.org/constitution/Guatemala_1993.pdf (Accessed June 5th, 2020)

⁹ Article 35 (section I, p. 43) of the February 5, 1917 Mexico's Constitution affirms that every citizen has the right to vote and hold public office: https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en (Accessed June 25th, 2020) The Mexico law review also reaffirms http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-05782012000100001 (Accessed June 28th, 2020)

¹⁰ The rights to be free from arbitrary arrest is stated in section 14 (p.17) of the Belize's Constitution, 21st September 1981, as amended person should not be subjected to unlawful or arbitrary interference and the private life should be respected. Section 9 (p. 9) also highlights or entry: https://www.constituteproject.org/constitution/Belize_2011.pdf?lang=en (Accessed June 20th, 2020) The CJPME Foundation 2016 Rights report stipulates that arbitrary arrest is respected.

¹¹ The rights to be free from arbitrary arrest is stated in article 6 (p.13) of the Guatemala's Constitution, 1985, as amended to 1993 which not be detained or arrested unless a crime or offense is caused in accordance with the law: https://www.constituteproject.org/constitution/Guatemala_1993.pdf (Accessed June 5th, 2020) . However, numerous Reports of arbitrary arrest is assented in CJPME Foundation: Guatemala's Scorecard 2016 the 2013 Country Report on Human Rights Practices, section (d): <https://www.refworld.org/docid/53284ad514.html> (Accessed June 5th, 2020)

¹² Article 16 (p. 17 & 18) of the February 5, 1917 Mexico's Constitution affirms that each citizen has the right to privacy and protection: https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en (Accessed June 25th, 2020) Notably, reform was made to article which included the figure of "arraigo" that entails a preventative measure to assure the availability of offenders during pre and post criminal trial. "arraigo" reform was unconstitutional and protects law enforcement from being investigated from allegations of torture and arbitrary detention: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MEX/INT_CAT_NGO_MEX_12965_E.pdf (Accessed June 25th, 2020) arbitrary arrest is stated in CJPME Foundation 2016 Mexico's Scorecard Human Rights reports.

¹³ Article 76 (p. 26) of the 1985 Guatemala's Constitution with significant reforms to indigenous education in 1991 (See Global American National Education Law that stipulates importance of bilingual education in accordance with Guatemala multiethnic society: https://www.constituteproject.org/constitution/Guatemala_1993.pdf (Accessed June 5th, 2020)

¹⁴ Article 2B section II (p. 5) of the February 5, 1917 Mexico's Constitution with significant reforms to indigenous education in 2010 (See affirms that bilingual and cross cultural education is established for indigenous people and a scholarship system is set in place for them. asserted that teachers in indigenous regions should possess bilingual certifications https://www.constituteproject.org/constitution/Mexico_2015. June 20th, 2020)

¹⁵ The rights to healthcare is highlighted in Preamble section B & E (p.7) of the Belize's Constitution which affirms that there is a just basis of equality and section E states that there is a basic right to healthcare for citizens, 21st September 1981, as amended to 2011: https://www.constituteproject.org/constitution/Belize_2011.pdf?lang=en (Accessed June 20th, 2020)

¹⁶ The rights to healthcare and social security is highlighted in section 7, article 93 of the Guatemala's Constitution 1985, as amended to enjoyment of health is a fundamental right without discrimination. Pan American Health Organization: A Country's Report 2015: Guatemala indicators to health for the indigenous population is primarily low: https://www.paho.org/salud-en-las-americanas-2017/?page_id=127#:~:text=It%20covers%2070%25%20of%20the,access%20to%20private%20health%20insurance (Accessed June 5

¹⁷ Article 2B section III (p. 5) of the February 5, 1917 Mexico's Constitution with significant reforms to the health care system in 2003 has effective access to health services by increasing the coverage of national health services and Article 4 of the constitution affirms that health https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en (Accessed June 20th, 2020) The 2003 Social Health P "Seguro Popular" program which was design to provide health services to individuals that are not affiliated with any social security inst <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5829015/#:~:text=In%20Mexico%2C%20the%20Seguro%20Popular,with%20any%20s n.&text=As%20mentioned%20earlier%2C%20the%20Seguro,was%20formally%20created%20in%202003> (Accessed June 20th, 2020)

¹⁸ The rights to racial discrimination is affirmed in section 16 and subsection (3) (p.18) of the Belize's Constitution, 21st September 1981, sections highlights that no person shall be treated in a discriminatory manner by any person or authority: <https://www.refworld.org/doci> June 5th, 2020) The CJPME Foundation 2019 Belize's Scorecard Human Rights report asserted that discrimination is respected.

¹⁹ Article 3 & 4(p. 12) of the of the Guatemala's Constitution 1985, as amended to 1993 affirms that each citizen has the right to life, free https://www.constituteproject.org/constitution/Guatemala_1993.pdf (Accessed June 5th, 2020) Furthermore in 1997, ILO 169 affirms that enjoy human rights and be free from discrimination. However, numerous Reports of discrimination is asserted in CJPME Foundation: G

²⁰ Article 1 (p. 3) of the February 5, 1917 Mexico's Constitution with significant reforms to protection of discrimination in 2003 (See G that equality amongst citizens are encouraged and discrimination of any form is prohibited <https://www.constituteproject.org/constitution/> (Accessed June 25th, 2020) 2003 reform entails the approval of the federal law to prevent and eliminate discrimination which creates act people. This law was published and approved in June 11, 2003. Also the CJPME Foundation 2016 Mexico's Scorecard Human Rights re discrimination is respected.

Interestingly in table 1 above, the Mayas who are found in all three countries face different land, political, and civil rights. This can be anticipated by many factors that can be traced to the colonial period. According to Wiegand (2005) during the colonial period, while the Spanish were claiming the Maya region, regions such as Belize were neglected because the colonial rule failed to suppress the Maya population and the Spanish crown declined to supply the large size of armed forces needed to contest the strong British fleet who needed to safeguard their settlements and logging investment in Belize. Therefore, Mesoamerican countries have a variation on the colonial influence that contributed to the real difference specifically on issues concerning land, political, and civil rights. At the same time, the Spanish colonial power never accounted for the future economic value of Belize; as a result, the occupants of significant portions of southern Belizean lands got the opportunity to maintain their lands which is depicted as a check mark in Table 1. Additionally, customary land management systems were also maintained. As such, Mayan communities in Belize and Mexico were less suppressed when compared to those in Guatemala because of the economic value that the country was perceived to have.

On the other hand, the attempt by the colonial rule to change the Maya cultural systems, which was hugely connected with the practice of milpa cultivation, significantly influenced the variation of rights in different countries. For instance, the loss of cultural traditions associated with the milpa eroded the cultural system that protected land rights (Jones, 2011). Therefore, such an element of undermining the cultural system weaken the Maya communities in countries like Guatemala, making it challenging to create a productive and successful resistance and thus making it difficult to protect their rights as an indigenous community. Hence land and customary rights are depicted as a triangle symbol which indicates that the law is present but not enforced.

However, the Maya communities resisted the British colonial government from logging in the Belizean region reserving community lands. Additionally, Guatemala court's misplacement of lawful information related to title deeds made it difficult for the Maya communities in the country to prove legal ownership of the land (Jones, 2011). As a result, land consolidation took place, benefiting the landholding elites as well as companies.

Another element that has significantly contributed to the variation of rights for the Maya indigenous groups in the Mesoamerican region is the type of government and constitution that different countries have experienced over time. For instance, the Constitution of Guatemala has not institutionalized provisions to cater for other indigenous communities' specific rights when compared to constitutionalized institutional indigenous rights in Mexico. According to Jones (2011), the Guatemalan and the Belizean Government seem not to prioritize the need of indigenous communities as a result of giving room for the elite and other elite associated societies, including the foreigners to have their rights protected compared to other groups in the country.

1.2 Belize, Mexico and Guatemala Comparison

The goal of this section is to give an in depth comparison of the indigenous human right conditions in the three countries depicted in Table 1. It is evident that the table shows a variation of human rights in these three countries with similar background. The political, land and civil rights that is shown in Table 1 will be compared in the discussion below with supporting literature.

Belize:

The Inter-American Commission on human rights IACHR of 2004 recommended that Maya customary title be recognized and protected in Belize (Cerna, 2004). As a result, called for

the delimitation, demarcation and titling of traditional lands for the Mayans. According to Sen et al. (2011), the universal periodic report UPR of 2009 depicts that the Belizean Supreme Court in 2007 and 2008 affirmed that the Mayans had customary land rights. The government ordered to comply by delimiting, demarcating and documenting Maya land titles. Besides this, the report accounted for communal property rights by recommending improved accountability regarding allegations of abuse, misconduct as well as violence specifically by the public agents. At the same time, the Belizean government's decision to use the bilingual intercultural mode of education was one tool for preserving the indigenous language. Through decades of integration of indigenous language and culture into the curriculum, this has contributed to the levels of bilingualism in the country.

According to Assembly (2007), The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) advocated for the respect of Maya people's land, territories and resource rights. Besides these, it also advocated for the right to consultation and cooperation in articles 26, 32, and 38, respectively. Therefore, to a certain degree, voting for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by Belize facilitated the human rights upholding standards despite facing different constraints in the protection process. The United Nations Human Rights Committee, in conjunction with the Maya leaders' alliance, advocated for the Belizean's compliance with the international covenant on both civil and political rights for the Mayans. Therefore, human rights treaties signed by the country with the international agreement on civil and political rights that adhere to the Committee of the International Covenant on Civil and Political Rights (ICCPR), in addition to the convention to eliminate all forms of racial discrimination, contributed to the right of free from discrimination in Belize for the indigenous communities (Tomuschat, 2008).

Guatemala:

The United Nations in 2015 considers high levels of poverty and violence in Guatemala as a significant aspect that has a substantial influence on human rights. Thus it facilitates the violation of civil, political, and cultural rights. However, in agreement with most Guatemalan civil societies, the structure of the state has been the principal obstacle depriving its indigenous citizens' fundamental rights. Therefore, with the majority of the privileges going to a small part of the population, the indigenous communities in addition to women human rights, are hugely violated. For instance, the plight of the indigenous communities is a structural tendency that facilitates high levels of racism and discrimination. The indigenous communities have a right to vote courtesy of the congress that made appropriate amendments to the political parties' law and electoral law, which facilitated the democratization of political parties. However, according to Guatemalan's human rights defenders, the structure impunity surrounding the country's justice system has continued to weaken the rule of law, making it difficult for the indigenous communities to enjoy most of the fundamental human rights (Costanza, 2015).

According to The Inter-American Commission on Human Rights IACHR (2015), the observations that Guatemala lacks appropriate regulations in addition to active social rights protection strategies specifically for the indigenous communities affecting indigenous territorial and land rights which can be depicted in Table 1 as a triangle symbol. Indicating a lack of respect and enforcement of human rights as provided by the principles of the Peace Accord. Although the American IACHR convention provides for the reasons of free of discrimination, it raised concern regarding different levels of discrimination and social exclusion of the indigenous communities in Guatemala. Thus, it is in this regard that human rights have been suppressed in Guatemala because of the omissions existing in law hindering the right enjoyment. Besides this,

the Commission opined that there are inadequate adjustments in national legislation.

Furthermore, the CJPME Foundation (2016) human rights report declares that the rights of national/racial/ethnic minorities (e.g. discrimination) is largely disrespected in Guatemala compared to its neighboring countries Belize and Mexico that have their rights for ethnic minorities (discrimination) being respected.

The state of Guatemala is a significant barrier to not only accessibility but also the availability of fundamental human rights in the country. According to the state, the IACHR had not been empowered to interpret laws, or consider the right to constitution a non-active binding agent between people and the consultation (Costanza, 2015). Most interestingly, the state's declaration that the constitution and natural resources belong to the nation and not the individual is a single line of government suppressing human rights. However, The IACHR (2015) asserted that members of indigenous communities have a right to own natural resources that the communities have traditionally used in their territories and they can own land. Although the state is in contention, the impact of the Inter-American Human Rights System (IAHRS) also calls for the establishment of consultation of the country with indigenous communities as an obligation of the state depicting the state's failure to uphold human rights.

Although the constitution of the country has its article 93 recognizes healthcare enjoyment as a fundamental right without discrimination of the indigenous communities. The IACHR (2015) established that indigenous people lacked adequate and accessibility to health services due to factors such as human capital and medical resources. Besides this, the Commission determined that geographical barriers significantly influence the delivery of healthcare services. The revolutionary government of Guatemala significantly contributed to the levels of bilingualism in the country as it facilitated bilingual education, although it declared

Spanish as a national language of instruction. It is making bilingualism dominant at a secondary level in indigenous areas and contributing to the country's multiethnic, as well as multilingual nature.

Mexico:

The United Nations declaration on human rights (2013) provided for the respect of indigenous people in Mexico. Indigenous people's rights are required to be acknowledged and promoted by depending on the UN declaration as a basic framework of achieving the required standards of human rights that are primarily affecting the indigenous people. Such rights include those associated with justice, lands, territories, language, constitutional reforms, and natural resources. The Mexican constitutions account for indigenous people's rights to different aspects such as no-discrimination, autonomy, education and infrastructure. However, because different states have various constitutional provisions, still indigenous communities face constraints regarding the local legislation in recognizing indigenous communities at the national levels. The IACHR (2016) acknowledged that Mexico had established public policies following the international human rights law. As a result, they are improving the legislative, constitutional, and institutional terms to facilitate its indigenous communities, enjoying the fundamental human rights. Besides this, the IACHR (2016) asserted that Mexico's adoption of the adversarial criminal justice system significantly benefited in the protection of human rights in Mexico.

According to the Nation Program on Human Rights (NHDP), 2014-2018 advocated for the implementation of 2011 constitutional reforms in matters concerning human rights. American Declaration on the right to equality before the law for the indigenous communities elaborated that such people have a right to exceptional legal protection and free of discrimination. Through this, Mexico can protect indigenous people's life, property and liberty. The Mexican constitution

provides political rights for the indigenous communities in Article 35. Thus, there is recognition of traditional indigenous institutions and different custom practices. According to IACHR report, there is consistency in Mexico regarding political pluralism, and the right to participate in matters of politics. Mexico's constitutional principles to respect indigenous cultures facilitates the development of traditional cultures, interests and priorities.

Hence, as depicted in Table 1 and elaborately illustrated in the comparison above, it can be perceived that there is a variation of indigenous human rights in these Mesoamerican countries that have similar background. Furthermore, Belize and Mexico enjoy more indigenous human rights as opposed to Guatemala that has less rights being respected and enforced. So in this research Guatemala is the deviation from its Mesoamerican counterparts being Belize and Mexico.

Table 2 illustrates the comparison of the indigenous populace for all three countries. The table depicts significant factors to establish some similarities and differences between the three countries. These factors include percentage of indigenous people, population size, type of indigenous people, GDP in trillions, GDP per capita and regime type. These different factors gives us a comprehensive view of the populace size for the indigenous people in Belize, Mexico and Guatemala. Therefore, the goal of this table is to depict the different indigenous population sizes in these Mesoamerican countries.

1.3 United Nations Declaration on human rights of indigenous people.

Belize

United Nations systems in Belize (2013) submitted that Belize being party to human rights treaties, the country needs to respect human rights in different categories. As a result, the United Nations Office of the High Commissioner has significantly supported its national efforts

to recognize, promoting and protecting human rights such as civil, cultural, political, social, and economic rights as declared by the United Nations. Furthermore, the system argued that the United Nations declaration has contributed to Belize's respect for the rule of law. Besides this, the recognition of human rights multiculturalism, bilingualism and collective identity. In addition, it has a recognizable impact on people's participation in social and political development as well as equality with non-discrimination elements, especially for indigenous communities in accessing justices and other services such as health. The Declaration acts as a global consensus on the rights of indigenous people's rights. It provides a basis for establishing the right relationship between the state and its indigenous communities.

United Nations Office of the High Commissioner (2013) submitted that the United Nations declaration is an essential tool with individual rights for indigenous communities. The office argues that both international laws, in addition to policies, account for the set threshold that different countries need to meet in terms of human rights recognition, protection, and promotion. Therefore, the Declaration provides for the state of Belize and its indigenous people regular guides in law and policy developments. According to the United Nations Office of the High Commissioner (2013), the United Nation's Declaration has a significant recognition of the right to land, territories and resources for the indigenous people. The Declaration provides for the acknowledgment of indigenous people in articles 26 and 27 United Nations (2008). Although it is in general terms, the acknowledgment requires states such as Belize that voted for the Declaration to give legal recognition and protection to human rights related to land, territories, and resources.

According to the United Nations (2008), indigenous peoples have their rights defined collectively. Thus the United Nations Declaration recognizes collective rights that the

international human rights system has not been pushing for. However, according to the Declaration, by Belize having adequate protection and promotion of individual rights, collective rights such as the right to culture and language can be recognized and enjoyed by the indigenous people. Rachel (2007) argued that, by the United Nations declaring the significance of equality and no discrimination on indigenous communities in articles 1 and 2 gives a justification that it is an approach to support the recognition and respect of indigenous peoples' rights in Belize just as for the non-indigenous ones.

United Nations systems in Belize (2013) established that following the United Nations Declaration on the Rights of indigenous people, Belize adopted a state party of the constitution that significantly considers human rights protection. Additionally, provides grounds upon which discrimination has been prohibited, especially along the racial lines. Although the prohibitions are meant to facilitate equality, reports show that there is relative access to aspects like health care as and education because of discrimination and poverty specifically for the Maya population. Mostly the existing discrimination is due to racial elements, and it has been anticipated to be due to the lack of comprehensive anti-discriminatory legislation by the state of Belize. Although Belize is a party to the Declaration, the state never ratified any international agreement regarding people's economic, social and cultural rights

According to Jones (2011), the nation of Belize was able to realize the provisions in the Declaration through a national court system. The author argued that it is through the court that the state had to recognize that the Maya people had a right to their lands owned currently and traditionally. Although, the right to natural resource ownership, including the surface and the subsoil resources. Furthermore, by accounting for the Belizean constitution and making article 26 of the United Nations declaration lawful by the Belizean courts significantly contributed to

the adherence to the signed agreements in upholding human rights specifically for the indigenous people like the Mayans. Additionally, the Belizean constitution provided for the protection of the right to property with adequate prohibitions against racial discrimination. Therefore, the national court system considered the United Nations Declaration in addition to the state's constitution in determining that neglecting of the Maya community was not only a single line of racial discrimination but also denied the right to cultural property.

Jones (2011) submitted that the Belizean courts, specifically the Supreme Court identified legal principles drawn from different cases of the Mayan people against the state. The legal principles complied with the UN Declaration that the state should protect its indigenous people in terms of their property and interests. In that regard, the government was required to recognize indigenous people's land rights. Therefore, the reference to the UN Declaration helped the courts to make useful interpretations, which contributed to the recognition of land rights for the general Maya communities. Through such descriptions, Belize has its people enjoy different rights and freedoms such as property ownership, religion, and bilingualism. They are making collective rights upheld as binding protection for the community as depicted by traditional land management practices that are still in existence to date.

United Nations Office of the High Commissioner (2013) documented that its promotion and protection of the rights of the indigenous people is in line with the UN Declaration. Thus by the body providing a section catering for indigenous people's rights is a source of empowerment. Most importantly, the legal and policy advice to different states such as Belize to not only enact human rights in the UN declaration but also to implement human rights. The effectiveness of the United Nations Office of the High Commissioner OHCHR working with other national human rights institutions in Belize on the implementation of the United Nations Declaration specifically

towards achieving the rights of indigenous peoples has facilitated the relationship between the state of Belize and its indigenous communities. As a result, it has made massive contributions to the development of national and local laws and policies in Belize to promote human rights.

Guatemala

Rachel (2007), summarized at the United Nations Declaration, required states party to have an obligation to consult its indigenous communities. However, compared to Mexico and Belize, Guatemala significantly neglects to adhere to most aspects articulated in article 38-42 of the declaration. Thus considering consultation an element no grantee to indigenous people but the government. The author explained that, although Guatemalan constitutional court institutionalized the consultation principle as required by the international standards as a single line of protecting the rights of indigenous people, the stand of the state of Guatemala that the principle is not a binding agent seems not to secure the rights of the indigenous population. However, constitutionalism in Guatemala favors a small percentage of the community, whereas most indigenous people face different political realities. When compared to Belize, the national court system has not been effective in Guatemala because it is fully controlled by the government, which is governed by the elites as a larger population of the country is made up of indigenous people.

According to the United Nations (2008), the United Nations Declaration underpins specific principles anchored in international humanitarian laws. The declaration is supposed to be considered in compliance with the policies related to justice, democracy, non-discrimination equality, and respect for human rights. Unlike in Mexico and Belize, Guatemala has huge limitations that have, for decades, influenced undermining of human rights and freedoms as the country cannot meet most of the compelling requirements in the declaration. Whereas Mexico

and Belize account for the provisions in the United Nations declaration regarding indigenous people's rights to land, territories, and natural resources, Guatemala denies its indigenous populations' requirements declared in articles 10, 26, and 32.

According to Rachel (2007), the declaration prohibits forceful removal of indigenous people from the land and advocates for a free and informed consent before any agreement. Besides this, it also advocates for the right for indigenous communities to make land, resource, and territory development priorities and strategies. Interestingly, the state of Guatemala has significantly failed to adopt these requirements. Comparing Belize and Guatemala to Mexico, although both the Belize and Guatemalan government gives significant consideration for the needs of the elite against their indigenous population, Guatemala still has high levels of inequality making the number of weak indigenous community member to increase (Canelas and Gisselquist, 2018). Even though the state of Guatemala signed the United Nations Declaration, the government's decision to limit communal rights influences the equitable land distribution

Although the United Nations declaration provides for essentials to reduce damages on the cultural integrity of the indigenous communities, the Guatemala government dispossess its indigenous communities' land, territories, and natural resources. Besides this, it fails to account for article 9 by failing to protect indigenous people from discrimination by lacking effective measures to recognize and protect such rights. For instance, the Guatemalan Constitution of 1985 was the first to acknowledge that the state encompasses "different ethnic groups, including indigenous groups of Maya origin" (Guatemalan Constitution 1985, articles 66-70). Moreover, customary law is recognized in article 66 of that documents as the state commits itself to acknowledge, respect and promote the ways of life and the social organization. However when it comes to natural resources the government declined issues related to land and territory

autonomy. Unlike Mexico and Belize, Guatemala subjecting constitutional reforms aimed to favor the indigenous population to a popular referendum, which failed is an indicated lack of an appropriate measure to account for indigenous people's interests (Carey, 1999). With the Guatemalan courts refusing to interpret what right to culture entails compare to the various interpretations made by the Belize court regarding matters enshrined in the United Nations Declaration is undermining the promotion, protection, and respect for indigenous human rights. It is because the legislature appoints judges of courts. As a result of helping the government limit political realities for the indigenous communities.

United Nations Office of the High Commissioner (2013) asserted that it is offering technical assistance to the government of Guatemala in terms of advising its institutions to promote and protect rights for indigenous people. Making the rule of law strong, protecting human rights development, countering discrimination are among the priorities for the office to facilitate respect for indigenous people's rights. However, the government is still reluctant, especially in a matter dealing with territorial concession. According to the office, the lack of recognizing peoples' rights related to land, territories, and natural resources justifies a lack of equality and discrimination for the indigenous communities. Besides this, Guatemala's signing of the international labor convention that covers indigenous people's customary laws, health and land has not been significantly honored by the state. It thus influences the general life of the indigenous communities as they lack full control of their land and resources, as advocated in the United Nations Declaration.

Costanza (2015) opined that Guatemala's reluctance in accounting for fundamental human rights is due to the lack of political representation by the government and also the state's willingness to adhere to previously endorsed documents such as the ILO 169 which

emphasized on the right to prior consultation. As a result, violation of human rights specifically those related to natural resources. Most of the natural resources were found in the lands and territories occupied by indigenous people; thus, any violation of these rights affected the stability of indigenous communities. Additionally, the criminalization and intimidating of the human rights defenders is not only against the United Nations Declaration that Guatemala is a party to but also an indication of suppressing the rights to arbitrary. Guatemala, as a state, making clear that the United Nations Office of the High Commissioner has no mandate to advise the country in matters regarding indigenous peoples' right to land, territory, and natural resources are indicators that the state has neglected its responsibility and compliance to the United Nations Declaration. Therefore, the eviction of indigenous people from their lands has undermine the respect, promotion, and protection of the rights of indigenous people, specifically collective rights.

Mexico

According to the United Nations Human Rights office of the High Commission (2013), compared to Belize and Guatemala, Mexico stands out as one of the Mesoamerican countries that have a significant implementation of the original declaration. The office argued that by the government of Mexico together with other bodies such as the United Nations Development Fund (UNDP) and the Inter-Parliamentary Union (IPU) producing a handbook for parliamentarians, the government seeks to promote the levels of participation for the indigenous people in law-making and national decision making. By establishing inclusive government equality for the indigenous people at national, institutional, and local levels can be achieved in accordance with the provisions of the United Nations Declaration on indigenous people's rights.

CounterVortex (2006) submitted that Mexico gave full support for the United Nations

Declaration on the rights of indigenous people. However, CounterVortex further argues that, generally, Mexico depicted high levels of weaknesses in guaranteeing the indigenous communities their rights to land as required in the declaration. However, the author acknowledges that Mexico's contribution to the United Nations Declaration is a critical aspect for not only the protection of indigenous people but also for environmental protection. According to the United Nations (2008), all countries that are party to the declaration on the rights of indigenous people such as Belize, Guatemala, and Mexico have to observe indigenous people's rights. For instance, the right to self-determination, free of discrimination, together with rights associated with political, legal, cultural, and social institutions. Most importantly is the affirmation that indigenous people should have control of their genetic diversity, native land, and environment.

The United Nations Declaration on the rights of indigenous peoples forms a single line of inspiration and motivation for Mexico to move towards respecting, promoting, and protecting human rights. As a result, Mexico indigenous leaders have the opportunity to continue committing themselves in promoting indigenous people's political participation as well as in leadership. Although the Mexican constitution provided for fundamental human rights for the indigenous people that is compliance with the United Nations Declaration, there still exists legislation that limits indigenous people from enjoying their rights. This can be recognized in Mexico's national constitution. However, there are different institutional frameworks and political entities working towards developing policies that promote indigenous people's rights.

According to the United Nations Human Rights office of the High Commission (2013), the use of the U.N Declaration on the rights of indigenous people as an essential tool for promoting and protecting such people's rights. However, indigenous organizations point

constraints related to land, natural resources, territories, justice, education, language, and constitutional reforms. Such limitations have contributed to the high levels of poverty amongst the indigenous people when compared to the non-indigenous people not only in Mexico but also in Belize. However, it is an unacceptable condition because Mexico's natural resources are significantly found in territories and land of the indigenous communities like Oaxaca and Chiapas. United Nations (2008), argued that the United Nations Declaration acts as a pull towards compliance for Mesoamerican countries with respect to international law, domestic law, and the development of the law.

Similar to Belize, Mexico's examination and compliance with the United Nations Declaration to recognize indigenous people have contributed to its conformity to the international legal norms, including the international labor organizations convention, unlike Guatemala. However, the government needs to have an effective investigation that can help it curb the violation of human rights of the indigenous communities that have been experienced in the recent past in Oaxaca and Chiapas (Speed and Collier, 2000). Moreover, unlike Guatemala, the government of Mexico follows not only the declaration provided by the United Nations but also other international communities such as the United Nations High Commissioner for Human Rights, international human rights organizations to improve the situation in Mexico regarding the rights of indigenous communities.

Fernández (2019) argued that although the U.N Declaration has had a significant impact on making Mexico recognize the rights of indigenous communities, still people from communities such as the Maya are not adequately being consulted following the provisions of the United Nations Declaration. The aspects also pose constraints for Mexico's indigenous population by making them vulnerable as there are limitations to health care accessibility.

Arguably, for the indigenous population despite the limitations, Belize and Mexico's indigenous people's health is higher compared to those in Guatemala. Mexico continues to recognize the rights of indigenous people because the general population of Mexico considers itself native due to the high number of indigenous languages spoken in the country that is 68 languages (Hamel, 2016). Also, the national legislation and international law significantly account for measures of doing away with poverty, inequality, and discrimination to meet the international standards declared.

Compared to Guatemala, Mexico hugely considers attaining the international standards set out in the United Nations Declaration regarding the consultation of indigenous people on different social, economic, and political aspects to aid development. The United Nations Declaration provides for the state responsibilities where states are required to be in consultation with indigenous communities in articles 38 and 39 (United Nations, 2008). It is to facilitate the establishment of national legislation that can provide indigenous people with availability and accessibility to any assistance that can enable them to enjoy their rights. Also, it is the responsibility of Mexico to ensure that indigenous people have their grievances and disputes resolved to avoid infringing either their collective or individual rights' as provided for in article 40 of the U.N Declaration.

1.4 Human Right Protection Scores of Belize, Mexico and Guatemala

The purpose of this section is to examine the human right violations of each country over the years and to see if there is an improvement of the human right scores when indigenous rights were given. This section provides empirical data that was retrieved from the Our World in Data website. This part has three section which is section 4.7.1 human right protection scores, 4.7.2 human right violation scores and 4.7.3 conclusion of indicators. The empirical data used in this

chapter are the Human Right Scores (HRS) and Human Right Violations (HRV). It should be noted that the data used is the general human right index and not indigenous human right scores. The reason for this is that there is no index available for indigenous human rights in each respective countries. The three countries are depicted below with the respective colors: Belize (blue), Mexico (grey) and Guatemala (yellow).

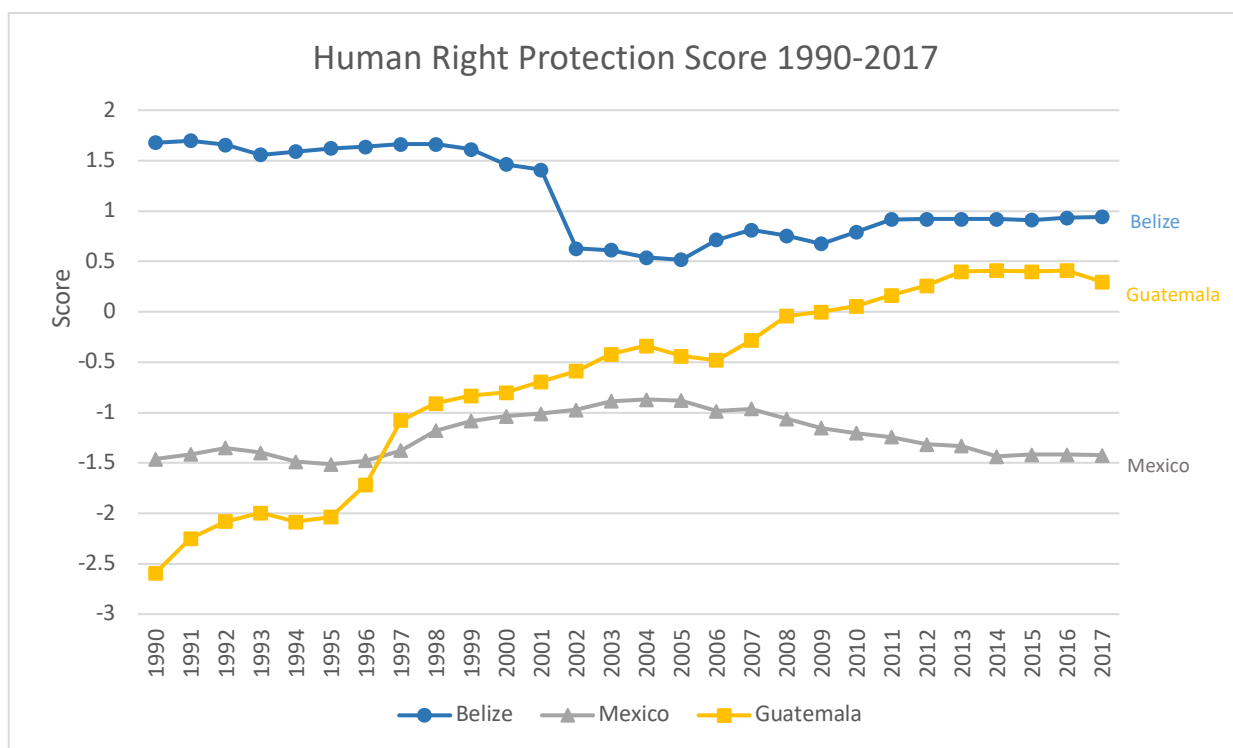


Figure 1.1 Degree of Human Rights in Mesoamerican Countries
Source: Our World in Data (2019)

The dataset used in this graph is called “Latent Human Right Protection Scores V3” which was initially developed by Schnakenberg and Fariss in 2014 and consequently updated by Fariss in 2019 (Our World in Data, 2019). Furthermore, the human right indicators illustrate the degree to which government body’s safeguard and respect human rights. The data is from -3.8 to around 5.4 which signifies the higher the score the better. It can be observed that Belize has maintained its human protection rights since 2002 despite there is a drastic downfall in 2000.

However, in 2009, Belize human right protection score has continued to increase which indicates that the government prioritizes the protection of its people. Interestingly in Guatemala, human right protection score has remain low since 1990 and has meagerly increase since the peace negotiations of the 1996 Accords. It can be observed that Guatemala human right score remained significantly low in the negative for 11 years after the conclusion of the civil war in 1996. From 1996 to 2008, Guatemala has not prioritize its human right protection policies towards its people. This can be due to the legacy of the civil war as discussed in the previous case study. Since 2008 Guatemala human right protection has gradually increase to the positive. Lastly, Mexico is on the negative for protecting human rights. Despite it has developed economically and the human development is relatively high, the government doesn't seem to protect and respect the human rights of the people.

Human Rights Violation Scores of Belize, Mexico and Guatemala

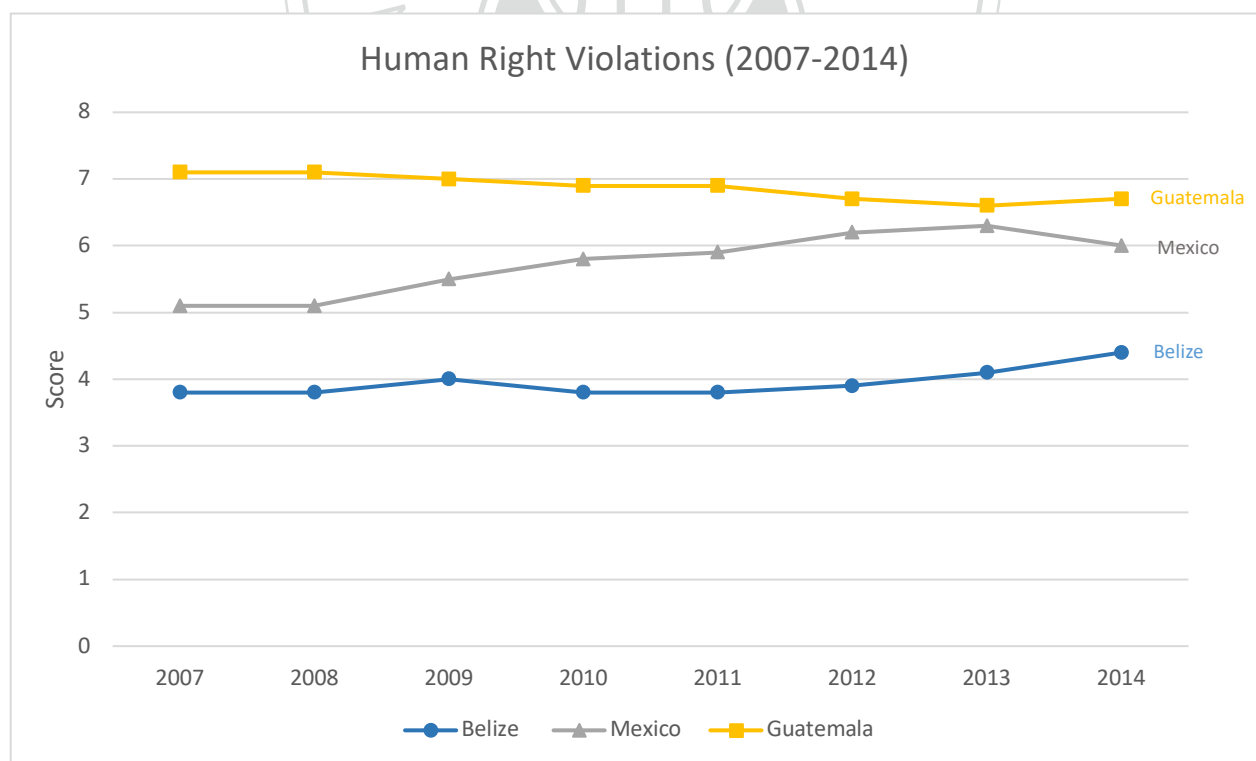


Figure 1.2 Degree of Human Right Violations in Mesoamerican Countries
Source: Our World in Data (2014)

According to Our World in Data (2019) the violations of human rights are measured on an aggregated score system from 0 to 10 in which 10 is the worst. The aggregated score is based on many factors that include: civil liberties, political freedoms, human trafficking, press freedom, religious persecution and torture. Furthermore, the data has been published by Fund for the Peace NGO which focuses on developing practical tools for reducing conflict. Notably, this data only spans a time frame of eight years but it can give us an illustration of human right violations in each respective countries. Firstly for Belize it can be observed that human right violations has remained significantly low and consistent. Within the eight year time span, Belize score has remained around 4. Secondly for Mexico human right violation has been on the increase since 2008 to 2013 which signifies that the government needs to prioritize its people more. Hence this data relates with the previous human right protection score that indicates that Mexico needs to improve on its human rights policies and enforcement. Unsurprisingly, Guatemala human right violations remain the highest, even more than Mexico as observed in the graph which indicates that Guatemala does not prioritize human rights for its people and enforcement of any rights is nonexistent.

Conclusion

To conclude this section, it can be observed that Belize has the highest human right protection score and it has remained on the positive score throughout 1990 to 2017. Interestingly, Guatemala human rights scored remained on the negative from 1990 to 2008 and started to increase throughout the years. On the other hand Mexico's human right protection score has been on the decline since 2007 despite the indigenous people enjoy more political freedom and rights

compared to Guatemala. As expected human right violations remain significantly high in Guatemala with the trend indicating that the government is maintaining these violations rather than trying to alleviate it. The trend for Mexico seems to be fluctuating with Belize's score being the lowest. So, it can be deduce that despite the indigenous people of Guatemala not enjoying many indigenous rights, the respect for the little human rights given has been protected throughout the late twentieth century.



Table 2: Comparison of Indigenous Population

Factor	Belize	Guatemala	Mexico
% Indigenous People	17% ¹	44% ²	22% ³
Population Size (total)⁴	396,732	17,877,782	128,779,809
Population Size (Indigenous)⁵	67,444	7,866,224	28,331,558
Type of Indigenous People	Mayas and Garifuna	Mayas and Garifuna	Mayas and Zapotec
GDP million USD 2018⁶	1.9	78.5	1,220
GDP pc (current US\$) 2018⁷	4,885	4,549	9,673

¹ According to the Statistics Institute of Belize 2010 Census, Belize has 11.3% Indigenous Mayans and 6.1% Indigenous Garifunas. This data is from http://sib.org.bz/wp-content/uploads/2017/05/Census_Report_2010.pdf (Accessed May 10th, 2020), p.20, Date Retrieved May 20th, 2020.

² According to the Guatemala Census 2018, 43.56% of the population is indigenous including 41.66% Mayan, 1.77% Xinca and 0.13% Garifuna. Data is retrieved from <https://www.censopoblacion.gt/mapas> (Accessed May 12th, 2020), Date Retrieved May 20th, 2020.

³ The National Commission for the Development of Indigenous Peoples and the INEGI (official census institute), in 2015 assented that Mexico's indigenous people constitutes 21.5% of the population size. Data is retrieved from https://web.archive.org/web/20151210230740/http://www.inegi.org.mx/est/contenidos/proyectos/encuestas/hogares/especiales/ei2015/doc/eic_2015_presentacion.pdf (Accessed May 15th, 2020), Date Retrieved May 22nd, 2020.

⁴ Population Size is from <https://www.worldometers.info/population/latin-america-and-the-caribbean/central-america/> based on Worldometer elaboration of the latest United Nations data in 2020, Date Accessed May 20th, 2020.

⁵ Indigenous Population size was calculated by using the Indigenous Population %.

⁶ Data of the Gross Domestic Product (GDP) 2018 is from <https://databank.worldbank.org/source/world-development-indicators#> (Accessed May 12th, 2020).

⁷ Data of the Gross Domestic Product (GDP) per capita 2018 is from: <https://databank.worldbank.org/source/world-development-indicators#> (Accessed May 12th, 2020).

Table 2 above also depicts the indigenous population amongst all three Mesoamerican countries. It can be observed that Mexico has the largest population size and Belize has the lowest. Interestingly, all three countries have the same indigenous groups being the Mayas and Garifunas. Furthermore, Guatemala has the most indigenous population being 40% compared to the other two countries. Hence there is a puzzle because as established in the previous section, Guatemala has lower rights being implemented and respected. Moreover, Belize and Mexico have approximately the same amount of indigenous people despite the difference in country size. Lastly, as expected Mexico has a higher GDP compared to its Mesoamerican counterparts. This can be a result of Mexico total economic output, net exports and government spending.

Table 3, reflects the overall comparison of all three countries. The goal of this table is to establish some similarities amongst these three countries. The overall comparison table has various factors to compare, these factors include: official language, colonizers, regime type, countries independence, life expectancy, adult literacy and so on. These different factors should establish a comparison between Belize, Mexico and Guatemala. It should also illustrate a comprehensive view of the geography, demographics, government type and economy of the three countries being compared.

Table 3: Similarities of the three Countries ⁸

Factors	Belize	Guatemala	Mexico
Official Language	English	Spanish	Spanish
Colonizers	Britain	Spain	Spain
Regime Type	Parliamentary	Presidential	Presidential
Countries Independence	September 21, 1981	15 September 1821	27 September 1821
Life Expectancy (yrs.)	74.62	74.16	75.07
Adult Literacy⁹	82.8%	81.5%	94.4%
Population Growth Rate	1.8%	1.72%	1.09%
Education Expenditures	7.1% of GDP	2.8% of GDP	5.2% of GDP
Health Expenditures	6.1%	5.7%	5.9%
Suffrage	18 yrs.	18 yrs.	18yrs.
Birth Rate	22.9 births/1,000 population	24.6 births/1,000 population	18.1 births/1,000 population
Death Rate	4.2 deaths/1000 population	5 deaths/1000 population	5.4 deaths/1000 population
Land Boundaries	Share Border	Share Border	Share Border
Geographical Region	Mesoamerica	Mesoamerica	Mesoamerica
Culture	Similar	Similar	Similar
Climate	Tropical	Tropical	Tropical

⁸ All numerical data in the table is retrieved from Index Mundi <https://www.indexmundi.com/> (Accessed May 18th, 2020). Data is 2015 to 2019.

⁹ Adult Literacy for all three countries is retrieved from CPJME Foundation <https://www.cjpmefoundation.org/> (Accessed May 18th, 2020)

Although in Table 3 there are distinctions amongst the three countries Belize, Guatemala, and Mexico, notably there is a wide range of similarities among these countries, as depicted in the overall comparison table above. Belize, Guatemala, and Mexico are geographically located in the Mesoamerican region that is primarily made up of groups of indigenous regions that have been in existence since the pre-Columbian era, these indigenous regions include the Zapotec region, Maya region, Mixtec region, and Aztec region (Weaver, 1993). Interestingly, besides these countries being in the same geographical location, the countries share land boundaries. Arguably, Belize is between Mexico and Guatemala since it borders the Caribbean Sea that is between Guatemala and Mexico. The fact that these countries share the same boundaries has contributed to the sharing of other elements such as culture in terms of food, religion, traditional practices and groups of people. Also, the three countries are under the same tropical climatic region and this has contributed significantly to these countries having the same land use, where agricultural land use is dominant. Other land uses include arable land use, permanent crops, permanent pasture, and forests. Hence it is evident that these three countries share similar background but have different human rights outcome for indigenous people.

Guatemala, Mexico, and Belize have a similar population growth rate and the same life expectancy period, with female having a slightly higher life expectancy when compared to males in all these countries. Despite Belizeans using English as their official language, Spanish is a predominantly used language in the three countries because a large number of Belizeans use Spanish languages and are almost equivalent to those who use English. Although the three countries have differences in population size and budget expenditures, Guatemala, Belize and Mexico spend the same percentage of their GDP in healthcare. Furthermore, the states have other

similarities related to the suffrage, birth rate and the death rate. Hence, it is puzzling since evidently, compatibility levels amongst the three countries are vast despite these similarities. Whilst Guatemala has the most indigenous people, but they have poor indigenous human rights.

1.5 Research Question and My Argument

The goal of this section is to conduct evaluative research and determine which explanation works well. Furthermore, there are explanations in the literature to account for the variation of human rights in these three countries and the researcher must determine which explanations is suitable to the indigenous situation in these three cases. Hence, the goal of this research is to determine which theory is more correlated to explain the variation of indigenous people's human rights in the three countries. Generally, there are three explanations in the literature which are mobilization, democratization and modernization. I argue that mobilization is more important in the actualization of indigenous human rights.

Political Mobilization

Political mobilization entails a process whereby a group goes from being a passive collection of individuals to being active public participants (Tilly, 1978). Thus providing room for the oppressed to make an attempt to influence or challenge the existing distribution of power that can be seen in the cases that are reviewed. As a matter of fact, it can be said to motivate masses of individuals to undertake given political actions giving it a purpose. However, the process significantly relies on several resources that are politically relevant to achieve its goal. Resources such as education, ideology, access to information leadership, and capital. Also, participant communication and communication networks are also critical factors. The research paper seeks to establish whether the political interpretation of indigenous political mobilization in Latin American countries gives a more coherent explanation for their present situation of the different

levels of indigenous political rights.

Importance of political mobilization to the variation of indigenous and human rights

Indigenous organizations for decades now have significantly relied upon political mobilization to achieve different goals related to claiming land rights, institutional accessibility, natural resources and civil rights. It is because cultural identity discourse mobilizations act as a single line of accessing resources that indigenous people effectively use to claim political rights. Therefore, human rights are likely to vary amongst the indigenous communities influencing human rights availability and accessibility from one region to another. It also acts as the best tool for the indigenous communities to develop their identities. Since political mobilization entails elements of education regarding the right approach and framework to be depended upon in attaining effective advocacy, it is an essential tool for championing human rights, especially for the indigenous communities, which are always sidelined in the political and institutional structures of a given country. Thus institution perspective focuses and stresses the importance of legal, political, and civil rights. The cultural perspective accounts for the importance of individual resources.

My Argument

I argue that the improvement of indigenous human rights is based upon successful mobilization of the indigenous people in each respective Mesoamerican countries. If my argument is correct I should verify Argument 1 as the most immediate cause and falsify both Argument 2 and Argument 3 depicting that these two arguments does not improve indigenous human and political rights immediately.

Why Guatemala has more indigenous people but has lower indigenous human rights?

Why the Belize and Mexico have fewer indigenous people but more human rights?

Arguments

Argument1: Countries with the improvement of the degree of political mobilization should provide indigenous people more human rights.

Argument2: Countries with the improvement of the degree of democratization should provide indigenous people more human rights.

Argument3: Countries with the improvement of the degree of modernization should provide indigenous people more human rights.

In the literature review, some arguments try to answer these questions, such as democratization and modernization theory. However, they are not satisfying, and this makes the research on political mobilization a major determinant factor that increases human rights for indigenous people. Human rights are deeply political as they are significantly influenced by the country's political context and political actors. The political structure and political processes can either hinder or enable protection of human rights through political negotiations, effective power relations amongst political actors, improving democratic political processes, and embracing political inclusivity or exclusivity. When such political elements fail, political mobilization becomes the only determinant factor that can be used to protect and increase human rights, especially for the indigenous people.

1.6 Research Method

In order to test these three arguments, the goal is to use a comparative historical case study research method and a most similar system design. A case study is a qualitative research methodology that is used for systematic inquiries into different social phenomena in question. Qualitative research is a primary data collection instrument for studies that seek to explore

experiences lived by people. As a result, the historical case study research method will allow the researcher to study what happens, why events occur as well as what they mean. Qualitative research depends on constructivist, which asserts people construct understanding and knowledge of the world through experience and reflection on the experiences it is because environmental aspects and individuals' differences can influence reality.

Generally, a qualitative approach has its advantages and disadvantages. Some of the benefits include saving money in incidences of analyzing case studies. It is a source of generating content as it allows more creativity by being open-ended. It is flexible and incorporates human experiences (Kumar, 2019). However, some disadvantages include data collected can be lost, and results can hardly be replicated; researcher biasness can influence the conclusions and thus creating misleading findings. It is time-consuming, and because the data generated is questionable, it stands a chance of not being accepted. On the other hand, the quantitative research approach has its pros and cons. Some benefits include its accountability as it involves analysis which is easy, and it is considered valuable because it can be used to draw a different conclusion on a given topic. Moreover, it has disadvantages, such as it is challenging to set up a useful research model. In other cases, it can be misleading, and it focuses on the numbers rather than the research theme as well as relationships under study (Bryman et al., 2017). Arguably, the research theme is a critical element in a study as it forms a basis of reliable findings, and this makes the qualitative research approach a better methodology for this study compared to the quantitative research approach.

1.7 Organizations of Chapters

The structure of this thesis is the following: In Chapter 1 it has seven sections, I open the

discussion with background to the problem and motivation of the study, section 2 compares the indigenous human rights conditions of the three countries, section 3 compares the universal declaration of human rights, section 4 provides a descriptive research of the human right indicators, section 5 provides my argument and research question, section 6 discusses the research method followed by organization of chapters.

. In Chapter 2, it has four sections, section 1 discusses the explanation in literature and why they are not satisfying in explaining the variation in these countries. Section 2 will discuss my propose argument being political mobilization and Section 3 will discuss the definitions of human rights, Section 4 provides a conclusion of the previous chapter.

In Chapter 3: Successful cases, it provides two cases of indigenous political mobilization in both Mexico and Belize. These two successful cases will seek to explain the outcome of mobilization and how it affects policy reforms for the improvement of human rights. Notably, chapter three is divided into two subsections with subsection 3.1 the case Mexico and 3.2 the case of Belize.

Section 3.1.1 provides contextual background and prehistory of Mexico with some background to the indigenous movement as well. Section 3.1.2 provides the case study of indigenous political mobilization that seek to explain how the Zapatistas changed from arm conflict to a more peaceful way of mobilization that impacted human rights in Mexico. Section 3.1.3 provides rival explanations such as democratization of Mexico and modernization effect on the human rights for indigenous people. I will provide case studies and datasets that would falsify the theories relationship to the improvement of human rights.

Similarly in Belize, section 3.2.1 provides contextual background and prehistory of Belize

with some background to the indigenous movement. Section 3.2.2 provides the case study of indigenous political mobilization that seek to explain how the Maya Leaders Alliance found different means to actualize human rights in Belize and Section 3.2.3 provides the case of democratization in Belize. Section 3.3.1 provides rival explanations such as modernization effect on the human rights for indigenous people in Belize and 3.3.2 provides a conclusion.

Chapter 4 the case of Guatemala has six sections, this chapter provides case studies of indigenous political mobilization in Guatemala. The unsuccessful cases will seek to explain the outcome of weak mobilization and how it affects the improvement of human rights. Section 4.1 provides prehistory of the country and the indigenous movement. Section 4.2 provides the case of the civil war impact on indigenous people and the URNG through the time period 1960 to 1996. Section 4.3 provides the case of the legacy of the civil war in modern day Guatemala through the time period of 1996 to 2008. Section 4.4 provides a deeper understanding of the 1999 Referendum in Guatemala that highlights weak mobilization. Section 4.5 discusses rival theories such as democratization of Guatemala and datasets that depicts the relationship of modernization and human rights in Guatemala. Lastly, section 4.6 provides a conclusion of all three cases. Lastly in Chapter 5 a conclusion is given for the research paper as it highlights mobilization impact on the improvement of human rights in each respective countries.

Chapter 2: Literature Review

The goal of this chapter is to analyze different theories in the literature and conduct evaluative research to determine why they are not satisfying in improving indigenous human rights in these three countries. The literature review proceeds in the following manner: In the first section, I open the discussion of why democratization and modernization can improve indigenous people's human rights. Followed by section two, which is my argument that political mobilization can improve indigenous people's human rights. In the next section, I talk about the concept of human rights and after that I focus on political mobilization impact on human rights.

2.1 Explanations in literature and why they are not satisfying in explaining the variation in these three countries

Human Rights and Democratization

There are three explanations in the literature that account for the levels of human rights in each countries. I argue that mobilizations works the best in the three countries given their characteristics. Different authors have defined democratization in different ways, however these definitions remain closely linked. Democratization is a single form of achieving political regime change; thus, a process through which states become more democratic an indicator or transition from non-democratic political regimes to a more democratic political regime (Møller and Skaaning, 2013; Teorell, 2010). Democratization is underpinned by a different process that includes; enlightened democratization, responsive democratization, imposed democratization as well as opportunistic democratization. According to Welzel et al. (2018), various factors contribute to democratization. These factors include social divisions, distributional inequalities, elite pacts, international conflicts, and mass mobilization; this makes human empowerment one of the influential aspects of democratic outcomes.

Some democracies emerge due to the country's economic developments, and this is referred to as endogenous democratization. This forms the economic-centric version theory of modernization that is based on the assumption that democratization is the last stage of modernization. It is characterized by gradual differentiation and social structure specialization that contributes to different political structures that influence democracy (Przeworski and Limongi, 1997). At the same time, there is democratization that emerges independent of the states' development, and it occurs randomly, thus referred to as an exogenous theory. Therefore, the exogenous theory is not a modernization theory as democratic developments are not linked with other types of developments.

The exogenous democratization theory asserts that economic growth increases democracy when democracy is the status quo (Boix and Stokes, 2003). Correspondently, when dictatorship is the status quo, economic growth influences democratization. As a result, economic equality contributes significantly to a democratic transition and political regime stability. Arguably, the authoritarian political regime declines with a decline in per capita income, while state development increases the chances of having a successful democratic transition. Additionally, most countries with economic equality are countries that had early-industrialization as a result of facilitating endogenous democratization when compared to late-industrialized countries. Economic equality contributes to equality amongst the population, managing resource distribution pressures. Besides economic equality, capital mobility enhances democratization. According to Møller and Skaaning (2013), having increasing capital mobility increases taxes and prevents capital flight. However, if the pressure on capital holders is distributed, assets can be shifted abroad; this will reduce support for authoritarian regimes giving room for democracy.

On the other hand, institutional theory supports democratization. The neoclassical theory of free trade is considered essential when the transaction costs are very minimal. But realistically, it is costly to transact because of the production cost that is not negligible, making it challenging to define, protect, and enforce human property rights. Democratic institutions enhance economic growth. It is hard for autocracies to experience economic growth without accounting for formal institutions such as an efficient and respected judiciary and the constitution. Such formal institutions are the base for constitutional democracy that can control transaction costs and protect human property rights (North, 1990). Therefore, democratic stability and economic development are intertwined primarily because democratic consolidation facilitates economic growth. However, Welzel et al. (2018) argued that institutions could hardly sustain democracy because formal institutions like the constitution have been influenced by the lack of actors with incentives to deviate from a democracy compliance strategy.

Democratization can be underpinned by the emergence of the modern bourgeois who are politically moderate, giving room for western-style democracy establishment; this is because the peasants are politically and economically eliminated or subordinate of the bourgeoisies (Lipset 1959). Countries that have commercialized agriculture and urbanization, empower bourgeoisie financially and politically. Therefore, giving them the power to determine the country's aristocracy on either supporting or opposing democratization. In other cases, economic development hardly leads to democratization. Resources such as oil wealth influences the emergence of dictatorial political regimes due to the repression effect in resource-rich nations where the government has more funds to spend on internal securities. Thus without cultural and social changes, education, industrialization and urbanization cannot lead to democratization. Resource wealth countries such as oil are unlikely to encourage social and cultural differences;

this makes democratization in such states challenging (Ross, 2001). It makes the process of democratization a product of interested class. The working class and subordinate class fight for democracy, but democracy benefits even those who resisted it. Capitalist development facilitated the erosion of anti-democratic forces. Therefore, the theory of democratization surrounds the elites and the citizens in addition to democracies and non-democracies.

Democratization cannot satisfactorily be used to explain the variation of human rights between Belize, Guatemala, and Mexico. Democratization for either early-industrialized countries or late industrialized countries hardly accounts for indigenous and minority individuals. For instance, although Bolivia was fully democratized in 1982 after the military dictatorship, it has taken decades for the country to have the first indigenous president Evo Morales who was elected in 2016 and served to 2019. Arguably, it takes decades after democratization for it to have a direct impact on the minorities and the indigenous communities.

Therefore, democratization is a gradual process that can impact minorities and indigenous after considerable improvements in terms of policies, strategies, and political structures have been improved. Hence, democratization does influence human rights but it has a cumulative effect, while other theories such as mobilization has an immediate effect due to the social pressures from the oppressed to the state.

Human Rights and Modernization

Generally, modernization is an evolutionary state transition model from traditional to modern states. Modernizations primarily comprise of industrialization, urbanization, education, secularization media participation and democratization (Huntington, 1968). Modernization theorists depict that there is a strong relationship between the level of development of a given

country as well as the country's democratization because it comprises political stability.

Violence, and instabilities, tend to surround social changes and political mobilization, especially when there are slow political developments that have failed to incorporate claims and actors within the polity. The degree of political instability has been and continues to be equated with the rate of modernization. Countries with a more enlightened population frequently need the government accountable and can even contribute to overthrowing it. Economic inequality increases social frustrations as economic development exacerbates income inequality. As a result, political institutionalization determines the country's political stability. Thus modernized countries with monarchical and weak democracy will experience political instabilities (Huntington, 1968).

The modernization theory depicts that any modern nation or society is more productive compared to traditional communities. Modern societies also have children that are better educated and the poor receive more public assistance (Reyes, 2001). Correspondently, there is significant social structure differentiation with national institutions having functions in addition to political roles well defined. Other features used to underpin a modern society include secularization of political culture and improved political system with the differentiated political structure. All these characteristics make modernization not only a desirable process but also a progressive and irreversible process that can hardly be stopped. Furthermore, modernized political regimes have the required capacity to address issues related to legitimacy and political participation. At the same time, the economic theory of modernization account for traditional society stage, precondition stage, off take process, drive to maturity and mass consumption (Reyes, 2001). Therefore, countries that can be considered as not modernized have productive issues due to inadequate capital, expertise, and technological uses. However, the modernization

theory faces different critics, such as it only focuses on a single model of development while the development is not necessarily unidirectional. Secondly, it focuses on eliminating traditional values while most countries have heterogeneous traditional values. However, from a classical approach perspective, tradition is a barrier to development.

According to Lipset (1959), education, industrialization, and urbanization have a significant relationship with democracy. Mobilization substantially happens when the country's population move in to a modern life. During this period, urbanization and industrialization, plays a critical role in dislodging individuals from rural areas to cities. Correspondently dislodges individuals from focusing on the agricultural occupation to industrial-based occupations. Not all modernization trajectories can lead to democracy. For instance, capitalist-reactionary aimed to achieve fascism and depicted that the aristocracy and the bourgeoisie are generally weak when compared to the peasants who are a significant threat to their interests. The coalition established between the bourgeoisie and the aristocracy bourgeois-aristocratic facilitates the existence of royal bureaucracies that foster dictatorial political regimes (Moore, 1966). Thus fascism is reluctant to drive expected structural political or economic changes. At the same time, the communist route, in other cases, failed to lead to democracy. Social stratification for the peasants is limited. Peasants depend on agrarian bureaucracies instead of being concerned with land elites. During this time, policies developed infuriates the working class because they make them dependent on the government, which is under communist dictatorship. Therefore, bureaucratic authoritarianism enables the elite to control the electoral competitions and the population level of political participation. Modernization, in other cases, especially in Latin American, has endangered democratization and equality.

Therefore, modernization cannot satisfactorily be used to explain the variation of human

rights between Belize, Guatemala, and Mexico. Modernization is likely to work in favor of the elite within these countries, leaving behind the minorities and the indigenous people. For instance, technological advancements, along with better education, requires substantial financial resources to attain modern facilities and machinery. Indigenous minorities can hardly have sufficient capital resources for purchasing, not only machines and education. Besides this, most of the indigenous communities in Belize, Guatemala, and Mexico live on the countryside. As a result, indigenous people have a lower capability to keep up with modernization that is likely to eliminate their traditional values. Arguably, modernization proves to be futile, and large companies would just replace the indigenous workers with more capable individuals that are competent and educated. For instance, the unemployment rate for indigenous people in 2016 was about 19 percent increased from 16 percent in 2011 compared to 7 percent non-indigenous people in 2016. At the same time, the university completion rates indicate a gap of about 19 percent between indigenous and non-indigenous people (National Indigenous Economic Development Board, 2019).

2.2 Main Argument: Political Mobilization has a more immediate effect on indigenous human and political rights

The concept of political mobilization is based on the collective political action geared towards achieving a goal. Therefore, it is a process that has its cause and its effects in a given society. According to Opp (2019), political mobilization is an essential transformational process that comes from below and challenges the government. People not only riot and strike for their rights but also to facilitate a transition of the government by making it more democratic. As a result, collective political actions will only originate from the minorities and not from the elites, and this can be explained using different political mobilization theories behind such political processes.

Firstly, it originates from the resource mobilization perspective. The existing natural resources within a given community are considered to be the source of social movement or organizations. So, it requires huge investments to establish social movements that members can actively attempt to mobilize and gain political access. Taking into account that resources are generally the source of livelihood for the most part of the population. Natural resources act as goods that facilitate peoples' goal attainments. Therefore, any mobilization aiming at natural resources indicated that the community is significantly looking to have full control of the resources. Furthermore, controlling more natural resources is perceived to make particular social groups have social, political, and economic power; thus, an influential aspect in political party formation and participation. Most importantly, the more resource control individuals attain through mobilization, the likelihood of them achieving collective goals, and this required collective action like strikes, protests, and riots.

Opp (2019) explained that although political mobilization is typically based on natural resources, the mobilizations in some cases fail to follow the direction of the changes established. For instance, protesting to have resource availability, accessibility, and control as well as increased opportunities to governmental inclusion can be achieved, but still social movements continue pushing for riots and strikes rather than ending the protest having made an achievement. Another challenging aspect is the determinants of such political mobilization that mostly cannot account for the motivation behind the protests, and this affects the changes required to be made at a micro level due to lack of specifications. Similarly, solid macro explanations regarding resource and political structure opportunities are hardly addressed because they affect a small percentage of the community as a rest majority of the community members are not active in the collective political action. As a result, it triggers changes in political alignments.

Secondly, the theory concerned with collective action that is a result of a group of individuals having a common goal. In such a case, regardless of the contribution, each group member is entitled to the benefits of the collective action. For instance, democracy and human rights attained through protests can be enjoyed to all individuals in a community regardless of the level of contribution. However, studies indicate that the condition of political mobilization participation acts as an encouragement for social networks, which makes coordination and participation more comfortable, especially in fighting for human rights (Opp, 2019). In some communities, positive and negative sanctioning has been used for non-participation, depending on the situation. Additionally, some conditions trigger the diffusion of political mobilization, making strikes and riots increase with time as other members join protests from different locations of a given community or country. Therefore, mobilization diffusion is a significant indicator that the collective action will bring expected transformations.

The collective theory of political mobilizations suggests that an individual's influences can be correctly perceived as it is challenging to neglect joint actions when compared to individual actions. However, Opp (2019), accepted that personal influences are very critical in advocating for political action and the participation in the mobilization process. It is because, in collective political efforts, people's involvement depends on the level of influence, which makes others believed that they are disadvantaged and become dissatisfied with either the amount of resource at their disposal or accessibility to government inclusion. As a result, political mobilization can either be organized by social groups or political parties, and this makes them coordinated. At the same time, political mobilizations can emerge spontaneously due to share expectations, which keeps on rising to protests due to high dissatisfaction levels.

Political mobilization is considered to have a cause and effect based on the natural

resource perspective and the political structure opportunities perspective. This forms macro approaches that are considered to be the causal effects of individual strikes and riots. However, the theories are integrated with the theory of collective action as a large number of participants in protesting feel more secure when making political actions as groups rather than as Individuals. Therefore, the goal for collective action is the ultimate issues, no matter the situation and conditions that influence the mobilization processes. Opp (2019) argued that not all political mobilizations that are organized or spontaneous will have a high chance of achieving the intended goal. Thus transformation varies depending on the interaction process that collective actions consider in addition to the kinds of actors taking part in political mobilization.

2.3 What is Human Rights and how can political mobilization improve it?

According to Etinson (2018), human rights entails specific norms that have been established to protect people from abuses associated with political, legal and social issues. Thus, these are the rights and freedom that every person in the universe is supposed to enjoy throughout one's lifespan. Although such rights and liberties cannot be taken away from human beings, there are restrictions defined and protected by different laws in the interest of national unity and security. Therefore, human rights can exist in various forms, such as those shared with social minorities, justified moral standards, constitutionalized norms, and the legal rights within the international laws. According to Cohen (2004) human rights confront a diversity of particular problems such as ensuring fair trials, abolishing slavery, guaranteeing the access of education, and preventing genocide. Several philosophers supports a very short lists of human rights but accept plurality. Besides human rights being universal and plural, they have a high priority giving them their paramount importance. Thus any violation of human rights undermines justice for Humans. However, there are groups of individuals still vulnerable to the abuse of Human

rights that need human rights instruments to protect their fundamental rights. Such groups include; women and girls, children, refugees, internally displaced people, LGBT persons, national minorities, and indigenous people (Schaffer and Maliks, 2017).

According to The Universal Declaration of Human Rights (2007), Human Rights fall into six categories which includes: Security rights that are meant to protect people from aspects of murder as well as torture or any other impunity related to the two elements. Second is the due process rights. The rights ensure that people are fully protected against arbitrary and harsh punishments during crime investigation and determination, enhancing fair trails. The third is liberty rights, which protect people's essential freedoms associated with movement formation and expression. Besides these, political rights provide people with an opportunity to participate in politics by voting and hold public offices. Also, political rights protect people's liberty to protest whenever necessary. Equality rights grantee people of a given country equal citizenship that can be determined by people being equal before the rule of law in addition to people being free to form any discriminatory acts. Lastly is the social rights that are set to ensure that the government provides health facilities and services that can adequately serve its people as well as education and work. Additionally, there is a category of rights that account for the rights of minorities and vulnerable groups in the society protecting women, indigenous people children, minorities, people with disabilities, and migrant workers.

The United nation (2014) submitted that achieving equality between men and women eliminates violation of human rights, specifically discrimination, as a fundamental human right to be free of any discrimination. It is because discrimination entails any treatment of individuals due to their sex that can intentionally or unintentionally cause influence. Similarly, human rights provide for other vulnerable groups and equal rights of being free of discriminatory related

aspects. According to the United Nations, refugees, national minorities, and indigenous people need to be protected by respective governments from any form of discrimination. This can be achieved by state parties having adequate legislation that not only prohibits discrimination but also protects specific vulnerable groups from different issues related to social, civil, political, cultural, and economic rights. Therefore, it is an indicator that different vulnerable groups have human rights entitled to them, and any violation of different human rights affects various groups depending on the level of vulnerability of the group to the violated rights. For instance, indigenous people and national minorities are likely to be affected by more rights related to political and cultural aspects that are infringed when compared to girls and women. However, both groups can be affected by a violation of human rights, especially on equality and non-discrimination aspects, although in various ways. Because the women, minorities, and indigenous people need to have full and equal participation in political, economic, social, cultural, and national developments.

According to the United Nations (2008), Human rights consist of the rights as well as the obligations of citizens and the government. Therefore, the government should act in different ways to promote and protect both the human rights and fundamental freedoms of either an individual or a group of people. To encourage this, the United Nations has created a universal body that works internationally to ensure that different states not only subscribe to adhere to international human rights laws but also protect the code that governs human rights. As a result, standards and acceptable human rights have been defined in broad ranges for international purposes. Such human rights are related to civil, cultural, economic, political and social giving states a responsibility to protect and promote human rights. According to Etinson (2018), the international human rights law has experienced an expansion to accommodate specified and

standard human rights for vulnerable groups such as persons with disabilities, national minorities, women, and children protecting them from discrimination in many countries as well as communities.

Beitz (2009) argued that human rights are standards that set out to safeguard urgent human interests against regular threats that they may encounter in modern societies, and a country's failure to respect those norms offers motives for outside agents to act and intervene. Hence, state obligation is a positive move to uphold human rights and ratification of international human rights treaties by such agents. Because it has treaty obligations, and state responsibilities help governments have a conducive domestic legal system that can champion the protection of human rights. Human rights need to be addressed according to individual and group complaints and following international human rights standards. Such standards have been established with considerations of different international human rights declarations, conventions as well as resolutions. Foremost is the international bill of rights that are contained in all agreements made regarding the promotion and protection of human rights. By addressing the concerns of women, indigenous people, minorities, migrants, and children, it is evident that it is not only the indigenous people facing challenges related to violation of human rights but also exists other vulnerable groups. Therefore, it is through recognition of the human rights that are inherent in the human being that nation binding can be achieved. States are required to uphold dignity and justice to all individuals regardless of their ethnic origin, language, gender, and color.

With the third wave of Democratization in Latin America, indigenous movements has called for constitutional amendments acknowledging the plurinational and multiethnic composition of their respective countries (Yashar, 2005). Notably, indigenous people have formed national and international peasant confederations, law centers, cultural centers, and

recently in the twenty-century political parties and platforms. These emerging organizations have professed, embraced, and mobilized around their indigenous identity by challenging the historical image of indigenous as a backward, anachronistic group and submissive. The demands of these indigenous groups usually include new forms of political representation, bicultural education, respect for customary law, and territorial autonomy. The specific characteristics of organization and agendas vary for each indigenous organization, and they have commonly demanded democratic, constitutional, individual rights are respected, and the collective rights of indigenous people are established. Political mobilization can improve human rights through the formation of organizations that protest against the incumbent government for more inclusive policies and laws. This can be illustrated in Ecuador with the CONAIE political movement. Indigenous civic strikes in the 1990s were initiated by the CONAIE political movement, which gave rise to more protests that challenge government policies and proposes alternatives. Notably in 1996, the CONAIE political movement formed a coalition called Movimiento de Unidad Plurinacional Pachakutik (The Pachakutik party) that was comprised of CONAIE, the *Coordinadora de Movimientos Sociales*, and the *Movimiento de Ciudadania por un Nuevo Pais* which remarkably won eight seats including provincial and national deputies (Yashar, 2005).

Simmons (2009) argues that mobilization to petition compliance of human right obligation can be considered as a mixture of means and motives. Furthermore, the author argues that the motives behind political and legal mobilization is when individuals perceive that there is a “rights gap” and that there is something seriously unjust within their society. Also effective human rights activism significantly considers the use of both political and legal mobilization to achieve different rights that can be either social, civil, and political rights. In such cases, affected communities are not only organized but also motivated and coordinated to feel dissatisfied about

their needs and concerns. Thus this has provided different indigenous organizations the ability to advocate for the rights of their people because of the stronger relationship established between such organizations within their community. Therefore, political mobilization has enabled indigenous communities to have their issues and grievances address shaping their way of life by fulfilling fundamental human rights.

Additionally, political mobilization is critical in human rights-violating jurisdictions. Most Latin American countries have come up with legislation that is now able to protect and promote the rights of vulnerable groups because of the pressure from different movements. Stammers (2009) argues that minorities working together in social movements that involves political mobilization have always been a key originating source of human rights. The author further states that once institutionalized, human rights can be a tool of power and not a challenged to it. Additionally, different movements in Latin America have relied on mobilization to champion for various human rights regarding land disputes, customary rights in addition to human dignity, anti-discrimination, and equality rights. Such mobilization has been a success because of the fairly significantly extent of the United Nations Declaration during the mobilization process and even in courts such as in Belize and Brazil.

Generally, Latin Americans who has taken part in protests, as well as organized political mobilization, have demonstrated a refusal to be ignored together with refusal to be quiet while human rights are being violated. However, not all political mobilization aids transformation. Some end up harming the public and, as a result undermining human rights. For instance, protests in countries like Mexico promoted human rights violations where the government's impunity lead to death and imprisonment of innocent protestors. Correa-Cabrera (2012) stated that Oaxaca has habitually great levels of civil conflict, political violence, anti-regime rebellion

which have all clearly increased over the recent years, The author further states that Oaxaca has registered as the violent and extreme post-electoral conflicts in Mexico. Hence, the people of Oaxaca have been known to have a culture of protesting. It is anticipated that the perception exists due to high levels of political injustices.

However, while political mobilization in such regions fights against the government's impunity, there are human rights that become restricted for indigenous people, women, minorities and children. As a result, political mobilizations sometimes comes with consequences that can jeopardize human right protection. Such a consequence can be highlighted by the hostile takeover of the capital city of Oaxaca by means of Popular Assembly of the Peoples of Oaxaca (APPO) in May 2006 which resulted in the police opening fire on non-violent protesters during the strike for the teachers' trade union (Denham, 2008). The Purpose of the protest was to remove the state's governor Ulises Ruiz Ortiz whom was accused of political corruption and acts of repression. Several reports that involved international human rights monitors, faulted the Mexican state of using death squads, executions in addition to violating Geneva Convention standards that clearly restrict assaulting and shooting at unarmed medics attending to the injured (Denham, 2008). Although Oaxaca's indigenous people and minorities protested against corruption and lost lives, political instability is not a grantee for the state to violate human rights. Therefore, political mobilization can bring negative or positive impact in the political structure, self- expression and voting behavior.

Political mobilization by indigenous communities in some countries such as Bolivia and Ecuador have facilitated the attainment of rights. Yashar (2005) stated that first generation of indigenous movements gained a high level of success which has stressed the states to participate in policy discussions about democratic representation, peace accords, land reforms,

constitutional reforms, bicultural education among others. She further argues that there has been several scenarios where the dialogues have transformed into legislation and the implementation phase. Most importantly, institutional structures have been considered significantly facilitating the promotion and protection of indigenous people. Through this, vulnerable groups have been identified in different countries under different circumstances such as indigenous people's national minorities, people with disabilities and people with varying rights of gender in accordance with international human rights law and the United Nations Declaration. Therefore, it has been used as a tool to achieve a democracy that respects and protects human rights. Besides this, it has also been used to make effective changes in the government regime to reduce incidences of human rights violations. By eliminating authoritarian governments collective actions achieve the goal of resource accessibility and availability as well as political structural issues that facilitates human rights.

2.4 Conclusion

Therefore human rights are universal and applicable to all nations, however some countries do not respect the human rights for their minorities and indigenous people. The formation of organization that protest and mobilize against the state has a better chance of achieving more human, political, and civil rights as well as inclusive policies. Evidently, democratization and modernization do work but it takes a long process and usually has a cumulative effect, while mobilization has a more immediate effect on improving human rights due to the continuous social pressures from the indigenous organization. Notably, the achievement of human rights through judicial proceedings is considered a form of legal mobilization that most indigenous groups rely upon when protesting becomes futile.

Chapter 3: Case Studies of Successful Political Mobilization

This chapter provides two cases studies of indigenous political mobilization in Mexico and Belize. These two successful cases will seek to explain the outcome of mobilization and how it affects policy reforms for the improvement of human rights. This chapter is divided into three subsections, the first section is the case of Belize, the second section is the case of Mexico, the third section is the conclusion of Mexico and 3.3 is the conclusion of this chapter.

The first section provides the pre-history of Mexico, the case of the Zapatistas uprising and discusses rival explanations such as democratization. The second section commence the case of Belize, the case of Maya Leader Alliance, the case of democratization, section discusses the trend of modernization in both Belize and Mexico, and lastly the third section provides a conclusion of this chapter.

3.1.1 The Case of Mexico

Background of the history of Mexico started with the invasion of Mesoamerica, during colonization indigenous people often looked for ways to withstand the Spanish rule (Cockcroft, 1998). The initial attempts of withstanding the conquistadors frequently took the form of the oppress taking up arms against the Spanish rule and anticipating for any opportunity to launch a rebellion (Khasnabish, 2010). Such rebellion was also sparked by the Christian beliefs that were forcibly bestowed upon the indigenous people by Spanish Church missionaries. This can be illustrated by the “Tzeltal Mayan Revolt” which commenced in Chiapas in 1712 following a local village girl of San Juan Cancuc which attest that she was visited by the Virgin Mary whom directed the girl to construct a small chapel in her honor (Weinberg, 2000).

Subsequently, the village priest condemned this act as paganism and he ordered the villagers that participated in the construction of the chapel to be whipped. Thereafter, the

Tzeltales rebelled against the priest and drove him out of the village disobeying the religious and political power of the Spanish. Also the village of Cancuc raised an indigenous army to fight the colonial rule of the Spanish but eventually this revolt was subdued (Weinberg, 2000). This illustration signifies the essence of the indigenous people to rebel and resist all oppressors that impose on their belief system, culture and way of life. The essence or spirit of the indigenous people to resist was never extinguished and still flows into the 20th century.

Later, resistance to the new Spanish colonial power took form for other reasons. In 1847, the infamous Mexican dictator Santa Anna started a war with United States of America over Texas and also the Yucatan proclaimed independence from Mexico. Furthermore, the Ladinos (non-indigenous) upper class that resided in the Yucatan forcibly enlisted the Mayan to fight for independence with assurances of land reforms and the termination of church dues and taxes. Nevertheless, the Mayan army revolted due to the fail promises that never materialize (Weinberg, 2000). At the time, the governor general of the Yucatan slaughtered the commanders of the revolt and this act commenced the Mayan rebellion well known as the “Caste War of the Yucatan” which almost triumphed in seizing the capital of Yucatan and deposing the Spanish colonial power structure prior to the indigenous people being defeated in 1848 (Weinberg, 2000).

In the start of 1810, indigenous rebellion against the colonial power and the struggle for Mexican independence from Spain continued to cross paths. Khasnabish (2010) affirmed that there was a complex and contradictory phenomenon whereas the nationalist perspective sought to establish the Mexican rejection of Spanish domination and struggle for independence. The independence movement has three distinct elements, firstly, the Capitalist elites interested in gaining control and power over the administration of Mexico City. Secondly, the rebellion in opposition to the regime of the colonial state and thirdly, actors seeking to actualize a regime of

social justice (Wolf, 1969). The leaders of the third element were Father Miguel Hidalgo and Father Jose Morelos that single-handedly called upon the indigenous to join the peasant armies against the abuses and excesses of the colonial state (Cockcroft, 1998).

Notably in November 1810, Father Morelos declared the termination of all discrimination, institutionalized racism, slavery, Indian tribute in addition to the return of Mayan lands that were stolen from them (Wolf, 1969). Consequently, the Mexican elites realized that this rebellion was targeted not solely against the Spanish Crown but also against their established privilege of a regime of social justice, the army, the church and the landholding families that came to the aid of the Spanish Crown and swiftly suppressed the rebellion (Wolf, 1969). Hence, Mexico's independence from Spain was driven by the elite that purposely secured their own economic interest and suppressed the indigenous peasants. Following the Independence, Chiapas was annexed from Guatemala by Mexico and this act was also elite driven with the objective of securing commercial interest and holding their power over indigenous labor (Benjamin, 1996).

In the 1860s, the French invaded Mexico with the support of the conservatives, the motive for this invasion was due to the Liberals Reforms that would affect the balance of power and upper class conservatives. These reforms were implemented after the right wing Mexican politician Santa Anna lost power to his left wing counterpart Benito Juarez whom challenged him politically (Cockcroft, 1998). Later, in the 1870s and 1880s, indigenous indebted servitude was the face of progress due to the Reform Laws. Moreover, this contributed to more domination and exploitation of the indigenous individual as they were obliged to sell their labor on to the open market and be freed from the bonds of community (Benjamin, 1996).

It should be noted that in 1876, the Mexican state was governed by a dictator called General Porfirio Diaz (Cockcroft, 1998). Throughout his 35 year rule which terminated only

when the Revolution toppled him in 1911, Diaz relentlessly pursued liberal modernization project for Mexico. Moreover, under the authoritative regime of Diaz, the Juarez liberal reform became a significant problem for indigenous people as it attempted to weaken the social and political autonomy provided to them (Khasnabish , 2010). Benjamin (1996) argues that modernization took place in Chiapas and brought many opportunities including communications infrastructure, transportation, applying modern techniques to agriculture and education, and the most important goal is to “transform indigenous people into yeoman farmers, free laborers and Mexicans” (p.34). Hence, modernization in Mexico was trying to reverse all that was backward especially the traditions and practices of the indigenous. In 1905 The Partido Liberal Mexicano (PLM, Mexican Liberal Party) was officially organized. This party challenged Diaz anti-democratic regime as Diaz was driven by racist imagination of progress which can be illustrated through his reforms of modernization (Khasnabish, 2010). Furthermore, 1906 to 1910, the PLM mobilized strikes and underwent armed rebellions that challenged Diaz regime, these actions were confront by the military with brute force.

In the village of San Miguel Anenecuilco situated in the state of Morelos, Emiliano Zapata was born on August 8th, 1879. He was born into a peasant family with deep ties into the area, furthermore, the ancestors of Zapata advocated and fought in the Reform and Independence wars (Gilly, 2005). Stephen (2002) assented that one significant story of Zapata’s early years is that he made a vow to restore lands to the village after he saw his father cried as he witness the local hacienda took away the lands from the people. Moreover, the village of Anenecuilco constituted mainly indigenous people that rebelled for years against the encroachment of local haciendas upon their lands. Emiliano Zapata grew up in this culture and he would frequently

challenge officials and hacienda owners in his attempt to safeguard the community land (Huzier, 1970).

At the time, when he reached age 30, Zapata gained reputation for himself amongst the local peasantry on the ground of his own activity and family history. Such activity focused on retrieving communal land that had been seized by wealthy land owners (Gilly, 2005). With the enactment of the reform laws, the extension of haciendas and the exploitation of the rural population, Emiliano Zapata and the Liberating Army of the South joined forces to make up the Zapata's army which was made up of mainly campesinos and not professionalized forces (Huzier, 1970). Later in 1911, Francisco Madero, overthrew the Diaz regime and after he prepared to demobilize and disarm the different revolutionary groups that aid in defeating Porfiriato (General Porfirio Díaz).

Madero regime tried to achieve peace through democracy, however the Zapata's army was reluctant to vote and their only objective was to gain access to land. In the face of immerging threats from the northern elites that wanted to craft a post-revolutionary regime that would only please their interest, the Zapatistas proclaimed their counter revolution that challenged Madero's revolution (Warman 1976). Notably, the roots of the revolution was due to justice, autonomy and land. Weinberg (2000) affirmed that Emiliano Zapata was known as "Caudillo" which means the leader of the South and as a result the regional commanders and the troops vowed nominal allegiance to always take up arms and fight against the land owning elites in support of Zapata. Furthermore, on 22nd November 1911, Emiliano Zapata signed and issued the Plan of Ayala in the village of Ayala which stated the reasons why the Zapatistas had not demobilize and surrendered (Huzier, 1970).

Significantly, articles 6 to 9 address the redistribution of land to those who work it as well as the nationalization of lands of those bosses who oppose the plan (Womack 1968). Also on 18th February 1913, Jose Suarez and Francisco Madero were arrested in the National Palace and two days later murdered by their guards while being transferred to another prison (Gilly, 2005). The assassination of Madero's caused the revolutionary forces to be split into two distinct groups, the first is the reformist driven politically by Venustiano Carranza and Alvaro Obregón. The second group is the radicals led by Emiliano Zapata and Pancho Villa who sought to change the restructuring of the country (Warman 1976).

Holloway (1998) stated that the sovereign revolutionary convention took place in the city of Aguascalientes between October and November 1914. This convention deemed to be the historical reference for the call of the Zapatistas in June 1994. In the development of the Mexican Revolution, the convention of 1914 symbolized the initial trial in true citizenship and it's considered the most democratic moment. Furthermore, the purpose of the convention was a public discussion in an attempt to control the violence through peaceful dialogue amongst armed citizens and not between soldiers (Cumberland, 1972). Katz (1981) confirmed that the convention was issued in October 1914 and it was seen as the "the last attempt to create unity among the revolutionaries" (p.267). The aftereffects of the Aguascalientes Convention led to the government failure to legislate the revolutionary spirit that had supported Zapata's and Villa militias to noticeable victory in 1914, also the Zapata's and Villa themselves were unsuccessful in pressing home the strategic advantage they had over the Constitutionalists in the aftermath (Gilly, 2005).

Coerver et al. (2004) submitted that the Zapatista movement persistently declined as their armies suffered defeats, treasons from the ranks and competing interest with the Zapatista and

Morelos movements itself. Tragically on April 10th 1919, Emiliano Zapata was lured into an ambush as Officer Jesús Guajardo a traitor from the federal army promised Zapata ammunition and guns (Vodovnik, 2004). As Emiliano Zapata was riding into Chinameca hacienda in the state of Morelos, the deferral troops shot Zapata as he pass through the archway (Vodovnik, 2004). After the assassination, the corpse of the once great revolutionary was publicly displayed in the city of Cuautla, Morelos. Many campesinos came out to visit the public displace and pay their respects (Weinberg, 2000). Although Venustiano Carranza, a reformist and leader of the Mexican revolution, expected to persuade the campesinos of Morelos that Zapata was deceased and to put an end to the Zapatista movement definitively. On the other hand, it was the opposite as Zapata became an influential martyr (Coerver et al., 2004).

The revolution that occurred in the state of Morelos and the Zapatista uprising was included in Mexico's 1917 Constitution. There were incremental steps to be carried out for land reforms and with different levels of achievements by various Mexican presidents during the 1920s and 1930s (Coerver et al., 2004). Furthermore, the ideologies of Emiliano Zapata transcend decades after his untimely death and gave rise to the rebel group Zapatista Army of National Liberation (EZLN). The acts of suppression by the Mexican government continued in the 1970s as president Carols Salinas revoked Article 27 of the Agrarian reform. Ultimately, this act caused the Lacandón jungle to become a reserve and evictions began for all indigenous people residing on the land (Coerver et al., 2004). As expected, the agrarian strife gave birth to peasant organizations in Chiapas and Lacandón, consequently, fueling the fire that contributed to the Zapatista uprising in 1994.

Another noteworthy incident that fueled the fire for the 1994 uprising occurred specifically on October 2nd, 1968 which is known as the Tlatelolco massacre. In short, a bunch of

students that ignored the authority's band, decided to protest against repression and corruption in Tlatelolco, the heart of Mexico City (Montemayor, 1997). Consequently, the government's reaction was extreme as snipers and military forces slaughtered the demonstrators in the square of Las Tres Culturas. The authorities acknowledge 27 deaths but unofficial reports stated that the numbers did not fall below 300 (Mentinis, 2006). After the massacre of Tlatelolco, other revolutionary groups were founded such as the Fuerzas de Liberación Nacional (hereafter: FLN) which was a group whose aim was to establish a socialist system in Mexico. Mentinis (2006) stated that the leader of the FLN was named Cesar German Yanez and his brother Fernando Yanez which was a member of the FLN, would later be the main founder of the EZLN, and he is today the mediator between the government and the Zapatistas.

To conclude in this case study, there has been many struggles between the balance of power for landholding elites and the indigenous people. The contextual background depicts decades of indigenous oppression that dated back to 1712 during the "Tzeltal Mayan Revolt". Furthermore, it can be observed that the Ladinos (non-indigenous) upper class also contributed to the plights of the indigenous people. An illustration of this was obliging the Mayans to fight for the Yucatan when they proclaimed independence from Mexico. The Zapata army was formed by Emiliano Zapata and the Liberating Army of the South after the revolution commenced in 1910. Notably, it can be observed that the government resorts to brute force against those that advocate for social justice and equality. The case of the Tlatelolco massacre gave more reason for the Zapatistas to stand up for what is right and mobilize against the government. Hence, decades of suppression, unequal agrarian reforms and slaughtering of innocent indigenous people has contributed to the uprising of 1994.

3.1.2 Zapatistas Uprising and Integration of NAFTA in Mexico, 1994-2010

The Zapatista movement was commenced in 1994, which was meant to resist motives for the introduction and establishment of the neoliberal policies in Mexico (Garrido & Ayers, 2003). The Movement was launched in the state of Chiapas, Southeastern Mexico with an emphasis in social transformation through education and learning by doing for the indigenous people (Baronnet & Stahler-Sholk, 2019). The majority of participants in the movement constituted indigenous peasants which were mostly Mayans. Despite, president Salina's (inaugurated in 1988) vaunt about the benefits of being a part of NAFTA and president Zedillo's 1994 pledge to offer and serve "for the well-being of your family" (Carroll & Solis, 1995). These former governments only prioritize the need of the dominant white Latinos and neglected the indigenous peasants. Particularly in the state of Chiapas, poverty levels were on the rise which contrasts the vast natural resources that are within the state. Notably Oppenheimer (1998) submitted that:

In the 1990's Chiapas produced 50 percent of Mexico's natural gas and 60 percent of its hydroelectric power amongst numerous production of other goods such as meat, coffee and wood. However, approximately 70 percent of homes in the state of Chiapas do not have electricity (p. 20).

This has been a significant factor that contributed to the uprising of the Zapatista, one of their motives were to fight against poverty which was caused by the neoliberal reforms and capitalist development of globalization.

Moreover, the Mayans aimed at distancing themselves from the PRI (Institutional Revolutionary Party), which had ruled in Mexico for a period of 70 years since the 1970s and was exploiting the indigenous communities (Montemayor, 1997). When the PRI adjusted the right of land ownership, the indigenous people in Mexico were threatened as their right to own lands was being diminished. Considering that the PRI had been ruling against the indigenous people, this prompted the need to devise more powerful movements to protect their rights to own

lands (Flores-Macías, 2013).

Another major motive for the uprising was the integration of NAFTA which would threatened the livelihood of the indigenous peasants. Despite that NAFTA was meant to enhance Mexico's economic growth in a more modernized way, it could lead to an increased poverty rate in Mexico that targeted indigenous families. The market could start generating American made products that were highly-priced and could not be afforded by the locals (Rich, 1997). With the high-quality products produced. The peasants could lose their target market as many of the high class would go for the American processed goods that was of high quality. Consequently, the peasants would lose their businesses and possibly die of hunger. Hence, the free market reforms would negatively impact peasant life (Gilberth & Otero, 2001).

In January 1994, the Zapatistas had issued a declaration of war with Mexico and they represented the marginalized Mayan communities. During the operation, the Zapatistas was being headed by the Subcomandante Marcos which can be described as a mysterious intellectual freedom writer and strategic leader. On January 1st 1994 the Zapatista guerilla group (composed mainly of Mayans, approximately 2,000) engaged in a hostile takeover of the Mayor's office in the high land town of San Cristobal de las Casas in the state of Chiapas. The aftermath of this crime led to 57 people being killed and 30 people being wounded during the altercation of gunfire (Minorities at Risk Project, 2009). The Zapatista came along 11 demands which included democracy, peace, land, education, health, housing, food, cultural rights, and women rights (Baronnet & Stahler-Sholk, 2019). Most notably on this date, Mexico, Canada and U.S commenced the North American Free Trade Agreement. In response, the Mexican army sent out troops, armored tanks and weapons to the state of Chiapas with the purpose of deterring the guerrilla groups. Despite article 129 of Mexico's 1917 Constitution amended to 2015 stipulates

that no military authority may patrol outside of their base in peace times (Mexico's Constitution 1917, p. 145), the military occupied Chiapas for many years and dispatched patrols as a counterinsurgency for the guerrilla groups. Furthermore, the military declared the counterinsurgency as a fight against drug trafficking which was not the case. In addition, the state's use of low intensity warfare proved effective as the army pursue peace by providing health services and road projects to the Latinos on one hand and administering repression tactics through brute force by the police in EZLN (Zapatistas) communities on the other (Gilberth & Otero, 2001). After 1994, negotiations were in motion to discuss peace and the guidelines for the implementation of the San Andrea's Accord in 1996. However, the Peace Accords were never ratified by the state of Mexico and this further infuriated the Zapatistas. Between the periods of 1994 to 2000, there has been a series of mobilization efforts by the Zapatistas and heinous crimes by the Mexican army in hope of suppressing the guerilla group. Notably, one such crime occurred on December 22, 1997 when the Mexican army slaughtered 45 indigenous men, women and children that were praying in a small chapel in the highlands of Chiapas. An investigation of this genocide led to the PRI government and security forces direct involvement in this crime (Centro de Derechos Humanos Fray Bartolome de Las Casas, 1998).

During this time, the technological savvy Subcomandante Marco's was publishing the history and struggle of the movement via the internet. Marco's literatures can be deemed as a key factor for the Zapatistas movement to inclusiveness and improvement of human rights. By conducting loads of interviews, publishing his writings of counter insurgency on the internet and engaging freely with the media, he has single-handedly change the perception of the Zapatistas being murders to freedom fighters. Marco's image has been reproduced in a positive way in Mexico by portraying his face on calendars, souvenirs and key chains. The influence of Macro's

can be illustrated in 1996 call to action where he staged a conference to protest against free market capitalism “Using the internet to summon supporters from around the world” (Rich, 1997, p.81).

The movement continued pressing in 2001 for its release of the leaders that were wrongfully arrested by the state. Marco’s mobilized one hundred thousand followers to petition their demands of the Mexican government. The demonstration was known as “March of the Color of the Earth” (Baronnet & Stahler-Sholk, 2019) and the sole purpose was to negotiate the proposal of an indigenous communal bill which should be passed. Marco’s demanded that the president Vicente Fox (inaugurated in 2001) adhere to the Accords and listen to the voices of the people (Thompson & Weiner, 2001). In 2004, the movement continued to protest for the implementation of the 1996 San Andres Accords that address the improvement of indigenous human rights. Later in 2006, Marco’s along with hundreds of followers protest and blocked a bridge connecting U.S and Mexico. The purpose of this protest was to fight against the security forces presence in Oaxaca and the U.S border. Also the school educators and administrators demanded an improvement of salaries and treatment of indigenous people in Oaxaca (Minorities at Risk Project, 2009).

The Zapatistas movement has transformed Mexico’s democracy by achieving constitutional amendments that allowed indigenous peoples local political autonomy and better political participation at a national level, adopting nonpartisan organizations that can monitor the elections, ensuring the cooperation of Civil Society to monitor human rights violation by the state, institutionalizing the pedagogy politics of education and Marco’s use of the media. These factors have all contributed to the success of the movement and improvement of indigenous human rights through inclusive political reforms.

Firstly, political mobilization by the Zapatistas pressured the Mexican Congress to approve an indigenous law in 2001 acknowledging the multi-cultural nature of the Mexican state, repeating that indigenous individuals are able to practice autonomy in addition to self-determination within the framework of a united nation. Solano (2005) assented that autonomy was established to indigenous communities in Mexico, in addition to political participation. The author further explained that the Zapatistas insurgency of 1994 operated for indigenous people as a reactionary converter of indigenous rights in Mexico and as a case of the methods to seek indigenous benefits and to conquer the limitations of indigenous rights.

As a significance of the Zapatista uprising in Chiapas, the indigenous peoples in Mexico were approved the constitutional right of self-determination, with the exemption of not making an effort to destroy Mexico's sovereignty. The integration of this right into the Mexican constitution was crucial for the development of Mexican indigenous groups and the Mexican democracy, since it supports the respect of indigenous customs, traditions and practices within the nation (Solano, 2005). So, after 2001 indigenous people in Mexico were able to control their political status and thus to pursue their economic, social and cultural development (Godelmann, 2014). Also the author argued that indigenous communities representation in local legislatures was strengthened with the uprising, despite the Mexican administration safeguarded the legitimacy of cultural customs of indigenous government.

Hence, the uprising of 1994 gave significant improvement of indigenous rights through constitutional amendments which can be reflected in Mexico's constitutional reform in 2001 that states indigenous people have the right to self-autonomy which means that they can choose indigenous authorities and representatives, right to choose representatives for the city council municipalities as well as political participation. Political mobilization gave a direct reactionary

affect to the government resulting in positive outcomes (reforms) that the indigenous people now enjoy in Mexico today.

Secondly, the pedagogy politics can be illustrated in 2013, the Zapatistas initiated their program called “little school of freedom” which entailed recruiting students both locally and worldwide to live with a Zapatista family for a month and engage in the agricultural duties with family members. The requirements also stated that the student should study the history and experience of autonomy for the Zapatistas that were written in a booklet (Escuelita Zapatista, 2013).

This approach of Direct Democracy counteracts the concept of multiculturalism that is taught by the state. The Zapatistas use of pedagogy politics during the movement is remarkable because the guerrilla group realized that engaging in the social relations with their communities prove to be more effective than using arms and being hostile against the state. By instilling their own morals and values within self-autonomous communities, the younger generation can continue the fight against the Mexican state in the future.

Thirdly, Subcomandante Marco’s use of the media gave more awareness to the international community about the situation in Mexico. Thirdly, the international community in cohesion with civil society had a significant effect during the Zapatistas movement. The call to action by Marco’s led to the civil society mobilizing against the Mexican state. This can be illustrated by creating peace camps and monitoring the human right conditions of indigenous communities. Also, the civil society assembled security lines around sites that were engaging in peace and ceasefire talks (Gilberth & Otero, 2001).

To conclude, the movement has created a big impact on human rights in Mexico.

Demonstrations being amongst the many ways people demand their right rights prove to be effective in Mexico through reactionary legislations that brought more political openness. The EZLN approach of seizing power by arms was futile and gradually they realize that peaceful alternatives can be more effective. Such alternatives discussed above transformed Mexico's democracy. Actualization of indigenous human rights can be depicted through a series of reforms in the late 1990's and early 2000's (see Table 1, p.17). Such reforms include the right to choose indigenous authorities in 2001, the right to be free from discrimination in 2003 and the right to intercultural and bilingual education in 2010 (Global Americans, 2019).

3.1.3 Rival Explanations: Democratization of Mexico

Despite Mexico's 1917 constitution which indicated that there was a shift to more democratic government, democracy did not influence Mexico until the late 1900s (Dahl, 1972). In the twentieth century, Mexico was governed by the authoritarian minded Institutional Revolutionary Party (PRI). Although its autocratic rule had the illusion of a democratic regime through elections and campaigns, these actions were largely just a front to disguise the problematic motives of the PRI. Furthermore, the corruption that has been done by the PRI includes manipulation of the voting system, the party ruled Mexico's politics both on a state and nation level for 71 years since 1929 to 2000 (Simpser, 2013). Hence, the genuine practice of democracy was hindered by the militarized rule which nullified what should have been the successful powers of the electorate (Grayson, 2007).

The rule of the PRI began to weaken when a civic-cultural motion demonstrated in response to the financial plights breaking out throughout the country. One instance of the motion was the 2001 institution of the Nationwide Women's Institute (INMUJERES), a government organization with the purpose of advocating for gender equality all over the nation (UNDP,

2012). Additionally, one more indication of the betterment in Mexico's democratization was the formation of the Federal Institute of Transparency and Entry to Data in 2002. The agency was created to permit applications from the public citizenry, in addition to implementing the state's freedom of information law. Grayson (2007) submitted that the a civil society focused on the difficulties for economic, civil and political rights was created due to the growing human rights groups that were emerging in Mexico. The production of civil societies that focused on the ideals of human rights, also shifted their concern to a legitimate democratic processes and a solidified rule of law in the nation.

Thompson (2004) stated that the united developments through the people and the regime shifted into the incorporation of legitimate democratic practices in the government. Due to the greatly broadcasted scandal after the disputed presidential elections of Carlos Salinas in 1988, a multi-party system was created in Mexico. After the general election, the Democratic Revolution Party (PRD), a left wing party basically separated from the PRI, at the same time the ring wing National Action Party (PAN) substantially grew its constituency. These historic events consequently developed the multi-party system that now exists in modern day Mexico (Bejar, 1993). Advancing the democratization of Mexico was President Ernesto Zedillo's drive to approve the 1996 Federal Electoral Law that would set in motion independent electoral institutions. Furthermore, this law permitted public funding to political parties with a purpose to balance the political playing field (Orozco-Henriquez, 2006).

Lawson (1997) submitted that the advancement towards democracy in the 1997 elections, for the first time in history, the PRI lost its perfect majority in the Chamber of Deputies. In a nation that is mostly occupied by corruption, a new ambition has materialized for an authentic democracy in Mexico. Notably, this new ambition for the betterment of

democratization in Mexico was brought to light in the famed 2000 presidential election when the Institutional Revolutionary Party (PRI) lost the elections for the first time in its 70 years rule to Vicente Fox of the PAN. Whereas this win represent a transformation from autocratic rule in the direction to a more legitimate democracy, the outcome achieve diminutive actual change in Mexico. Even though the national elections had been free from an immense number of undisclosed interference, the general elections had been still nonetheless controlled by the Federal Electoral Tribunal of the Federal Judiciary which is an institution established under the IFE in the 1990s to safeguard poll regulations and to resolve electoral issues concerning a free, transparent and honest process.

Although the PRI failed at the elections, it didn't lose in essence as the PAN and the PRD were very disintegrated to successfully grow their own patronage systems powerful enough to contest the PRI, and were consequently obliged to partner with previous PRI power brokers in order to get their legislation approved (Casillas, 2003). Hence, the dishonesty and fraud that the new democratic regime was expected to eradicate was maintained by PRI actors through voter manipulation and clientelism. Even though the PRI didn't have a majority within the legislative body it was still capable of maintaining its superiority. Fragile parties in Mexico usually indicated an uneven placement of power in the Lower House to the degree that both the PAN and PRD were not adequately unified to defeat the PRI's de facto veto.

Moreover, several parties inside the federal government signified there have been less independent voices coming from all parties, furthermore reducing the power of the PRI's opposition. The over diffusion of power permitted the PRI to control voting strength surpassing its true numbers. Consequently, when Vicente Fox of the National Action Party (PAN) requested for a revision of the 2001 Mexico's constitution, no modifications could be effected due to the

PRI existing influence and power. Hence, the resulting failure to draft real modifications in the constitution, despite historically important elections that toppled the PRI's rule, displayed Mexico's incapacity to standardize equal democratic practices, at this point advancement was impractical with corruption always prevailing.

Post 2000 period in Mexico, all three administrations were expected to bring about social transformations and better improvements in policy execution, however the administrations were unsuccessful to fulfil these promises (McCormick and Cleary, 2018). Felbab-Brown (2018) submitted that democratization delegated a power shift from imperial presidency to bottom levels of Mexico's administration, this delegation transpired in the factors of extensive bureaucratic weakness and misrepresentation, nepotism and weak rule of law, social inequalities and continued crony capitalism. Also the delegation of power in Mexico add to more openings for corruption. Hence, the age of electoral privileges has continued to successfully confront the core weaknesses of governance and to strongly improve institutions.

To conclude, the fall of the PRI in 2000 brought about the process of Democratization in Mexico. Despite the change of power from the PRI that governed like an autocratic regime to the PAN a conservative political regime, there has still been social ills of democracy. These social ills of democracy has vastly affected the indigenous population of Mexico. Such problems include the power brokers of the PRI that still influence the legislative body of Mexico. Moreover, little to no change has been done to the minorities and indigenous of Mexico's population. Persistent poverty, social marginalization and Corruption continuous to hinder the social changes that democratization is expected to provide. Felbab-Brown (2018) conforms that huge parts of the countryside especially in the south saw no development or state investment for years. Also the southern region of Mexico where indigenous populations are concentrated need

basic social service provisions. Evidentially, democratization has done a lot for the electorate and party politics in Mexico. However, it can be observed that democratization has not improve indigenous rights immediately, so it is not that influential. This can be illustrated by reforms and approve legislations that were passed in 2001, 2003 and 2010 respectively (see Table 1, p. 6). Hence, it can be observed that despite PAN got in power in 2000, major improvement to indigenous rights occurred gradually rather than an immediate effect when democratization took place.

3.2.1 The Case of Belize

The colonial conquest of Latin America involved the Spanish claiming majority of the Mayan Region (Weinberg, 1991). However, Belize remained an overlooked settlement of the Spanish conquistadors (Wright, 1991). Wiegand (2005) submitted that the Spanish conquistadors were unsuccessful in subduing the Maya inhabitants and the Spanish crown declined to supply the large size of armed forces needed to contest the strong British fleet who needed to safeguard their settlements and logging investment in Belize. Moreover, the Spanish conquistadors were unsuccessful to see the lucrative value that Belize would have in the future. Under the colonialism of the British, the Maya groups continued to live in great parts of southern Belizean (Toledo) lands and they continued to practice their customary land administration systems (Grandia, 2009).

Although, with the invasion of British loggers, the Maya groups yet had to acknowledge to the actuality of being incorporated into a colonial government. This incorporation would threaten Maya way of life and this led the communities as well as individuals to oppose the British authority strive to amend the Maya societal systems (Wainwright, 2008). It should be noted that the Maya societal systems are intrinsically based on the use of milpa cultivation

(Grandia, 2009). Hence, the deterioration of land is connected to the deterioration of the Maya societal system which reinforce the necessity of protecting the Maya land rights for the preservation of cultural rights and traditions in Belize.

Eltringham (2010) submitted that Guatemala still believes that British Honduras (Belize) is a part of their country, however Mexico does not aspire to occupy Belize as a portion of southern Mexico anymore. The Mexican independence as well as Central America independence when Spain withdrew its colonial authority from Mesoamerica, a league of the United Provinces of Central America was established (Wiegand, 2005). The leaders of this league had its eyes set on British colonies on their assume rights as beneficiaries to the Spanish Empire (Wiegand, 2005). Menon (1979) stated that the British responded to the league by defining the legal claims to Belize with the Spanish empire in order to hinder unnecessary arguments with Guatemala.

The Spanish initially colonize Latin America in the early seventeenth century. Because of compelled moving, by 1697 the Maya in Belize had break up into tiny communities residing in hamlets, or alquilos, off the main roads that join their communities to the Spanish colonizers (Cal, 2004). The Spanish colonizers were quickly accompanied by British pirates and traders that had an interest in mahogany exports (Bolland, 1986). As early as 1701, there are reports of the British buccaneers and their Miskito mercenaries taking Maya and selling them elsewhere as slaves. It was not until mahogany replaced logwood as their major export, and they had to venture further inland in search of trees that they began to encounter the Maya more frequently (Shoman, 1995). In the 18th century, both the Spanish Empire and the British challenged each other for power in the country, until, the region was officially announced as the Colony of British Honduras in 1862 (Bolland, 1986).

McClusky (2001) stated that the British colonizers instituted a social scale of classes that positioned the Maya at the very lowest of the socioeconomic pyramid. Bolland (1986) assented that as the British proceeded inland searching for materials and supplies, especially timber, the Maya were compelled to leave their communities. This relocation of their village's underprivileged the Maya of their method of sustenance and as a result they were all together rejected the right to own land, ultimately this cause them to rely upon elite timber employers. In the first half of the 18th century, there was records about an "attack of savage Indians" on Belize's New River and in 1802 there has been a demand for more British soldiers to discipline the Indians that are taking part in the raids against the mahogany laborers. Also in 1807, there has been a demand for ammunition and guns for the small troops working up the River at Hogstye Bank, who had been assaulted by Indians (Shoman, 1995).

Shoman (1995) submitted that at the dawn of the 19th century, the British dominated Belize, and they largely determined the kind of society that developed on it. The British settlers export wood and they used salves to cut it. Furthermore, the society they created was marked by the institution of slavery and by the systems of labor control that they developed during and after slavery. Belize became the 156th member of the United Nations when they gained political independence from the United Kingdom in September 1981. Also Belize is an individual member of the British commonwealth of Nations in addition to being a member of what Buchanan terms the Third World (Everitt, 1987).

Later in 1978, The Toledo Maya Cultural Council (TMCC) was established to deal with difficulties dealing with the Maya within the southern district of Belize called Toledo and have become the Maya movement's central association (Wainwright, 2008). Furthermore, its objective was to recognize Maya's as the country's indigenous people and also to actualize their

right to communal land in the respective Maya villages. Also the TMCC became part of the General Assembly of the World Council of Indigenous Peoples and took part in the regional association known as CORPI (Coordinadora Regional del Pueblos Indio's) (Wainwright, 2008). Another Maya organization that advocates for indigenous rights is called the Toledo Alcaldes Association that includes alcaldes (customary elected leaders) of the various Maya villages of Toledo, Belize (Supreme Court of Belize, 2010).

Therefore, all together these different organizations make up the Maya Leaders Alliance in Belize. Lastly, in 1997, the Toledo Maya Women's Council (TMWC) was formed, this group has been meeting since 1998 and their sole objectives are to set up small business projects, advocate against domestic violence for indigenous women and solicited for different Maya organizations in Belize (Murray, 2012).

3.2.2 Maya Leaders Alliance and the judiciary system, 1996-2015

This case focuses on the indigenous group called Maya Leaders Alliance (MLA) and there struggle to actualize land and customary rights in Belize. The Maya Leaders Alliance works with 39 Mayan villages in Belize and it is considered an umbrella organization that was formed in 1999. Notably, 40,000 indigenous Mayans inhabit Belize and they reside primarily in the southern district called Toledo (MLA, 2019). The goals of the MLA is to protect the indigenous human rights, natural resources, reservations, promote culture, collective and financial development in these indigenous villages (United Nations Development Programme, 2019). Furthermore, the formation of the MLA in 1999 signifies the shared grievances of the indigenous Maya living in the Toledo district. The groups that constitute the MLA in 1999 are Toledo Women's Council (TMC), Toledo Maya Cultural Council (TMCC) and the Toledo Alcalde's Association (TAA).

The MLA opposes the Government's systematic destruction of Mayan culture and advocates for the constitutional inclusion of the indigenous Maya's right to practice their culture, on their traditional lands. The MLA is a secessionist movement committed to using the courts, international conventions, public support, and international partnerships to guarantee the formulation of the 'Mayan Homeland'. The efforts of the group are difficult to counter because they are multifaceted, unconventional, affect the emotions of the public, and world opinion. These conditions affect the Government's response mechanisms because any unilateral state counter-response is perceived as an act of suppression. Hence, the roots of the problem and the unification of these groups are primarily focused on land ownership as the Mayan villages practices their customs and beliefs on these sacred lands.

The Government of Belize (GOB) and the indigenous Maya have separate understandings of legality in access to land. Indigenous Maya organizations has presented transcripts to validate their claim that the modern indigenous Maya living in the Toledo district are direct lineage of Maya subgroups that occupied the land since European exploration in the 17th century and 18th (Anaya, 1998). Furthermore, the Mayans advocated for more than measly access to land reservation titles, they have pushed for a "Maya Homeland". Wainwright (1998) submits that the Toledo Maya Cultural Council (TMCC) has demanded three distinctive positions in the name of the Maya claim since 1995: 1) the formation of an autonomous Maya state within Belize, along with a Maya flag. 2) The formation of the "Maya Homeland" that safeguards indigenous agricultural rights inside the context of Maya governance that would not affect their Belizean citizenship privileges. 3) The formation of a Maya Land Administration Program (MALAP), which encompasses the formation of a Maya Council that would have ruling over all Maya villages and reservations in Southern Belize, Toledo. Accordingly, the MLA

became the frontline of Mayan rights and assumed the responsibility of negotiating with the Government for the recognition of Maya ancestral land rights in southern Belize. Noting the neo-colonial tactics of the Government, the MLA made it resoundingly clear that it spoke for all Maya, both Kekchi, and Mopan. Since land usage was the cornerstone of the Maya position, the MLA embarked on the formulation of a land usage management system to establish Maya ownership of ancestral land and resources (MLA 2019).

On the other hand, the Government of Belize (GOB) did not accept the Maya's position, that they were the original inhabitants of the region, because, historically, the ancient Chol Maya died out, and the Maya in Belize were Kekchi and Mopan Maya, who originated from Guatemala. The Government, therefore, viewed the Maya as Guatemalan refugees, who fled internal conflict. Ricard Wilk, in his 2007 Affidavit, states that the Mopan Maya originated from San Luis, Petén while the Kekchi migrated from Alta Verapaz Department. Wilks further stated that records indicate Chol and Mopan Maya presence in Belize, particularly in Monkey River and Toledo, as early 1600s where both groups inter-mixed. The Kekchi Maya's presence, however, was not recorded in Toledo, Belize until early 1880s (Supreme Court of Belize 2007, 2-4).

The Maya contest for right to their ancestral land through legal court cases. The legal proceedings of these court cases commenced in 1996 when the TAA and TMCC filed a petition in opposition to the Government of Belize in the Belize Supreme Court (Supreme Court of Belize 2007, 30). Despite Maya peaceful demonstrations in the mid-1990s, many logging concessions were permitted by the GOB in land that was occupied by the Maya. Hence, the petition in the court was a response to the injustice that the government perpetrated. Furthermore, the GOB did not respond to the petition, so in 1998, the TMCC filed another appeal to the Inter-

American Commission on Human Rights in the name of all Maya groups in Toledo District against the GOB (Murray, 2012). The TMCC internationalized the Maya position by appealing the Inter-American Commission on Human Rights (IACHR) alleging that the government of Belize blatantly “violated the Articles of the American Declaration of the Rights and Duties of Man” (IACHR, 2000). Murray (2012) submits that in 1998 Mayan advocate Julia Cho, TAA and TMCC in conjunction with the Indian Law Resource Center and the University of Berkeley made the Maya Atlas that mapped out all the Maya lands and cultures in Belize. Also the Maya villagers in Toledo were elected to become researchers in formation of the Maya Atlas. Furthermore, forty two Ke’kchi and Mopan Maya communities participated in the mapping of the Maya Atlas. The customary laws of property for the Maya, communal land rights and rights for the Maya Homeland are based on the principles of the Maya Atlas (Wainwright, 2008).

Tragically in 1998, the Maya movement came to a halt with the mysterious death of the young Mayan activist Julian Cho. According to reports, Julian Cho mysteriously fell off his roof top and hit his head due to excessive drinking. However, the widow, Maggie Cho strongly believe that foul play was a determining factor of his death because Julian Cho had many enemies that were displaced workers from the suspension of Maya logging concessions in the Toledo district (5 News Belize, 1998). Later in 2000, a significant accomplishment for Maya indigenous rights was accomplished. The chairman of the Q’eqchi’ Council of Belize in conjunction with the MLA carried out peaceful dialogues with the GOB. According to Murray (2012) the MLA signed an important document with the GOB called the “Ten Points of agreement” which states that the government recognized the indigenous Maya rights to natural resources and lands grounded on their long standing use and tenure.

The MLA’s declaration did not sit well with the Government, resulting in a more direct

and aggressive position of the government in asserting the state's control over the disputed lands despite former agreements was signed in the past. The Government embarked on an oil exploration program in 2001 whereby the state granted special rights to U.S. Capital Energy Belize Ltd. ("U.S. Capital") permitting twelve square miles of oil drilling in the Maya national park (MLA, 2018). Yet again the GOB did not consult with the Maya people before embarking on these oil concessions. Although the oil concessions would have brought more job opportunities to the Maya people, the MLA was skeptical of the plan because it did not incorporate direct consultations with Maya leadership and did not represent the actual concerns of the Maya people. The MLA perceived the efforts of the Government as an attempt to mortgage the future of the Maya people to foreign investment. For them, all the Government was after was Maya land which contained an abundance of natural resources.

The MLA realized it had no bargaining chip and recognized that it had to resort to court action once again in order to challenge the Government's divisiveness. Consequently, the MLA did a follow up of the appeal in 1998 which was conducted by the TMCC before the Inter-American Commission on Human Rights, eventually winning in opposition to the GOB. Significantly, in October 2004 the IACHR determined that the Maya Communities of the Toledo District had proven their communal property rights over the lands they inhabited and recommended that the GOB establish and define the traditional lands of the indigenous Mayan people in Toledo (Carneiro, 2016). The IACHR indicated that during its elaboration, on the rights of the indigenous to property, it relied on the significance and relevance of the United Nation's Declaration on the Rights of Indigenous Peoples (OAS 2009, 7-8). The UN's Declaration recognized "the inherent right of the indigenous people which derive from their political, economic, and social structure, and from their cultures, spiritual traditions, histories and

philosophies, especially their rights to their lands, territories, and resources” (UN 2007, 3). The IACHR further called on the government to incorporate the rights of the Maya into the Constitution.

Subsequently in April 2007, two Maya communities called Santa Cruz and Conejo petitioned court appointments in the Supreme Court of Belize for acknowledgment of their land rights that is declared under the Belize Constitution. In that same year October 2007, the Supreme Court of Belize ruled that the GOB is compelled under the Belize constitutional rights to security of law, non-discrimination, right to land, freedom, and protection of the person to respect and safeguard Maya land rights in the southern district of Belize, Toledo (MLA, 2018). This ruling by the Supreme Court of Belize led to the first national high court to quote the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”). Notably, another court action was filed in 2008 in the name of thirty six Maya communities that were not part of the legal proceedings in the 2007 Santa Cruz and Conejo case. Again, the Supreme Court of Belize ruled in favor of the indigenous Maya asserting their customary land rights under the Belize Constitution (MLA, 2018). Due to numerous court appeals done by the Maya villages, the GOB established an arrangement with the Maya communities which stipulates that a consent order should be set in motion which would outline the commitments for the GOB to allocate the nature of the rights affirmed and establish a schedule with specified dates for the delimitation process. This consent order was a production of the judgment ruled out on April 22nd, 2015.

To conclude this section, it is evident that the MLA’s ability to forge alliances presents a great concern to the Government because those partnerships expose the plight of the Maya and when the government reacts to the unarmed MLA with force, it highlights the state’s repressiveness. The MLA, through direct communication and petitioning of the IACHR and the

UN Country Teams, presents the case of the Maya, and the state's repressive actions. The IACHR, the OAS, and the UN have lectured the Government of Belize for failing to incorporate the rights of the Maya in the Constitution. These entities continue to monitor the situation on the ground, constraining the government's ability to use force for fear of international repercussions. Therefore the Maya actualize indigenous rights specifically land and customary rights through the judicial system of Belize.

3.2.3 Rival Explanations: Democratization of Belize

The governmental structures in Belize exist within a constitutional framework which both limits and channels the exercise of political power in the political system. Also a spirit of constitutionalism pervaded diverse political arrangements dating back to the early days of Belize beginning with the democratic Public Meeting, through the system of elected magistrates and appointed superintendents, to the establishment of a legislative assembly, an executive council and lieutenant governor (Fernandez, 1989). In respect to party politics and general elections, Anne Sutherland (1998) discussed in her book that:

The elections in Belize is relatively fair and democratic however once a political party successfully wins, democracy is frequently endangered as the framework doesn't have no integrated assessments and balances and no cultural practice of a democratic civil society or universal law to safeguard the electorate from misuse of power... When the government is replaced, a shift of the benefits of governing from small groups of upper class to another, despite the general elections are equal and democratic, the method of governing is considered by majority of the Belizeans as crooked and corrupt. So when the regime in power turns extremely corrupt, the citizens of Belize would vote in the opposition party and the pattern begins again (p.62-63).

Belize has had a two party structure since 1961 even though the United Democratic Party (UDP) presented a major problem to the People's United Party in 1979. The UDP has usually been regarded as the center right conservative party, while the PUP is considered to be center left. It should be noted that both parties are not considered ideological. Both the PUP and the UDP has sought aid from all divisions and groups of society and both parties advocate for the capitalist system. Furthermore, both parties have a tendency to recognize with the laborers and the poor when being the opposition and both parties become more conservative amid being in office. The rotation of each parties in office has displayed their similarities rather than their differences (Barry, 1992).

Furthermore, the electorate commitments to political parties are based on the conventional political loyalties of families and friends or the consequence of individual favors that are administered by party representatives which can also gain political allegiances. Such favors can be a public service job connection or an issue of land (Barry, 1992). As stated earlier, Belize gain the right to self-govern in 1964, when Britain recognized Belize's local autonomy, although the former colonizers maintained power over national defense, security and international affairs.

Woodward (1985) contended that during the mid-1950s to 1984 Belize's first politician, a middle class, internationally educated, creole named George Price from the PUP first took office in 1964 winning eight of the nine seats in the legislative elections. Belize's independence was actualize by the People's United Party (PUP), which ultimately came September 21st, 1981. George Price won easily in the initial elections under independence.

Notably, in 1984, the PUP lost the general elections after ruling for 8 years and then the new Prime Minister became Manuel Esquivel whom was the party leader for the United

Democratic Party (Belize Election Center, 2008). An obvious pattern of party rotation was observed as the PUP return to office on August 27, 1998 with the new Prime Minister Said Musa of the PUP. The shift in regime change was due to a corruption scandal which involved the illegal selling of passports and permanent residency documents to foreigners. Also there was a scandal that involves the sale of land and appointment of jobs to unqualified individuals (Amandala News Paper, 2016). Consequently, these corrupted acts committed by the UDP party during 1993 to 1998 brought a shift to the return of the PUP in 1998.

Moreover, majority of the literature on democratization centers on post authoritarian regimes (Basch, 1998). Hoskin (1997) submitted that the fascination of democratization is due to the substitution of autocratic states with more stable democracies in Latin America. In Huntington's book, *The Third Wave*, he affirmed that from 1974 to 1990 observed a "third wave" of democratization in contemporary global history. Due to Belize realizing its independence in 1981, it can be considered as a third wave nation. Huntington (1991) further explains that a "wave of democratization" is collection of changes from authoritarian regime to a more democratic regime that happens inside a particular time period and that importantly exceed changes in the opposing direction throughout that time frame (p. 15). The fifth classification of democratization relates to the Belizean case. More specifically the fifth pattern is "decolonization" which entails a democratic nation (example Great Britain) forcing democratic practices and institutions on its settlement (Belize) and also educating its occupants in democratic morals.

Huntington (1991) analysis focuses directly to Great Britain and the second wave. The British settlements that remain to the third wave, Huntington regarded these countries as "small and insular" and hence were ruled out from the analysis of third wave countries. Furthermore,

democratization in Belize means to continue democratic practices and institutions that were implemented long time ago by the British, rather than from a doctoral regime. Democratization as it relates to indigenous human rights can be looked at the neoliberal economic reforms that endangered many rural communities subsistence (Yashar, 1996). Yashar state focused explanation fits the Belizean case as it raises the significant problems that state policies cause ethnic responses and the administration seek to channel identity politics, in this case indigenous politics for their own ends (Warren, 1998). Such significant problems can be the land policies that the new regime, PUP institutionalized in their first year of office in 1999.

The state policies that the new regime incorporated was called the Village Council Act in 1999, this law initiated village councils to handle growth problems that entails cooperation with villages and the government officials. Also the chairman is responsible to lead the village councils (International Labor Organization, 1999). McClusky (2001) stated that the authority of the alcaldes, especially in Maya villages were limited due to the new Village Council system. Also, the Belize authorities have utilized the Act to standardize village supervision on lease distribution via locally appointed Land Lot boards (Grandia, 2009). Furthermore, for an individual to obtain land, the land board has to propose him/her to the Ministry of Lands departments, after which the district official affirms the proposal prior to the individual applying for the land title through the National Registry (Murray, 2012). Throughout the past century, the Maya reservation system that was institutionalized by the British has been modified, and the reservations has been gradually privatized by the capitalist driven regime.

Now, in the twenty century, individuals are able to lease or legally possess land in the Maya reservation (McClusky, 2001). In addition, Murray (2012) explained that the process of obtaining lease land is rather expensive in Belize as an individual must first receive

recommendation from the land committee then upon approval, the lessee must improve the land for five years and then pay an expensive fee for the survey to be done and this might include bribing officials in the National registry to obtain the land title. Hence, obtaining and maintaining the communal land is very expensive and time consuming for the Maya. It requires a lot of recourses that they don't have and this threatens their livelihood and indigenous rights.

In conclusion, it can be observed that democratization occurred in 1998, the shift from a nondemocratic (UDP) regime to a more democratic regime (PUP), the Maya suffered from the drawbacks of democracy which included unequal state Policies that intrude on existing laws that had been established in the past. Such policies include the Village Council Act in 1999 that restricted the Maya people to legally obtain traditional land due to the tedious application process and high fees required to pay. So, one can conclude that democratization can bring more harm than good to an ethnic group such as the Mayas.

3.3.1 Rival Explanations: Modernization of Mexico and Belize

In this part I plan to discuss the influence of other rival explanations in order to show that their influence is not as important as my argument. This subsection provides empirical data that was retrieved from the United Nations Development Programme, World Bank and Our World in Data website. The empirical data used in this chapter are Human Development Index (HDI), Freedom in the World (FIW) and Gross Domestic Product (GDP). The purpose of this subsection is to find a relationship between the indicators and the improvement of indigenous rights in each respective countries. The three countries are depicted below with the respective colors: Belize (blue), Mexico (grey) and Guatemala (yellow).

According to the United Nations Human Development Report (2019), the HDI illustrates human development in respect to life expectancy, access to education and standard of living.

Hence, the HDI is a good indicator to illustrate modernization through health and education in each respective countries. Felice and Vasta (2015) submits that human development index is a good representation of passive modernization which is formed when a society embarks upon some sort of modernization without the role of a proper strategy. The scopes of HDI comprises of knowledge, resources and longevity which makes up the factors of social modernity. Likewise economic modernization can be classified as gross domestic product. The World Bank (2021) also suggest that development in the economy is assessed along with the change in Gross Domestic Product (GDP).

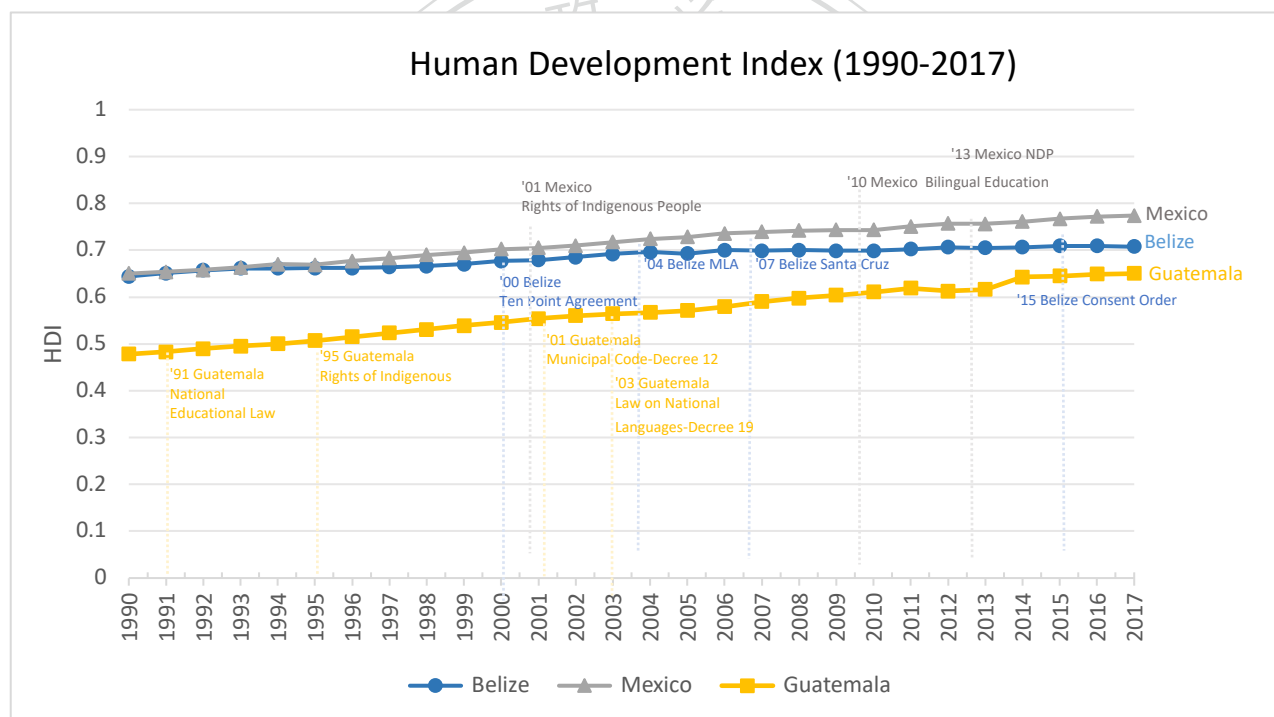


Figure 3.1 Degree of HDI in Mesoamerican Countries
Source: United Nations Development Programme (2019)

The efforts that Mexico has inputted, the human development rate has took an upward trend. Comparing Guatemala and Belize, Mexico has taken the leading point with an increase from 0.65 in 1990 to 0.774 in 2017. On the other hand Guatemala had many indigenous movements that occurred, however human development index remained low with 0.478 in 1990

to 0.65 in 2017. This can be a reflection of the state's poor education and health policies towards the general population which are made up of majority indigenous. Interestingly, Belize which is the smallest of both countries has an increment of 0.644 in 1990 to 0.708 in 2017. Comparing the other two countries, Belize has experienced a lower margin of human development index which seems to be caused by lower levels of modernization within the communities.

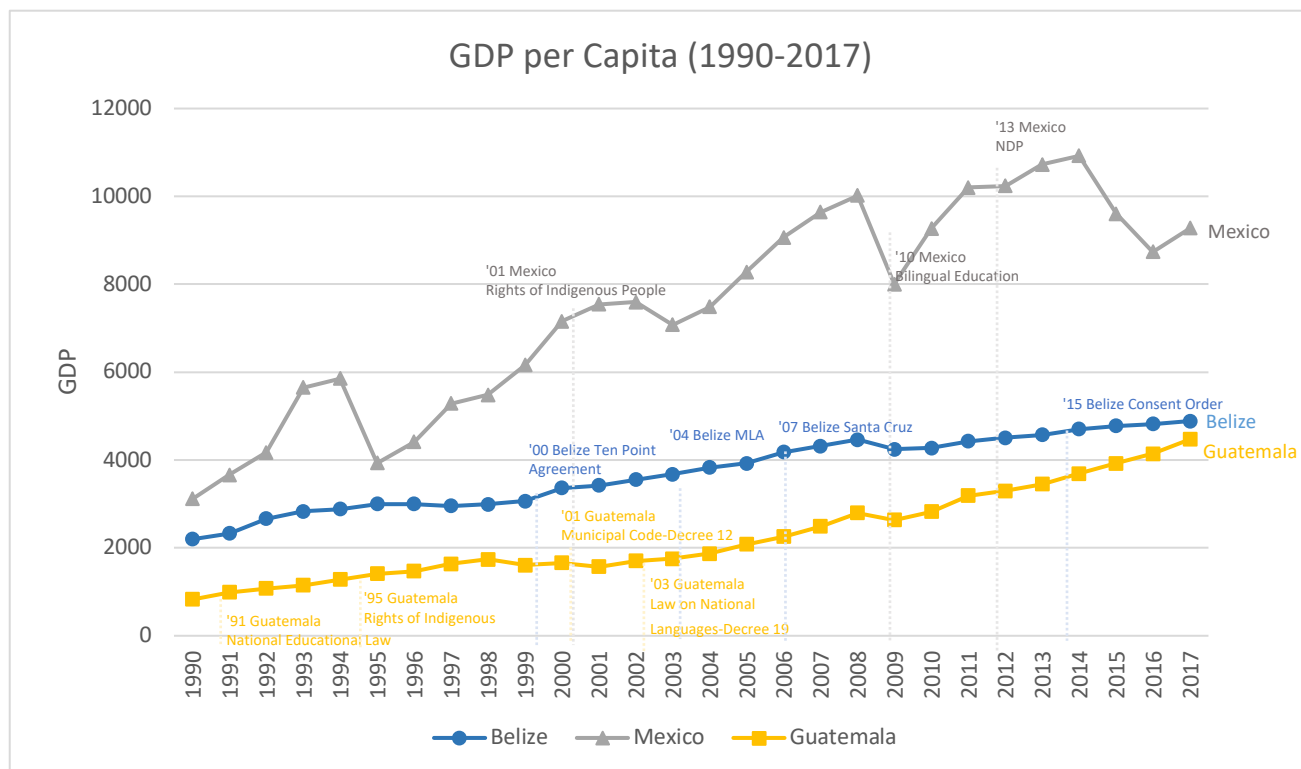


Figure 3.2 Degree of GDP in Mesoamerican Countries
Source: World Bank (2019)

It can be observed that Mexico has focused more on economic development to increase its GDP per capita (currentUS\$). Since 1990, Mexico has experienced an increase from 3112.3 to 9278.4, which is a significant improvement within the given time frame. Moreover, Belize has experienced a slight increase from 1990 where its GDP was 2197.2 to 4887.55 in 2017. This also shows an improvement in Belize's economy. In contrast, Guatemala has shown improvement as it increases from a meager 825.80 in 1990 to 4470.6 in 2017. Despite Mexico is leading in terms

of economic development, it has undergone larger fluctuations where the margins are visible when the economy went down terribly. It can be observed that GDP for Mexico raised in 2009 and significantly fell in 2014 which indicates that their economy has been undergoing economic downfalls.

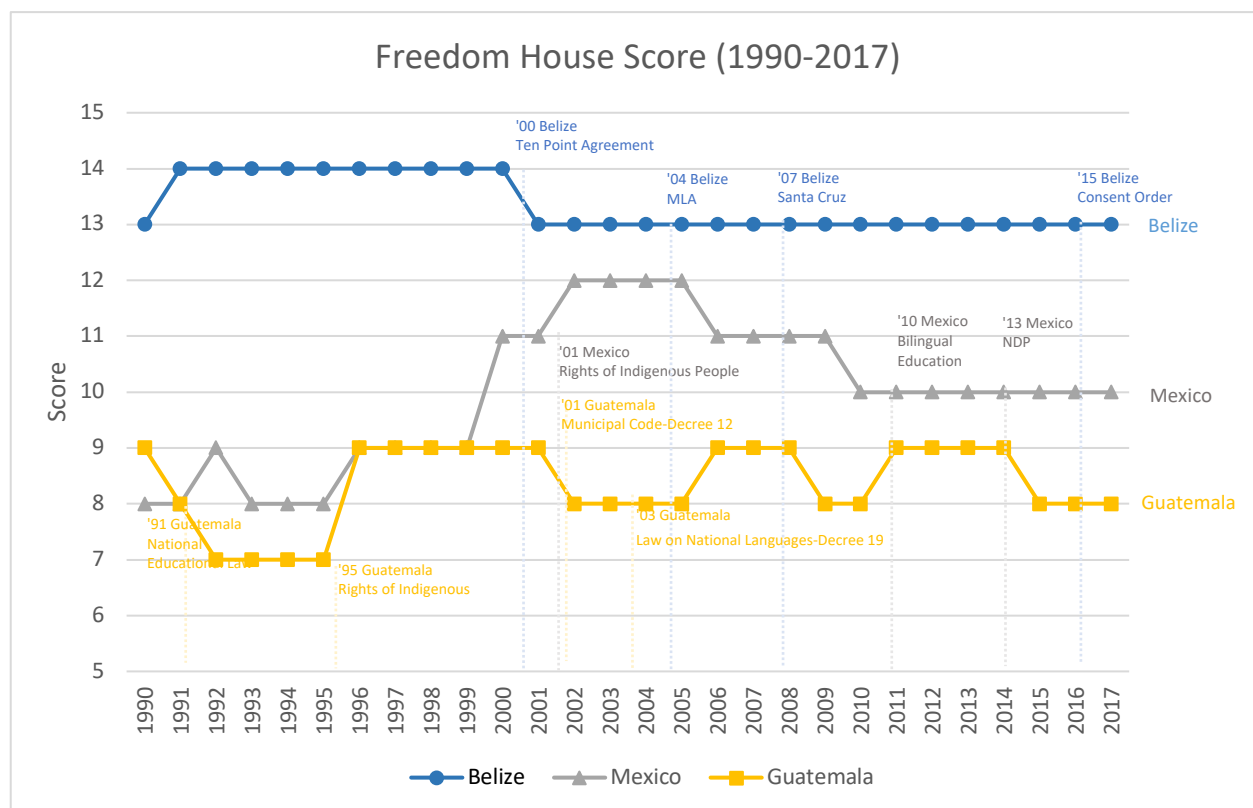


Figure 3.3 Degree of FIW in Mesoamerican Countries
Source: Freedom House Index (2020)

Graph three depicts the aggregate score of Freedom in the World that was retrieved from the Freedom House website. The aggregate score ranges from 2 least free to 14 the most free, in addition, freedom house score is a good indicator to illustrate the democratic stability in each respective countries. As expected Belize data indicates that the democracy is very stable and the people are the most free amongst these Mesoamerican countries. Interestingly in Belize, the freedom house score has been maintained from 2001 to 2017. For Mexico the freedom house score was relatively low between the periods of 1990 to 1995 due to the Zapatistas declaration of

war against the state. Also, a slight increase can be observed from 1995 to 1996 with the negotiations of the Peace Accords in Mexico. Relatively, it can be observed from the graph that Mexico has a stable democracy since 2010 with the people being generally free. On the other hand, it can be observed for Guatemala that the people were not free and there was political instability up until 1996 when the civil war ended. From 1996 to 2017 the freedom house score has been fluctuating and overall Guatemala has the least amount of freedom amongst these other countries.

3.3.2 Rival Explanations: Conclusion of Modernization in Belize and Mexico

Firstly for Mexico, improvement of indigenous rights occurred in 2001, 2010 and 2013. Based on Table 1 footnote 3, article 2 (section V, VI and VII, p. 4) of the February 5, 1917 Mexico's Constitution with amendments in 2001, prioritizes indigenous rights. This amendments states that indigenous people have the right to choose authorities (self-governance), the right to improve and access their land, the right to solve their own internal conflicts, the right to conduct trials in the native indigenous language of the accused and the right to take part in indigenous representation by electing representatives for town council in respective municipalities with indigenous populations. Respectively in Figure 3.1 Degree of HDI, Figure 3.2 Degree of GDP and 3.3 Degree of Freedom House Score, the indicators are relatively moderate with 0.705 for HDI, 11 for FIW (very free) and 7,544.56 for GDP per capita.

The 2010 Constitutional amendment include bilingual and cross cultural education that was established for indigenous people and a scholarship system was set in place for them. Also this reform affirms that teachers in indigenous regions should possess bilingual certifications (Mexico's Constitution, 1917, p.5). Evaluating the indicators for 2010, Mexico's HDI is at 0.743, Freedom House Score is at 10 (fairly free) and GDP is at 9,271.39. Lastly in 2013, the PRI

embarked on a project called the National Development Plan (NDP) 2013-2018 which is a special program designed for the indigenous people of Mexico. The primary objective of this program is to promote economic and social development of the indigenous and the call for prior consultation on developmental projects that belong to indigenous land (Global Americans, 2017). Evaluating the indicators for 2013, Mexico's HDI is at 0.756, Freedom House Score remains the same at 10 and GDP is at 10,725.18.

Secondly for Belize, improvement of indigenous rights occurred in 2000, 2004, 2007, 2008 and 2015. Referring back to the case study of Belize in section 3.2.1, the government signed a document called the "Ten Point Agreement" that recognizes the indigenous Maya rights to natural resources and lands grounded on their long standing customary use and tenure (Murray, 2012). Evaluating the indicators for 2000, Belize's HDI is 0.677, Freedom House Score is at 14 (very free) and GDP is at 3364.42. Subsequently in October 2004, the IACHR determined that Maya communities of the Toledo district proved their communal land rights and called on the government to respect and implement their customary rights into the constitution (See Case Study, p. 65). Although this was a recommendation done by the IACHR to the GOB, it indicates that an international body recognizes and advocates for the improvement of indigenous rights.

The indicators for 2004 is Belize's HDI 0.696 and GDP per capita 3825.78. At this point, I will not discuss the Freedom House Score for Belize due to the data remaining constant at 13 throughout 2004 to 2015. As discussed in the case study, the Supreme Court of Belize ruled in favor for the MLA and Maya communities in southern Belize against the state. The ruling actualize Maya rights to customary land that is declared under the Belize Constitution. In 2007 the indicators for Belize's HDI is 0.699 and GDP is 4315.83. Subsequently the indicators for

2008 are HDI 0.7 and GDP per capita 4460.63. Lastly, in 2015 indigenous rights was priority as the judicial court issued a consent order to establish specified dates for the delimitation process of land and the inclusion of Maya in the consultation process for future development. The indicators for Belize in 2015 are HDI 0.709 and GDP 4775.91.

To conclude in this section, from the graphs it is evident that the trend of modernization does not provide a clear indication of the time the countries gave indigenous rights. Both GDP and HDI stagnates and doesn't have a clear improvement that would correlate to the indigenous rights achieved. This can be depicted in Figure 3.1, the degree of HDI where both Mexico and Belize indicators stagnated and didn't show much improvement since 1990. As for Figure 3.2, degree of GDP the trend remains the same with Belize's GDP increasing slightly. On the other hand Mexico's GDP fluctuates and at some points rights were given but this doesn't indicate that if it was due to human development. The fluctuation for Mexico's GDP seems to be relatively unstable and not correlated to the improvement of indigenous rights. This can be depicted by rights achieved in 2001 but a year after GDP would fall in 2002 for Mexico. So, it can be concluded that modernization does not influence the improvement of human rights due to the stagnation and fluctuation of the indicators. However, modernization isn't necessarily wrong it is just an indicator that takes time to be effective and make changes for the people.

Chapter 4: Case Studies of Unsuccessful Political Mobilization

This chapter provides one case study of indigenous political mobilization in Guatemala. The unsuccessful case will seek to explain the outcome of weak mobilization and how it affects the improvement of human rights.

This chapter has six sections, the first section 4.1 provides pre-history of the country and the indigenous movement, section 4.2 provides the case study of indigenous political mobilization, section 4.3 provides the case of Guatemala's civil war legacy, section 4.4 provides the case of the referendum, section 4.5 provides the case democratization and section 4.6 gives a conclusion of modernization referring to figure 3.1 and 5.2 (see p. 82).

4.1 The case of Guatemala

The period of 1524 to 1541 during the Spanish rule in Guatemala had been decades of raids and uncertainty (González, 1994). Most notably Spanish conquistador Pedro de Alvarado carried out voyages of Spaniards and Indian troops down what's known as El Salvador into South America (Grandin, 2000). After the passing of Alvarado in 1541, the Crown was concerned to shift from a conquest to a more colonial settlement, hence their first action was to send out troops of royal bureaucrats into the highlands in order to seize the various *encomiendas* (grants of tribute paying Indians) given out by the former conquistador Alvarado (Lovell, 1992). Consequently, the indigenous people of Guatemala, referred to Indians at the time were compelled to resettle in *congregaciones* (concentrated populations) after years of demographic downfall, uprising and compulsory migration (Lovell, 1992). Also provinces were established and an appearance of a colonial society was forced upon the indigenous people. Despite the vast

resources in Guatemala such as mineral wealth and agriculture, the western highlands and pacific costal lands continued to endure political and economic hardship (MacLeod, 2008).

In the 18th century there was two efforts by liberals to establish a connected state with military and political powers. When Guatemala gained its independence from Spain in 1821, liberals restricted the systematic power of the Catholic Church and also terminated the communal protection of indigenous communities (Woodward, 1985). The liberal dream was thereafter crushed due to upper class factionalism and revolts. The start of 1839, Rafael Carrera a conservative, governed Guatemala and ruled Central American politics for two decades (Woodward, 1993). Moreover, Carrera can be compared to Emiliano Zapata in Mexico, who sought to prevent the subjugation of communal land by modernizing elites from the indigenous. With the death of Carrera in 1865, the indigenous people of Guatemala started to lose its capacity of safeguarding their land. Notably in 1871, the liberals regained power once again, and the government, guided by Justo Rufino Barrios, a dictator, built and mobilized a modern army from 1873 to 1885. Barrios approved legislations that enabled indigenous land, employment and income readily accessible to the wants of the emerging coffee economy and bourgeoisie bureaucracy (Cambranes, 1985).

King (1974) affirms that the scenario got worst in Guatemala in the nineteenth century when president Justo Rufino Barrios carried out a legislation that blatantly sold the land of the indigenous people and their labor to German coffee growers. At this time the indigenous people were forced to work the land for a low labor cost which ultimately made them slaves. A century later, the Maya communities in Guatemala were affected by the civil war. In the period of 1954, democratically elected president Jacobo Arbenz was toppled during a takeover back by the CIA, consequently concluding the Ten Years of Spring (McPherson, 2016). Before that, Way (2012)

confirms that in the period of 1944, Arbenz also led a takeover that efficiently ousted former authoritarian, Jorge Ubico, who deemed all Maya and countryside campesinos as barriers hindering Guatemala's modernization. Notably, his fourteen years of presidency cause the Maya to embrace an industrial life and many of Maya agricultural land was also taken away.

The October Revolution in 1944 movement to topple Ubico supported justice and liberty for all. Arbenz was president of Guatemala through democratic elections in 1950. At the time of holding office, Arbenz set in motion various social programs that are targeted to aid Guatemala's lower class and indigenous population, in addition to restoring the rights they lost centuries ago by the past regime. McPherson (2016) submitted that decree 900 which was a radical agrarian reform legislation was the most disputed change he had inaugurated. The United Fruit Company (UFCO) was compelled by Arbenz's regime to pay the government over four hundred thousand acres of UFCO uncultivated land.

Despite the UFCO received an amount of \$1.25 million for the acres of land, the amount that they stated on their taxes was remarkably lower than the market value of the land (Lovell, 2010). McPherson (2016) assented that the Truman administration was enraged about this act against private U.S property. Conniff (1992) assented in his article that: "If the Guatemalans want to handle a Guatemalan company roughly that is none of our business," said one U.S diplomat, but "if they handle an American company roughly it is our business (p.163)." As a result of these actions, the UFCO requested assistance from the United States government, who considered Arbenz a threat to national security and arranged several rebellions to remove him from power which was successful in 1954. Moreover, after Arbenz resigned from office in 1954, the Guatemalan Civil war commenced six years after on November 13th, 1960 and officially concluded in 1996 (McAllister, 2005). Lastly, the Guatemala National Revolutionary Unit

(URNG), a leftist guerilla group, was established in 1982 due to the different revolutionary groups that materialized after the CIA back coup of 1954 (McPherson, 2013).

4.2 Civil War Impact on Indigenous People and the URNG, 1960-1996

This case study focuses on the civil war that affected many indigenous people in Guatemala. The origins of the 36 year civil war can be dated back to 1954 when the United States Central Intelligent Agency (C.I.A) overthrew the not long ago elected President Jacobo Arbenz (1944–1954) and thereafter installed a military dictator called Carlos Castillo Armas. The installment of this authoritarian ruler marked the commencement of a 30 year right wing military rule in Guatemala (Janzen, 2008). A rebellious crusade started in the 1960s due to displeased individuals of the urban intellectuals, university students and military. Hence this was the birth of the 36 year civil war and it was dire claiming the lives of many men, women and children with the vast majority being of indigenous descent. Reports suggested that the lives that were lost during the civil war amounted to 200,000 Guatemalans (Amnesty International, 2003). The western highlands of Guatemala were immersed in heated conflict between 1978 and 1985 as it was referred to as “la violencia” in the countryside. Furthermore, this was the foulest of a sequence of disasters during years of autocratic regimes and military governed democracies that afflicted the country after the mid-1960s (Warren, 1998).

During the military repression that caused the civil war, supporters of the Guatemalan national army included United States of America and Israel which gave huge military and monetary backing (Mamdani, 2005). The support of the USA to Guatemala was due to protecting its southern allies from the dangers of communism. Hence, the USA had economic interest in Guatemala and any indication of political and economic reforms that is not in align with the USA interest would prove to be detrimental to their goals (Janzen 2008). The backing of the state

persisted in various forms of international aid until the 1990, although the international actors were aware of the gruesome human right violations that occurred in the 1980s. In addition to the army, federate forces such as the Civil Patrols, Paramilitary organization and National Police also aided the Guatemalan counter insurgency (Briscoe, 2007). Warren (1998) opined that the civil war was a conflict between guerrilla forces and the military. From view point of the military, it was a war against communism as stated earlier and from the view of the guerillas, it was an armed fight to contest the legitimacy of the government and the mistreatment of Guatemalan farmers by prosperous landowners and export-focused commercial elites.

Moreover, during the civil war in the early 1960s, the men of the indigenous populations were forced against their will to aid as civil patrols which made them become front line soldiers and shields for the army and the Guatemalan state forced them to commit heinous human right violations. Also the Guatemalan government response for the genocide is derived from the “internal enemy policy” where all challengers of the state are deemed as the enemy (Amnesty International, 2003). Interestingly, a significant plight that the Mayans face were the army’s strategy to divide and mobilize the indigenous populations against each other to such an extreme of obliging victims to become accessories in killing during the civil war (Schirmer 2002). In the 1980s, indigenous campesinos (subsistence farmers) who reside in the highlands were part of the movement against the state’s authoritarian ruler. Consequently, many indigenous farmers lost their life in the highlands, where more than 600 slaughtering occurred under the state’s official scorched earth policy (Falla, 1992). In addition, the Guatemalan insurgency numbered a measly total of 3,614 peasants at the signing of the peace accords that were poorly equipped during the civil war (Hauge and Thoresen, 2007).

Notably in the 1980s, during the regimes of General Efraim Rios Montt (1982-83) and

General Lucas Garcia (1978-82), the state of affairs in the highlands escalated as guerilla groups organized strategic assaults on military installations, took control of towns and intimidated the elite landowners in the western highlands Warren (1998). The Guerrillas continued to extend and united their incursions against the state through a movement called the Guatemala National Revolutionary Unit (URNG). Kistler (2014) assented that in 1982, editors from Guatemala's national newspaper complained about President Efraín Ríos Montt approach to change as he single-handedly commanded the slaughtering of those that were against his administration. It is suspected that the former autocrat is responsible for the deaths of approximately 86,000 Maya (Fausset, 2013). The violence continued in the late 1990s as the military opened fire on a group that amounted to 2,000 indigenous people during a peaceful demonstration in the Indigenous village of Santiago Atitlán (Minorities at Risk Project, 2009).

The impact of the civil war on the indigenous people of Guatemala has been immense and it has contributed to their marginalization, ethnic genocide of the indigenous culture and actualization of improvement in human rights. This can be illustrated by Guatemala's Commission on Historical Clarification (CEH) that concluded 93% of the massacres that included disappearances, rape and torture were committed by the army and the URNG was responsible for only 3% of the massacres during the civil war (p.103). Also, the report assented that eight-three percent of the victims were of Mayan indigenous descent. Hence, it can be observed that historically the Guatemala state continues to suppress the indigenous people and treat them as second class citizens despite they're the vast majority of the population. Any chance of rebellion and social movement against the state would prove futile as the army under the control of the state would respond with death squads and brute force to suppress the peasants and the oppressed.

In the literature, authors conformed that the civil war was a hindrance to the progression of the indigenous people in terms of human and political rights. Spence et al. (1998) affirms that the legacy of the civil war has impede indigenous mobilization in social movement to translate into political power and effective party organization. Moreover, repression and marginalization has continue to become significant obstacles for the indigenous people in Guatemala. This legacy as described by Spence et al. (1998) has translated into many problems in modern day Guatemala. Such problems include the civil war shifting from political violence to a focus on criminal violence, combatants from the civil war was never compensated and the perpetrators were never indicted for their war crimes. All these problems has influenced Guatemala's return to civil society and the continuous oppression of the indigenous people.

4.3 The Legacy of the Civil War in Modern Day Guatemala, 1996-2008

This section of the case study is a continuation of the previous section highlighting the indigenous people struggle to effectively mobilize in Guatemala after the civil war. The disintegration of the Soviet Union led to the conclusion of the Guatemalan civil war. America's concern in suppressing communism was shifted in the 1990s when the cold war was concluded. Accordingly, the shift of interest transformed from military backing to peace building (Goldman 2007). Subsequently, the state's promise to address underlying problems of the civil war contributed to the success of the cease fire in Guatemala. Such problems included agrarian issues, the formation of a truth commission and human rights of the indigenous people. All these problems would have been solved with the signing of the peace accords. In 1986 was the commencement of the peace accords and lasted a period of ten years which gave rise to 12 agreements that constitutes the passing of the 12 Accords on December 29, 1996 (Secretaria de la Paz, 2008).

On December 1996, the former guerilla group URNG was given status to become a political party under the terms of the accord, the group also received \$105 million in international support. This gave opportunity and hope to the indigenous people as the group was transformed from military to civil society. Furthermore, the disarming of the URNG officially commenced on March 3rd, 1997 as they were expected to hand in pistols, rifles, explosives, mines and other lethal weapons that were carried by the ex-combatants until the accords were signed (Minorities at Risk Project, 2009). Significantly the failure of the May 18th 1999 constitutional referendum has contributed to more indigenous struggle. The constitutional reform included improvement of indigenous human rights such as indigenous cultures and languages to be used in the classroom, dismantling of the presidential guard and significant reduction of the military troops. According to the Minorities at Risk Project (2009) 50% voters rejected the plan whereas 40% accepted the plan with 81% of the registered voters abstaining from this historic event. This constitutional reforms if passed would have gave great improvement to indigenous people human rights, however the failed referendum illustrates Guatemala's indigenous group lack of cohesion and effective mobilization.

Now in the 20th century, as previously mentioned the legacy of the civil war has contributed many problems in Guatemala and the actualization of human rights. Criminal violence, compensation of victims and administering justice to the perpetrators influence the indigenous people's return to civil society and peace. Without peace, human rights cannot be actualized and the minorities which in this case is the indigenous will continue to be oppressed and look down upon.

Firstly, Cereser (2007) state that political violence and the concern of human rights has been interchanged with criminal violence and the concern of fighting against drugs in

Guatemala. Furthermore, the increase in drug activity and gang violence is due to the legacy of violence in Guatemala. In the past during the civil war, soldiers stand sentinel on the streets but now in the 20th century private businesses hire private guards to protect their businesses from the rampant crime that plagues the streets of Guatemala (Janzen, 2008).

Notably, the drugs buy the power of political power in developing countries like Guatemala. The criminals have no interest in achieving peace and their primary concern is to secure territory for the manufacturing and distribution of drugs. Hence this dilemma affects the actualization of human rights since the minorities are the ones being exploited by the criminals albeit criminals in suits or those with guns. Moreover, indigenous agricultural territories are being confiscated by peasant farmers for the cultivation of marijuana farms and hidden cocaine manufacturing outpost in the jungles by the cartels. A recent human rights poll conducted by the office of the procurador of human rights in Guatemala 2008 stated that two thirds of Guatemalan citizens listed security associated to crime as significant while less than one percent listed political human rights as a priority (Mansilla-Wever, 2008). The continuation of violence and influence of drugs can be illustrated in election campaigns of Guatemala where 25 political figures were killed in 2003 and more than fifty during the 2007 campaign (Azpuru, 2008). Hence, the actualization of human rights cannot be accomplished during a time of anarchy where the government is not in control. One can conclude that in contemporary Guatemala, the hindrance of progress and indigenous human rights are the gangs and criminal activity. The concerns of revolutionaries fighting in the streets has shifted to the concern of criminals.

Secondly, as previously mentioned the legacy of the civil war brought more harm than good to the combatants. Compensation of the victims especially those that were obliged to join the army were never compensated for their service. Those involved in the civil war was the

URNG (guerilla group) and the Army (along with the civil patrols). The demobilization and reintegration of the former guerilla group was largely supported by international actors such as United Nations, European Union and United States (Hauge and Thoresen, 2007, p. 23)

Moreover, the guerilla groups were split into two groups, those that had assets and families that can easily reintegrate into the society and the latter is those that had no assets nor families within the Guatemalan society. The latter of the guerilla group, those with no assets formed a cooperative called Nuevo Horizonte (New Horizon) which are composed of 400 residents that are financially straining under the debt they have accumulated over the years. Notably, no funds were allocated to these ex-combatants to purchase land, hence the participants continue to fight for their dream of political, social and economic inclusion within the state of Guatemala, years after the civil war (Figuerro, 2007).

On the other hand, the civil patrol which composed mainly of indigenous rural campesinos that were forcibly recruited into the civil patrols to act as guardians against the insurgents were never received any international assistance during their demobilization process. Interestingly, the Guatemala state promised the civil patrol financial aid that was equaled to \$8,000 USD per person leading up to the signing of the peace accords, however the final pay out was only \$200 USD per person (Hauge and Thoresen, 2007, p. 43) Therefore, the demobilizing process for both the guerilla group and the civil patrol was unsuccessful, keep in mind both groups consisted of indigenous peasants. Historically, it can be observed in this case that the Guatemalan state continues to undermine the indigenous people. Actualization of human rights cannot be truly achieved with a state that exploits its people and force them into the army with no regard for their wellbeing and safety. This case is just one of the many problems that hinder the progression of indigenous human rights in the state of Guatemala.

Thirdly, the failure of the Guatemalan state to properly administer justice to the oppressors during the civil war has contributed to the loss of trust by the indigenous people of Guatemala. The case of the infamous dictator named Efraín Ríos Montt was found guilty on May 10th, 2013 for crimes against humanity and acts of mass slaughtering during his presidency in the early 1980s, specifically he ordered the massacre of 1,771 Maya Ixil Indians which included young children (BBC News, 2013). Moreover, on May 20th, 2013 his conviction was overturned by the Constitutional Court of Guatemala. Interestingly, his second judicial trial commenced on January 2015 but justice was still not served as the Guatemala court determined that the former dictator can stand trial but the verdict would not be carried out due to health complications and his age (The Guardian, 2015). Notably, this case depicts the level of corruption that is embedded deeply into the politics and judicial system of Guatemala. As observed, the elites can do anything in the country and get away with it but the indigenous are disparaged. The justice system is never in favor of the minorities and hence, the indigenous has not trust in justice. This case which is due to the legacy of the civil war has prevented the indigenous people to actualize human rights because they lack the trust and assurances from the state that has only contributed to further plights and failed promises for the indigenous.

4.4 Understanding the 1999 Referendum of Guatemala

On May 16th, 1999 a Constitutional Referendum was held in Guatemala. This popular referendum that would have gave more indigenous equality to the Mayas of Guatemala highlighted four questions. These questions include the first on explaining the social rights and nation incorporating those of the indigenous groups, the second on amending the congress of the republic, the third on amending the executive together with the functions of the army and the last on amending the judiciary (Nohlen, 2005). In addition, these four categories were organized into

50 constitutional reforms. The referendum or *consulta popular* (CP), if approved would have provided the provisions for the Peace Accords that was signed on December 1996. Carey (1999) submitted that the primary objectives of the Peace Accords included the cease fire, demobilization of the URNG and the Civil Defense Patrols, in addition to decreasing the size of Guatemala's army to about 33 percent and integrating the former ex militants into civilian life (p.70).

Despite all the benefits of the referendum, the Guatemalan population rejected the referendum that proposed indigenous equality. Consequently, the Maya retained their position of second class citizens in the view of the state (Carey, 1999). A deeper observation of the referendum reveals that Guatemala City influenced the no vote and supported the country. Notably, the northern and western highlands where 74 percent of the Mayans reside, the yes vote won, however voter turnout was extremely low (Azpuru, 1999). Many Maya Leaders, scholars and university students were shocked by the results of the referendum. A deeper understanding of this case can be highlighted by the voting pattern of the 1999 referendum. Carey (1999) assented that the no vote won by a majority of 55 percent, in spite of every single registered political party except the Democratic Reconciliation Action (ARDE), and all the Maya organizations openly supported the referendum. Nonetheless, abstention was a significant factor in the referendum as 81.5 percent of Guatemala's electorate disregarded to go to the polls. Also, in Guatemala City where the Ladino population is the majority, voters cast 30 percent of legitimate national votes and greater than 70 percent of those who turned out voted no (Azpuru, 1999).

The case of the 1999 referendum is a good illustration of weak mobilization for the indigenous people of Guatemala. A deeper understanding of the no vote can be depicted by the

analytical view of Manuel Vogt (2015) horizontal and vertical voice. Vogt (2015) builds on Olson (1965) collective action that asserts vast social groups face a lot more obstacles in organizing politically than small ones do. This can be seen in the case of Guatemala whereby the indigenous people are fragmented and they cannot agree with each other. Vogt (2015) argues that the Mayan mobilization in Guatemala is hampered by O'Donnell (1986) horizontal voice which is the capacity to construct a collective political identity and agenda making possible to exert a powerful vertical voice. Hence, the horizontal voice is amongst people and group leaders to reach a consensus about what political interests are pursued and a vertical voice is directed to the rulers which in this case is the Guatemalan state.

Evidentially, there are many barriers that hinder the internal movement of the horizontal voice in addition to external barriers that influence the no vote. Vogt (2015) asserts that “organizational sectorization” whereby each Maya organization remains fixated on its own topic rather than a unified topic that can further their political interest. This impedes the indigenous from realizing any type of political access and actualizing human rights. Furthermore, Vogt (2015) opines that there are three significant obstacles that the Maya face to exert a strong horizontal voice. Firstly, the influence of international donors which has weakened the capacity of Maya organizations to articulate a common agenda of collective action. An example of this would be different indigenous groups competing for the same funding since they are not a unified bloc and this would weaken the Maya to form a collective action. Secondly, Elite Convergence which is an absence of elite agreements with regard to crucial affairs that in other countries that have become central ingredients of the agendas of successful indigenous movements, such as mobilizing against the exploitation of natural resources and reservations. Thirdly, Disagreements between the different Maya organizations over the choice of political

alliances which shows that some Maya groups have unclear alliance strategies.

These internal movement barriers continues to hinder the Maya in post-conflict Guatemala. However, in this case, it can also be noted that there are several external barriers that contributed to the no vote for the 1999 referendum. These obstacles include lack of information, religion and the obvious factor geographical barriers for the indigenous people of Guatemala.

Firstly, lack of information can be illustrated by the government dissemination of information about the referendum. Carey (1999) submitted that a Mayan individual in his interview voiced that he only knew about 3 of 40 changes of the Accords and other people knew less. Also, the government purposely did not gave out information to the indigenous populace leading up to the referendum and “it was only until 15 days before the vote that the government told the indigenous population about it” (cited in an interview: p.77). Secondly, another external factor that contributed to the no vote is the tensions between Catholics and Protestants in Kaqchikel communities. The Catholic Church supported it and attempted to mobilize its followers as opposed to the evangelical leaders that make up one third of Guatemala’s population that opposed the referendum and use misinformation to defeat it (Carey, 1999). Such misinformation can be depicted by the protestant preachers’ claims of the return of Mayan religion which is equal to Satanism, hence the congregation should vote no. Thirdly, transportation and geographical barriers are major obstacles that hinder the Maya from voting. The Maya generally lives in rural areas that are remote from the municipalities which would be rather difficult to vote. The government’s failure to establish polls near remote Maya Populations in addition to the high literacy rates among the Maya communities contributed to the abstention of the 1999 referendum (Carey, 1999).

Hence as elaborated in this case study of the 1999 referendum the Mayans of Guatemala

has many obstacles that impede on their actualization of indigenous rights. The internal factors which is classified as the horizontal voice is a significant determinant for a group to come together with one common interest and mobilize effectively, exerting the vertical voice which would be unified political agendas towards the state. Guatemala indigenous people lack a unified voice due to the many indigenous groups that are competing amongst each other. Moreover, other external factors greatly hinders the Maya from actualization of rights as well. Outlined earlier, the government has suppressing strategies such as withholding information about the referendum and not providing adequate transportation for the indigenous to vote. In addition to religious propaganda has all contributed to the weakness of political mobilization in Guatemala. Hence, weak mobilization occurred in Guatemala and this has affected the indigenous people from achieving political inclusion and human rights.

4.5 Rival Explanations: Democratization of Guatemala

Many scholars posit different views on the return to democracy in Guatemala. In the mid-1980s most scholars point to the return of electoral democracy at this time. During this period, elections that took place were considered non fraudulent, in addition to competitive, however the elections in the past did not act for all political movements (Jonas, 1991). It should be noted that during this same time, an oppressive counterinsurgency was imposed upon the rural populations as the rebels and military were in a Civil War. Furthermore other debates of the return to democracy focuses on the Guatemalan army and their civilian confederates. This army guided view of the transition to democracy can be illustrated by the 1982 coup, then the Constituent Assembly (1984), followed by the new constitution (1985) and the 1985 elections that returned civilian government in the period of 1986 (Jonas, 2000). Sánchez-Ancochea & Martí i Puig (2014) conforms that the military held eight of nine presidencies during the time period of 1954

to 1984, so the army was able to apprehend state institutions and business elites to overpower economic policy in Guatemala for decades.

Azpuru (1999) further argues that the civilian rule of the presidential elections in 1986 brought about the initial points of modern democracy in Guatemala. The mark and return of civilian democracy can be illustrated by the Christian Democrat Macro Vinicio Cerezo Arevalo (1986-90) in which this time period marked the end of authoritarian rule by the army (Sánchez-Ancochea & Martí i Puig, 2014). However, this would not be the case as the army rule behind the scenes and the politicians did not challenge the army's interest. Furthermore, the elections during the time frame of 1985 to 1990 was considered free of fraud and included many political parties running against each other, however the elections were not representative as other studies has highlighted that the elections were ideologically restricted with all political forces to the left being excluded in addition to persecuted until 1995 (Jonas, 2000). Hence the elections were exclusionary to be deemed as democratic. Despite civilian elections took place in 1986-1990 and the army guided view of democracy in 1954-1984, the counter insurgency was still going on at this time and ended in 1996 with the signing of the peace accords. Consequently, true democratization took place in the peace process of the demilitarization of the insurgent group URNG. Jonas (2000) explained that the path to negotiations that highlight the democratic process can be depicted after the Guatemala army's "scorched-earth" campaign between 1981 and 1983 that left 100,000 to 150,000 deceased or vanished.

Moreover, the URNG realized that these armed military revolts proven to be futile in taking state power. So the cost of the arm revolt made it intolerable to those civilians that are not taking part in the arm rebellions. The proposition of negotiations by the URNG for a settlement to the war began in 1986 after the elected civilian government. For a number of years, the

government and the military led by Democrat Vinicio Cerezo (1986-1990) blatantly rejected the negotiations with the URNG and he holds that the rebels had been defeated. However, an unexpected event occurred in 1990 as the Army, URNG and the CACIF (Chamber of Agricultural, commercial, industrial, and financial associations) engaged in the initial dialogue process of political settlement (Jonas, 2000).

The process for peace stagnated during 1993 due to the president Jorge Antonio Serrano Elías attempted self-coup by illegally suspending the constitution and disband the congress and Supreme Court (Barry, 2006). Later in January 1994, the negotiations continued with the Framework Accord that established both a transparent political agenda and time frame. This accord additionally established a task for a large scale meeting of Civil Society (ASC) which was made up of all organized sectors of civilized society in addition to the significant political parties (Krznaric, 1999). Hence the emergence of the ASC gave hope to the URNG in terms of advancing the peace process and engaging in national politics.

A series of accords were sign in 1994 to 1995. A significant accord was the human right accord that stipulates international monitoring of human rights in Guatemala. Democratization in Guatemala can be depicted by the cease fire between the military and the rebels in March 1996. In short, the signing of these accords was a stepping stone for the Guatemalan democracy (Jonas, 2000). The accords constituted political settlement of the former URNG group and reintegrated the former combatants into society. Majority of the accords include significant provisions for involvement in decision making in addition to fair representation from the administration and indigenous groups. Jonas (2000) further explained that the accords concluded the 42 years of Cold War history in Guatemala and also delivered a platform for incorporating thorough political democracy in a nation that was unable to enjoy such democracy since the time period of 1954.

(Jonas, 1999) assented that the new platform it established for terminating violation of rights include the UN Verification Mission (MINUGUA) which entails the UN's representative on the ground to monitor respect for human rights in each country. Most notably, other benefits of the accords include the 1996 demilitarization and the 1995 accord on Identity and Rights of Indigenous People.

Despite democratization took place in several ways through “so called” transparent elections in the late 1980s and the achievement of democracy through peace which involved the demilitarization of the URNG group in 1996, the plights of the indigenous people in modern day Guatemala remains the same. Notably, everything remains stagnant in terms of indigenous human rights in Guatemala and the actualization of peace. Another theoretical view of democracy was submitted by Copeland (2019) as he describes democracy as power and not marginalization by the state. Also he asserts that power in the period of democratization should encourage country side peasants in this case the indigenous to participate in civil protection patrols, adopting new methods of growing crops and indulge into party politics. So, power functions on bodies and their capacities. However, the author further confirms that political violence did not subside in Guatemala, instead it transformed and changed targets.

Brands (2010) contends that in 2019, about 40% of Guatemala was controlled by powerful criminal networks and these criminal networks invade and corrupt public institutions (p.2). These actors in the post-war Guatemala impede on democratic governance and the social provisions it should provide. Copeland (2019) confirms that the cold war concluded but absolute peace was never established and it is nonexistent in present day Guatemala. There is already mass violence, massacres of human right activists, racisms, the presence of gangs after the accords. Therefore the case of democratization through peace is evidentially futile. Another issue

that arise after the signing of the peace accords was the exclusion of social development policies towards the minorities and indigenous people of Guatemala.

Sánchez-Ancochea & Martí i Puig (2014) contends that Cerezo implementation of neo-liberal reforms was deemed very important compared to “paying the social debt to the poor” although the newly installed government committed to the latter. Fuentes (2002) submitted that the signing of the peace accords highlighted the priorities of rural and agricultural development. Nonetheless, the progress in social development has persisted to be stagnant. Despite GDP per capita in Guatemala raised and poverty levels reduced in the course of 2000, inequality and marginalization continues to remain the highest in the nation, as well as social exclusion indicators (Sánchez-Ancochea & Martí i Puig, 2014).

To conclude, Guatemala has transition from an autocratic military rule to an electorate democracy, and the signing of the peace accords in 1996 also signifies a more democratic state, but not much has changed after 15 years. Social exclusion and the civil war has been replaced with gang violence than impede on the livelihood of the minorities. So the process of democratization as it relates to the improvement of indigenous rights in Guatemala is not significant due to the many problems that remains.

4.6 Rival Explanations: Conclusion of Modernization Guatemala

Firstly for Guatemala, the constitution did not undergo many amendments especially changes in favor of the indigenous people. Despite the rejection of the 1999 Referendum that would have significantly increase indigenous rights and the legacy of the civil war that has impede on the conditions of the indigenous people, some laws has been passed in favor of the indigenous. These decrees and laws have been passed in 1991, 1995, 2001 and 2003. According

to Global Americans (2013) the National Education Law was passed in 1991 (decree 12-91), this law stipulates the significance of bilingual education in Guatemala that is in accordance to Guatemala's pluricultural and multiethnic society. Evaluating the indicators in 2001, Guatemala's HDI is 0.483, FIW 8 and GDP per capita is 991.86.

Subsequently in 1995 Guatemala passed the Agreement on the Identity and Rights (Acuerdo de Paz Firme y Duradera) of indigenous people which is a report that urges the state to define and recognize identity of indigenous people, combat against the forces of discrimination, acknowledge and safeguard the rights of indigenous people (United Nations, 1996). Respectively the indicators in 1995 for Guatemala are HDI 0.507, FIW 7 and GDP 1408.02. Later in 2001, Decree 12 of the Guatemala's Municipal Code was passed that acknowledges indigenous communities and the right to organize according to their own norms and also the right to prior consultation that would affect the livelihood of the indigenous people (Global Americans, 2013). In 2001, Guatemala's HDI is 0.554, FIW 9 and GDP 1568.37. Lastly, decree 19, the law of National Languages for Guatemala stipulates that fundamental services should be provided in different languages to accommodate the vast amount of indigenous people. Such services include security, judicial system, education and health. Evaluating the indicators in 2003, Guatemala's HDI is 0.564, FIW 8 and GDP per capita 1753.32.

To conclude in this section, likewise to Belize and Mexico, Guatemala HDI and GDP both stagnated and doesn't show a clear trend that would correlate to the indigenous rights achieved. Especially for the case of Guatemala, little to no indigenous rights were given due to the barriers indigenous people face and also the constitution didn't receive any amendments after 1993. In addition the time span for the decrees that were passed from 1991 to 2003 are too little to indicate any type of trend that would influence the improvement of indigenous rights. Notably,

both GDP and HDI (See Figure 3.1 and 5.2) stagnated with little to no improvement throughout the years and this can deduce that indigenous rights are not affected by modernization for Guatemala.

The three case studies presented here illustrates that two countries actualize indigenous rights in different ways. The actualization of indigenous rights for Mexico was through the use of education campaigns in the communities, use of technology to bring international awareness and the use of civil society. Whereas for Belize, the plight of the indigenous Maya was mainly due to land and the mobilization efforts translated into a unified Maya organization that challenged the GOB through legal proceedings in the judicial court. On the other hand, Guatemala actualization of indigenous rights has remain stagnant due to the legacy of the civil war that has transformed from political violence to criminal violence, combatants (primarily indigenous) were never compensated and the perpetrators were never brought to justice which led to the indigenous people having no trust in the state's justice system. In addition to external and internal factors that influenced the electorate from voting no in the 1999 referendum. The political mobilization in Guatemala has emerged relatively weak and the various indigenous groups need to find a common agreement amongst each other in order to challenge the state and rulers.

Chapter 5: Conclusion

5.1 Comparison of Case Studies and Regime Types

In this chapter, a table of comparison is shown below in order to bring out the point of the thesis. I will further examine the interaction between mobilization and regime type.



Table 4: Comparison of Case Studies and Regime Type

Factors	Case Study of Successful Mobilization			Case Study of Unsuccessful Mobilization	
	3.1.1 (Mexico)	3.1.2 (Mexico)	3.2.2 (Belize)	4.2 (Guatemala)	4.4. (Guatemala)
Incident	Tlatelolco Massacre	Zapatistas Uprising	Maya Leaders Alliance Court Action	Guatemala's Civil War and the URNG	Guatemala's 1999 Referendum
Time	July 1968	January 1994	October 2007	November 1960-December 1996	November 1999
Violent Level	High	High	Low	High	Low
Did mobilization Occurred?	Yes, student mobilization occurred.	Yes, revolt occurred due to enactment of NAFTA.	Yes, legal mobilization through court proceedings.	Yes, armed conflict that lasted 36 years and involved the state and the indigenous groups.	Yes, voter's mobilization that enabled indigenous people to vote.
The motive behind the mobilization	University students were dissatisfied with the authoritative rule of the PRI and they demanded social change through protests.	Fight against poverty, neoliberalism and corruption.	The MLA was fighting against illegal oil drilling and logging concessions on their land without proper consultation of the indigenous villages.	General Poverty and political repression that affected the indigenous people and widened the socio economic gap.	To change the constitution by institutionalizing political reforms that would enable the indigenous to have more political inclusion and autonomy.
Regime Type	PRI (Oligarchy)	PRI (Oligarchy: 1994) PAN (Democratic: 2000)	PUP (Democratic)	Military Rule (Dictatorship) from 1960-1980	Institutional Republican Party (Democratic)
How did the government	The state sent the army to suppressed	The uprising was suppressed by the	Issuing a consent order with dates to	During the civil war the government	The government facilitated the

respond?	the students and many unarmed protestors died.	government during the revolt.	compensate the Maya for their illegal drilling.	responded by using civil patrols and death squads to massacre and suppress the indigenous villages.	referendum though polling stations and gave opportunity to the indigenous to voice their opinions, however the state was also involved in promoting propaganda about the referendum.
Did it damage the state's reputation?	Yes, the state was responsible for slaughtering unarmed students that were protesting against corruption.	Yes, during the mobilization the state was responsible for majority of the deaths.	Yes, the state did not adhere to the consultation process of the United Declaration of Human Rights for indigenous people.	Yes, the Guatemalan government was penalized for using brute force against the URNG and some actors considered the response as an ethnic genocide.	No, the state was positive about the referendum and gave a chance to the indigenous people to change the constitution
Did it damage the indigenous organization reputation?	No, in this case it was university students involved.	No, Subcomandante Marco's conducted interviews that changed the perceptions of the rebels from mask soldiers to freedom fighters.	No, the MLA and other organizations gain international recognition due to using peaceful methods to solve indigenous issues.	Yes, the indigenous people were also looked down upon as the URNG indulged in heinous activities and arbitrary kidnapping of state officials.	No, however scholars posits that indigenous people lack the collective action theory to effectively mobilize and have a strong vertical voice.

Source: Compiled by Author

The five case studies selected in this research paper happened in different time periods. Four cases happened in mid to late 1990s and the last case occurred in the early 2000s. Next, I will analyze the answer of each proposed question according to the order listed in the table. Among the five cases, it turns out that Guatemala indigenous people lack the collective action theory that would enable them to have a strong horizontal voice that would challenge the government. This can be considered as weak voter's mobilization during the 1999 Referendum in Guatemala.

So, did mobilization occurred in the five cases? For the case of Mexico mobilization occurred during the Tlatelolco Massacre in 1968 and Zapatistas Uprising in 1994. Notably, the 1968 student mobilization efforts included peaceful protests on the streets where as the 1994 Uprising was an armed revolt against the government. In October 2007 and 2008, legal mobilization occurred for the MLA and other Maya villages of Belize. The intensity was consequently low impact with peaceful negotiations through court actions. Lastly in Guatemala, mobilization occurred through the Civil War that commenced in 1960s and the 1999 Referendum. Both mobilization efforts were different as the Civil War was an armed conflict against the state and the Referendum was voter's mobilization that enabled the indigenous to go to the polls.

Next, what is the motive behind mobilization? In Mexico's Tlatelolco Massacre the significant motive was a fight against the authoritative rule of the PRI and the oppressed which in this case are the university students demanded social changes through peaceful protests in the streets. Despite peaceful protests, a report assented that the actual death toll amounted to 300 deaths and disappearances (Sullivan, 2002). Likewise, the motive behind the Zapatistas uprising in Mexico was a fight against poverty, corruption and neoliberalism policies. Interestingly, brute

force was used against the insurgency in 1994 and the students in 1968 which indicates that Mexico's government lacks peaceful responses when dealing with protesters and rebellions.

The MLA of Belize motive was battling against illegal oil drilling and logging concessions on Mayan homeland without proper consultation of the indigenous villages. Both legal mobilization that occurred in 2007 and 2008 was due to the government violating the rights stipulated by the IACHR. Lastly, for Guatemala the Civil War motive was a rebellion against the political repression of the state that affected the indigenous people and widened the socio economic gap. Also issues of unequal land distribution and poverty were a significant factor that caused the civil war (McPherson, 2016). As for Guatemala's 1999 referendum, the motive was due to the peace building process between the URNG group and the state. This referendum if approved would have reform Guatemala's congress, judiciary and executive, giving more autonomy and political rights to the indigenous people.

Next, what is the interaction between mobilization and regime type? Notably, regime change can be seen with Mexico's constitutional reforms in 2001 by the PAN party. As stated earlier in the case study of Mexico, the PRI ruled for 71 years with uninterrupted power until the 2000 Presidential elections. The Zapatistas uprising that occurred in 1994 brought a reactionary change in Mexico's democracy as the pressures of mobilization in the early twentieth century gave political participation and autonomy through constitutional reforms by the new PAN party (Solano, 2005). During the Mexico's Tlatelolco Massacre in 1968, the PRI still had power and the party was deemed as an authoritative regime. So, there is a strong relationship between interaction of mobilization and regime change. The PAN party is considered more democratic and elements of democracy which includes political openness and transparency provided more inclusive political rights for the Zapatistas.

For the case of the MLA in Belize, the interaction between regime type and mobilization is not significant since the Mayans of Belize mostly achieve their rights through the judicial court which is mainly responsible for interpreting laws and not making them. Hence, regime type in Belize is excluded from this analysis. Also the case of the MLA was a judicial proceedings against the government of Belize (regime) which directly assaulted the Mayans by taking away their traditional customary lands. Next for Guatemala, the 1999 referendum was an important factor that would give the indigenous Guatemalans more political openness and autonomy if passed. Regime type can be seen in the case of the referendum as Guatemala was mainly governed by the military (dictatorship) during the civil war in 1960 to 1996. The return of democracy in the late 1990s brought peace and the reintegration of the combatants into society. The guerilla group called the URNG did not receive any political rights through constitutional amendments like Mexico, however, the group became a political party and now has the opportunity to run for elections which would potentially bring changes to the indigenous people if won. Hence, democracy through peace in Guatemala was a significant factor for the indigenous guerilla group to return into civil society.

Next, how did the government respond? In all the cases except for Belize, the government responded by using brute force towards the protestors and radicals. This indicates that the state lacks the capacity to find peaceful methods in counteracting an uprising. Firstly for the Tlatelolco Massacre in Mexico, the government responded by using the military to suppress the unarmed students. This led to the slaughtering of many innocent individuals that were attempting to speak out against corruption and social marginalization. Similarly for the Zapatistas uprising, The Mexican state used both the military and police to overpower the Zapatistas, along with the use of low intensity warfare which entails providing health provisions

and infrastructure projects to the Latinos on one hand and repression tactics to the Zapatistas on the other (Gilberth & Otero, 2001). For the case of Belize, a consent order was issued with specific dates that the government would compensate the MLA for their losses after the conclusion of the Supreme Court ruling. Lastly in Guatemala, brute force was also used by the state towards the indigenous URNG group. As outlined earlier in the previous section, the Guatemala government during the civil war was responsible for majority of the slaughtering which can be considered as ethnic genocide.

And did it damage the indigenous organization reputation? For both cases in Mexico, the Tlatelolco Massacre did not damage the indigenous organization because it was university students involved and not a guerilla group. Also the reputation for the Zapatistas during the 1994 uprising wasn't damage due to Subcomandante Marco's interviews and writings publish over the internet that changed the perception of the guerilla group from mask rebels to freedom fighters. Hence, the international community as well as civil society understood what the Zapatistas was fighting for and that translated into international awareness and support. Similarly in Belize, the MLA reputation wasn't damage since the coalition found peaceful methods of fighting against the government and didn't resort to violence like other neighboring Latin American indigenous movements. In contrast to Guatemala, the reputation of the URNG was severely damaged as they also took part in kidnapping government officials and hostile take over of towns. Despite, majority of the heinous activities was done by the state, the URNG was looked down upon as brute force was also used for a counterinsurgency tactic against the government.

Next, did it damage the state's reputation? In all three cases the state reputation was damaged. In Mexico's Tlatelolco Massacre and Zapatistas Uprising, the state was responsible for slaughtering of many minorities which included indigenous people, intellectuals, protestors as well

as women. For the case of Belize, the state did not adhere to the consultation process of the United Declaration of Human Rights and this led to the reputation of the state being tarnished. Moreover, bodies such as the United Nations and the IACHR penalized the GOB for not following the rules stipulated in the UN declaration of human rights and this led to the international community being aware of the indigenous situation in Belize. Lastly the case of Guatemala, the government was penalized for using lethal force against the URNG during the civil war and general human right violation indicators continues to be on the rise for Guatemala (See Figure 1.2, p. 31).

In conclusion, there is a strong relationship between the interaction of mobilization and regime type. As described in the tables, both Mexico and Guatemala indigenous people enjoyed improvement of human rights and political openness. Firstly, the collapse of the PRI autocratic 71 year rule to the more democratic regime PAN party in 2000 brought a series of constitutional reforms in the early 20th century for the indigenous people of Mexico. The mobilization efforts that happened in the Zapatistas 1994 uprising, March of the Color of the Earth protests in 2001 and 2006 Oaxaca protests that was all orchestrated by Marco's depicts that the social pressure from mobilization would translate to a democratic regime giving more indigenous human rights to its people. Such rights can be seen with the 2001 constitutional reforms that gave Mexico's indigenous people more political autonomy, self-determination and right to access and preserve traditional land. Similarly, in Guatemala the URNG gain some benefits from the interaction between regime type and mobilization. During the military rule (dictatorship) from 1960 to 1980, democratization through peace was achieved with the end of the Civil War in 1996. Notably, the indigenous people did not actualize rights through political reforms, however, the integration of the URNG to a left wing political party shows signs that there is some hope for improvements of

indigenous rights in Guatemala.

5.2 Policy Implications

The findings of this research demonstrates key factors that led to the improvement of indigenous human rights in each respective countries. The author observed that both legal (MLA) and mass mobilization (Zapatistas) act as a catalyst for the immediate improvement of human rights. Furthermore, the similarities in both cases of the MLA and the Zapatistas are that the indigenous group has the collective action theory to form a consensus and speak out against the repressive government. This results conclude that indigenous groups can improve their human rights once they can successful unite together unlike Guatemala.

The collective action theory is influenced by the central geographical bloc that indigenous people reside in. People can only unite together if they face the same problems which would most likely be in the same region as well. Such an example would be the Mayans of Toledo district Belize fighting against the confiscation of land against the GOB or the Zapatistas of Mexico fighting against poverty in the region of Chiapas, Mexico. So, the collective action theory is influence by the geographical location of these indigenous villages. Such geographical locations stems from the Indian Reservation Policy that was established during colonization of each country. Wainwright (2008) assented that the success of the Indian Reservations in Belize was due to the privatization of the land which is also controlled under the hegemony of a local indigenous council. The author also states that the reservations exist as social relations, the result of a colonial dialectic of settling and unsettling.

So, policy makers can consider this factor of privatizing Indian reservations or at least imposing special taxes on self-declared autonomous regions which would be beneficial for both hegemonies. On one side for the indigenous people, they can have their own autonomy, religion

as well as political system within the boundaries of the reservation which can be seen in countries like America and Canada. On the other side for the government, the state can enjoy taxes from the reservation which would ultimately boost the economy and lead to more infrastructure.

Also the factor of tourism plays a major role where the government can allocate funds to the indigenous people in said reservations in order to develop the area and attract foreigners to visit. Consequently, the tourist would be a source of income for the indigenous people and their livelihood would increase. So, establishing boundaries or reservations with special taxes and allocation of state funds can be a beneficial policy consideration that these Mesoamerican countries should adopt. It's important that the indigenous people ensure that they're controlling their own resources and generating income from their reservations. Through a proper social welfare system and economic policies, the state can ensure that the investments made in such regions would lead to economic growth through tourism development of those indigenous reservations.

5.3 Concluding with Mobilization

Again the goal of this research is to discover the most likely arguments and to answer find an answer to the research questions. Notably, such research questions include: 1) Why Guatemala has more indigenous people but has lower indigenous rights? 2) Why the other two countries have fewer indigenous people but enjoy more human rights? 3) Why can people mobilize effectively in both Belize and Mexico but not in Guatemala? There are three competing explanations and my goal is to argue that mobilization is the most influential amongst the other theories.

It turns out that there are many problems that impede the actualization of human rights in

Guatemala. Historically these problems can be dated back from the civil war when the indigenous insurgents was fighting against the government due to mistreatments of peasant farmers and exploitation of the indigenous people. Keep in mind that the civil war can be deemed as an example of the indigenous people mobilizing for their rights. In addition to the 1999 referendum which was another form of mobilization for inclusion and actualization of indigenous rights. To satisfy the research questions, Guatemala had many failed instances of mobilizing against the government which proved to be futile. During the civil war, the Guatemalan indigenous insurgents were suppressed by the strategies of the government. Such suppressing strategies include the “Internal Enemy Policy” where all challengers of the state which in this case are the indigenous people are considered to be the enemies and there insolence would be met with death squads (Amnesty International, 2003).

Such policies like these justified the mass slaughtering of many indigenous people during the civil war leaving many families to have no trust in the government. As outlined in the case studies, the relationship between the civil war and indigenous people is dire contributing to many factors that include a legacy of violence that lingers in the twentieth century, failure of the justice system and failure to administer compensation for those combatants in the war. With the Constitutional court of Guatemala decision to overturn the conviction of former General Rios Montt on May, 2013 has illustrated that the Government condones brute force against the Maya and the perpetrators which in this case are the elites will never receive justice.

The journey to justice is challenging in third world country like Guatemala, there is a relational disparity between groups of citizens that include the cultural gap that exist between the indigenous and the Non-Indigenous (Brewer, 2003). Actually, it is said that Guatemala continues to be ruled by elites that consist of approximately 150 families (Briscoe, 2007). Despite the civil

war has concluded, oligarchy or economic hegemony continues to exist, so strongly ingrained in Guatemala's society that democratic initiatives to date are not able to change the status quo (Arzu, 1992). So, the ruling class remains untouched and the plight of the indigenous people continues into the twentieth century with little to no hope of any rights being realized.

Moreover, the case studies highlighted weak indigenous mobilization that occurred on May 16th, 1999. There were many internal and external problems that led to the rejection of the referendum, which if passed, would have included the indigenous people of Guatemala in the constitution. The most significant factor that contributed to the no vote is a lack of cohesion amongst the Maya people which was later described as the horizontal voice. The divisions has overshadowed a sense of Mayan identity and what is considered indigenous for the Mayas of Guatemala. Their ability to collectively mobilize and share common goals have prevented the Maya to develop organizational unity that can be seen in other Latin American countries (Spence et. al, 1998). Also other factors that contributed to weak mobilization includes geographic, linguistic, cultural and religious divisions amongst the vast indigenous groups in Guatemala as well as government propaganda during the campaign for the 1999 referendum.

With that said it is not all complaints. With the signing of the peace accords in Guatemala, the URNG reintegrated into society and got legalized as a left wing political party, albeit staggering performance with 12 percent votes in 1991 and less than 3 percent vote in 2003 and 2007 for the presidential elections (Pallister, 2013). Also, human rights protection score seems to be on the rise since 1990 to 2016 (see table 1.1) with a positive increase that indicates that government bodies are finally trying to safe guard and respect human rights of its people in Guatemala.

Therefore it is reasonable to infer that the indigenous people of Guatemala cannot effectively mobilize because of organizational unity, the legacy of the civil war, lack of trust from the government and suppressing strategies from the state. All these factors discussed in the cases has contributed to the mass majority of indigenous Guatemalans being second class citizens in their native country.

On the other hand, human Rights is connected with the group ability to collectively mobilize and share common goals. This can be depicted by the case of the Zapatistas Uprising in 1994. From careful analysis, this uprising can be deemed as political mobilization against the government due to uneven free market reforms and capitalism. Most notably, the improvement of mobilization was a driving force for the Zapatistas in Mexico, in addition to the MLA in Belize. Mobilization efforts in 1994 by the Zapatistas was significant because it transformed from taking up arms to peaceful means. Following the Zapatistas 1994 revolt, it attempted to inspire civil society to alter the interconnection of powers amongst the nation and civil society and to overcome the powerful PRI (Gilberth & Otero, 2001). Despite, the PRI succeeded in the general elections of 1994, the rebellion motivated civil society to address the PRI's oligopoly and political influence, which led to the advancement of political amendments (Gilberth & Otero, 2001). Because of the mobilization during the uprising, the consequences proved to be rather beneficial for the indigenous people of Mexico. Some benefits include the establishment of civil electoral observation, independent IFE, and a series of constitutional amendments that include autonomy, the right to be free from discrimination and education law (see Table. 1).

In addition to the uprising, a careful examination of the cases also shows that the Zapatistas engaged in community based mobilization which is deemed as a pedagogical principle that focuses on education about the history and struggle of the Zapatistas to the younger

generation. This educational innovation was a shift from violent mobilization to a more community based approach. Despite, this approach is not directly affected to constitutional amendments, it is significant to their human rights as this is a stepping stone to an autonomous community based education which encompasses self-managing of their community projects, education the young which would decolonize the school culture amongst other benefits (Baronnet & Stahler-Sholk, 2019).

Likewise, in Belize political mobilization succeeded in the form of the indigenous people coming together and contesting their rights against the government through legal proceedings of the Supreme Court. As outline in the case studies, the ruling by the Supreme Court of Belize and Inter American Commission on Human Rights gave more inclusivity for the Mayas of Belize. Despite the Belize case was based mostly on land issues, the United Declaration of Human Rights stipulated in article 11 that every individual has the right to property (UN, 2008). Hence, land and property ownership is a common human rights issue that many Mayans face and the ruling that the MLA received brought more hope for future inclusion of indigenous rights.

To conclude from careful analysis, it is simply not adequate to have a coalition that is fighting for indigenous rights against the state. The success of political mobilization is based on the group's ability to effectively unite together and share common goals. This can be seen with the MLA of Belize and the Zapatistas of Mexico, however the UNRG and other indigenous groups of Guatemala needs to align their goals together in order to speak against the government and actualize more indigenous rights.

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